

**CITY OF GRAHAM
CITY COUNCIL MEETING MINUTES
TUESDAY, NOVEMBER 9, 2021**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on November 9, 2021, in the Council Chamber of the Municipal Building located at 201 South Main Street, Graham, NC.

Councilmembers Present:

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

Staff Present:

Aaron Holland, Interim City Manager
Bryan Coleman, City Attorney
Bob Ward, City Attorney - *Absent*
Justin Snyder, Planning Director
Darby Terrell, City Clerk
Brian Faucette, Recreation and Parks Director
Mary Faucette, Economic Dev. Coordinator

CALL TO ORDER:

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

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST:

Darby Terrell, City Clerk read the Conflict of Interest statement to Council. There were no conflicts of interest reported.

CONSENT AGENDA:

- a. To approve the minutes of the October 12, 2021 and October 22, 2021, City Council regular and special sessions.
- b. To adopt the playUNITED inclusion policy for Recreation and Parks for staff training, facility improvements, program planning, and reporting in order to create and promote inclusion for all members of the community.

c. To approve the following tax releases in the amount of \$1,069.66:

CITY OF GRAHAM RELEASE ACCOUNTS				
NOVEMBER				
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
674787	2021	JEANNE W OWEN LIFE ESTATE	QUALIFIED FOR HOMESTEAD EXEMPTION	\$284.16
6205	2021	BLACK, KAY S	QUALIFIED FOR HOMESTEAD EXEMPTION	\$369.41
383837	2021	FALCON INDUSTRIES INC	OUT OF BUSINESS IN 2019	\$12.77
667917	2021	PRIMO WATER CORP	DOUBLE BILLED WITH ACCT #491370	\$8.60
699233	2021	ABBOTT LABORATORIES INC	NOT IN CITY OF GRAHAM	\$178.39
658918	2021	CIT BANK N A	VALUE CORRECTIONS	\$216.33

Councilmember Hall asked for a motion to approve (a) and (c) of the consent agenda, and Councilmember Talley seconded. The motion passed unanimously.

Councilmembers pulled consent agenda item (b) to discuss further.

CONSENT AGENDA ITEM (b):

Mayor Peterman questioned to Brian Faucette, Director of Recreation and Parks, about the glossary section of the playUNITED inclusion policy. Director Faucette that the policy was a template created by the National Recreation and Parks Association that has been implemented all around the country. He stated that the glossary defines certain words which helps in its implementation at times. Council discussed the need to keep the glossary and the purpose of the glossary for this policy.

Mayor Peterman moved to approve the entire document without the glossary. Councilmember Talley seconded and the motion passed unanimously.

OLD BUSINESS:

ITEM 1: 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-R, (Conditional Residential) to allow for 46 townhomes and 118 single family lots (GPIN 8883885270, 8883872722, 8883886903). *(Tabled from the October 12, 2021, City Council Meeting.)* (CR2101) **(Staff recommends approval of the rezoning to Conditional Residential (C-R) conditioned upon satisfying all TRC requirements and the recommended conditions from Planning Board. See recommendations below)**

Justin Snyder, Planning Director, updated Council on the changes to the application. Mr. Snyder listed the conditions that the Planning Board had approved when considering the application. Councilmember Talley commented that she approved of the changes brought to Council and thanked the Planning Board for the conditions they approved.

Amanda Hodierno, representative of Issacson Sheridan representing the applicant, discussed of the conditional changes that was recommended and further outlined those changes.

Councilmember Talley questioned the newly suggested walking trail to be implemented in the plan. Amanda Hodierno answered that the trail would provide access to the developed community as a whole.

Councilmember Wiggins asked for specifics on the makeup of the trail such as the surfacing. Ms. Hodierno stated that it would be similar to a nature trail with some surface but not a fully paved path.

Councilmember Wiggins suggested they reach out to staff, such as in the Recreation and Parks Department if they needed help with finding contractors who are familiar with building trails.

Mayor Peterman moved that the rezoning be approved to include the following conditions made by the Planning Board and City Attorney's, and the rezoning is consistent with *The Graham 2035 Comprehensive Plan*:

1. A dog park shall be provided on site.
2. Landscaping in the buffer shall be appropriate to the buffer and shall be in accordance with City standards.
3. Street trees from the recommended planting list shall be provided as well as lot trees for each lot.
4. Playground equipment shall be provided.
5. A walking trail shall be provided adjacent to the river with a dedicated public access easement, and it shall connect to the internal sidewalk network.
6. A street stub-out shall be provided to the lot to the north of this site if feasible.
7. The developer shall provide the City of Graham with an express easement to run the entire length where the sanitary sewer line exists.

Councilmember Talley seconded, motion passed unanimously.

ITEM 2: 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 October 12, 2021, City Council Meeting.) (AM2102) (Planning Board recommends approval of the alternative language.)*

Justin Snyder, Planning Director, updated Council on the proposed text amendments for the Special Use Permits to be heard, approved or denied from the Board of Adjustment before going to the Planning Board. Mayor Pro Tem Turner suggested that Council allow the newly elected Council to consider this item. Other councilmembers agreed with this suggestion.

Mayor Peterman moved to continue this item to the January meeting, to give the new Council time to familiarize themselves with the proposed text amendments. Councilmember Hall seconded, and it was passed unanimously.

NEW BUSINESS

ITEM 3: CODE OF ORDINANCES- SESSION LAW 2021-18 (SENATE BILL 300) CRIMINAL PENALTIES CHANGES

North Carolina General Assembly Session Law 2021-18 (Senate Bill 300), mandates local governments to amend their Code of Ordinances regarding ordinances that impose criminal penalties to mirror what has been signed into law by Governor Cooper. The City attorneys and staff have made changes and ask Council to consider adopting these amendments to the City of Graham Code of Ordinances for compliance with Senate Bill 300.

Aaron Holland, Interim City Manager, informed Council on Session Law 2021-18 (Senate Bill 300), and law affects the Code of Ordinances. Mr. Holland informed the Council of the time frame, which would require the Council to pass these changes before December 30, 2021.

Councilmember Wiggins moved to approved the first reading of the Ordinance amendments to Chapter 1 General Provisions, Chapter 2 Administration, Chapter 6 Buildings and Building Regulations, Chapter 8 Business, Chapter 12 Offenses and Miscellaneous Provisions, Chapter 13 Utilities, Chapter 18 Streets, Sidewalks, and Other Public Places, and Chapter 20 Traffic and Vehicles as identified in the memo from the City Attorney. Councilmember Hall seconded, and the motion passed unanimously.

PUBLIC COMMENT PERIOD

Keith Westbrook (604 Trock Wilder Court) spoke to Council about a sidewalk issue dealing with the need of a crosswalk on East Elm and Trollinger Road near Graham High School. Mr. Westbrook informed Council that he has seen an issue with students crossing the street. Mr. Westbrook stated he understood that those two roads are DOT maintained and asked for Council's support in discussing this issue with DOT request a crosswalk to make it safer for students to cross the road. Mr. Westbrook also discussed that parents are still using Trollinger Road as a drop-off location even though they have been told it has not been designated as one. Mr. Westbrook voiced concern for the safety of everyone involved.

CITY COUNCIL COMMENTS

Mayor Peterman welcomed newly elected Councilmember-elect Bobby Chin, and gave an update about an upcoming agenda session workshop, on Monday December 13th, which will be open to the public with the newly elected council.

Councilmember Talley informed every one of the upcoming events being held in downtown, including

- December 25th, Annual Christmas Day, free Christmas movie, Polar Express
- December 4th, 10:00 am, Graham Christmas Parade
- December 5th, 5:00 pm to 7:30 pm, Tree lighting Event

Councilmember Talley proposed to Council about adding Veterans Day to the City's Holiday list. Council discussed to include the upcoming Veterans Day on Thursday and to vote on the issue tonight, or have it on the agenda for next month and to vote for Veterans Day for next year.

Mayor Peterman moved to have the employees of Graham to have Veterans Day as a permanent paid holiday starting this year. Motion was seconded by Councilmember Talley, and passed unanimously.

CITY STAFF COMMENTS

Mary Faucette, Economic Development Coordinator, gave updates to Council on upcoming events and how October events resulted.

- November 12- Two Meet and Greet sessions with Downtown business owners/property owners
- December 5th Tree Lighting ceremony
- Second Annual Window Decorating Contest for Downtown businesses

ADJOURN:

Upon motion Councilmember Hall, seconded by Councilmember Talley, and it resolved unanimously to adjourn. (7:04 p.m.)

Darby Terrell

Darby Terrell, City Clerk