

CITY OF GRAHAM
CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 14, 2021

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on September 14, 2021, in the Council Chamber of the Municipal Building located at 201 South Main Street, Graham, NC.

Council Members Present:

Mayor Jerry Peterman
 Mayor Pro Tem Chip Turner
 Council Member Melody Wiggins
 Council Member Jennifer Talley
 Council Member Ricky Hall

Staff Present:

Aaron Holland, Interim City Manager
 Renee Ward, Interim City Clerk - *Absent*
 Bryan Coleman, City Attorney
 Bob Ward, City Attorney - *Absent*
 Justin Snyder, Planning Director
 Mary Faucette, Downtown Development

CALL TO ORDER:

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mayor Peterman asked former City Councilman Jim Albright to give the invocation and everyone stood to recite the Pledge of Allegiance.

Mayor Peterman requested prayers for the family of Tim Allbritton & Michael Vaughn.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST: Downtown Development Coordinator, Mary Faucette

There were no conflicts of interested reported.

CONSENT AGENDA:

- a. To approve the minutes of the City Council regular session meeting held on August 10, 2021.
- b. To approve a speed limit change from 45 mph to 35 mph for a portion of Jimmie Kerr Road from the southern corporate limit of Graham to the northern corporate limit of Graham.
- c. To approve the following tax releases in the amount of \$2,312.06:

CITY OF GRAHAM RELEASE ACCOUNTS				
SEPTEMBER				
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
701830	2021	LONG, JOYCE ALLENE	BILLED TO WRONG TAXPAYER	\$1,205.49
0	2021	UNKNOWN	BILLING ERROR TO UNKNOWN ACCOUNT	\$666.27
608275	2021	CRESO CAPITAL INC	SOLD 2016 FREIGHTLINER 12-29-20	\$330.73
688177	2021	BERGER, DARREN	TRAILER NOT IN CITY OF GRAHAM	\$18.20
686544	2021	BALDWIN, DON	BOATS/JET SKIS NOT IN THE CITY OF GRAHAM	\$11.46
700151	2021	STRATEGIC INTERVENTIONS	IN CITY OF BURLINGTON, NOT GRAHAM	\$6.66
669865	2021	SHARPE, CLINTON POWELL	SOLD BOAT	\$17.46
700583	2021	COBLE, JAMES MICHAEL	ANTIQUUE CARS NOT IN THE CITY OF GRAHAM	\$31.31
576158	2021	KICHMAN, RICHARD LEROY JR	BOAT NOT IN THE CITY OF GRAHAM	\$1.24
558965	2021	LOWDER, MELISSA DEE	OVER VALUED BOAT	\$23.24
TOTAL RELEASES				\$2,312.06

- d. To approve the appointment of Planning Director Justin Snyder as a Plat Review Officer and to remove former Planning Director Nathan Page.
- e. To approve a resolution authorizing application for CDBG assistance from the State of North Carolina to construct a drinking water distribution project for the replacement of aging and undersized waterlines, water services and fire hydrants in the NW section of the City of Graham.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The City of Graham has need for and intends to construct a drinking water distribution project described as replacement of aging and undersized waterlines, water services and fire hydrants in the NW section of the City of Graham, and

WHEREAS, The City of Graham intends to request state grant assistance for the project.

NOW THEREFORE BE IT RESOLVED, BY THE GRAHAM CITY COUNCIL OF THE (CITY OF GRAHAM):

That City of Graham, the **Applicant**, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Aaron T. Holland, Interim City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 14th Day of September 2021 at City of Graham Municipal Building, North Carolina.

- f. To approve a resolution authorizing an application for Loan Assistance from the State of North Carolina for a drinking water replacement project described as approximately 28,000 linear feet of new ductile iron waterline with service connections, fire hydrant replacement and water service connections.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water replacement project, and

WHEREAS, The City of Graham has need for and intends to construct a drinking water replacement project described as approximately 28,000 linear feet of new ductile iron waterline with service connections and fire hydrant replacement and water service connections.

WHEREAS, The City of Graham intends to request state loan assistance for the project.

NOW THEREFORE BE IT RESOLVED, BY THE (GRAHAM CITY COUNCIL) OF THE (CITY OF GRAHAM):

That City of Graham, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Aaron T. Holland, Interim City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 14th day of September 2021, at City of Graham Municipal Building, North Carolina.

- g.** To approve a resolution authorizing application for Loan Assistance from the State of North Carolina for the replacement of the Cooper Road Pump Station.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project), and

WHEREAS, The City of Graham has need for and intends to construct a wastewater collection system project described as the replacement of the Cooper Road Pump Station, and

WHEREAS, The City of Graham intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE (GRAHAM CITY COUNCIL) OF THE (CITY OF GRAHAM):

That City of Graham, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Aaron T. Holland, Interim City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 14th day of September 2021, at City of Graham Municipal Building, North Carolina.

- h.** To approve a resolution authorizing application for Grant and Loan Assistance from the State of North Carolina for construction of Wastewater Treatment Plant Improvements and Expansion.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project), and

WHEREAS, The City of Graham has need for and intends to construct a wastewater treatment works project described as the Graham Wastewater Treatment Plant Improvements and Expansion Project and

WHEREAS, The City of Graham intends to request state loan or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE GRAHAM CITY COUNCIL OF THE CITY OF GRAHAM:

That the City of Graham, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Aaron Holland, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 14th day of September 2021, at Graham, North Carolina.

Upon motion by Councilmember Hall, seconded by Mayor Pro Tem Turner, it was resolved unanimously to approve the foregoing consent agenda.

PUBLIC HEARINGS:

ITEM 1: VOLUNTARY CONTIGUOUS ANNEXTION – PARHAM DRIVE AND WILDWOOD LANE

A public hearing was held to consider an Annexation Ordinance for a voluntary contiguous annexation to extend the corporate limits of the City of Graham of 52-acres located off Parham Drive and Wildwood Lane as referenced by Alamance County tax identification numbers (GPIN 8883202217, 8883216464, 8883219007, 8883312515). (AN2102)

Interim City Manager Aaron Holland explained the petition requesting an extension of water lines and the desire to tie onto the City of Graham's water lines.

Mayor Peterman opened the public hearing to the public. The public hearing was closed and no one requested to speak on the item. Additionally, there were no further questions from the Council.

Upon motion by Councilmember Wiggins, seconded by Mayor Pro Tem Turner, it was resolved to approve the voluntary contiguous annexation to extend the corporate limits of the City of Graham by 52-acres located off Parham Drive and Wildwood Lane. Motion passed 4:1, Noes, Councilmember Talley.

**ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR 52 ACRES LOCATED OFF PARHAM DRIVE AND WILDWOOD LANE (AN2102)**

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on August 10, 2021, after due notice by publication August 26, 2021; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of September 30, 2021:

Beginning at an existing buried stone in the recorded eastern margin of Broadway Drive as shown on a map entitled "Luther R. Shoffner" and recorded in Plat Book 68, Page 85 in the Office of the Register of Deeds of Alamance County, N.C., said point being the recorded northwestern property corner of Grantor (now or formerly) Foust Family Properties, LLC as described and recorded in Deed Book 3520, Page 846 and being Lot 2 as shown on a map entitled "T. Howell Foust" and recorded in said Plat Book 62, Page 71 in said Alamance County Registry), said stone also being the recorded southwestern lot corner of Lot 133 as shown on a map entitled "Broad Acres, Section Seven" and recorded in Plat Book 50, Page 5 in said Alamance County Registry; thence, from said point of beginning, along Grantor's recorded northern property line, said southern lot line of said Lot 133, North 68°26'47" East 290.90 feet to a computed point, said point being the recorded southwestern property corner of (now or formerly) Martin L. Shoffner as described and recorded in Deed Book 3440, Page 381 in said Alamance County Registry and also being the recorded southeastern corner of said Lot 133; thence, along said Shoffners western property line and the recorded eastern line of Lots 133, 132A, 90A, 89A and 86A as shown on several maps entitled "Broad Acres, Plat Book 50, Page 5, Plat Book 46, Page 44, Plat Book 23, Page 80 & Plat Book 60, Page 40" in said Alamance County Registry the following seven (7) bearing and distances: 1) North 03°30'29" West 121.69 feet to a point; 2) North 03°31'56" West 110.19 feet to a point; 3) North 01°58'58" East 80.47 feet to a point; 4) North 18°01'03" West 20.92 feet to a point; 5) North 03°21'56" West 100.08 feet to a point; 6) North 02°36'52" West 155.77 feet to a point on the recorded southern margin of Wildwood Drive; 7) thence along the recorded eastern margin of Wildwood Drive North 08°58'27" West 50.49 feet to a point on the recorded northern margin of Wildwood Drive, said point being the recorded northwestern corner of said Martin L. Shoffner and also being a point on the recorded southern property line of (now or formerly) Fields Family Irrevocable Trust, Linnie Fields Jr. & Frances, Trust as described and recorded in Deed Book 2658, Page 823 in said Alamance County Registry; thence, along the recorded northern property line of said Shoffner and the recorded southern property line of said

Field Family, with a curve to the right, having a radius of 426.31 feet and a chord bearing and distance of South 63°22'23" East 99.77 feet to a new iron pipe; thence, along the recorded western property line of said Shoffner and recorded eastern property line of said Fields the following three (3) bearing and distances: 1) North 10°01'12" East 195.04 feet to a point; 1) North 63°42'26" West 35.51 feet to a point; 3) North 05°20'12" West 218.32 feet to a new iron pipe, said pipe being the recorded northwestern property corner of said Shoffner, the recorded northeastern property corner of said Fields and pipe also being located on the recorded southern property line of (now or formerly) Michael R. Allen as described and recorded in Deed Book 1336, Page 253 in said Alamance County Registry; thence, along the recorded northern property line of said Shoffner and the recorded southern property line of said Allen the following five (5) bearing and distances: 1) South 87°33'42" East 167.35 feet to a point; 2) South 87°34'11" East 222.16 feet to a point; 3) South 87°30'54" East 701.29 feet to an existing iron pipe; 4) South 88°12'03" East 58.80 feet to an bent existing iron pipe; 5) South 88°06'57" East 160.00 feet to a new iron pipe, said pipe being the recorded northeastern property corner of said Shoffner and a pipe on the recorded southern property line of (now or formerly) Brian Reid as described and recorded in Deed Book 3674, Page 424 in said Alamance County Registry and also being located on the recorded northern lot line of Lot 16 as shown on a map entitled "B.V. May Property" and recorded in Plat Book 1, Page 117 in said Alamance County Registry; thence, with a new proposed property line for said Shoffner (recorded in Deed Book 3440, Page 381 and Deed Book 2974, Page 539) the following five (5) bearing and distances: 1) South 18°17'26" West 510.28 feet to a new iron pipe, said pipe being located on the recorded northern property corner of (now or formerly) Randy C. Williamson & Theresa P. Williamson as described and recorded in Deed Book 3827, Page 810 and also located on the recorded southern property line of said Shoffner (Deed Book 3440, Page 381 in said Alamance County Registry; 2) South 32°07'09" West 404.33 feet to a new iron pipe, said pipe being located on the southern property line of said Williamson and also being located on the recorded northern property line of said Foust Family Properties, LLC; 3) South 25°03'03" West 400.22 feet to a new iron pipe; 4) South 17°47'19" West 268.10 feet to a new iron pipe; 5) South 20°17'47" West 273.29 feet to an existing iron pipe, said pipe being the recorded northwestern property corner of (now or formerly) Jean Monnett Ross as described and recorded in Deed Book 3618, Page 103 and also known as the recorded northwestern lot corner of Lot 1 as shown on a map entitled "Jean Monnett Ross" and recorded in Plat Book 78, Page 59 in said Alamance County Registry; thence, along with the recorded eastern property line of said Foust Family Properties, LLC and the recorded western property line of said Ross South 16°13'38" East 336.58 feet to a computed point, said point being the recorded southwestern property corner of said Ross, one of the recorded southeastern property corners of said Foust Family Properties, LLC and also being one of the recorded northeastern property corner of (now or formerly) Ivey Thomas Foust & ETAL as described and recorded in Deed Book 1583, Page 353 in said Alamance County Registry; thence, along with the recorded southern property line of said Foust Family Properties, LLC and the recorded northern property line of said Ivey Thomas Foust & ETAL the following seven (7) bearing and distances as it meanders and bends along the Little Alamance Creek: 1) South 49°35'52" West 102.11 feet to a point; 2) North 74°54'08" West 405.00 feet to a point; 3) North 56°07'08" West 290.00 feet to a point; 4) South 78°20'52" West 184.00 feet to a point; 5) South 68°32'52" West 325.00 feet to a point; 6) South 82°37'52" West 90.00 feet to a point; 5) North 51°51'33" West 50.13 feet to an existing iron pipe tack, said pipe being the recorded southwestern property corner of said Foust Family Properties, LLC and one of the recorded southeastern property corners of (now or formerly) Martin L. Shoffner as described and recorded in Deed Book 3440, Page 381 in said Alamance County Registry; thence, along the recorded western property line of said Foust Family Properties, LLC and the recorded eastern property line of said Martin L. Shoffner the following five (5) bearing and distances: 1) North 19°52'02" East 666.29 feet to an existing iron pipe; 2) North 19°48'21" East 185.10 feet to an existing iron pipe; 3) North 02°46'16" East 40.69 feet to an existing iron pipe; 4) with a curve to the left, having a radius of 49.40 feet and a chord bearing and distance of North 41°29'22" East 32.35 feet to a new iron pipe; 5) North 19°49'50" East 25.35 feet to the point of beginning, containing an area of 52.172 acres, more or less.

Being all the same property located in the City of Graham, recorded in the Alamance County Register of Deeds at Plat Book _____, Page _____.

Section 2. Upon and after September 30, 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 14th day of September 2021.

ITEM 2: REZONING – TRUBY DRIVE

A public hearing had been continued to consider an application by Second Partners, LLC, to rezone approximately 51.79 acres located on Truby Drive from I-1, (Light Industrial) to C-MXR, (Conditional Mixed Use Residential) to allow the construction of 528 apartment units (GPIN 8894453334). *(Continued from the August 10, 2021, City Council Meeting.)* (CR2006) **(Petitioner requested this item be withdrawn)**

Interim City Manager Aaron Holland explained that the petitioner requested that this item be withdrawn.

Mr. Tom Boney, Alamance News, asked if this item was being continued or totally withdrawn. Mayor Peterman stated that it was being totally withdrawn.

Upon motion by Councilmember Hall, seconded by Councilmember Talley, it was resolved unanimously to withdraw the item from consideration.

ITEM 3: REZONING – JIMMIE KERR ROAD

A public hearing had been continued to consider an application by Travers Webb to rezone approximately 11 acres on Jimmie Kerr Road from I-1, (Light Industrial) to R-MF, (Multifamily Residential) to allow for the construction of apartments at a density of 3 to 6 units per acre (GPIN 8894469497 & 8894469816). *(Continued from the August 10, 2021, City Council Meeting.)* (RZ2104)

Interim City Manager Aaron Holland stated that this request had been tabled for several months. He stated that this request was to rezone property from I-1 to R-MF (residential multi-family). He stated that the property was currently vacant and was surrounded by general business and industrial districts, including a hotel, truck stop, packaging facility and the latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road. He stated that Attorney Lawson Brown was present to represent the petitioner.

Councilmember Talley asked why staff did not support the request.

Interim City Manager Holland explained that staff had suggested that a conditional zoning was a better avenue to take than to move forward than as a straight zoning.

Mayor Peterman opened the public hearing and the following spoke:

Tom Boney, Alamance News, asked if this item had already been voted on.

Mayor Peterman stated it had not been voted on and that Council voted to table this item to the next Council meeting.

Mr. Lawson Brown, Vernon Law Firm, representing Travers Webb, stated that Mr. Webb was unable to attend tonight due to minor surgery. He stated that his son was present tonight should Council have any questions. He stated that the major concern, after conversations with City Staff, was over public utilities (sewer) that was currently not available. He stated that no matter how this property was rezoned it would need sewer services. He stated that the remedy would be to make a request for public sewer with the Town of Haw River and to request the same zoning for the remainder of the property in Haw River city limits. This would allow for the entire 44-acres to be zoned as multi-family. Mr. Brown asked if Council would consider taking action tonight due to the petitioner being under a contract dead-line to purchase the property.

Mr. Brown shared that the Town of Haw River had just approved a rezoning for the Burton Brothers for property adjacent to his clients property. He stated that this property was a prime location for development and that this rezoning was the highest and best use of the property.

Mr. Brown further stated that the City would be protected since this property would not be annexed and you would not have to annex if all the pieces of the puzzle do not come together. The other pieces would be the multi-family zoning so that the entire 44-acreas would be available for an apartment community. He stated that the property would allow for 400-500 apartments. The entrance would be immediately across from the new school and that NCDOT would dictate the transportation needs at the appropriate time.

Mr. Brown asked Council to approve the rezoning for the first 10-arces to Multi-family which would allow them to proceed to the Town of Haw River to work towards a water/sewer solution.

Councilmember Talley asked how many apartments were projected to be built.

Mr. Lawson stated 400 were projected.

Councilmember Talley asked the reason for not requesting a conditional rezoning.

Mr. Brown stated that he was just hired last week and that it could be requested as conditional, but if the main concern of Council was to protect Graham from annexation, the City would be protected, due to not being able to provide sewer services. Mr. Brown stated that the goal was to work with the builder with an agreement that was satisfactory to this Council and to the Town of Haw River.

Councilmember Talley voiced concern that there were no Multi-Family zoning around this property. She also voiced concerns about the school, tractor trailers constantly using this road and the condition of the road. She stated there were no walkways and crosswalks. She stated if this was a more well thought out plan she would be in favor.

Mr. Brown stated that there was a contiguous parcel to the northwest zoned Multi-family in Haw River. Again, this is the first step in the process and that all of this could be worked out as we move forward.

Councilmember Wiggins voiced concern if the rezoning was approved and the developer sold this property in the next two months, it needed to go with the understanding that there was no sewer capacity. She stated that if we approve the rezoning, that this property was still not suitable to be developed.

Mr. Brown stated that Mr. Webb would be advised and made clear to any purchaser.

Mayor Peterman asked if a rider should be added to protect the City from any kind of misconception that the City would put water/sewer on the property.

Mr. Brown stated that they would be agreeable to a condition and would record a document to City Attorney Colman's satisfaction that would state the property did not currently have water/sewer and anyone who intends to develop the property would need to come back to the City of Graham to get approval.

Mr. George Webb, IV, 129 Hudson Street, Asheville, NC, stated that he had been dealing with a lot of potential buyers and the first question was water, sewer and traffic. He stated that attaching a rider was a great idea.

Mr. Brown stated for clarification that the number of units would be 350 not 400-500 as previously stated.

The public hearing was closed.

After a brief discussion about how to state the motion to include a rider since this was a straight rezoning and not a conditional rezoning, Council asked that for the record, the following statement by Mr. Brown be made part of the minutes:

Mr. Brown stated that he would prepare a notice that there was no sewer service and present it to the City and if Council was not satisfied then you could always change the zoning back to I-1, but understand that the whole 44-acres would have to be purchased to make this project work and could later work out the sewer issue.

Councilmember Talley reminded Council of the contents in Comprehensive Land Use Plan and that it needed to be considered. She stated that the traffic and safety issues of residential units in the middle of an industrial park was not the proper use of zoning. She stated that she would be much more inclined to move to a conditional rezoning.

Upon motion by Councilmember Talley, seconded by Councilmember Hall, to deny the rezoning request based on the application not being fully consistent with Graham's 2035 Comprehensive Plan, 4.3.1 Land Use Patterns regarding the promotion and development of efficient land use patterns to allow continued

quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. Also, to include 3.3.5, Safety, provide for pedestrian safety at all street crossings including cross walks and signage and 2.4.2, encourage the reinvestment intensification of existing industrial sites. The motion failed by vote of 2:3; Ayes: Councilmember Talley and Councilmember Hall. Nays: Mayor Peterman, Mayor Pro Tem Turner and Councilmember Wiggins.

Upon motion by Councilmember Wiggins, seconded by Mayor Pro Tem Turner, it was resolved to approve the rezoning request due to the application being consistent with the 2035 Comprehensive Plan and that the action is resemble and within public interest for the following reasons: Strategy 2.3.1, Facilitate Focused Development and Policy 5.1.1, Housing Variety. Motion carried with a vote of 3:2. Ayes: Mayor Peterman, Mayor Pro Tem Turner and Councilmember Wiggins. Nays: Councilmember Talley and Councilmember Hall.

ITEM 4: REZONING – E. GILBREATH STREET

A public hearing had been continued to consider an application by Ben Green Hyconic Holdings LLC, to rezone 38 acres on E. Gilbreath Street from I-1, (Light Industrial) and R-G, (General Residential) to C-MXR, (Conditional Mixed Use Residential) to allow for 453 dwelling units, including 396 apartments and 57 townhomes (GPIN 8883885270, 8883872722, 8883886903). *(Continued from the August 10, 2021, City Council Meeting.)* (CR2101) **(9/3/21-Petitioner request item to be tabled)**

Interim City Manager Aaron Holland stated that the petitioner had requested that consideration of the requested rezoning be continued to the next meeting.

Upon motion by Councilmember Hall, seconded by Councilmember Talley, it was resolved unanimously to table the rezoning request to the October 12, 2021, City Council meeting.

ITEM 5: SPECIAL USE PERMITS – TEXT AMENDMENT TO DEVELOPMENT ORDINANCE

A public hearing had been continued to consider a text amendment to the Development Ordinance: Special Use Permits. Development Ordinance Amendments as recommended by City Council regarding Special Use Permits - Hearings before the Board of Adjustment, Article 4, Division 7 (Sections 10.137 to 10.148). *(Continued from the August 10, 2021, City Council Meeting.)* (AM2102)

Interim City Manager Aaron Holland stated that Planning and Zoning had requested this item be continued to the next Council meeting.

Upon motion by Councilmember Hall, seconded by Councilmember Talley, it was resolved unanimously to table the request for a text amendment regarding Special Use Permits to the October 12, 2021, City Council meeting

PUBLIC COMMENT PERIOD

Jim Albright, 404 SW Maynard Road, Cary, NC, Coralys Pichardo Nunez, Graham, NC, and Sophia (Student) shared the following about observing National Hispanic Heritage Month to be held on September 15 to October 15, 2021:

Each year, Americans observe National Hispanic Heritage Month from September 15th to October 15th, by celebrating the histories, cultures and contributions of American residents whose ancestors came from Spain, Mexico, the Caribbean and Central and South America.

The observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to cover a 30-day period starting on September 15th and ending on October 15th. It was enacted into law on August 17th, 1988.

The day of September 15th is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively. Also, Columbus Day or Día de la Raza, which is October 12th, falls within this 30-day period.

Alamance Citizens for A Drug-Free Community, Alamance Arts and Glen Raven are pleased to announce we will be sponsoring the First Annual Alamance Hispanic Heritage Festival on Saturday, September 25 at the Captain White House from 12 Noon until 8:00 PM. This event is aimed at celebrating Alamance County residents, who have come here from various Latin American countries, which is approximately 13.1 % of our population. Admission is free. There will be food, entertainment, informational resource tables, arts and crafts, vendors, a parade and even a mechanical bull. Please come if you can!

NOTE: 48% of students at Graham High School are Hispanic.

Sophia, read the prepared statement above about the Hispanic Heritage day in Spanish.

Carlos Vuilera, 1700 Rooly Drive, Burlington, NC, teacher at Cummings ABSS Newcomers E-Specialists. Mr. Vuilera had been working over the past year to develop a newcomers program at ABSS. This program was to help students who speak other languages, and Sophia had been through this program. Sophia started the program almost two years ago, and had graduated from the program. Mr. Vuilera explained that he was first hired at Ray Street to implement this program. Mr. Vuilera explained that he understood that most of the Council and those attending didn't understand what Sophia read in Spanish. He explained this is how students in the newcomers program feel when they sit in a classroom, not understanding completely the new second language they have to learn. He thanked Jim Albright, and explained that we have diversity here in our City which brings new culture and new things to our community. Mr. Vuilera explained his vision for the future to have a newcomer's center for the people and students to have a central location to gather.

Keith Westbrooks, 605 Track Wilder Ct, Graham, NC, spoke in reference to littering in along the front of Graham High School. Before discussing the littering issue, Mr. Westbrooks thanked Mr. Holland, Interim City Manager, for requesting City staff to trim overhanging limbs that were a hazard. Mr. Westbrooks was impressed how quickly Mr. Holland was able to get the limbs trimmed after unsuccessful attempts with North Carolina DOT. Mr. Westbrook asked Council what their position on litter as a City would be and if they had a solution. Mr. Westbrook suggested the City put up signs where littering occurs often.

CITY COUNCIL COMMENTS

Mayor Pro Temp Chip Turner thanked everyone who helped care for him and prayed for his recovery.

Councilmember Talley asked if the West Elm pipe project was still underway and what date would it be finished. Staff confirmed with Tonya Mann, Public Utilities Director, that it was still underway. Mr. Holland said he would ask Mr. Robertson, Public Works Director to confirm a date and get back with Council Member Talley.

Councilmember Talley shared upcoming events; Dockdogs event that would be held on September 17 through September 19, 2021. This event was a National Dog Agility Competition. It is the largest fundraiser for the local Veterans group in Alamance County called ALCOVETS. Councilmember Talley encouraged everyone to come out to the event. Bands are prepared to play both Friday and Saturday. Councilmember Tally also informed everyone about a car show for the Family Abuse Services that would be on October 9, 2021.

Councilmember Talley asked for input from Council on how to best memorialize Jeanne Robertson due to her popularity locally and beyond. Councilmember Tally suggested using the next naming opportunity or some kind of signage (Graham Home of Jeanne Robertson). Councilmember Talley also mentioned Jane Albright, a local celebrity, and wanting to do something for her as well.

Mayor Peterman agreed that something should be done, and we should honor our local people who have made a national impact.

Councilmember Wiggins mentioned that the Historical Museum was working on some type of memorial for both of them. She mentioned that Jane Albright had been inducted into the Sports Hall of Fame, which would be used in the museum.

CITY STAFF COMMENTS

Mary Faucette, Economic Development Coordinator, wanted to commend the first ever Annual 9/11 Commemorative event, that was collaborated between the City's Fire, Police, and Recreation Departments. There were over 200 participants and there were positive comments received. She also shared that the Recreation Department would be holding their "Movies in the Park" in the evenings all month long.

Fire Chief Tommy Cole shared Swepsonville's Fire Chief Tim Allbritton's memorial service; Friday night at Bethel Baptist. The burial will be at Graham Memorial on Saturday at 11:00 am.

Aaron Holland, Interim City Manager, wanted to thank Mr. Westbrooks for the kind words, but he could not take credit for the quick action because Graham's staff was second to none.

Mr. Holland welcomed the City's new Planning Director, Justin Snyder and stated that Mr. Snyder had quite a bit of experience and staff was glad to have him on the team. Mr. Holland mentioned discussions with Council regarding staff retention. He shared that with the economy like it is, recruitment and retention

were difficult tasks for all local government. He suggested that Council allow staff to look into ARP funds for essential workers and that more information would be provided to Council.

ADJOURN:

Upon motion Councilmember Hall, seconded by Councilmember Talley, and it resolved unanimously to adjourn. (7:17pm)

Renee M. Ward, CMC
Interim City Clerk