

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JANUARY 12, 2021
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, January 12, 2021, via livestreaming media.

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:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager

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

Honorary Proclamation of Commendation & Appreciation:

➤ *Cary Worthy – Executive Director, Alamance Arts*

Mayor Peterman read a proclamation recognizing outgoing Alamance Arts Executive Director Cary Worthy. Mr. Worthy joined the livestream and Council Members took turns congratulating him on his upcoming retirement. Mr. Worthy thanked everyone for their support.

**Proclamation of Commendation and Appreciation Honoring Cary Worthy's
24 Years Leading Alamance Arts**

WHEREAS Cary Worthy accepted the position of Executive Director with Alamance Arts on May 27, 1997; and

WHEREAS the transition of the location of Alamance Arts from the Firehouse Galleries in downtown Graham to the current location at 213 S. Main St. known as the Captain White House occurred during his initial year in his career; and

WHEREAS under his leadership, public art in our community has increased, with more than 33 pieces of sculpture installed across the county; and

WHEREAS strong community relationships have been established - connecting the arts to local businesses, other non-profit organizations, and to the citizens of the county and beyond; and

WHEREAS greater than 100,000 visitors have traveled to the Captain White House to view national and regional exhibits wherein through the Wooten fund Alamance Arts has presented Seward Johnson's *Man on the Street* in 2006, *Beyond the Frame: Impressionism Revisited* in 2011, Nathan Sawaya's *Art of the Brick* in 2013, George R. Stroemple personal collection of *Chihuly Venetians* and currently displays Seward Jonson's *Embracing Peace* monumental on the front lawn; and

WHEREAS all second graders in Alamance County have the chance to see live theatre; and

WHEREAS local artists and artisan groups have benefitted from the leadership of Cary Worthy for the past 24 years; and

WHEREAS due to his love of the season, the Christmas show at Alamance Arts transforms the entire first floor of the Captain White House into a one-of-a-kind Christmas specialty boutique; and

WHEREAS Cary Worthy is not only the Executive Director of Alamance Arts, but he is a steward in this community serving on several non-profit boards throughout his tenure, always answering the call to provide art or lend a hand and is better known as a kind, gentle, and creative party coordinator extraordinaire.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF GRAHAM THAT: Cary be commended for his outstanding public service to the City of Graham.

BE IT FURTHER PROCLAIMED THAT: an expression of appreciation be extended to Mr. Cary Worthy in the form of this Proclamation of Commendation and Appreciation, and be presented to him in person.

This the 12th day of January 2021.

Consent Agenda:

- a. *Approve Minutes – December 8, 2020 Regular Session (Virtual)*
- b. *Approve Clerical Correction to Language in Chapter 20, Article V of the Code of Ordinances of The City of Graham, North Carolina for Parades, Demonstrations and Street Events*
- c. *Approve Fire Protection Automatic Aid Agreement*

- d. *Petition for Voluntary Non-Contiguous Annexation for 5.5 (+/-) acre lot located at 2048 South Main Street (GPIN 8882397172) (AN2007):*
- i. *Approve Resolution Requesting City Clerk to Investigate Sufficiency*
 - ii. *Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58
FOR A 5.5 ACRE LOT AT 2048 S MAIN STREET (AN2007)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on December 14, 2020, by the Graham City Council; and

WHEREAS, G.S. 160A-58 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham:

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

**RESOLUTION FIXING DATE OF FEBRUARY 9, 2021 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-58 FOR A 5.5 ACRE LOT AT 2048 S MAIN STREET (AN2007)**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC or by teleconference at 6:00 pm on February 9, 2021.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at a control point located at the NW corner of the property on the eastern right-of-way of NC Highway 87, NC Grid Coordinates N 829,321.87' E 1,883,652.82'; thence along the northern property line S 63°04'47" E a distance of 308.97 feet; thence S 44°07'25" E a distance of 135.17 feet to the northeast corner of the property; thence along the traverse line of a creek, said creek being the eastern property line, S 27°00'35" W a distance of 2.22 feet; thence S 08°20'14" W a distance of 52.23 feet; thence S 26°24'10" E a distance of 25.44 feet; thence S 07°44'10" W a distance of 77.94 feet; thence S 05°18'54" W a distance of 62.38 feet; thence S 26°51'31" E a distance of 53.03 feet; thence S 02°15'06" E a distance of 123.04 feet; thence S 01°45'29" W a distance of 17.22 feet to the southeast corner of the property; thence along the southern property line N 80°28'54" W a distance of 309.98 feet; thence N 80°27'41" W a distance of 259.77 feet to the southwest corner of the property on the eastern right-of-way of NC Highway 87; thence along the said right-of-way N 12°01'33" E a distance of 100.00 feet; thence N 17°21'39" E a distance of 99.66'; thence N 19°20'47" E a distance of 94.42 feet; thence N 19°56'25" E a distance of 280.67 feet to the POINT AND PLACE OF BEGINNING, containing 5.57 acres according to a map by B. L. Scott Land Surveying entitled "Annexation Plat for Slippery Elm Properties LLC", dated December 7, 2020.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 12th day of January, 2021.

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda and advised that he would like to pull item “b”.

Council Member Ricky Hall made a motion to approve items “a”, “c” and “d” on the Consent Agenda, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item “b”, Mayor Peterman deferred to City Manager Frankie Maness. Mr. Maness advised that after consulting with legal counsel, there are revisions to the current Ordinance being considered and recommended tabling this item one month. City Attorney Bryan Coleman echoed Mr. Maness and recommended the motion include delaying the criminal enforcement as well.

Following a discussion between Council Members and staff, Council Member Hall made a motion to approve item “b” on the Consent Agenda. The motion failed to get a second and therefore died. Council Member Melody Wiggins made a motion to move item “b” to next month and suspend criminal enforcement of the Ordinance. Mayor Pro Tem Chip Turner seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

Audit Presentation by Stout, Stuart, McGowen & King, LLP:

Ms. Patricia Rhodes of Stout Stuart McGowen & King LLP spoke about the City’s audit report for Fiscal Year 2019-2020. Ms. Rhodes spoke favorably about the arrangement that the City maintains with Becky Loy of Cobb Ezekiel Loy & Company. She further stated that all operating funds yielded a surplus for the year, no findings were found and the City received an unmodified opinion – the cleanest and best opinion one can receive. Ms. Rhodes added that there were no difficulties or disagreements with management during this audit.

On behalf of the Council, Mayor Peterman expressed his appreciation to Ms. Rhodes, Ms. Loy, Finance Director Julianne Cordon, Tax Collector Sandy Callahan and Mr. Maness for their efforts.

Recommendations from Planning Board:

- a. ***Public Hearing: CR0502b Stillhouse Farms Cheeks. Application by Glenn Patterson to amend the initial Conditional Mixed-Use-Residential (C-MXR) that was approved May 3, 2005, and amended on April 14, 2015 for 15.44 acres on Cheeks Lane (GPIN 8883552739)***

Planning Director Nathan Page explained that this is a request to amend the initial Conditional Mixed-Use-Residential (C-MXR) that was approved May 3, 2005 and amended on April 14, 2015. The site remains vacant today. The intention is to redesign the townhome section from 90 to 110 townhomes.

Following a brief discussion between Council Members and staff, Mayor Peterman opened the Public Hearing.

Speaking on behalf of the applicant, Mr. Aaron Hutchens of Summit Design and Engineering Services, 320 Executive Court, Hillsborough joined the livestream and fielded questions about buffers, setbacks and roads from Council Members. With no further questions forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Wiggins made a motion that the application be approved with the following conditions:

- Sidewalk on Cheeks Lane
- Type “A” landscape buffer East of 6 properties
- Final site plan receives TRC approval before certificate of occupancy and/or building permit is issued

She stated this action is reasonable and in the public interest for the following reasons: The approval for an alternative design that retains the existing approval for the quantity of townhomes doesn’t materially affect the vicinity. The approval of CR0502b in alignment with Policy 5.1.1. as well as Strategies 1.1.2. and 4.3.1. Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

b. Public Hearing: CR2005 Colonial Heights. Application by Kye Bunker to rezone 57.29 acres off Lacy Holt Road from Residential District (low density) (R-18) to Conditional Residential (C-R) (GPIN 8873512978 & 8873625474)

Mr. Page explained that this is a request to rezone the two subject properties to C-R, Conditional Residential. The proposal is for single family residential and associated accessory uses. This property was originally reserved for the proposed Southern Loop. The proposed rezoning includes a “maximum number of dwelling units = 200” which would come to a maximum density of 3.5 dwelling units per acre. The developer suggested a 30’ evergreen screen along the Northern, Eastern, and Southern perimeters of the property.

Following a discussion between Council Members and staff concerning surrounding properties, zoning, storm water measures/buffers, density, the proposed gate at Wendy Drive, emergency vehicle access and right-of-ways, Mayor Peterman opened the Public Hearing.

Mr. Kye Bunker of LeoTerra Development Inc., 110 A Shields Drive Kernersville joined the livestream and answered questions from Council Members concerning this request. Mr. Bunker advised that he would be willing to give the City an easement should the Council approve the request with the condition not to connect to Wendy Drive.

The following individuals addressed this agenda item with Council Members via the livestream:

Chip King-2278 Sunberry Dr. Graham	Janice Cashion-1820 Lacy Holt Rd. Graham
Keith Wilson-2363 Council Rd. Graham	Mark McKinney-632 Wendy Dr. Graham
Patty Allen-265 W. Shannon Dr. Graham	Catherine Key-718 Wendy Dr. Graham
Leslie Bullis-2015 Mackenna Dr. Graham	Leslie Melton-182 Robbie Ct. Graham
Lonny Schmid-1826 Robbie Ct. Graham	

City Clerk Darcy Sperry read a public comment received from Ariana Lawrence of 639 Wendy Drive Graham. With no more comments forthcoming, Mayor Peterman closed the Public Hearing.

Following more discussion between Council Members and staff, Council Member Wiggins made a motion that the application be approved with the following conditions:

- Wendy Drive will not be connected, but easements will be given to the City for water/sewer and other utilities as necessary

She stated that the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The absence of the Southern Loop's corridor has allowed the City of Graham to permit additional development at this location, in alignment with policies 3.2.3, 3.2.1, and 5.2.1. Mayor Peterman seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

c. S2006 Colonial Heights. Application by Kye Bunker for a subdivision for up to 200 lots on 57 (+/-) acres off Lacy Holt Road (GPIN 8873512978 & 8873625474)

Mr. Page explained that this is a request to subdivide the approximately 57 acres of the subject property for up to 200 residential lots. The properties are currently vacant. The lots on the end of Wendy and/or Natalie Drive have cul-de-sacs which will need to be returned to a straight street, or left alone, at the discretion of the property owners.

Following a brief discussion between Council Members and staff, Council Member Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Allowing a subdivision in this location allows for improved water quality (Policy 4.3.1) and provides additional neighborhood connections (Policy 3.2.3). Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

Historic Resources Commission Appointment:

a. Historic Resources Commission – term expires 2024

Mayor Peterman asked each Council Member to nominate a candidate for appointment and explained that following nominations, a vote for appointment would take place.

The following represents the nominations made by Council Members:

Council Member	Applicant
Mayor Peterman	No nomination made
Mayor Pro Tem Turner	Zipporah Clark Baldwin
Council Member Wiggins	Matthew Haley
Council Member Talley	Bonnie Whitaker
Council Member Hall	Bonnie Whitaker

Mayor Peterman narrowed the nomination field to include Matthew Haley and Bonnie Whitaker. The following represents the nominations made by Council Members:

Council Member	Applicant
Mayor Peterman	Matthew Haley
Mayor Pro Tem Turner	Matthew Haley
Council Member Wiggins	Matthew Haley
Council Member Talley	Bonnie Whitaker
Council Member Hall	Bonnie Whitaker

Mayor Peterman made a motion to appoint Matthew Haley to the Historic Resources Commission with a term ending June 30, 2024. Council Member Wiggins seconded the motion. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman, Mayor Pro Tem Turner, Council Member Wiggins and Council Member Talley. Nays: Council Member Hall. Motion carried 4:1.

Issues Not on Tonight's Agenda (Public Comment Period):

Ms. Patty Allen of 265 West Shannon Drive Graham joined the meeting via livestream and asked Council Members to compel the Planning Board to take action on N.C.G.S., Chapter 160D.

Ms. Sperry read an email received from Ms. "Kait", who wished to remain anonymous, regarding gathering limits included in the City's Parades, Demonstrations and Street Events Ordinance.

Ms. Sperry read an email received from Mr. Barrett Brown of 1045 Camelot Lane Graham requesting that Council consider changing the name of Sesquicentennial Park to Wyatt Outlaw Park. Mayor Peterman thought this to be a good request and asked for a consensus to put this request on next month's agenda. Mayor Pro Tem Turner and Council Member Wiggins agreed that this is something Council should consider. Council Member Hall expressed concern with the structural issues that the current park has, while Council Member Talley spoke of the history behind the creation of Sesquicentennial Park.

Council Member Talley reported that the Jimmie Kerr Bridge is in construction and there is hope it will be completed within 60-90 days.

Council Member Talley advised that Ausley's is complaining about the traffic at SunTrust Bank.

Council Member Talley asked if staff had received any feedback on the new water/sewer rates. Mayor Peterman stated he had heard from a couple while Mr. Maness stated he had not had anyone contact him directly.

Mayor Peterman again this month thanked everyone who helped with the Christmas lights.

At 9:35p.m., Council Member Hall made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
SPECIAL SESSION
WEDNESDAY, JANUARY 27, 2021
2:00 P.M.**

The City Council of the City of Graham met in virtual special session at 2:00 p.m. on Wednesday, January 27, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street. The public participated remotely via livestreaming media.

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:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk

Mayor Jerry Peterman called the meeting to order and presided at 2:02 p.m.

Appoint Aaron Holland Interim City Manager:

Mayor Peterman made a motion to appoint Aaron Holland Interim City Manager, seconded by Council Member Melody Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Mayor Peterman asked Council Members if they wanted to increase Mr. Holland's current salary of \$112,005, suggesting a 5% increase. Council Member Wiggins made a motion to raise Mr. Holland's salary by 5% effective January 31, 2021. Prior to receiving a second, Council Member Jennifer Talley expressed concern that discussion of salary was taking place in open session and this meeting did not advertise that salary would be discussed. Council Member Wiggins withdrew her motion. By consensus, Council Members agreed to take up the salary discussion at their February meeting.

City Clerk Darcy Sperry administered the Interim City Manager Oath of Office to Mr. Holland.

At 2:13 p.m., Mayor Pro Tem Chip Turner made a motion to adjourn, seconded by Council Member Wiggins. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, FEBRUARY 9, 2021
6:00 P.M.**

The City Council of the City of Graham met in virtual regular session at 6:00 p.m. on Tuesday, February 9, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street. The public participated remotely via livestreaming media.

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:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager
Mary Faucette, Downtown Development Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mayor Pro Tem Chip Turner gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:


- a. Approve Minutes – January 12, 2021 Regular Session (Virtual)*
- b. Approve Minutes – January 27, 2021 Special Session*
- c. Approve Tax Refund*

CITY OF GRAHAM REFUNDS				
FEBRUARY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
665934	2020	BLANKS, SALLYE	QUALIFIED FOR HOMESTEAD EXEMPTION	316.95

- d. Approve Tax Collector's Mid-Year Report*

City of Graham
P. O. Drawer 357
201 South Main Street
Graham, North Carolina 27253
(336) 570-6700 / Fax: (336) 570-6703

MID YEAR REPORT
February 2, 2021

	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	1,122,006,096	0.455%	5,105,129.06
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	39,194,086		178,333.09
<u>ANNEXATIONS:</u>			
	317,812		1,446.04
<u>ABATEMENTS:</u>			
	(823,654)		(3,747.62)
CURRENT LEVY	1,160,694,340		5,281,160.57
OUTSTANDING REAL PROPERTY TAXES:			243,062.98
OUTSTANDING PERSONAL PROPERTY TAXES:			<u>74,443.44</u>
TOTAL OUTSTANDING TAXES			317,506.42
CURRENT YEAR TAXES COLLECTED:			4,963,654.15
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			93.99%
I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 18, 2021 IN THE ALAMANCE NEWS. COST FOR ADVERTISING WILL BE \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.			
Submitted by Sandy P. Callahan, Tax Collector 			

- e. *Authorize the City Manager to enter into a Lease Agreement with Carolina Property Holdings for the joint use of the alleyway located at 200 North Main Street*
- f. *Approve Ordinance Amendment to CHAPTER 20, TRAFFIC AND VEHICLES, ARTICLE V, STANDING, STOPPING AND PARKING of the Code of Ordinances to require the location of the Downtown Residential Parking Permit be placed on rear windshield and establish a \$20 annual permit fee, and update the Rates & Fee Schedule accordingly*
- g. *Approve Initial Project Budget for the WWTP Upgrades and Expansion Project*

**CAPITAL PROJECT ORDINANCE
WWTP UPGRADES AND EXPANSION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

Section 1. The Project authorized is WWTP Upgrades and Expansion.

Section 2. The officials of the City of Graham are hereby directed to proceed with this project within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Proceeds from Retained Earnings	\$615,000
Proceeds from ASADRA State Loan	\$3,200,000
TOTAL	\$3,815,000

Section 4. The following amounts are appropriated for this project:

Professional Services	\$3,200,000
Loan Fees	\$615,000
TOTAL	\$3,815,000

Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.

Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.

Section 7. This ordinance shall take effect upon passage.

This the 9th day of February, 2021.

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Jennifer Talley asked to pull item “e”.

Mayor Pro Tem Turner made a motion to approve items “a”, “b”, “c”, “d”, “f” and “g” on the Consent Agenda, seconded by Council Member Ricky Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item “b”, Council Member Talley asked for more information. Downtown Development Coordinator Mary Faucette explained the request. Following a brief discussion between Council Members and staff about this request, Mayor Peterman asked staff to look into other opportunities for similar projects in the downtown area. With no further discussion forthcoming, Council Member Melody Wiggins made a motion to authorize the City Manager to enter into a Lease Agreement with Carolina Property Holdings for the joint use of the alleyway located at 200 North Main Street, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Old Business:

- a. ***Public Hearing: AN2007 Middlefield Towns. Annexation Ordinance for Voluntary Non-Contiguous Annexation for 5.5 (+/-) acre lot located at 2048 South Main Street (GPIN 8882397172)***

Interim City Manager Aaron Holland explained that the 5.5 +/- acre area being considered for annexation is noncontiguous, with water and sewer available via South Main Street. He added that the annexation process has multiple steps. Following a public hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process.

Following a brief discussion about mud and construction concerns brought to the Council's attention, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing. Mayor Pro Tem Turner made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina for the property located at 2048 South Main Street. Mayor Peterman polled the Council Members and all voted in favor of the motion.

<p style="text-align: center;">ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR 2048 S MAIN STREET (AN2007)</p> <p>WHEREAS, the Graham City Council has been petitioned under G.S. 160A-58 to annex the area described below; and</p> <p>WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and</p> <p>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 February 9, 2021, after due notice by publication on January 28, 2021; and</p> <p>WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-58;</p> <p>NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:</p> <p>Section 1. By virtue of the authority granted by G.S. 160A-58, the following described territory is hereby annexed and made part of the City of Graham as of February 28, 2021:</p> <p>BEGINNING at a control point located at the NW corner of the property on the eastern right-of-way of NC Highway 87, NC Grid Coordinates N 829,321.87' E 1,883,652.82'; thence along the northern property line S 63°04'47" E a distance of 308.97 feet; thence S 44°07'25" E a distance of 135.17 feet to the northeast corner of the property; thence along the traverse line of a creek, said creek being the eastern property line, S 27°00'35" W a distance of 2.22 feet; thence S 08°20'14" W a distance of 52.23 feet; thence S 26°24'10" E a distance of 25.44 feet; thence S 07°44'10" W a distance of 77.94 feet; thence S 05°18'54" W a distance of 62.38 feet; thence S 26°51'31" E a distance of 53.03 feet; thence S 02°15'06" E a distance of 123.04 feet; thence S 01°45'29" W a distance of 17.22 feet to the southeast corner of the property; thence along the southern property line N 80°28'54" W a distance of 309.98 feet; thence N 80°27'41" W a distance of 259.77 feet to the southwest corner of the property on the eastern right-of-way of NC Highway 87; thence along the said right-of-way N 12°01'33" E a distance of 100.00 feet; thence N 17°21'39" E a distance of 99.66'; thence N 19°20'47" E a distance of 94.42 feet; thence N 19°56'25" E a distance of 280.67 feet to the POINT AND PLACE OF BEGINNING, containing 5.57 acres according to a map by B. L. Scott Land Surveying entitled "Annexation Plat for Slippery Elm Properties LLC", dated December 7, 2020. Being all the same property located in the City of Graham recorded at the Alamance County Register of Deeds at Plat Book _____, Page _____.</p> <p>Section 2. Upon and after February 28, 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.</p> <p>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.</p> <p>Adopted this, the 9th day of February, 2021.</p>

b. Amendment to CHAPTER 20, ARTICLE V, PARADES, DEMONSTRATIONS AND STREET EVENTS of the Code of Ordinances

Mayor Peterman suggested moving this ordinance amendment to a second reading, due to Council Members receiving the most recent copy of the proposed ordinance amendments earlier in the day and not having enough time to review them before this meeting. Council Member Hall made a motion to move to a second reading, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Recommendations from Planning Board:

- a. Public Hearing: RZ2010 Riverbend Business. Request by G. Travers Webb III to rezone a portion of the property located on East Harden Street from R-MF (Multi-Family Residential) to B-2 (General Business) (GPIN 8884721949)***
- b. Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on (GPIN 8894453334)***

Planning Director Nathan Page advised that the applicant had requested that items “a” and “b” be tabled until next month. Mayor Peterman made a motion to table items “a” and “b” to next month, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

- c. Public Hearing: AM2005 R-7 Setbacks. Request by Nathan Page to reduce the setbacks for R-7 front and side yards (Development Ordinance Section 10.245 Table of area, height and yard regulations)***

Mr. Page explained that staff has applied for an amendment to our Development Ordinance to reduce the front yard setback to 15 feet, as well as the side yard setback to 5 feet for the R-7 Zoning District. After a brief review of when the current setback was established, he advised that staff believes that a 15 foot front yard setback would be sufficient for all city required infrastructure.

Council Members and staff briefly discussed the effects of changing the setback from 30 feet to the proposed 15 feet, before Council Member Talley suggesting it go to 20 feet. Following the discussion, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing. Council Member Talley made a motion that the text be approved with a 20 feet setback, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: It complies with Policy 2.3.1, 4.3.1 of The 2035 Comprehensive Plan. Council Member Hall seconded the motion and Mayor Peterman polled the Council Members. Ayes: Council Member Talley, Council Member Hall and Mayor Peterman. Nays: Mayor Pro Tem Turner and Council Member Wiggins. Motion carried 3:2.

First Reading: Ordinance Repealing CHAPTER 10, CEMETERIES and Adding a Revised CHAPTER 10, CEMETERIES to the Code of Ordinances

City Manager Frankie Maness explained that the City owns and operates two public cemeteries, Graham Memorial Park and Linwood Cemetery.

The City also manages a perpetual care fund as a nonexpendable trust. He added that both the cemeteries and the trust fund are regulated by Chapter 10 of our Code of Ordinances. Currently, Graham Memorial Park is the only cemetery where new grave sales are taking place and availability is very limited for non-resident sales. Mr. Maness reviewed the proposed replacement ordinance highlights:

- Removes the misleading term of “Cemetery Deed” and replaces it with “Grave Certificate”
- Better accommodates the uptick in requests for cremation graves
- Prepares the regulations for the future introduction of columbariums or mausoleums
- Allows subsequent interment of cremated remains in a conventional burial
- Establishes regulations for abandoned unused graves
- Provides for sale of graves in Linwood Cemetery
- Provides hundreds of new graves available to both residents and non-residents

Following a discussion between Council Members and staff, which included resident identification and cemetery surveys, Council Member Wiggins made a motion to approve the Ordinance Repealing Chapter 10 and adding a Revised Chapter 10, to the Code of Ordinances of the City Of Graham, North Carolina for Cemeteries. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion. Motion received the supermajority required to pass on the first reading.

Sesquicentennial Park Discussion

This agenda item was a suggestion Council received at their January 12, 2021 meeting where Mr. Barrett Brown asked Council to consider changing the name of the Sesquicentennial Park to Wyatt Outlaw Park. Mayor Peterman asked staff if we had received any public comments concerning this agenda item. City Clerk Darcy Sperry read emails she received from the following individuals:

Judy Lindley-1906 Springmeadow Dr. Graham	Amy Jackson – Elon
Amanda Baker-Graham	Carol Cachafeiro
Aprille Aguilar-6010 Church Rd. Graham	Morgan Siem-2001 E. Greensboro Chapel Hill Rd. Graham
Faith Patterson-722 E. Greensboro Chapel Hill Rd. Snow Camp	K. Moore
Nathan Griffin-313 Providence Rd. Graham	Maryanne Wilson
Katie Nunn-Graham	Kristofer Loy
Amy Cooper-Alamance County	Heather Bryce – Graham
Ernest Lewis	Woody Weaver
Sarah Vincent-Alamance County	Travis Laughlin-Guilford County
Kellie Kimbrough-Alamance County	Dreama Caldwell-314 Field St. Graham
Debbie Smith-434 Williamson St. Burlington	Louisa Sholar-Burlington
Clifton Carter	

Council Member Jennifer Talley handed Mayor Peterman a letter she had received from Louise Wilson of Graham.

The following individual addressed this agenda item with Council Members via the livestream:

Carey Griffin

Mayor Peterman read Ms. Wilson's letter aloud.

Following a discussion between Council Members, where all discussed their own ideas and wishes for this park, it was determined that the park would retain the Sesquicentennial Park name. Mayor Peterman stated that he would contact Mr. Brown and urge him to do what was done in 1999, when the Sesquicentennial Park was dedicated – find a location, raise funds and place a memorial to commemorate the life of Wyatt Outlaw there.

Issues Not on Tonight's Agenda (Public Comment Period):

Mr. Reece Black of People for Change NC joined the livestream and stated that Sesquicentennial Park will always be known as Wyatt Outlaw Park to him.

Mr. Patrick Miller of 611 East Harden Street Graham joined the livestream and asked the City Council to consider a variation to the Food Truck Ordinance on next month's agenda. Mayor Peterman asked him to contact City Hall and speak to staff about his proposed changes.

Ms. Kait (no last name given) joined the livestream and expressed concern with the park discussion. She suggested that a plaque honoring Wyatt Outlaw be placed there.

Mr. Tom Boney of the Alamance News joined the livestream to express concern that the Council Members were all present in the Council Chambers, but the public was not present. Mayor Peterman advised that his concerns would be looked into.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

At 7:55 p.m., Mayor Peterman made a motion to go into closed session with Mr. Maness and Mr. Holland, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

At 8:16 p.m., Mayor Pro Tem Turner made a motion to reconvene the virtual regular meeting, seconded by Council Member Hall. All voted in favor of the motion.

Mayor Peterman advised that they discussed Mr. Holland's compensation as Interim City Manager. Mayor Peterman made a motion to increase Mr. Holland's salary to \$120,000 per year, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Mayor Peterman polled staff and Council for any additional issues they wished to address.

Mr. Page provided an update he received from NCDOT regarding the speed limit on Jimmie Kerr Road.

Mr. Holland, Ms. Sperry and City Attorney Bryan Coleman publicly thanked Mr. Maness for all he has done for the City and for them personally.

Council Member Talley thanked Mr. Maness and thanked Mr. Holland for his willingness to step up as the Interim City Manager.

Council Member Wiggins thanked Mr. Maness for all he did for her as a City of Graham employee and now Council Member, calling him one of the best she has come across in her 35 years of working in local government.

Council Member Hall thanked Mr. Maness for his diligence to the City of Graham.

Mayor Pro Tem Turner thanked Mr. Maness and hopes that God blesses him and his family in Montgomery County.

Mayor Peterman stated that he has one son and a half of a son here who is leaving, and thanked Mr. Maness.

At 8:22 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
SPECIAL SESSION
THURSDAY, MARCH 4, 2021
8:30 A.M.**

The City Council of the City of Graham met in virtual special session at 8:30 a.m. on Thursday, March 4, 2021, via livestreaming media.

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, Assistant City Manager
Darcy Sperry, City Clerk
Julianne Cordon, Finance Officer
Brian Faucette, Recreation & Parks Director
Tommy Cole, Fire Chief
Jeff Wilson, IT Systems Manager
Kristy Cole, Police Chief
Rodney King, Assistant Police Chief
Crystal O'Neal, Police Sergeant
Burke Robertson, Public Works Director
Nathan Page, Planning Director
Mary Faucette, Downtown Development Coordinator
Tonya Mann, Utilities Director

Mayor Jerry Peterman called the meeting to order and presided at 8:31 a.m. Mayor Peterman advised that this meeting is an opportunity for City staff to present their budget requests to the Council. He asked Council Members and members of the public to submit questions they have to Interim City Manager Aaron Holland. Mr. Holland will see that all questions get answered and become part of a future public record.

Budget Status and Project Updates:

Mr. Holland introduced the budget process. He and Finance Officer Julianne Cordon presented an overall update on the status of the Fiscal Year 2020-2021 Budget and provided a snapshot of where departments are performing. Their presentation included budget preparation, current tax rates in Alamance County, growth in Graham, how the Covid-19 pandemic affects the current and future fiscal years and the impact the new census numbers may have on Graham.

Roundtable Discussion of 2021-2022 Budget and Capital Improvements with Department Heads:

Council Members were presented with a Power Point presentation as well as hearing from each department head.

Recreation & Parks Director Brian Faucette presented his department's budget requests and reviewed the Recreation & Park's Master Plan timeline and the plan itself.

Mr. Faucette presented Council with his Capital Improvement Plan (CIP) requests for Fiscal Year 2021-2022 for the Parks, Recreation and Graham-Mebane Lake divisions located within his department.

Fire Chief Tommy Cole presented Council with a brief history of his department, followed by his budget requests for additional fire stations, fire apparatus and personnel. Chief Cole reviewed what he sees as his department's strengths and weaknesses.

IT Systems Manager Jeff Wilson reviewed how the Covid-19 pandemic has affected his department and the challenges that go along with that. Mr. Wilson highlighted the need for computer replacements, network refresh, City Hall phone replacement and firewall replacement as his department's biggest needs. Mr. Wilson advised that while downtown Wi-Fi project is part of his CIP requests, it is a low priority for him.

At 10:07 a.m., Mayor Peterman recessed the meeting to allow for a break. At 10:20 a.m., he reconvened the meeting.

Police Chief Kristy Cole, Assistant Police Chief Rodney King and Police Sergeant Crystal O'Neal presented their department's requests for the upcoming budget. Their presentation centered on police reform with their biggest need being 10 additional officers for their patrol operations. Additionally, Chief Cole reviewed the CIP requests for her department.

Public Works Director Burke Robertson spoke of the increased demand placed on his department due to growth in Graham. He reviewed the budget requests for his department, identifying a trash truck and dump truck as two of his biggest needs.

Planning Director Nathan Page reminded Council of several new developments that have been approved in the past couple of years and the effect they have on existing infrastructure. Mr. Page reviewed the CIP requests for his department which included a Comprehensive Plan update, Transportation Plan and Development Ordinance re-write.

Downtown Development Coordinator Mary Faucette provided Council with an overview of 2020 projects and spoke to Council about where we are headed.

Utilities Director Tonya Mann provided an update on projects within her department for this past year. She presented Council with her department's budget requests which included sewer line replacement on the 300 block of Long Street and Alright Avenue, continuation of slip lining program and roof replacement for the administration building.

Following a brief recap from Mr. Holland, at 11:44 a.m., Mayor Pro Tem Chip Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MARCH 9, 2021
6:00 P.M.**

The City Council of the City of Graham met in virtual regular session at 6:00 p.m. on Tuesday, March 9, 2021, via livestreaming media.

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
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager

Mayor Jerry Peterman called the meeting to order and presided at 6:02 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approve Minutes – February 9, 2021 Regular Session (Virtual)*
- b. Approve Proclamation Declaring April 30, 2021 as Arbor Day in the City of Graham*
- c. Approve Audit Contract with Stout, Stuart, McGowen & King, LLP*
- d. Adopt Master Plan for the Graham Recreation & Parks Department*
- e. Petition for Voluntary Contiguous Annexation for a 2 acre lot located at 1342 Jimmie Kerr Road (GPIN 8894425247) (AN2101):*
 - i. Approve Resolution Requesting City Clerk to Investigate Sufficiency*
 - ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

Mayor Peterman advised that he would like to pull items “d” and “e” from the Consent Agenda before asking other Council Members if they would like to pull any of the items. Council Member Jennifer Talley asked to pull item “a”.

Mayor Pro Tem Turner made a motion to approve items “b” and “c” on the Consent Agenda, seconded by Council Member Ricky Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item “a”, Council Member Talley questioned the 200 North Alleyway agreement from last month, asking if the agreement only covered this one alleyway and future agreements would have to come before Council. Interim City Manager Aaron Holland confirmed that to be the case. Council Member Talley also expressed concern that the cost of the agreement was omitted from the minutes. Mr. Holland explained that the costs were part of the approved agreement and upon approval by Council, the agreement is what is referenced.

With no further questions forthcoming, Council Member Hall made a motion to approve item “a” on the Consent Agenda, seconded by Council Member Melody Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

With regards to item “d”, Mayor Peterman advised that Recreation & Parks Director Brian Faucette had asked that this item be pulled so that he could amend the plan prior to adoption consideration. Mayor Peterman made a motion to postpone item “d” until next month, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

With regards to item “e”, Mayor Peterman advised that motion for “e (i)” listed the wrong address. Mayor Peterman made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received under G.S. 160A-31 for a parcel located 1342 Jimmie Kerr Road, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion. Mayor Peterman then made a motion to approve the Resolution Fixing Date of April 13, 2021, for a Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a two acre parcel at 1342 Jimmie Kerr Road, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR PROPERTY AT 1342 JIMMIE KERR ROAD (AN2101)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on February 26, 2021, by the Graham City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham:

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

**RESOLUTION FIXING DATE OF APRIL 13, 2021 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31 FOR A 2 ACRE LOT AT 1342 JIMMIE KERR ROAD (AN2101)**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC or **by teleconference at 6:00 pm on April 13, 2021.**

Section 2. The area proposed for annexation is described as follows:

ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

Beginning at a point in the center of Jimmie Kerr Road, (S.R. No. 1928) and the City of Graham Corporate limits line and corner between Juanita B. Ray heirs and Allison Nicole McCauley, ETAL, said point being located N70° 51' 07" W 30.66 feet from an existing iron pipe in the line between Juanita B. Ray heirs and Allison Nicole McCauley Etal, running thence along the centerline of Jimmie Kerr Road (S.R. 1928) and the existing City of Graham Corporate Limits line the following two (2) courses and distances: (1) N31° 16' 52"E 127.59 feet to a point; (2) N36° 07' 13"E 83.12 feet to a point and corner between Juanita B. Ray heirs and Jay Vance Rogers; running thence along the line between Jay Vance Rogers and Juanita B. Ray heirs the following three (3) courses and distances: (1) S63° 18' 0"E 488.20 feet to an existing iron pipe (iron stake setback in the line in this line 38.94 feet from corner in road); (2) S26° 27' 14"W 141.18 feet to an existing iron pipe; (3) N70° 57' 57"W 169.24 feet to an existing iron pipe and being a common corner between Juanita B. Ray heirs, Jay Vance Rogers and Allison Nicole McCauley Etal; running thence along the line between Juanita B. Ray heirs and Allison Nicole McCauley Etal N70° 51' 07"W 315.13 feet to an existing iron pipe; thence continuing N70° 51' 07"W 30.66 feet to the POINT OF BEGINNING and containing 2.00 acres (0.003 square miles.)

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this **the 9th day of March**, 2021.

Old Business:

- a. **Public Hearing:** RZ2010 Riverbend Business. Request by G. Travers Webb III to rezone a portion of the property located on East Harden Street from R-MF (Multi-Family Residential) to B-2 (General Business) (GPIN 8884721949)
- b. **Public Hearing:** CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on (GPIN 8894453334)

Planning Director advised that on March 5, 2021, the petitioner for items "a" and "b" requested that both items be tabled. Mayor Peterman made a motion to table the Public Hearing for RZ2010 to the next scheduled meeting, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion. Mayor Peterman made a motion to table to Public Hearing for CR2006 to the next scheduled meeting, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

c. Second Reading: Amendment to CHAPTER 20, ARTICLE V, PARADES, DEMONSTRATIONS AND STREET EVENTS of the Code of Ordinances

Mr. Holland explained that the requested action is to amend the Code of Ordinances for sections regulating parades, demonstrations and street events. He added that following the repeal of the Parade and Demonstration Ordinance in July 2020, City Council approved new language at their December 2020 meeting. This language addressed deficiencies from the prior ordinance as well as defined guidance for staff to evaluate parades and street events with the formation of a Special Events Committee. It was later determined that the enforcement of this ordinance should be delayed until the conclusion of legal review. Mr. Holland advised that the language was discussed between the attorney from the ACLU and the City's contracted attorney. The contracted attorney addressed language that would make the interpretation clearer. Mr. Holland added that the revised language was presented to Council at their February meeting, but consideration of the language was tabled to this month. He advised that staff recommends approval.

Council Member Talley questioned if we should consider having a member of the business community on the Special Events Committee (Sec. 20-171). She also expressed concern with the last sentence of Sec. 20-176 Appeals which reads: *Should time not permit, the City Manager is authorized to hear and resolve the appeal.* Council Member Talley stated that she had spoken to the City's contracted attorney Tony Biller today, and he stated he was fine with Council taking that out. She asked Council to consider removing that one sentence under the Appeals section and whether business community members should be a part of the Special Events Committee. Mayor Peterman stated that it is not appropriate to call the attorney one on one, as the City gets billed for that. He added that the attorney is giving information to Council Member Talley that the rest of the Council was not privileged to. Mayor Peterman further advised that Council Members need to go through City Attorneys Bryan Coleman or Bob Ward should they wish to speak to Mr. Biller. Mr. Holland advised that the Special Events Committee is made up of City staff, from various departments, in an effort to streamline the application process. Council Members discussed the points made by Council Member Talley, deciding against adding a member from the business community to the committee and directing staff to communicate with business owners when events have been City approved. Council Members were in favor of amending the language in the appeals section. Mayor Peterman opened the discussion to the public.

The following individuals addressed this agenda item with Council Members via the livestream:

Tom Boney-114 W. Elm St. Graham	Carey Griffin-313 Providence Rd. Graham
---------------------------------	---

With no further discussion forthcoming, Council Member Talley made a motion to approve the Ordinance amending Chapter 20, Article V, by amending Sec. 20-173, 176, 179, and 183, to the Code of Ordinances of the City Of Graham, North Carolina Parades, Demonstrations And Street Events, with striking "*Should time not permit, the City Manager is authorized to hear and resolve the appeal*" from Sec. 20-176. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Requests & Petitions from Citizens:

a. First Reading: Temporary Outdoor Sales. Request by Patrick Miller to amend Chapter 8, Article VIII, Sec. 8-345 of the Code Of Ordinances Of The City Of Graham, North Carolina

Mr. Page explained that City Council approved a text amendment at their August 2018 meeting, which approved Temporary Outdoor Sales for up to three days in any seven day period. Mr. Patrick Miller has requested that the City Council re-evaluate this policy, and adopt a revised five days in any seven day period, and permit the same retailer to locate on a lot for those five days. He added the proposal would still require that a retailer completely remove all traces of the temporary outdoor sales at a frequency of no less than once a week. Under these conditions, if the City Council were to desire a tightening of regulations in the future, the “nonconforming uses” would only apply for an additional week after the approval of the new regulation. Because of this, staff feels comfortable that this regulation can be adjusted without a long term negative consequence, if the City Council feels it is necessary to increase restrictions due to unforeseen circumstances in the future.

Prior to any discussion, Council Member Wiggins asked if Council Member Talley needed to be recused, as she believed there would be a financial conflict for Council Member Talley. Mayor Peterman consulted Mr. Coleman, who advised that it would be up to Council to determine if a Council Member needed to be recused. Council Member Wiggins made a motion to recuse Council Member Talley. The motion died for lack of a second. Following a brief discussion about recusal, Council Member Wiggins again made a motion to recuse Council Member Talley, seconded by Mayor Peterman. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

Council Member and staff discussed the request and concerns about amending this ordinance were voiced. Various options were discussed, from an ordinance amendment to a relaxation of the ordinance. Council Members agreed that they want to find a way to help business owners during the Covid-19 pandemic. With no further discussion forthcoming, Mayor Peterman opened the discussion to the public.

The following individuals addressed this agenda item with Council Members via the livestream:

Carey Griffin-313 Providence Rd. Graham	Patrick Miller-127 W. Harden St. Graham
---	---

With no further comments forthcoming, Mayor Peterman closed the discussion to the public. Council Members once again expressed concern with temporarily amending an ordinance. Mayor Pro Tem Turner made a motion to deny the Temporary Outdoor Sales request by Patrick Miller to amend CHAPTER 8, ARTICLE VIII, SEC. 8-345 OF THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA, seconded by Council Member Hall. Mayor Peterman polled the Council Members. Ayes: Mayor Pro Tem Turner, Council Member Wiggins and Council Member Hall. Nays: Mayor Peterman. Motion carried 3:1.

Council Member Hall made a motion that Council Member Talley re-join the meeting, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion. Council Member Talley re-joined the meeting.

Recommendations from Planning Board:

a. Public Hearing: RZ2101 Poplar Industrial. Request by Urias G. Hernandez for rezoning from R-7 Residential High Density to I-1 Light Industrial (GPIN 8874769214)

Mr. Page explained that this is a rezoning request is for a parcel adjacent to the old right-of-way (ROW) for Poplar Street and Webb Avenue where it turns into Elm Street. He added that the property has a previously opened ROW to the south and an unopened ROW to the east. The parcel currently has a narrow access off of Webb Avenue. The stated reason for this rezoning is to permit an Automotive Painting/Body Shop. Mr. Page advised that if the business were to be contained entirely within the business, staff recommends approval for B-2 (General Business District) land use. Staff recommends denial of I-1 due to the adjacent residential uses.

Following a brief discussion between Council Members and staff, Mayor Peterman opened the Public Hearing.

The following individual addressed this agenda item with Council Members via the livestream:

Urias Hernandez-2416 Berkley Rd. Burlington

Mr. Hernandez, the applicant, stated that when he applied for the rezoning, he was not aware that painting was permitted in B-2, and he is in agreement with Mr. Page's recommendation. He added that all painting will be done inside the building. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Wiggins made a motion that the application be approved with B-2 zoning designation, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The residential character of the existing neighborhood is better suited to a light commercial activity than a light industrial site, in alignment with strategies 1.1.5, 2.3.1 and Policy 3.1.2. Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Pro Tem Turner, Mayor Peterman and Council Member Hall. Nays: Council Member Talley. Motion carried 4:1.

b. Public Hearing: RZ2102 Shakori Hills. Request by Walid Nicola for rezoning from R-15 Residential Low Density to R-12 Residential Medium Density (GPIN 8883766151)

Mr. Page explained that this is a request to rezone the subject property from R-15 to R-12. He added that the property is currently wooded. This property was originally approved as a neighborhood in the 1990's, but went through a subsequent development phase in 2006. Mr. Page stated that at this time, the developer is requesting a rezoning to R-12, without a stated reason. The developer had approval in 2006 for an R-15 with open space subdivision. He added that this site is already within Graham's City limits.

With no questions forthcoming from Council Members, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members via the livestream:

Walid Nicola-204 Windrift Dr. Gibsonville	Nathan Wiles-849 Rumar St. Graham
---	-----------------------------------

Mr. Nicola, the applicant, advised that he has a nationally known builder who is interested in developing this property. Mr. Nicola was asked about the Jordan Lake rules, density, buffers and the proposed entrance to the property. Mr. Page reminded everyone that this is a straight rezoning and the developer has the right to use anything that was originally approved. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Rezoning the property would be in consistence with the Suburban Residential type and furthers policy 3.3.2, and strategy 4.3.1, as put forth by the Graham 2035 Comprehensive Plan. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Issues Not on Tonight's Agenda (Public Comment Period):

Ms. Deborah Wagner of 411 Old Farm Road Graham joined the livestream and asked what was being developed behind her property. Following a brief discussion, Ms. Wagner was given Mr. Page's contact information and encouraged to contact him for more information.

Mr. Holland asked Mayor Peterman to consider setting a deadline for Council Members to submit questions they may have for staff following the March 4, 2021 virtual budget meeting. Mayor Peterman set the date of March 15, 2021.

Council Member Hall asked Mr. Holland when the next budget meeting will be. Mr. Holland advised it would be sometime in May.

Council Member Talley announced upcoming events planned for her downtown stage located on E. Elm Street.

Council Member Talley spoke of the upcoming Arbor Day, stating that she has purchased plaques to be placed on trees she has purchased, honoring two of her employees who have passed away. She asked if the City could plant a tree in memory of former Council Member Mickey Cheek, who recently passed away. Council Member Talley sent prayers to Mr. Cheek's family.

Council Member Wiggins advised that there is a tree in memory of Mr. Cheek's daughter planted in Cooke Park and thinks that if the City wanted to plant a tree in memory of Mr. Cheek, we consider planting it near that tree.

Mayor Peterman mentioned the passing of former Council Member Carrie Thompson, noting that Ms. Thompson was Graham's first female Council Member. He stated that if the City is going to plant a tree in memory of Mr. Cheek, we need to plant one in memory of Ms. Thompson as well.

Mayor Peterman announced that Arbor Day festivities will look a little different this year due to Covid-19. He stated that various activities will be held throughout the month, culminating with Arbor Day on April 30, 2021. Mayor Peterman advised that he will let everyone know times for the various activities.

At 8:10 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, APRIL 13, 2021
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, April 13, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street. Due to the Covid-19 Pandemic gathering restrictions, the public was provided information on how to participate remotely via livestreaming media.

Council Members Present:

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

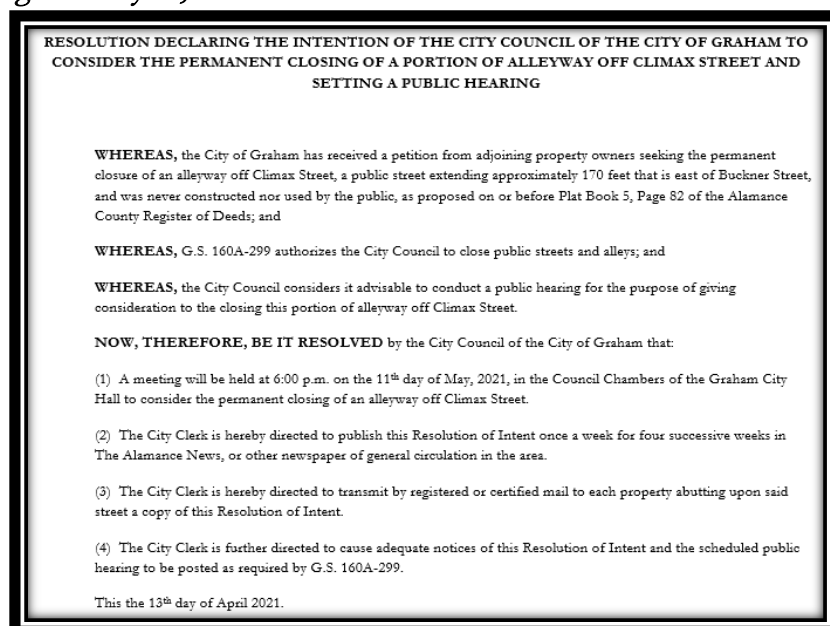
Staff Present:

Aaron Holland, Interim City Manager
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager
Mary Faucette, Downtown Development Coordinator
Brian Faucette, Recreation & Parks Director

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mayor Pro Tem Chip Turner gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approve Minutes – March 4, 2021 Special Session (Virtual)*
- b. Approve Minutes – March 9, 2021 Regular Session (Virtual)*
- c. Approve Resolution Declaring the Intention of the City Council of the City of Graham to Consider the Permanent Closing of a Portion of Alleyway off Climax Street and Setting a Public Hearing for May 11, 2021*



- d. *Adopt Master Plan for Graham Recreation and Parks Department Master Plan*
 e. *Annexation Ordinance fixing clerical error for Voluntary non-contiguous Annexation for 70 +/- acre lot located off Jimmie Kerr Road (GPIN 8893465385, 8893762882, 8893587021, 8893682433, 8893585808) (AN2004)*

<p style="text-align: center;">Corrected ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR FIVE LOTS ON SUGAR RIDGE AND JIMMIE KERR ROAD (AN2004)</p> <p>WHEREAS, the Graham City Council received a petition pursuant to G.S. 160A-58 to annex the area described below; and</p> <p>WHEREAS, the Graham City Council by resolution directed the City Clerk to investigate the sufficiency of the petition; and</p> <p>WHEREAS, the City Clerk 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 December 8, 2020, after due notice by publication on November 19, 2020; and</p> <p>WHEREAS, the annexation ordinance to extend corporate limits of the City of Graham, North Carolina, for five lots on Sugar Ridge and Jimmie Kerr Road (AN2004) was recorded in the Alamance County Registry on December 16, 2020 in Record Book 4094, Pages 629-631; and</p> <p>WHEREAS, the legal description set forth in said recorded annexation ordinance contained an error and did not match the Surveyor's sealed Corporates Limits Extension Plat, which was recorded in the Alamance County Registry on December 16, 2020, Plat Book 81, Pages 391-393. A revised legal description has been set out below in order to correct the previous error and provide the proper information to the public; and</p> <p>WHEREAS, the Graham City Council found that the petition met the requirements of G.S. 160A-58;</p> <p>NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:</p> <p>Section 1. By virtue of the authority granted by G.S. 160A-58, the following described territory was annexed and made part of the City of Graham as of December 31, 2020:</p> <p>Beginning at an existing railroad spike, said railroad spike having state plane coordinates (NAD 83 / NSRS 2011) of N = 839,139.30' & E = 1,895,662.65' and being at a T-intersection on the southern right of way of Cherry Lane (S.R. 2123) and the centerline of Sugar Road; thence making the following calls:</p> <p>Along the southern right of way of Cherry Lane, North 83°08'34" East, 399.98 feet to a pinched top existing iron pipe;</p> <p>Thence, on a curve with a radius of 2848.41', an arc length of 255.15 feet, having a chord bearing of North 80°42'47" East, and a chord distance of 255.06 feet to an existing iron pipe;</p> <p>Thence, leaving the southern right of way of Cherry Lane, South 9°40'08" East, 1,683.80 feet to an existing iron pipe;</p> <p>Thence, South 88°51'32" West, 556.97 feet to a pinched top existing iron pipe;</p> <p>Thence, South 87°25'33" West, 26.34 feet to a computed point on approximately the centerline of Mills Creek;</p> <p>Thence, following the approximate centerline of said creek and making the following calls:</p> <p style="padding-left: 40px;">-Thence, South 28°45'03" East, 134.31 feet to a computed point;</p> <p style="padding-left: 40px;">-Thence, South 7°28'21" West, 108.13 feet to a computed point;</p>

-Thence, South 39°55'58" East, 230.69 feet to a computed point;
 -Thence, South 17°55'36" East, 87.61 feet to a computed point;
 -Thence, South 33°07'57" East, 81.17 feet to a computed point;
 -Thence, South 8°30'56" East, 130.25 feet to a computed point;
 -Thence, South 23°48'25" West, 84.14 feet to a computed point;
 -Thence, South 32°25'15" West, 97.79 feet to a computed point;
 -Thence, South 38°48'45" West, 55.60 feet to a computed point;
 -Thence, South 24°25'41" West, 57.81 feet to a computed point;
 -Thence, South 74°16'13" West, 99.46 feet to a computed point;
 -Thence, South 58°36'41" West, 53.64 feet to a computed point;
 -Thence, South 32°09'29" West, 37.30 feet to a computed point;
 -Thence, South 59°50'22" West, 66.08 feet to a computed point;
 -Thence, South 44°20'27" West, 48.12 feet to a computed point;
 -Thence, North 84°17'38" West, 44.79 feet to a computed point;
 -Thence, South 49°36'31" West, 53.73 feet to a computed point;
 -Thence, South 43°55'34" West, 61.58 feet to a computed point;
 -Thence, South 67°14'46" West, 106.78 feet to a computed point;
 -Thence, South 53°00'30" West, 96.90 feet to a computed point;
 -Thence, South 61°48'38" West, 13.52 feet to a computed point;

Thence, leaving the approximate centerline of Mills Creek, North 32°40'57" West, 251.96 feet to an existing iron pipe;

Thence, South 60°08'43" West, 761.62 feet to an existing iron pipe;

Thence, North 8°47'07" West, 112.23 feet to an existing iron pipe;

Thence, South 67°56'49" West, 319.28 feet to a pike nail set in the centerline of Jimmie Kerr Road;

Thence, along the centerline of said road, North 23°06'44" West, 286.09 feet to a pike nail set;

Thence, North 15°52'55" West, 88.05 feet to a computed point;

Thence, leaving the centerline of Jimmie Kerr Road, North 64°18'53" East, 360.00 feet to a computed point;

Thence, North 25°40'57" West, 17.28 feet to an existing iron pipe;

Thence, North 70°52'15" East, 790.00 feet to an existing iron pipe;

Thence, North 46°02'32" East, 251.21 feet to an existing iron pipe;

Thence, North 18°44'26" East, 485.42 feet to the base of an existing iron pipe;

Thence, South 82°24'49" West, 828.00 feet to a computed point on approximately the centerline of Back Creek;

Thence, following the approximate centerline of said creek and making the following calls:

-Thence, North 25°18'19" East, 585.00 feet to a computed point;

-Thence, North 50°03'19" East, 183.47 feet to a computed point;

Thence, leaving the approximate centerline of Back Creek, South 47°37'33" East, 248.92 feet to a computed point;
 Thence, South 65°21'25" East, 331.18 feet to a pinched top existing iron pipe;
 Thence, South 65°34'40" East, 100.46 feet to a computed point;
 Thence, North 28°08'01" East, 186.45 feet to a pinched top existing iron pipe;
 Thence, North 61°51'14" West, 99.91 feet to a pinched top existing iron pipe;
 Thence, South 28°14'03" West, 75.29 feet to a computed point;
 Thence, North 63°41'04" West, 527.73 feet to a computed point on approximately the centerline of Back Creek;
 Thence, following the approximate centerline of said creek and making the following calls:
 - Thence, North 65°06'41" East, 1.85 feet to a computed point;
 - Thence, North 65°02'24" East, 34.98 feet to a computed point;
 - Thence, North 28°20'19" East, 150.00 feet to a computed point;
 - Thence North 6°14'19" East, 269.99 feet to a computed point;
 - Thence, North 41°55'41" West, 136.33 feet to a computed point;
 - Thence North 36°34'07" West, 154.86 feet to a computed point;
 - Thence, North 35°02'59" West, 260.00 feet to a computed point;
 - Thence, North 25°18'59" West, 144.29 feet to a computed point;
 Thence, leaving the approximate centerline of Back Creek, North 83°12'25" East, 49.96 feet to a point computed;
 Thence, North 83°11'08" East, 498.33 feet to the point and place of beginning containing 69.678 Acres more or less.
 Being all the same property located in the City of Graham recorded at the Alamance County Register of Deeds in Plat Book 81, Pages 391, 392, and 393.

Section 2. Upon and after December 31, 2020, the above-described territory and its citizens and property have been and are subject to all debts, laws, ordinances and regulations in force in the City of Graham and are entitled to the same privileges and benefits as other parts of the City of Graham. Said territory is subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham caused 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 the original Ordinance and shall cause this corrected Annexation Ordinance to be recorded and or filed with the appropriate agencies. Such a map was also delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 13th day of April, 2021.

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Jennifer Talley asked to pull items "d" and "b". Mayor Pro Tem Turner made a motion to approve items "a", "c" and "e" on the Consent Agenda, seconded by Council Member Melody Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item "b", Council Member Talley referred to the Requests & Petitions from Citizens – First Reading: Temporary Outdoor Sales section of the minutes. Council Member Talley doesn't recall being permitted to vote on Council Member Wiggins second motion to recuse Council Member Talley from the discussion and vote. Mayor Peterman suggested having the City Clerk review the meeting's recording for clarification. With no further discussion forthcoming, Mayor Peterman made a motion to approve item "b", with the exception of the section brought forth by Council Member Talley, and asked the City Clerk to clarify at next month's meeting. Council Member Ricky Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

On April 20, 2021 City Clerk Darcy Sperry reviewed the March 9, 2021 YouTube recording. The following is a timeline of action taken on the section in question - First Reading: Temporary Outdoor Sales:

- 1:05:35 – Council Member Wiggins makes motion to recuse Council Member Talley. With failure to receive a second, Mayor Peterman announces that the motion died.
- 1:07:23 – Council Member Wiggins makes a motion to recuse Council Member Talley.
- 1:07:27 – Mayor Peterman seconds the motion.
- 1:07:33 – Mayor Pro Tem Turner votes aye.
- 1:07:35 – Council Member Wiggins votes aye.
- 1:07:38 – Council Member Hall votes nay.
- 1:07:43 – Council Member Talley votes nay.
- 1:07:52 – Mayor Peterman votes aye

Concerning item “e”, Council Member Talley asked Recreation and Parks Director Brian Faucette about the plan. Specific area of discussion included clarification about grant opportunities and the request for the FY 2021-2022 budget. Council Member Hall made a motion to approve item “d” on the Consent Agenda, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Old Business:

- a. **Public Hearing: RZ2010 Riverbend Business. Request by G. Travers Webb III to rezone a portion of the property located on East Harden Street from R-MF (Multi-Family Residential) to B-2 (General Business) (GPIN 8884721949)**
- b. **Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on (GPIN 8894453334)**

Planning Director Nathan Page advised that the applicant had requested that items “a” and “b” be tabled until next month. Mayor Peterman made a motion to table item “a” to next month, seconded by Council Member Hall.

Mayor Peterman polled the Council Members and all voted in favor of the motion.

Mayor Peterman made a motion to table item “b” to next month, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

- c. **Public Hearing: Petition for Voluntary Contiguous Annexation for a 2 +/- acre lot located at 1342 Jimmie Kerr Road (GPIN 8894425247) (AN2101)**

Mr. Page explained the location and request from the applicant. Council Member Talley inquired about staff's approval, it is in the affirmative, no questions. Mayor Peterman opened the Public Hearing.

The following individual addressed this agenda item with Council Members via the livestream:

Craig Robertson-412 Springwood Ave. Gibsonville

Discussion ensued about the situation from the Mayor and Council Member Wiggins made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for two +/- acres at 1342 Jimmie Kerr Road, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion. Mr. Tom Boney of the Alamance News pointed out to Mayor Peterman that he failed to close the Public Hearing. Mayor Peterman closed the Public Hearing and asked Council Member Wiggins to repeat her motion. Council Member Wiggins repeated the motion and Council Member Hall seconded. Mayor Peterman polled the Council Members and all voted in favor of the motion.

<p style="text-align: center;">ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR 1342 JIMMIE KERR ROAD (AN2101)</p> <p>WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and</p> <p>WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and</p> <p>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 April 13, 2021, after due notice by publication on March 25, 2021; and</p> <p>WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;</p> <p>NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:</p> <p>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 April 30, 2021:</p> <p>Beginning at a point in the center of Jimmie Kerr Road, (S.R. No. 1928) and the City of Graham Corporate limits line and corner between Juanita B. Ray heirs and Allison Nicole McCauley, ETAL, said point being located N70° 51' 07" W 30.66 feet from an existing iron pipe in the line between Juanita B. Ray heirs and Allison Nicole McCauley Etal, running thence along the centerline of Jimmie Kerr Road (S.R. 1928) and the existing City of Graham Corporate Limits line the following two (2) courses and distances: (1) N31° 16' 52"E 127.59 feet to a point; (2) N36° 07' 13"E 83.12 feet to a point and corner between Juanita B. Ray heirs and Jay Vance Rogers; running thence along the line between Jay Vance Rogers and Juanita B. Ray heirs the following three (3) courses and distances: (1) S63° 18' 0"E 488.20 feet to an existing iron pipe (iron stake setback in the line in this line 38.94 feet from corner in road); (2) S26° 27'14"W 141.18 feet to an existing iron pipe; (3) N70° 57' 57"W 169.24 feet to an existing iron pipe and being a common corner between Juanita B. Ray heirs, Jay Vance Rogers and Allison Nicole McCauley Etal; running thence along the line between Juanita B. Ray heirs and Allison Nicole McCauley Etal N70° 51' 07"W 315.13 feet to an existing iron pipe; thence continuing N70° 51'07"W 30.66 feet to the POINT OF BEGINNING and containing 2.00 acres (0.003 square miles.)</p> <p>Being all the same property located in the City of Graham, recorded in the Alamance Country Register of Deeds at Plat Book _____, Page _____.</p> <p>Section 2. Upon and after April 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.</p> <p>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.</p> <p style="text-align: center;">Adopted this, the 13th day of April, 2021.</p>
--

Requests & Petitions from Citizens:

- a. *First Reading: Temporary Outdoor Sales. Request by Patrick Miller to amend Chapter 8, Article VIII, Sec. 8-345 of the Code Of Ordinances Of The City Of Graham, North Carolina*

Interim City Manager Aaron Holland discussed the solution for Mr. Miller pursuant to Chapter 8, Article VIII, Sec. 8-345 of the Code of Ordinances of The City of Graham, North Carolina. Presented to Council is a draft ordinance. The ordinance is set to expire June 1, 2021. Explanation of the date was stated to the Council.

Mayor Pro Tem Turner asked for clarification of the end date's nullification. Council Member Talley raised a concern about bringing the request back before Council again when the vote was for denial. City Attorney Bryan Coleman referenced where the procedure stems from, the Code of Ordinance and not from the Development Ordinances. Mayor Peterman provided clarification to Council Member Talley. Council Member Wiggins made remarks supporting why the item is before Council this evening. Council Member Talley requested to table the item. Council Member Wiggins followed with explanation of the law and continued with the review. Council Member Wiggins asked for a clarification pertaining to the listed article number. Mr. Holland clarified the section. Mr. Page further supported the statement as presented. Council Member Wiggins asked Mayor Peterman if Council Member Talley should be recused. Mayor Peterman explained to Council Member Talley that she could remain to vote on this item. Council Member Talley read a statement in which she referenced was from her lawyer related to the recusal process. Discussion ensued. Council Member Wiggins directed a question to Mr. Holland related to the basis for which Council Member Talley was recused last month. Mr. Coleman discussed advisement from Adam Lovelady of the UNC School of Government. Mr. Coleman stated the indication is for the City of Graham to review conflicts as stated in the reference. In short, it was a correct proceeding. Mr. Boney asked if this is different and who it was directed from. Mr. Coleman responded. Mr. Boney further made a statement in regard about inquiry to a previous question to the School of Government in reference to recusal. Council Member Talley continued her discussion on the topic in reference to interest and the effect of those representative on the Boards. Mayor Peterman responded. Mr. Coleman continued support of the procedures of the meeting. Mayor Peterman requested support from Mr. Coleman on the procedures for the recusal. Mayor Peterman directed the discussion back to Mr. Miller's request. Mr. Boney returned back to the microphone to address Council.

Mayor Peterman directed the Council to return back to the request to the first read of the Temporary Outdoor Sales. Discussion among the Council ensued. Council Member Talley stated she wants to assist Mr. Miller, however she is not in favor of making amendments to the Ordinance. Mayor Pro Tem Turner stated there is no permanency in what is being requested at this time. Council Member Wiggins made a motion to approve the Ordinance Amendment to CHAPTER 8, ARTICLE VIII, SEC. 8-345 OF THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the council. Ayes: Council Member Wiggins, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Talley and Council Member Hall. Motion failed to receive a supermajority vote required to pass on the first reading, therefore a second reading will be scheduled for the May 11, 2021 meeting.

Recommendations from Planning Board:

- a. ***Public Hearing: RZ2103 Cherry Industrial. Request by Jeffrey & Jeanne Eichinger to rezone 5 parcels, approximately 40 acres, from R-18 (Low Density Residential) to I-1 (Light Industrial in the vicinity of 2230 Cherry Lane (GPIN 9804012943, 8894916547, 8894912932, 8894923597 & 8894921459)***

Mr. Page explained the request. Council Member Hall asked a question of Mr. Page in regard about vacating the premises. Mr. Page defaulted to the property owners. Mayor Peterman asked about the Planning Board's reason for tabling. Mr. Page corrected, that this a recommendation for denial from the Planning Board 3:2, he further explained the denial.

Mayor Peterman opened the Public Hearing and Downtown Development Coordinator Mary Faucette read a public comment received from Tonya Whitfield of 2300 Cherry Lane Haw River.

The following individuals addressed this agenda item with Council Members via the livestream:

Jeff & Jeanne Eichinger-2230 Cherry Lane Haw River
--

Council Member Talley asked if the property owners spoke with Ms. Whitfield. Mr. Eichinger confirmed he has spoken with Ms. Whitfield. Council Member Talley directed a question to Mr. Holland in regard to vegetation. Mr. Holland responded further identification will come forward as development moves forward. Council Member Talley directed a question to Mr. Page regarding preservation of trees. Mr. Page responded property owners have the right to determine what happens to their land. Mr. Holland reinforced Mr. Page's response. He identified the difference between this request and other rezoning requests where conditions can be placed upon them. Mr. Page presented a map identifying a stream and discussion continued.

The following individual addressed this agenda item with Council Members via the livestream:

Glenn Patterson

Mayor Peterman closed the Public Hearing. Discussion ensued by the Council. Council Member Wiggins made a motion that the application be approve, the application is consistent with the Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Rezoning the property would be in consistence with the Mixed Use Commercial District type (Policy 2.4.1) and will allow land uses which are likely to attract employment opportunities within the City of Graham (Strategy 2.2.1). Mayor Pro Tem Turner seconded the motion. All voted in favor of the motion.

b. Public Hearing: AM2101 160D Update. A comprehensive update to the Development Ordinance, as required by the North Carolina General Assembly (Tabled by Planning Board)

Council Member Hall made a motion to table this item, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Law Enforcement Risk Review Presentation:

Mr. Holland introduced Mr. Matthew Selves, Public Risk Safety Manager with the North Carolina League of Municipalities. Presentation of a Law Enforcement Risk Review ensued.

Council Member Talley requested Mr. Selves to speak about the challenges Police have had over the last year with reference to hiring. Mr. Selves explained the leagues point of view of hiring. Mayor Peterman ask what prompts a review from the league. Mr. Selves replied.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease:

Mayor Peterman stated that the Fire Department is looking to expand their facilities and has identified empty lots on Moore Street (parcel id's 144001, 143995, 143994 and 143984). He added that Chief Tommy Cole, Captain Jason Moore, Captain Jason Cook, Mr. Holland, Mr. Coleman and Mr. Page will be joining closed session along with the Council. At 7:35p.m., Mayor Peterman made a motion to go into closed session to discuss these properties, seconded by Council Member Hall. All voted in favor of the motion. Mayor Peterman called for a 10 minutes recess and declared the closed session would begin at 7:45 p.m.

At 8:53 p.m., Mayor Pro Tem Turner made a motion to come out of closed session, seconded by Council Member Hall. All voted in favor of the motion. Mayor Peterman explained Council discussed the site and costs for property for a substation. He added that Council gave staff the permission to negotiate on the previously mentioned properties plus evaluated other potential sites as well.

Mr. Boney expressed concern that given the length of time Council was in closed session, the discussion may have veered from the stated reason for going into closed session. Mayor Peterman advised that the closed session discussion was limited to land purchase and to look to see if there would be a better location for a future substation.

Issues Not on Tonight's Agenda (Public Comment Period):

Council Member Talley mentioned a customer appreciation luncheon – BBQ this coming Friday. On Saturday, the Maverick is sponsoring the "Kinfolk" concert series.

Council Member Wiggins spoke about a Public Hearing for NC 54 & NC 49. She advised this will close May 10, 2021. She provided a website address and encouraged the public visit the website and provide input on the options presented.

Council Member Wiggins advised that she has received several complaints about a green truck parking in the bike lane on Pine Street and asked that this be addressed. Mayor Peterman stated he would take care of calling the owner of the truck.

Council Member Talley addressed Council about City Hall's staff remotely working and recommended a hybrid model for open Council meetings. Mr. Holland advised that the plan is that on May 10, 2021 all of the City Hall staff will begin working at City Hall. He added that City Hall will be reopened to the public on June 1, 2021.

He advised that the delayed opening is to allow for the building to be equipped with safety measures and for all staff to get their second Covid-19 vaccine to protect our staff as well as the citizens.

Mayor Peterman remarked about the Tree Board's activities and directed the public to view the City's website for more information about Arbor Day on April 30, 2021.

He stated that trees will be planted in honor of the late Carrie Thompson and Mickey Cheek, both former Council Members. He added that a third tree will also be planted, but he is not aware of the person who will be honored with that planting. Council Member Talley remarked she is planting trees in honor of Kimberly Williams and Steven Hall. She advised there is a third one but she cannot recall the name her husband told her.

Mr. Page informed Council of House Bill 401 (Increase Housing Opportunities) and House Bill 511 (STI Funding/Bicycle/Pedestrian Improv). He stated that he thought Council would want to be made aware of both and stated that if Council would like to take action on either, he would draft resolutions to be brought forth at next month's meeting. Consensus was given to draft a resolution in opposition to House Bill 401 and in support of House Bill 511.

Mr. Richard Shevlin of 510 Wildwood Lane Graham and representing ALCOVETS, asked Council for a road closure of the 100 block of East Elm Street on September 17, 18 and 19, 2021 for a Dockdogs event. He asked this request be put on next month's agenda. Mrs. Faucette reminded Council that they previously approved that event requests be funneled through her. She told Mr. Shevlin that she can send him our event application and as long as the committee does not have any objections, it should not have to come back before Council.

At 9:13 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

Mary Faucette, Downtown Development Coordinator

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MAY 11, 2021
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, May 11, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street. Due to the Covid-19 Pandemic gathering restrictions, the public was provided information on how to participate remotely via livestreaming media.

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
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager
Mary Faucette, Downtown Development Coordinator
Tommy Cole, Fire Chief

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Council Member Ricky Hall gave the invocation and everyone stood to recite the Pledge of Allegiance.

Code of Ethics Disclosing Conflicts of Interest:

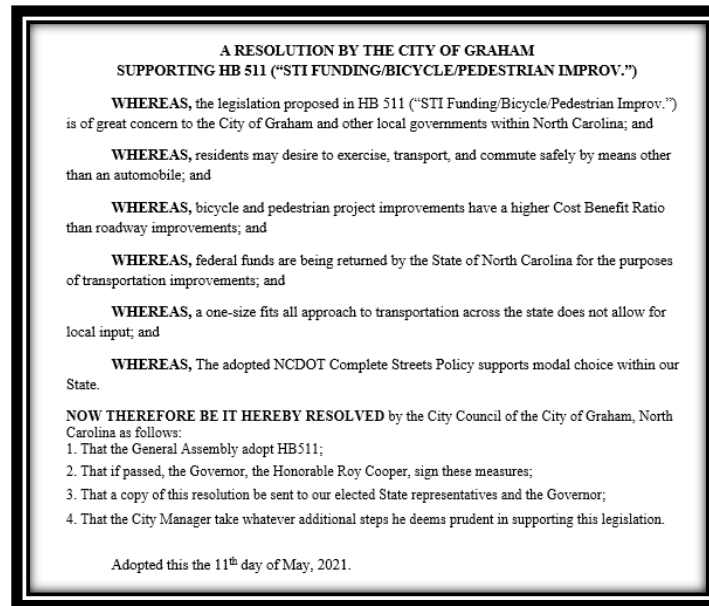
Council Member Jennifer Talley advised that two people had contacted her about the Windsor development on tonight's agenda and she had directed them to the draft quasi-judicial procedures.

Consent Agenda:

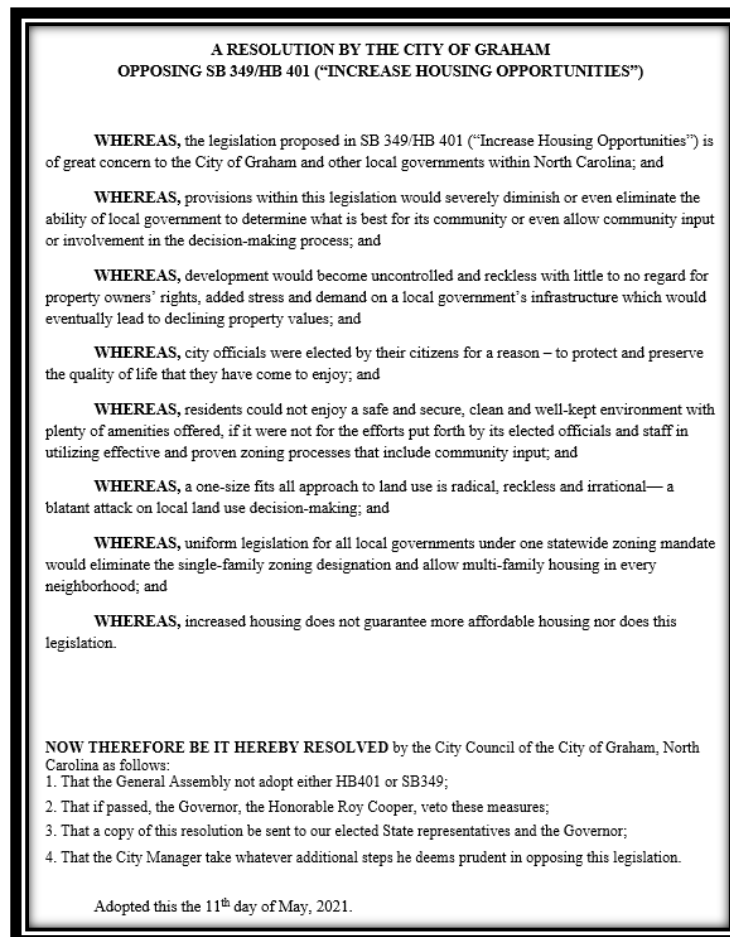
- a. Approve Minutes – April 13, 2021 Regular Session*
- b. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
MAY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
644700	2018	HAYES, KEVIN GORDON	BOATS NOT LOCATED IN ALAMANCE COUNTY	\$22.32
644700	2019	HAYES, KEVIN GORDON	BOATS NOT LOCATED IN ALAMANCE COUNTY	\$21.55
644700	2020	HAYES, KEVIN GORDON	BOATS NOT LOCATED IN ALAMANCE COUNTY	\$19.55
653999	2018	HAYES, KEVIN GORDON	BOATS NOT LOCATED IN ALAMANCE COUNTY	\$21.70
653999	2019	HAYES, KEVIN GORDON	BOATS NOT LOCATED IN ALAMANCE COUNTY	\$21.70
653999	2020	HAYES, KEVIN GORDON	BOATS NOT LOCATED IN ALAMANCE COUNTY	\$21.70

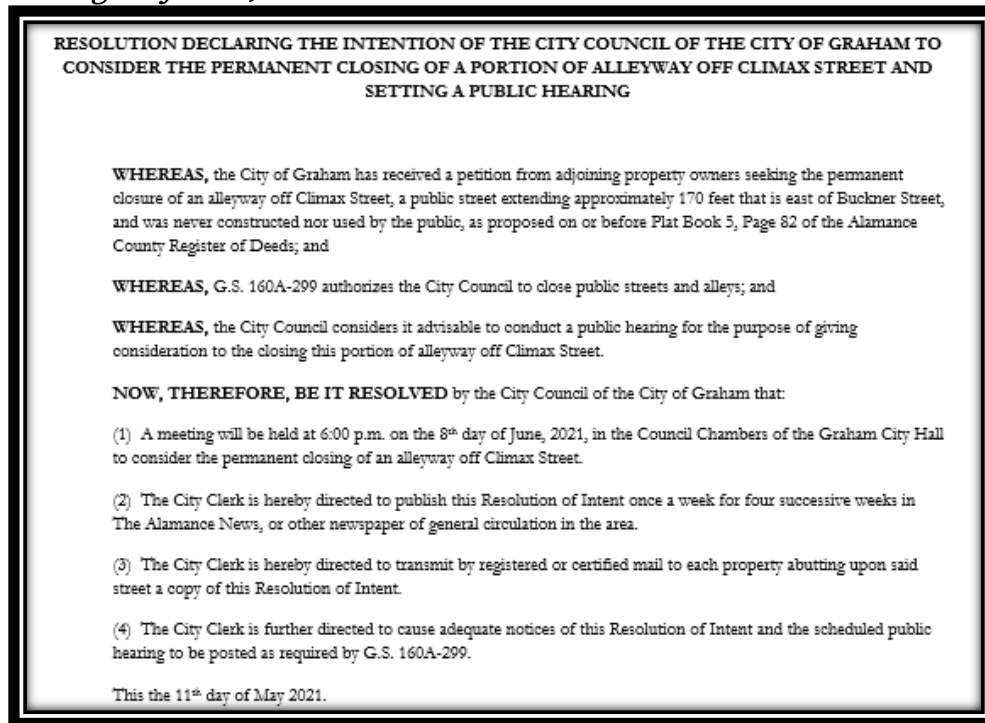
c. Approve Resolution in Support of House Bill 511, STI Funding/Bicycle/Pedestrian Improv



d. Approve Resolution Opposing House Bill 401/Senate Bill 349, Increase Housing Opportunities



- e. *Approve Resolution Declaring the Intention of the City Council of the City of Graham to Consider the Permanent Closing of a Portion of Alleyway off Climax Street and Setting a Public Hearing for June 8, 2021*



Council Member Hall made a motion to approve the Consent Agenda, seconded by Mayor Pro Tem Chip Turner. All voted in favor of the motion.

Old Business:

- a. ***Public Hearing: RZ2010 Riverbend Business. Request by G. Travers Webb III to rezone a portion of the property located on East Harden Street from R-MF (Multi-Family Residential) to B-2 (General Business) (GPIN 8884721949)***

Planning Director Nathan Page explained that this property is surrounded by two development types; a large multi-family tract, and suburban residential across Harden Street. This request is to rezone a portion of the property from R-MF to all B-2. He added that the lot is currently vacant and the stated reason for this rezoning request is for "...the entire property covered under one zoning regulation. This rezoning should allow for marketing my property for future development."

With no questions forthcoming from Council Members, Mayor Peterman opened the Public Hearing.

Via the livestream, the following individual expressed concern with the Zoom information for tonight's meeting:

Cynthia Thompson

The following individual made himself available to answer questions from Council Members via the livestream:

George Webb

With no questions forthcoming, Mayor Peterman closed the Public Hearing. Following a brief discussion, Council Member Melody Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The adjacent multifamily developments, the quantity of vehicle traffic, and the size of the Highway 54 corridor suggest that a business may be better suited to this site than additional apartments, in alignment with strategies 1.1.5, 2.3.1 and policy 3.1.2. Council Member Hall seconded the motion and all voted in favor of the motion.

b. Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on Truby Drive (GPIN 8894453334)

Mr. Page explained that this is a request to rezone the subject property from I-1 (Light Industrial) to CMXR (Conditional Mixed Use Residential). The application is for 22 buildings, with 24 units per building for a total of 1056 bedrooms. Mr. Page added that a list of proposed conditions was included in the applicant's request:

- Access via Truby and an easement
- Meet all TRC/NC DOT/Etc. standards
- Meet Graham multifamily standards
- Include office, clubhouse, pool, recreation areas
- Three story, mix of one, two, and three bedroom apartments

Council Members and staff discussed staff's recommendation of denial. Mr. Page stated that the City does not have sufficient sewer capacity to handle that many apartments at that location and staff is concerned about the potential traffic impact to the Jimmie Kerr Road/Truby Drive area. Council Members and staff briefly discussed possibly sitting down with this applicant and the applicant for RZ2104 Jimmie Kerr Multi-Family on tonight's agenda to see if it would be beneficial for them to work together on one comprehensive plan for that area.

With no further questions forthcoming, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members via the livestream:

Alex Perkins-140 Summerlyn Pl Semora NC	John Burton-2849 Burlington
George Webb	Tom Boney-Alamance News

Council Members discussed the request in length with applicants Mr. Perkins and Mr. Burton. At the center of the discussion was the insufficient sewer capacity and how to resolve that. Staff estimated that it would take north of \$3 million to upgrade the Cooper Road pump station. Mr. Holland advised that it is up to Council as to whether or not they choose to invest City funds into this project. Mr. Boney of the Alamance News asked how many gallons is equated with the \$3 million estimate.

Mr. Page advised that he did not know the gallon amount, but \$3 million is what the City's Engineer estimated for the addition of 500 apartment homes. At the end of the discussion, Mr. Perkins advised that they would prefer that Council table this request versus denial and provide time for the developers to meet with staff to go over options.

With no further discussion forthcoming, Mayor Peterman made a motion to postpone this item for one month, to next month's meeting, seconded by Council Member Talley. All voted in favor of the motion.

c. Second Reading: Temporary Outdoor Sales. Request by Patrick Miller to amend Chapter 8, Article VIII, Sec. 8-345 of the Code Of Ordinances Of The City Of Graham, North Carolina

Mr. Page explained that this request by Patrick Miller is to relax the existing ordinance pertaining to Temporary Outdoor Sales, to allow Mr. Miller the ability to operate his own food truck on his own lot for five out of seven days per week. Mr. Page advised that the sunset date included in the ordinance is June 1, 2021.

With no discussion forthcoming, Mayor Pro Tem Turner made a motion to approve the Ordinance Amendment to CHAPTER 8, ARTICLE VIII, SEC. 8-345 OF THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA, seconded by Mayor Peterman. Ayes: Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Wiggins, Council Member Talley and Council Member Hall. Motion failed 3:2.

Council Member Wiggins made a motion approve the Ordinance Amendment to CHAPTER 8, ARTICLE VIII, SEC. 8-345 OF THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA with the sunset date of August 1, 2021. Motion died for lack of second.

d. Public Hearing: AM2101 160D. A comprehensive update to the Development Ordinance, as required by the North Carolina General Assembly

Mr. Page that the North Carolina General Assembly has changed the enabling legislation for all municipalities and counties. As this is the law from which all of our authority is delegated, we are required to update our regulations, or be at risk of not being in compliance with state law. Mr. Page advised that the deadline for Council to adopt this is July 1, 2021.

Following a brief discussion between Council Members and staff about the proposed changes being unique to Graham, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member Wiggins made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: The proposed amendment brings us into alignment with the new 160D regulations. Council Member Hall seconded the motion and all voted in favor of the motion.

Requests & Petitions from Citizens:

a. Whit's Staircase Encroachment. Request by Chuck Talley for an encroachment license agreement for the installation of a staircase on the North side of the building located at 21 SE Court Square

Interim City Manager Aaron Holland explained that the requested action is to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Chuck Talley to construct architectural staircase on North side of the 21 SE Court Square property. He added that Chuck Talley has submitted a written request and supporting photos for a proposed staircase to be installed on the north side of the 21 SE Court Square building. The proposed staircase will be approximately 4 foot wide and 20 foot in length. Mr. Holland advised that the intent of the installation is to access the 2nd floor patio (roof top). An encroachment license agreement approved by City Council is required pursuant to Sec. 18-2(c) of the City's Code of Ordinances. Mr. Holland informed Council that the Historic Resources Commission met on April 6th, 2021 and approved the architectural design of the staircase.

Prior to discussion, Council Member Talley asked that she be recused. All Council Members voted for recusal. Council Member Wiggins expressed concern with the only street level encroachments the City has approved have all been for the Talley's. She expressed concern that we are setting a precedent that anyone can use the right-of-way for personal use.

With no further discussion forthcoming, Mayor Pro Tem Turner made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Chuck Talley for the installation of a staircase on the North side of the building located at 21 SE Court Square as identified by the submitted photos with the following condition(s):

- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured.
- Provide a final survey to confirm approved use of public space.
- Improvements under the Encroachment License must be made prior to the expiration of the building permit.

Council Member Hall seconded the motion. Ayes: Mayor Pro Tem Turner, Council Member Hall and Mayor Peterman. Nays: Council Member Wiggins. Motion carried 3:1. Council Member Talley returned to her seat. At 7:34 p.m., Mayor Peterman called for a 10 minute recess. At 7:46 p.m., Mayor Peterman reconvened the meeting.

Recommendations from Planning Board:

a. Public Hearing: CR2002a Riley's Meadow. Request by Michael & Carolyn White, Trustee to change access drive location for Riley's Meadow, based on NCDOT request (GPIN 8893856817)

Mr. Page advised that per NCDOT, the road has to move. He added that everything else that was previously approved is exactly the same.

With no questions forthcoming, Mayor Peterman opened the Public Hearing.

The following individual addressed this agenda item with Council Members:

Tony Tate-5011 Southpark Dr. Durham

Mr. Tate was asked how far he had to move the road and he answered 150 feet. With no further questions forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Rezoning the property would be in consistence with Policy 3.2.1, 5.2.1, and Strategy 4.3.1 of The Graham 2035 Comprehensive Plan. Mayor Pro Tem Turner seconded the motion and all voted in favor of the motion.

b. Public Hearing: RZ2104 Jimmie Kerr Multi-Family. Request by Travers Webb for rezoning to R-MF from I-1 for approximately 11 acres on Jimmie Kerr Road (GPIN 8894469497 & 8894469816)

Mr. Page explained that this is a request to rezone the property from I-1 to R-MF. The property currently is vacant, and is surrounded by general business and industrial districts, including a hotel, truck stop, and packaging facility, the latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road. Mr. Page added that while this meets many of the standards of The Graham 2035 Comprehensive Plan, the potential magnitude of the density of development, unknown site layout, the limited sewer capacity, and the potential traffic issues suggest that this development may be better served by one comprehensive Conditional Zoning for the entire region.

The following individuals addressed this agenda item with Council Members:

John Burton	George Webb-129 Hudson St.
-------------	----------------------------

Mr. Webb stated that he believed this parcel was a crucial piece to developing this parcel and the ones behind it. He stated he is hoping to work with the City on sewer calculations. Following a brief discussion about postponing this item to allow for all parties to meet to discuss the sewer issues, Mayor Peterman made a motion to postpone this item until next month's meeting, seconded by Council Member Hall. All voted in favor of the motion.

c. S2101 Huntington Hills. Request by Don Sever for single family detached subdivision for 95 lots on 34 acres (GPIN 8894032541)

Mr. Page explained that this is request to create a new major subdivision on approximately 35 acres with 95 single family lots. He advised that the area was rezoned within the past couple of years and the request is for a regular single family detached subdivision and not an open space subdivision.

The following individual addressed this agenda item with Council Members:

Don Sever-1110 Navaho Dr. Raleigh

Following a brief discussion between Mr. Sever and Council Members, Mayor Pro Tem Turner made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: 3.2.1 and 3.2.3. Council Member Hall seconded the motion and all voted in favor of the motion.

d. Quasi-Judicial Public Hearing: SUP2101 Windsor Oakmont Subdivision. Request for Special Use Permit by Amanda Hodierne, Windsor Investments for townhomes on R-12 lots (GPIN 8883100157 & 8883000530)

City Attorney Bryan Coleman read the following statement:

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases.

The Council's discretion is limited. The Council must base its decision upon competent, relevant, and substantial evidence in the record. It is a decision that must be based on the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

This meeting is open to the public. However, participation is limited. Parties with standing have rights to present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the City Council. General witness testimony is limited to facts, no opinions. For certain topics, this Council needs to hear opinion testimony from expert witnesses. These topics include predictions about impacts on property values and predictions about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion.

Witnesses must swear or affirm their testimony. At this time the City Clerk will administer the oath for all individuals who intend to provide witness testimony.

Mr. Mayor polled the council for any bias or fixed opinions, conflicts of interest, ex-parte communications, or site visits. No comments were forthcoming.

City Clerk Darcy Sperry swore in the following individuals who were present in the Council Chambers and addressed this agenda item with Council Members:

Nathan Page	Amanda Hodierne-804 Green Valley Rd. Greensboro
Homer Wade-621 Eugene Ct. Greensboro	Lisa Lundeen-304 W. Millbrook Rd. Raleigh
Glenn Patterson-885 Cheeks Lane Graham	

Mr. Mayor polled the council for any bias or fixed opinions, conflicts of interest, ex-parte communications, or site visits. Mayor Peterman stated that he had read the 163 letters of opposition uploaded to the Council's IPads. Mayor Pro Tem Turner confirmed he had read the letters as well. Council Member Talley re-iterated that someone had called her and she directed them to the quasi-judicial procedures. Council Members decided that if no one from the public reads the letter template Council received, the City Clerk would read the template for the record.

Mayor Peterman advised that he had watched the Planning Board meeting until this item came on. Council Member Talley advised that she watched some of the Planning Board meeting. Council Members who spoke up all said that what they had read, seen or heard would not affect their decision.

Ms. Sperry swore in the following individuals who joined the livestream and addressed this agenda items with Council Members:

Joann Henry-504 Grandview Dr. Graham	Robyn Ferguson-592 Grandview Dr. Graham
Cynthia Thompson-1904 Palmer Dr. Graham	Charles Smith-616 Whisper Ridge Dr. Graham
Genet Beauclair-616 Whisper Ridge Dr. Graham	Larry Durham-1904 Palmer Dr. Graham
Vance Evans-1810 Springmeadow Dr. Graham	Conrad Collins-638 Whisper Ridge Dr. Graham
Paul Smart-556 Little Creek Dr. Graham	Kevin Moss-705 Whisper Ridge Dr. Graham
James Peck-617 Whisper Ridge Dr. Graham	Margaret Moody-1802 Meadowview Dr. Graham
Angela Parsons-506 Wildwood Ln. Graham	Martin Shoffner-611 Westridge Dr. Burlington

Mr. Page explained that this is a request for a Special Use Permit for Dwelling, Townhouse for adjacent properties located at 0 Little Creek Drive and 0 Broadway Drive. The sites are currently vacant. The combined sites are just over 59 acres. He added that the plan would permit up to 70 townhouses and 109 single family lots in the proposed subdivision. As indicated in the preliminary site plan, the proposed townhouses would be clustered in the northern portion of the property, close to existing townhouses to the north of the subject property. Mr. Page advised that a landscaping buffer has been proposed along the exterior of the townhome property.

With no questions forthcoming and without objection, Mayor Peterman opened the Quasi-Judicial Public Hearing.

Ms. Hoderne, attorney for the applicant, spoke on behalf of the applicant. She reviewed the Draft Findings of Fact & Conclusions of Law and introduced herself (planning), Mr. Wade (survey engineer), Ms. Lundeen (traffic) and Mr. Patterson (property appraisal) as qualified expert witnesses for the applicant. All offered expert testimony, in their respective fields, on behalf of the applicant. Mayor Peterman acknowledged and accepted their testimony as expert testimony. Mayor Pro Tem Turner asked the expert witnesses about stormwater control measures, while Council Member Talley asked questions about setbacks, lot sizes, a similar project from 2020, communication with neighborhood residents, and open space. Council Member Talley expressed concern with various aspects of the request.

All of the residents, with the exception of Mr. Shoffner, who addressed this agenda item via the livestream spoke in opposition of this request. At the conclusion of the livestream comments, Ms. Hoderne responded to concerns expressed by speakers. With no further comments forthcoming, Mayor Peterman closed the Quasi-Judicial Public Hearing.

Council Member Talley again expressed her concerns with the request, while Mayor Peterman, Mayor Pro Tem Turner, Council Member Wiggins and Council Member Hall stated they felt the applicant had met the six requirements for the Special Use Permit.

Following the discussion, Council Member Talley made a motion to recommend denial based on the fact that the development is not consistent with The 2035 Plan, its principal use predominantly detached single family homes, new neighborhoods may include a range of duplexes, townhomes, small scale family dwellings of 12 units or less and that it does not meet the harmonious consistency with item number five, the location and character of the usage developed according to The Plan will be in harmony with the area in which it will be located in general conformity with The Plan of the development of the Graham planning area. The motion failed to get a second and therefore died. Council Member Wiggins made a motion that the application be approved as presented, move to adopt the Findings of Fact and Conclusions of Law as presented in the staff report, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The development furthers goals of The Graham 2035 Comprehensive Plan and is in conformance with the Suburban Residential development type. The development meets all six conditions required by Section 10.144 of the Development Ordinance. Mayor Pro Tem Turner seconded the motion. Ayes: Council Member Wiggins, Mayor Pro Tem Turner, Mayor Peterman and Council Member Hall. Nays: Council Member Talley. Motion carried 4:1.

At 10:39 p.m., Mayor Peterman called for a 10 minute recess and at 10:51 p.m., he reconvened the meeting.

e. S2102 Windsor Oakmont. Request for major subdivision by David Michaels, Windsor Investments. Approximately 179 homes on 59.35 acres (GPIN 8883100157& 8883000530)

Mr. Page explained this is a request to create a new major subdivision on approximately 59 acres with 179 new lots (109 single family detached and 70 townhouses).

With no questions forthcoming, Council Member Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Allowing a higher density subdivision in this location removes households from the potential harm from floodways (4.3.1), protects greenspace and promotes a greenway trail system (3.2.4, 4.2.1). Mayor Pro Tem Turner seconded the motion. Ayes: Council Member Wiggins, Mayor Pro Tem Turner, Mayor Peterman and Council Member Hall. Nays: Council Member Talley. Motion carried 4:1.

Historical Museum Advisory Board Appointments:

Council Member Hall made a motion to table this until the next meeting, seconded by Mayor Peterman. All voted in favor of the motion.

City Manager Search Discussion:

Mayor Peterman asked the Council for permission to go ahead and set up a job description ready for Council Members next month. Council Member Hall made a motion to allow Mayor Peterman to set up the job description, seconded by Council Member Turner. All voted in favor of the motion.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease:

Mayor Peterman stated he felt this discussion could take place in open session and without objection from Council Members, asked Mr. Holland to review what Council had instructed staff to do in last month's closed session.

Mr. Holland advised that staff was tasked with looking at the possibility of other properties that could be purchased for a fire substation. He informed Council that at their request, realtor Gary Renigar was asked to help identify other properties. Mr. Holland advised that negotiations on the property brought to Council last month by Fire Chief Tommy Cole did not result in any viable options. The owner of that property is standing firm with their \$225,000 asking price. Mr. Renigar did propose two other properties. Fire Chief Cole stated that he and Public Works Director Burke Robertson went and looked at the other two properties and both felt neither would work. The three properties identified were:

- a. Property off Moore Street (parcels 19384, 143994, 143995, 144001 & 143988)
Owner: DDJS Properties LLC
- b. Property off Moore Street (parcel 131864)
Owner: Zaib Bhatti
- c. Property off intersection of Moore Street and Hanford Road (parcel 131950)
Owner: Debra Boone

Council Members and staff discussed the three properties identified, with parcel "a" being the property Chief Cole discussed with Council Members during closed session on May 11, 2021. Council Member Talley expressed concern for paying the full asking price for property "a", when the appraisal came back at \$146,000. Mr. Holland advised that Mr. Renigar said he was not surprised at the price tag for property "a". Mayor Peterman stated that we are past due for a substation and we need to build one now. Council Member Talley stated that she was in favor of pursuing the Bhatti property. She asked Chief Cole if Council wasn't agreeable to the \$225,000 price, what his second option would be. Chief Cole said none of the other options are viable for what we need. Council Member Hall stated that he did not want the property owner to receive any tax credits off the citizens of Graham. Mayor Peterman advised that the City would be buying this property outright. Chief Cole stated that the owner has asked for \$1,500 earnest money. Mr. Holland advised that the \$1,500 would allow time for the City to do their due diligence with this property. He also stated that the funds are included in the FY 2020-2021 Budget.

Mayor Peterman made a motion to pay the \$1,500 earnest money and sign a contract for property "a", seconded by Council Member Wiggins. Prior to the vote, Council Member Talley asked Mayor Peterman if he wanted to make a lower offer. Mayor Peterman stated that we already had and the seller will not take anything lower. Ayes: Mayor Peterman, Council Member Wiggins, Mayor Pro Tem Turner and Council Member Hall. Nays: Council Member Talley. Motion carried 4:1.

Following the vote, Council Member Talley asked Council Member Hall how he voted. Council Member Hall stated he voted no. Mayor Peterman then declared that the motion carried 3:2.

Mr. Boney inquired about what document the Council Members were referring to when referencing properties by “a”, “b” and “c”. Mayor Peterman asked staff to email Mr. Boney a copy of the document.

Issues Not on Tonight’s Agenda (Public Comment Period):

Mr. Holland announced that the recommended budget for FY 2021-2022 has been presented to Council.

He thanked Finance Director Julianne Cordon, the department heads, Leamon Brice, consultant with N-Focus and former City Manager Frankie Maness for all of their help with getting this recommended budget balanced. Mr. Holland advised that he will be reaching out to Council Members to set dates/times for him to review the budget with them individually. Mr. Boney expressed concern with staff meeting individually with Council Members. Mayor Peterman asked the City Attorneys to look into Mr. Boney’s concern and advise if Council needs to do something different.

Downtown Development Coordinator Mary Faucette read an email from Jeff Collie and Josh Coe of Little Brothers Brewing, in which they have requested consideration to permit the periodic parking of food trucks/trailers in parking spaces along West Elm Street adjacent to their storefront. Mayor Peterman asked staff to put something together for Council to consider next month.

Ms. Sperry read an email she received from Bobby Minor of Old Farm Drive Graham in which he suggested renaming Graham Regional Park to Wyatt Outlaw Park.

Ms. Sperry also publicly thanked the City for their acts of kindness and support shown to her and her family during the recent passing of her Mother.

Mr. Boney asked if business owners would be notified about the requests for food trucks Ms. Faucette spoke about. He stated that he would be against food trucks taking up parking spaces that businesses need.

Council Member Talley invited everyone to a live concert this coming Saturday on East Elm Street. The concert will start at 7:00, there will be a car cruise in at 4:00 and there will be a job fair at 4:00.

Mayor Peterman asked Mrs. Faucette to inform everyone about the Thursdays at 7 Concert series hosted by the Recreation Department. Ms. Faucette stated that in order to adhere to the Governors mass gathering orders, the concert will be held at Bill Cooke Park instead of downtown. More information will be going out tomorrow.

At 11:33 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JUNE 8, 2021
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, June 8, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street. Due to the Covid-19 Pandemic gathering restrictions, the public was provided information on how to participate remotely via livestreaming media.

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
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager
Mary Faucette, Downtown Development Coordinator
Julianne Cordon, Finance Officer
Kristy Cole, Police Chief
Beau Russell, Fire Inspector

Mayor Jerry Peterman called the meeting to order and presided at 6:03 p.m. Council Member Ricky Hall gave the invocation and everyone stood to recite the Pledge of Allegiance.

Code of Ethics Disclosing Conflicts of Interest:

No conflicts were reported.

Consent Agenda:

- a. Approve Minutes – May 11, 2021 Regular Session*
- b. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$6.48
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$34.13
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$7.17
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$7.17
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$5.12
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$13.17
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$6.55

c. Approve FY 2020-2021 Budget Amendments

**CITY OF GRAHAM
BUDGET AMENDMENT ORDINANCE
2020-2021**

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that
the 2020 - 2021 Budget Ordinance shall be and is hereby amended as follows:

Section 1.

GENERAL FUND

DEPARTMENT	APPROVED	AMENDED
City Council	44,600.00	184,600.00
Administrative	616,500.00	616,500.00
Information Technologies	384,000.00	384,000.00
Finance	394,900.00	394,900.00
Public Building & Ground	132,600.00	127,600.00
Police Department	4,385,300.00	4,385,300.00
Fire Department	1,553,300.00	1,553,300.00
Inspections	550,600.00	540,600.00
Traffic Engineering	92,000.00	37,000.00
Garage Warehouse	95,300.00	95,300.00
Street Department	1,514,300.00	1,569,300.00
Street Lights	132,000.00	111,500.00
Sanitation	872,400.00	872,400.00
Recreation	917,900.00	917,900.00
Graham-Mebane Lake	177,400.00	184,900.00
Athletic Facilities	392,300.00	392,300.00
Property Maintenance	758,900.00	746,900.00
Non-Departmental	1,053,500.00	953,500.00
	<u>14,067,800.00</u>	<u>14,067,800.00</u>

Section 3.

WATER & WASTEWATER

EXPENDITURES	APPROVED	AMENDED
Water Billing	415,500.00	428,000.00
W&S Distribution	1,860,300.00	1,860,300.00
Maintenance & Lift Stations	221,800.00	221,800.00
Water Treatment Plant	2,011,100.00	2,011,100.00
Wastewater Treatment plant	1,586,600.00	1,586,600.00
Non-Departmental	2,055,500.00	2,043,000.00
	<u>8,150,800.00</u>	<u>8,150,800.00</u>

Section 7

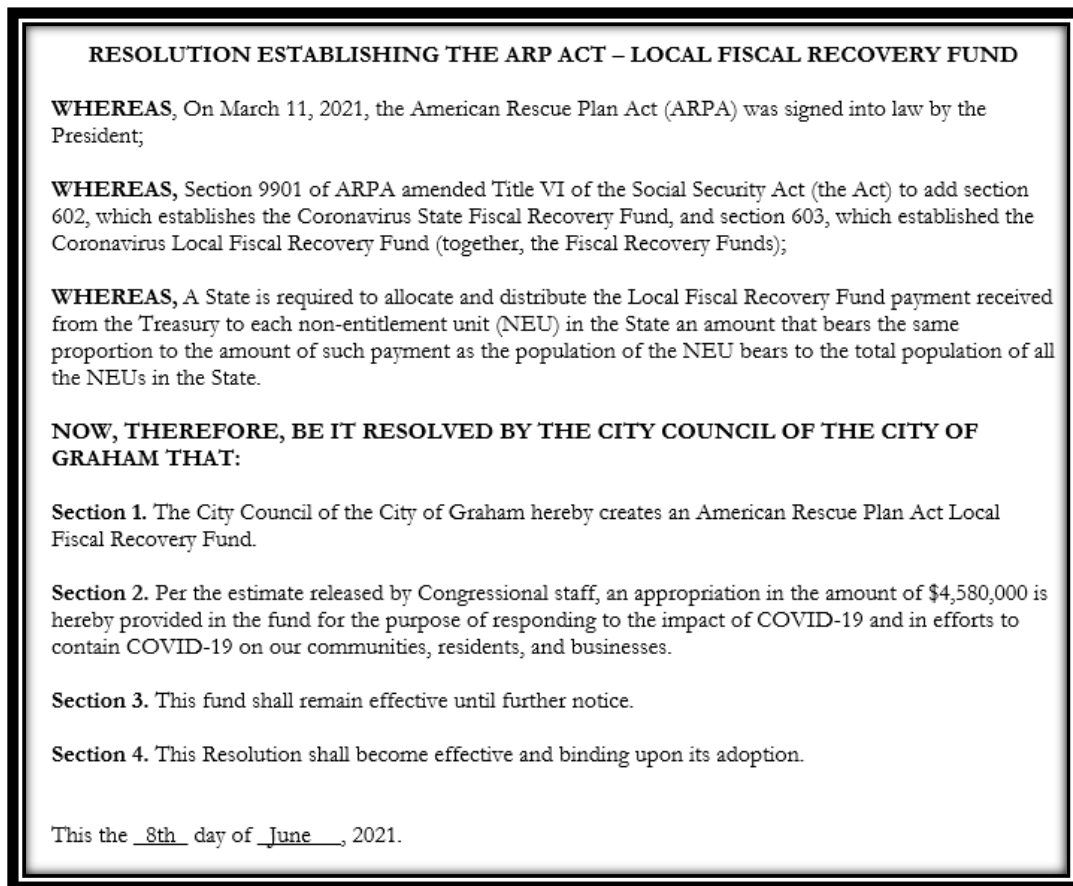
CAPITAL PROJECTS AND

OTHER SPECIAL FUNDS

REVENUES AND EXPENDITURES	APPROVED	AMENDED
State Drug Funds	100.00	11,000.00
Federal Drug Funds	100.00	34,000.00
	<u>200.00</u>	<u>45,000.00</u>

Adopted this 8th day of June 2021.

d. Approve Resolution Establishing the American Rescue Plan Act Local Fiscal Recovery Fund



- e. Authorize the City Manager, City Attorney, and City Clerk to effectuate the purchase of the properties located off W. Moore Street and Rogers Road identified by Alamance County Parcel ID#s: 144001, 143995, 143994, 143988, 143983, and 143984 pending the completion of the due diligence period*
- f. Approve Graham Police Department's request to make application for the Community Oriented Policing Services grant issued by the US Department of Justice*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Jennifer Talley asked to pull item “e”. Council Member Hall made a motion to approve items “a”, “b”, “c”, “d” and “f” on the Consent Agenda, seconded by Mayor Pro Tem Chip Turner.

With regards to item “e”, Council Member Talley asked about the offer not including a \$3,000 commission for realtor Gary Renigar. Interim City Manager Aaron Holland advised that Mr. Renigar had advised that the sellers were not willing to negotiate with him, as they had already started conversations with City staff about purchasing the properties. With no further discussion forthcoming, Council Member Hall made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Melody Wiggins. Ayes: Council Member Hall, Council Member Wiggins, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Talley. Motion carried 4:1.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged:

Mayor Peterman informed everyone that due to having an attorney on standby, he was moving the Closed Session portion of the meeting up on the agenda. At 6:10 p.m., Mayor Peterman made a motion that the City Council go into closed session for the purpose of discussing the lawsuit captioned Allen, et al. v. City of Graham, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman asked Mr. Holland, City Attorneys Bryan Coleman and Bob Ward, Police Chief Kristy Cole and City Clerk Darcy Sperry to join the Closed Session.

At 6:40 p.m., Mayor Peterman reconvened the regular meeting. Mayor Peterman read a prepared statement: All defendants deny wrongdoing and the Parties agree this settlement is not an admission of wrongdoing by any Party. It's our conclusion that continuing litigation would multiply the legal cost to our citizens. Mayor Peterman made a motion to approve the Final Settlement Agreement as outlined by the terms in the attached Final Settlement Agreement between Allen, et al. vs. City of Graham, et al., 20 Civ. 997 (M.D.N.C), seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

The following individual addressed this agenda item and Consent Agenda item "e" with Council Members:

Tom Boney-Alamance News

Old Business:

- a. **Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on Truby Drive (GPIN 8894453334)***

Planning Director Nathan Page explained that this request is to rezone the subject property from I-1 (Light Industrial) to CMXR (Conditional Mixed Use Residential). The application is for 22 buildings, with 24 units per building for a total of 1056 bedrooms. A list of proposed conditions was included:

1. Access via Truby and an easement
2. Meet all TRC/NCDOT/Etc. standards
3. Meet Graham multifamily standards
4. Include office, clubhouse, pool, recreation areas
5. Three story, mix of one, two, and three bedrooms

Council Members and staff discussed the meeting with the developers that Council suggested take place at last month's meeting. Mr. Page and Mr. Holland advised that staff did meet with the developers and made recommendations for a development agreement. They advised that the City had received an agreement and it had been forwarded to the City's attorneys for review. Both gentlemen expressed their concern(s) for the agreement received. Following the discussion, Mayor Peterman opened the Public Hearing.

Via the livestream, the following individual expressed concern with the Zoom information for tonight's meeting:

Chad Huffine

Council Members, staff and the applicant's representative Mr. Huffine discussed the meeting that took place with staff, the development agreement submitted and the lack of sewer capacity in that area. Also discussed was what the development agreement needed to contain and the timeline for Council to approve a development agreement. Mr. Holland advised that a development agreement will require a Public hearing, separate from this conditional rezoning Public Hearing. Council Members expressed concern with moving forward on this agenda item without a development agreement in place. Mr. Huffine advised that he would be in favor of postponing this item. Mayor Peterman asked staff to meet with Mr. Huffine and then made a motion to table this agenda item, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

b. Public Hearing: RZ2104 Jimmie Kerr Multi-Family. Request by Travers Webb for rezoning to R-MF from I-1 for approximately 11 acres on Jimmie Kerr Road (GPIN 8894469497 & 8894469816)

Mr. Page explained that this is a request to rezone the property from I-1 (Light Industrial) to R-MF (Residential Multi-family). The property currently is vacant and is surrounded by general business and industrial districts, including a hotel, truck stop, and packaging facility, the latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road. Mr. Page added that while this meets many of the standards of the Graham 2035 Comprehensive Plan, the potential magnitude of the density of development, unknown site layout, the limited sewer capacity, and the potential traffic issues suggest that this development may be better served by one comprehensive Conditional Zoning.

Following verification by Mr. Page that this is a straight rezoning request, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members:

Travers Webb-619 E. Harden St. Graham	George Webb IV-129 Hudson St. Asheville
Tom Boney-Alamance News	

The following individual addressed this agenda item with Council Members via the livestream:

Alex Perkins-140 Summerlyn Pl Semora NC

Council Members discussed the rezoning request in length with the Webb's. Both gentlemen stated they are aware of the sewer capacity issues with the property, with Mr. T. Webb stating that the lack of sewer capacity is limiting growth in that area. Mr. G. Webb advised that he was in the meeting with staff and the developers from the previously discussed item CR2006, but the Webb's chose to proceed with their request. He stated that he believed that if the property were to be rezoned, they could attract an investor who would be willing to invest in the infrastructure needed in that area.

Mr. Perkins, a partner involved with the CR2006 request, asked Council to table or deny any request until the CR2006 developers agreement can be heard. Mr. Boney asked about the cost of sewer upgrades and Mr. Holland stated that it was approximately \$3.5 million.

With no further discussion forthcoming, Mayor Peterman closed the Public Hearing. Council Members continued to discuss the applicant's request to proceed without a developer's agreement in place. After consulting with Mr. Ward, Mayor Peterman made a motion to re-open the Public Hearing, seconded by Council Member Hall. All voted in favor of the motion. Mayor Peterman asked the Webb's if they would be willing to postpone this request, to allow for more discussion between themselves and staff. Mr. G. Webb advised they would be willing to postpone the request. Mayor Peterman made a motion to postpone this agenda item, seconded by Council Member Wiggins. All voted in favor of the motion.

c. ***Public Hearing: Request from Charles Limuel Pierce to remove an unconstructed portion of an unconstructed alleyway off Climax Street***

Mr. Page explained that Mr. Pierce has requested the removal of a proposed alleyway adjacent to his lot. This portion of Right of Way (ROW) exists only on a plat and has not been constructed, nor does it provide service to, or access land for anyone other than Mr. Pierce. Mr. Page added that there have been no utilities located in that area by the City of Graham, nor anyone who came out as a result of an 811 call by the applicant to identify any infrastructure in the proposed ROW. He advised that the proposed ROW was offered to the City of Graham on or before Plat Book 5, Page 82 at the Alamance County Register of Deeds. Typically, with a ROW closure, half of the property reverts to the property owner of record on each side.

Mayor Peterman opened the Public Hearing and with no questions forthcoming, he closed the Public Hearing. Following a brief discussion between Council Members and staff about the exact location of the ROW, Council Member Wiggins made a motion to approve the Resolution Ordering the Closing of an unconstructed alleyway off Climax Street. Mayor Pro Tem Turner seconded the motion and all voted in favor of the motion.

**A RESOLUTION ORDERING THE CLOSING OF AN UNCONSTRUCTED ALLEYWAY
OFF CLIMAX STREET**

WHEREAS, on the 11th day of May, 2021, the City Council of the City of Graham directed the City Clerk to advertise this Resolution of Intent to close an alleyway off Climax Street, a public street right-of-way as described in Exhibit A below, in the Alamance News once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Chambers of the Graham City Hall on 8th day of June 2021; and

WHEREAS, the City Council on the 11th day of May, 2021, ordered the City Clerk to notify all persons owning property abutting the portion of an unopened alleyway off Climax Street by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the Graham City Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said alleyway in the public hearing held on June 8, 2021; and

WHEREAS, it now appears to the satisfaction of the Graham City Council that the closing of a portion of said alleyway is not contrary to the public interest, and that no individual owning property, either abutting the alleyway or in the vicinity of the alleyway, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham that a portion of an unconstructed alleyway off Climax Street, as described in Exhibit A below, is hereby ordered closed, subject to any reservation of right set forth in Exhibit A below and in accordance with G.S. 160-299(c), all right, title, and interest that may be vested in the public to said street are hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

In accordance with G.S. 160A-299(f) the City hereby reserves all of its right, title, and interest in any utility improvement within the closed alleyway with such reservation extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the City. The City further declares a utility easement being described as:

Situated in the City of Graham, Graham Township, Alamance County, North Carolina.

BEGINNING AT AN EXISTING IRON PIPE, BEING THE SOUTHWESTERN CORNER OF 30' ALLEY, THENCE N 04°46'14"E, A DISTANCE OF 74.82' TO A NEW IRON PIPE, THENCE S 85°13'46"E, A DISTANCE OF 14.50' TO A MATHEMATICAL POINT IN CENTER OF SAID ALLEYWAY, THENCE ALONG THE CENTER OF ALLEY, S 04°18'27" E, A DISTANCE OF 61.54' TO A MATHEMATICAL POINT, THENCE N 86°23'23"W, A DISTANCE OF 15.00' TO AN EXISTING IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.02 ACRES AS SHOWN AS LOT "B" ON SURVEY COMPLETED BY CAROLINA CORNERSTONE SURVEYING, DATED 02/22/21, JOB # 200928 CLOSURE.

In accordance with G.S. 160A-299(b) any person aggrieved by the closing of this street may appeal the Order to the General Court of Justice within thirty days of its adoption.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed Drive in accordance with the provision of G.S. 160A-299(c).

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Alamance County a certified copy of this Alleyway Closing Order.

Upon motion duly made by Council Member Melody Wiggins and duly seconded by Mayor Pro Tem Chip Turner, the above resolution was duly adopted by the City Council at a meeting held on the 8th day of June 2021, in the City Hall.

Upon call for a vote, the following Council Members voted in the affirmative:

Mayor Jerry Peterman

Mayor Pro Tem Chip Turner

Council Member Melody Wiggins

Council Member Jennifer Talley

Council Member Ricky Hall

This the 8th day of June, 2021 at 6:00 p.m.

Requests & Petitions from Citizens:

a. First Reading: Request from Jeff Collie and Josh Coe to Amend Chapter 8, Article VIII, Sec. 8-345 of the Code of Ordinances of the City of Graham, North Carolina

Downtown Development Coordinator Mary Faucette reminded Council Members that at last month's meeting, she read an email received from Mr. Collie and Mr. Coe that asked for Council to reevaluate the City's Temporary Outdoor Sales Ordinance. Specifically, they asked for the policy to allow for food trucks to be parked in public parking spaces outside their business.

Council Member Talley stated she was against the request even being on the agenda. She also expressed concern with trash in the downtown area already, the lack of a fee for food trucks and the City not receiving sales tax revenue from food trucks. Council Member Wiggins expressed concern for requests like this being on every month's agenda. She suggested implementing a process that requires further research before the request is brought before Council. Council Member Hall stated that two years ago the City Council determined that food trucks were not permitted in the downtown area. He expressed concern for changing the ordinance. Mayor Peterman reminded Council Members that everyone has a right to come before Council with a request.

The following individual addressed this agenda item with Council Members:

Jeff Collie-1011 N. Eugene St. Greensboro	Chuck Talley-808 Sideview St. Graham
---	--------------------------------------

Mr. Collie spoke of the lack of private property in the downtown area and explained how important food trucks are to his business. He stated that he is sensitive to concerns voiced by owners of the brick and mortar businesses. Council Member Talley suggested that maybe the City consider allowing for flag type signs that could be placed in front of a business who has a food truck parked behind the building. Mrs. Faucette stated that post-pandemic, outdoor dining is becoming preferred in downtown areas and food trucks have provided an economic boost across the state. She suggested that perhaps Council consider a fee for food trucks and explore the possibility of food trucks on Sundays in the downtown area. Mr. Talley stated that he does not see the need for food trucks in the downtown area and noted that normally you see food trucks in downtowns without restaurants. Following the discussion, Mayor Pro Tem Turner made a motion deny the Ordinance Amendment to CHAPTER 8, ARTICLE VIII, SEC. 8-345 OF THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA. Council Member Hall seconded the motion and all voted in favor of the motion.

Mayor Peterman asked staff to look into creating a process for future requests. At 8:47 p.m., Mayor Peterman called for a 15 minute recess and at 9:02 p.m., reconvened the meeting.

Recommendations from Planning Board:

a. Public Hearing: RZ2105 Poplar Business. Request by Joseph Mena to rezone 0.15 acres located at 608 Poplar Street from R-7 (High Density Residential) to B-2 (General Business) (GPIN 8874861063)

Mr. Page explained that this is a request to rezone the property from Residential (R-7) to General Business (B-2). The property is surrounded by single family homes as well as various commercial and industrial properties. He added that the property owner's stated reason for this rezoning request is to turn the existing single family home into an office.

Mayor Peterman opened the Public Hearing and with no questions forthcoming, he closed the Public Hearing. Following a brief discussion between Council Members and staff, Council Member Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Rezoning the property would be consistent with mixed-use development goals (Strategy 2.3.1) and would maintain connectivity to existing commercial properties, thus adding business development in a relevant location (Policy 3.1.2). Council Member Hall seconded the motion and all voted in favor of the motion.

Public Hearing: Adoption of Budget Ordinance for FY 2021-2022:

Mr. Holland explained that the annual Budget Ordinance is the official document adopted by the City to levy taxes and appropriate revenues for the 2021-2022 fiscal year. He advised that the Budget is balanced and meets all the applicable requirements of the North Carolina Local Government Budget and Fiscal Control Act. The Budget Ordinance accounts for all anticipated revenues and expenditures for all operating funds for the upcoming fiscal year, including capital expenditures and other special funds. He advised that the proposed Budget Ordinance does not appropriate funds on a line by line basis (object basis), but rather on a departmental basis. Mr. Holland added that the Budget Ordinance captures all revenues and expenditures outlined in the City Manager's Recommended Budget. Mr. Holland and Finance Officer Julianne Cordon provided Council Members with a PowerPoint presentation, highlighting projected revenues, expenditures and changes in the recommended Budget. Mr. Holland briefly reviewed the capital projects and thanked Mrs. Cordon and all of the City's Department Heads for their efforts.

Council Members and staff discussed some of the fee changes proposed. Fire Inspector Beau Russell addressed questions about the proposed fire re-inspection fees. Mr. Holland addressed questions about garbage container fees. Council Members inquired about the possibility of adding a "family plot" option to the Cemetery Ordinance. The newly proposed fee for the state mandated Backflow Annual Testing was also discussed, with Mr. Holland stating this fee would apply to irrigation accounts only. Upon recommendation by Mayor Peterman, consensus was given to not include Council Members with the proposed 1.4% cost of living (COLA) increase. Following the discussion, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members:

Tom Boney-Alamance News	Dean Ward-483 W. Moore St. Graham
-------------------------	-----------------------------------

Mayor Peterman closed the Public Hearing. Council Member Talley thanked Mr. Holland and Mrs. Cordon while stating she was thankful to see the addition of two new patrol officers included in the recommended Budget. Mayor Peterman expressed his appreciation for the addition of one employee in the sanitation department.

Council Member Hall commended Mr. Holland for holding the line on the tax rate and for all of the work he had done on this Budget. Council Member Wiggins commended Mr. Holland, Mrs. Cordon and the department heads for their hard work in preparing and executing the Budget every year. Mayor Pro Tem Turner stated that Graham is a great place to be and these people before us are the reason it is a great place to be.

With no further comments forthcoming, Mayor Peterman made a motion to adopt the Budget Ordinance for Fiscal Year 2021-2022, including the schedule change with the Fire Department for a \$50.00 fee on the third visit to the site with the same violation. Council Member Hall seconded the motion and all voted in favor of the motion. Mayor Peterman asked Mr. Holland to pass along a well done and thank you to all of the employees. Mrs. Cordon brought it to Mayor Peterman that his motion did not make mention of not funding the COLA for Council Members. Mayor Peterman amended his previous motion and made a motion to adopt the Budget Ordinance for Fiscal Year 2021-2022, adding the fee schedule change with the Fire Department for a \$50.00 fee on the third visit to the site with the same violation and to remove the COLA of 1.4% for the City Council. Council Member Hall seconded the amended motion and all voted in favor of the amended motion.



Budget Ordinance FY 2021-2022

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM,
NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of City Government; its activities and capital improvements for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022, in accordance with the Chart of Accounts heretofore established for the City:

City Council	53,900
Administration	580,100
Downtown Development	127,200
Information Technology	269,700
Finance	342,300
Public Buildings	123,700
Police	4,617,000
Fire	1,770,100
Inspections	581,300
Traffic Engineering	91,000
Garage and Warehouse	110,400
Streets & Highways	1,630,200
Street Lights	110,000
Sanitation	1,234,400
Recreation	904,600
Lake	186,600
Athletic Facilities	400,500
Property Maintenance	817,300
Non-Departmental	820,200
	14,770,500

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

Ad Valorem Taxes	\$5,915,400
Investment Earnings	\$27,000
Miscellaneous	\$475,000
Other Taxes/Licenses	\$700
Permits/Fees	\$294,000

Restricted Intergovernmental	\$557,500
Sales/Services	\$788,600
Unrestricted Intergovernmental	\$5,242,300
Fund Balance	\$1,470,000
Fund Total	\$14,770,500

Section 3. The following amounts are hereby appropriated in the Water & Sewer Fund for its operations, activities and capital improvements for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022, in accordance with the Chart of Accounts heretofore established for the City:

Water and Sewer Billing	\$613,100
Water and Sewer Distribution	\$2,050,800
Maintenance & Lift Station	\$292,200
Water Treatment Plant	\$2,032,500
Wastewater Treatment Plant	\$1,622,100
Non Departmental Admin	\$2,383,000
FUND TOTAL	\$8,993,700

Section 4. It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

Non-Operating	\$164,500
Operating	\$282,600
Other Financing Sources	\$1,046,000
Services	\$7,500,000
FUND TOTAL	\$8,993,700

Section 5. The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	911,400
-------------	---------

Section 6. It is estimated that the following revenues will be available in the Garage Fund for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022 based on a labor rate of \$75 per hour.

Ala Co Fuel	185,300
City Of Graham Parts	246,600
City Of Graham Labor	209,200
City Of Graham Fuel	224,300
Graham Housing Parts	6,400
Graham Housing Labor	5,600
Graham Housing Fuel	8,800
Green Level Parts	3,500
Green Level Labor	5,100
Green Level Fuel	12,400
ABC Parts	0
ABC Fuel	4,200
Interest On Investments	0
Miscellaneous Income	0
Total	\$911,400

Section 7. The following amounts are hereby anticipated and appropriated for the City's Special Funds:

	Revenues	Expenditures
FEDERAL DRUG MONIES	\$100	\$100
STATE DRUG MONIES	\$100	\$100
GRAHAM MEMORIAL PARK	\$0	\$0
JIM NINOR ROAD PARK	\$0	\$0
OLD FIELDS OUTFALL	\$2,955,000	\$2,955,000
WWTP UPGRADE	\$3,815,000	\$3,815,000
TOTALS:	\$6,770,200	\$6,770,200

Section 8. There is hereby levied a tax at the rate of \$.455 per one hundred dollar (\$100.00) of valuation of property as listed for taxes as of January 1, 2021 for the purpose of raising the Revenue listed as "Ad Valorem Taxes" in Section 2. Such rates are based on an estimated total valuation of property for the purposes of taxation of \$1,192,000,000 (100% valuation) with an anticipated collection rate of 97%.

Section 9. The City of Graham Fee Schedule shall be amended as follows and effective July 1, 2021:

Development Fees

Planned Unit Development	\$200
Rezoning Request	\$200
Special Use Permit	\$200
Variance Request	\$200
TRC Review (excluding subdivision)	\$250, \$100 for any review beyond 2 nd

Site Development/ Right of Way Improvement Re-Inspection	\$100, \$200-2 nd , \$300-3 rd , etc.
--	---

Notes: A re-inspection fee shall be assessed when the project is not ready for inspection, recurring deficiencies exist, or inspection requests are not canceled on time.

Building Permit

Building Plan Review, Commercial	\$200 buildings up to 10,000 sf \$200 + 0.01 per sf for buildings > 10,000 sf
----------------------------------	--

Miscellaneous Building

Fire Re-Inspection Fee (routine inspections)	\$50-3rd, \$100-4th, \$150-5th, etc.
--	--

Notes: A re-inspection fee shall be assessed when the project is not ready for inspection, recurring deficiencies exist, or inspection requests are not canceled on time.

Miscellaneous Fees

Cement Catch Basin Cover	\$400
--------------------------	--------------

Refuse Fees

*Recycling	\$4 per unit, per month
*Garbage Land Fill Tipping Fee	\$4.50 per unit, per month
New Home Garbage & Recycling Container	\$55 per container
***Bulk Waste (in excess of 2 clam shell	\$18 per clam shell bite in excess of 2
***Tree Trimmings (in excess of 2 clam shell bites)bites)	\$12 per clam shell bite in excess of 2
* All water customers inside the City Limits without containerized disposal systems (dumpsters) per customer or dwelling unit	
**Extra roll out container for residents only	
*** One (1) clam shell bite is approximately 1.5 cubic yards	

Backflow Annual Testing (For Irrigation Accounts)	\$10.42 per month
---	-------------------

Sewer Rates

Sewer Base Rate	\$3.30
Sewer Rates per 1,000 gallons:	
0-1000	\$4.36
1,001-10,000	\$8.45
10,001-100,000	\$8.50
100,001-1,000,000	\$8.56
1,000,001-2,000,000	\$8.61
2,000,000+	\$8.67

Recreation Fees

Athletics/Camps

	Resident	General Public	Commercial
Athletics ¹	\$25	\$40	N/A
¹ A multiple child discount will be available to Graham residents for children in the same household; the first child will be charged the full fee, the second child will be charged 75% of full fee and three or more children will each be charged 50% of full fee			
Athletic Camps Including Soccer, Basketball, Baseball, Softball, Flag Football, Lacrosse	Fees for each camp will be set by the GRPD Director and the Athletic Supervisor, based on facility, staffing, and equipment needs		N/A
Summer Day Camp			
10 Weeks	\$575/1 st child	\$745/1 st child	
6 weeks	\$350/1 st child	\$450/1 st child	
Weekly ²	\$70/child	\$86/child	
Daily ²	\$21/child	\$26/child	
Multiple Child Discount ³	\$30/child	\$30/child	
² Limited based on availability			
³ Discounts will not be given on weekly or daily rates			

Special Events and Programs

The GRPD Director may set fees for special events and programs based on facility, staffing, and equipment needs

Graham Recreation Center

	Resident	General Public	Commercial
Open Gym Basketball			N/A
Ages 16-54	\$1/visit	\$1/visit	
Ages 13 & U; 55+	FREE	FREE	
Weight Room			
Ages 16-54	\$1/visit	\$1/visit	
Ages 16-54	\$40/six-month pass	\$55/six-month pass	
Ages 16-54	\$25/three-month pass	\$40/three-month pass	
Ages 55+	FREE	FREE	

Graham-Mebane Lake

	Fees for All Customers	Commercial
Boat Launching ²	\$9/vessel	N/A
Boat Launching-Seniors ^{2,4}	\$4/vessel	
Non-motorized Vessel Launching ³	\$6/vessel or \$45/year	
Non-motorized Vessel Launching-Seniors ^{3,4}	\$3/vessel or \$30/year	
Bank Fishing	\$3/person or \$35/year	
Bank Fishing-Seniors ⁴ & Persons w/100% Disability	\$1/person or \$15/year	
Annual User Fee Permit ⁵	\$70/year	
Annual User Fee Permit-Seniors ^{4,5}	\$50/year	
Annual User Fee Permit-Group	\$125/year	N/A
Boat Launching-Maintenance & Demonstrations ⁶	\$4/vessel	
Jon Boats	\$10/4 hrs \$16/8hrs	
Canoe Rental	\$15/4hrs \$20/8hrs	
Solo Kayak Rental	\$12/4 hrs \$18/8 hrs	
Tandem Kayak Rental	\$18/4 hrs \$24/8 hrs	
Event Rental	\$175/5 hrs	\$275/5 hrs

² All motorized boats including jet skis

³ All non-motorized vessels including kayaks, canoes & paddleboards

⁴ Senior fee begins at age 65

⁵ Includes boat launching and daily fees for a single individual and covers a maximum of two boats

⁶ No Recreational activities (fishing, skiing etc.) allowed; for boat and/or trailer maintenance/repair checks, swapping of boats and trailers, and all demonstrations for potential sales; fee is for a one-hour limit, activity over one hour will be charged the full boat launch fee; no charge for the general public if the boat remains on trailer

Facility Rental Fees

Bill Cooke Park

Field/Room/Equipment	Resident/Non-Profit ^{1*}	General Public	Commercial*
Passive Areas Open Space, Perimeter Trail, Etc.	\$150 (5 hrs max)	\$200 (5 hrs max)	\$275 (5 hrs max)
Single Field Field #1, Field #2 or Field #3	\$150/day (10 hrs) \$20/hr	\$200/day (10 hrs) \$25/hr	\$275/day (10 hrs) \$35/hr
Field Prep	\$20 ea.	\$20 ea.	\$20/ea.
Field Lining	\$10 ea.	\$10 ea.	\$10 ea.
Lights (single field)	\$25/hr	\$25/hr	\$25/hr
Scoreboard (single field)	\$20/hr	\$20/hr	\$20/hr
Staff Supervision ²	\$20/hr	\$20/hr	\$20/hr
¹ Must be a 501(c)(3), tax exempt or charitable organization in good standing and must be approved by the City of Graham			
² Supervision Fee may be waived for City of Graham employees upon approval of the GRPD Director or Athletic Supervisor			

Graham Recreation Center

	Resident/Non-Profit ^{1*}	General Public	Commercial*
Full Center Gym #1, Gym #2, Room #1 & Kitchen	\$60/hr + staff fee	\$120/hr + staff fee	\$240/hr + staff fee
Room #1 Multi-purpose Room, Includes Kitchen	\$20/hr + staff fee	\$40/hr + staff fee	\$80/hr + staff fee
Gym #1-Full Gym, Includes Kitchen	\$30/hr + staff fee	\$60/hr + staff fee	\$120/hr + staff fee
Gym #2-Half Gym, Includes Kitchen	\$25/hr + staff fee	\$50/hr + staff fee	\$100/hr + staff fee
Tables ³ (For Use Outside Center)	\$3/table per day	\$3/table per day	\$3/table per day
Chairs (For Use Outside Center)	\$0.25/chair per day	\$0.25/chair per day	\$0.25/chair per day
³ Each rental will be charged a \$50 refundable security deposit			

Graham Civic Center

	Resident/Non-Profit ^{1*}	General Public	Commercial*
Full Center, Includes Kitchen	\$20/hr + staff fee \$75/5 hrs + staff fee \$132/10 hrs + staff fee	\$40/hr + staff fee \$150/5 hrs + staff fee \$265/10 hrs + staff fee	\$80/hr + staff fee \$300/5 hrs + staff fee \$530/10 hrs + staff fee
Sand Volleyball Court	\$15/hr	\$20/hr	\$30/hr
Gym #1-Full Gym, Includes Kitchen	\$30/hr + staff fee	\$60/hr + staff fee	\$120/hr + staff fee
Gym #2-Half Gym, Includes Kitchen	\$25/hr + staff fee	\$50/hr + staff fee	\$100/hr + staff fee
Tables ³ (For Use Outside Center)	\$3/table per day	\$3/table per day	\$3/table per day
Chairs (For Use Outside Center)	\$0.25/chair per day	\$0.25/chair per day	\$0.25/chair per day
³ Each rental will be charged a \$50 refundable security deposit			
⁴ Supervisory fees must be paid for all centers. An additional hour will be added to all rentals for facility preparations. Supervisory fees may be waived for the Graham Recreation Center during regular business hours and for all centers for City of Graham employees upon approval of the GRPD Director or Center Supervisor			

⁵Refundable and included in all rentals

*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

South Graham Park

	Resident/Non-Profit ¹ *	General Public	Commercial*
Sand Volleyball Court	\$15/hr	\$20/hr	\$30/hr
³ Each rental will be charged a \$50 refundable security deposit			
*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director			

Maple St. Center

	Resident/Non-Profit ¹ *	General Public	Commercial*
Full Center, Does Not Include Kitchen	\$15/hr + staff fee	\$30/hr + staff fee	\$60/hr + staff fee
Supervisory Staff Fee ⁴	\$20/hr	\$20/hr	\$20/hr
Cleaning Deposit ⁵	\$50	\$50	\$50
¹ Must be a 501(c)(3), tax exempt or charitable organization in good standing and must be approved by the City of Graham			
³ Each rental will be charged a \$50 refundable security deposit			
⁴ Supervisory fees must be paid for all centers. An additional hour will be added to all rentals for facility preparations. Supervisory fees may be waived for the Graham Recreation Center during regular business hours and for all centers for City of Graham employees upon approval of the GRPD Director or Center Supervisor			
⁵ Refundable and included in all rentals			
*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director			

Shelters

	Resident	General Public	School Systems	
Bill Cooke Park, Shelter #1 & Shelter #2 S. Graham Park, Shelter A & Shelter B Graham Regional Park Graham-Mebane Lake	\$25/reservation period	\$50/reservation period	Alamance Co. Schools -FREE	Non- Alamance Co. Schools -\$20

Cemetery Fees

Grave Prices

	Resident	Non-resident
Conventional Grave – 4’x8’	\$800/grave	\$2,500/grave
Cremation Grave – 4’x4’	\$400/grave	\$1,250/grave
Infant Grave – 4’x4’	\$400/grave	\$1,000/grave
Cremation Grave – 4’x8’ (When Available)	\$600/grave	\$2,000/grave
2 nd Right to Interment (When Available)	\$200/grave	\$500/grave

Deed Transfers

Transfer from Resident to Resident	\$5.00 administrative fee
Transfer from Resident to Non-resident	\$1,700 per grave + administration fee

Interment Costs

Monday – Friday (prior to 2:00pm)** ²	\$500
Monday – Friday (2:00pm and after)** ²	\$650
Saturdays ^{1,2}	\$1,000
Sundays ² & Holidays ^{2,3}	\$1,250

Cremation, Infant and 2nd Right Interment Costs

Monday – Friday (prior to 2:00pm)** ²	\$250
Monday – Friday (2:00pm and after)** ²	\$400
Saturdays ^{1,2}	\$750
Sundays ² & Holidays ^{2,3}	\$1,000

Markers

Permit Fee – Single or Double*	\$100
Installation – Single Memorial	\$150
Installation – Double Memorial	\$175

Installation Fee is \$50 for reputable companies approved by the City of Graham

*Installation Fee is waived for Veterans with an approved government supplied marker.

** Based upon arrival time at the cemetery

¹Saturday rate begins at 4:00pm on Friday and ends at 7:00am on Sunday.

²\$50.00 per half hour surcharge after one hour of arrival time or any time after 3:30pm.

³The holiday rate applies to any holiday observed by the City.

Section 10. The City of Graham Capital Improvement Plan 2020-2025 is hereby approved and amended per the appropriations for improvements contained herein. For the purpose of tracking capital items, there shall be a threshold of \$5,000.

Section 11. Copies of this Ordinance shall be furnished to the City Manager and the Finance Officer to be kept on file by them for their direction in the disbursement of City Funds.

Adopted this 8th day of June 2021.

Board & Commission Appointments:

Historic Resources Commission:

The following individual addressed this agenda item with Council Members:

Jerome Bias-205 Albright Ave. Graham

The following appointments were made to the Historic Resources Commission:

- Jerome Bias – Term Expiration June 30, 2025
- Bonnie Whitaker – Term Expiration June 30, 2023
- Jeanette Beaudry – Term Expiration June 30, 2023
- Zipporah Clark Baldwin – Term Expiration June 30, 2022

Housing Authority:

The following appointments were made to the Housing Authority:

- Larry Brooks – Term Expiration June 30, 2026
- Thomas Foust – Term Expiration June 30, 2022

Historical Museum Advisory Board:

The following appointments were made to the Historical Museum Advisory Board:

- Nicki Grafos Smith – Term Expiration June 30, 2024
- L. Scott Pickard – Term Expiration June 30, 2024
- Jeanette Beaudry – Term Expiration June 30, 2023
- Noelle Purcell – Term Expiration June 30, 2022

City Manager Search Discussion:

Council Members discussed the proposed timeline for the City Manager search. Council Member Talley expressed concern that the timeline put together may be too aggressive. Following the discussion, Mayor Peterman asked for a consensus to have staff start the search process and that the Council will reassess next month. Those in agreement with starting the search process were Mayor Peterman, Mayor Pro Tem Turner, Council Member Wiggins and Council Member Hall. Council Member Talley stated she did not agree.

Issues Not on Tonight's Agenda (Public Comment Period):

Mayor Pro Tem Turner asked that next month's agenda include something that looks at moving quasi-judicial special use permit hearings away from the City Council. Mr. Page advised that a change of this nature would take a minimum of two months, as it would need to go before the Planning Board first.

Council Member Talley asked Mr. Holland to look into how long advertisements for City Managers have been open.

Council Member Talley asked if the City has a policy that encourages employees to shop local. Council Member Wiggins stated that while she was a department head for the City, there was not a written policy, but rather management encouraged shopping local if it was cost effective.

Council Member Talley asked staff to look into extending the overlay districts. Mr. Page advised that it would take a few months for the Planning Board to look at this.

Council Member Talley asked about the possibility of an overlay district for the I40/I85 corridor.

Council Member Talley asked for an increase in the land use code for landscaping.

Council Member Talley asked about changing the sign ordinance to allow for feather flags.

Council Member Talley expressed concern for the increase in door to door high pressure sales.

Council Member Talley stated that she would like to see a stakeholder meeting to discuss events in the downtown area. She expressed concern that people are not going through the process the City has in place. She suggested that the City and the County work together to ensure everyone is on the same page when issuing permits.

At 10:39 p.m., Mayor Peterman made a motion to adjourn, seconded by Council Member Wiggins. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
SPECIAL SESSION
THURSDAY, JUNE 17, 2021
11:00 A.M.**

The City Council of the City of Graham met in special session at 11:00 a.m. on Thursday, June 17, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street.

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
Darcy Sperry, City Clerk
Julianne Cordon, Finance Officer

Mayor Jerry Peterman called the meeting to order and presided at 11:00 a.m.

Code of Ethics Disclosing Conflicts of Interest:

No conflicts were reported.

Interim City Manager advised that due to additional regulations placed by the state, there is now a need for additional buffer space at the Wastewater Treatment Plant. In order to satisfy the state's buffer requirements, there is a need to purchase adjoining property. City staff has worked to secure purchasing a portion of the property located at 1455 East Harden Street. Staff's request is for Council to approve the purchase of 1.7 acres in the sum of \$32,000.

Following a brief discussion between Council Members and staff about the need and cost for this property, Mayor Peterman made a motion to authorize the City Manager, City Attorney, and City Clerk to enter into a contract and effectuate the purchase of the portion of property located at 1455 East Harden Street, identified by Alamance County Parcel ID #152010. Mayor Pro Tem Chip Turner seconded the motion and all voted in favor of the motion.

At 11:06 a.m., Council Member Ricky Hall made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JULY 13, 2021
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, July 13, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street.

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
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Jeff Wilson, IT Systems Manager
Mary Faucette, Downtown Development Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mayor Pro Tem Chip Turner gave the invocation and everyone stood to recite the Pledge of Allegiance.

Code of Ethics Disclosing Conflicts of Interest:

Council Member Jennifer Talley stated that her husband has a request on this agenda. Mayor Peterman made a motion that Council Member Talley be recused from item 3a (Nicks Building Balcony) Encroachment. Mayor Pro Tem Turner seconded the motion and all voted in favor of the motion.

Consent Agenda:

- a. Approve Minutes – June 8, 2021 Regular Session*
- b. Approve Minutes – June 17, 2021 Special Session*
- c. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JULY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
686582	2020	COUNTY OF ALAMANCE	PROPERTY EXEMPT - BOAT	\$60.79
686582	2020	COUNTY OF ALAMANCE	PROPERTY EXEMPT - BOAT MOTOR	\$42.27
498065	2017	YDG, LLC	OUT OF BUSINESS IN 2017	\$44.18
498065	2018	YDG, LLC	OUT OF BUSINESS IN 2017	\$57.03
498065	2019	YDG, LLC	OUT OF BUSINESS IN 2017	\$57.03

- d. Approve request to have the Alamance County Board of Commissioners remove Frankie Maness, and appoint Aaron Holland as a Plat Review Officer*
- e. Approve Employee Pension Audit Contract with Stout, Stuart, McGowen & King, LLC*

Council Member Ricky Hall made a motion to approve the Consent Agenda, seconded by Council Member Melody Wiggins.

Old Business:

- a. **Public Hearing:** CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on Truby Drive (GPIN 8894453334)*

Interim City Manager Aaron Holland explained that this is a request to rezone the subject property from I-1 to CMXR (Conditional Mixed Use Residential). The application is for 22 buildings, with 24 units per building for a total of 1056 bedrooms. He added that this item was tabled from last month.

Following Council Member Talley's question for verification that nothing has changed with this request since last month, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members:

Amanda Hodiern-804 Green Valley Rd. Greensboro	Tom Boney-Alamance News
Travers Webb-619 E. Harden St.	John Burton-2849 Burlington

Ms. Hodiern addressed Council on behalf of Second Partners, LLC. She advised that her clients have done a feasibility plan that would include some commercial uses in an effort to dissipate the intensity of the multi-family. She spoke to Council about some ideas that her clients have come up with including an upgrade to the force main line, putting a delay on anything more than 300 apartments, and possibly sending sewer to Haw River's treatment plant. She advised that she hopes Council would be willing to consider one of these ideas and is hoping to get this into a development agreement in the future. A general discussion about the various options presented ensued between Council Members, Ms. Hodiern and staff. Following the discussion, Council Members heard Mr. Boney, Mr. Webb and Mr. Burton. Mr. Webb expressed concern that others are speaking on behalf of this project when he is currently the authorized spokesperson for Second Partners, LLC. Mr. Boney inquired as to who owns the property and Mr. Burton advised that he and Mr. Webb were partners in this project but as of this Friday, he and his brother Jack will own all of the property. He informed Council that they will amend the affidavit filed with the City once they are sole owners.

Following the discussion, Mayor Peterman made a motion to postpone this item until the August 10, 2021 meeting. Council Member Hall seconded the motion and all voted in favor of the motion.

- b. **Public Hearing:** RZ2104 Jimmie Kerr Multi-Family. Request by Travers Webb for rezoning to R-MF from I-1 for approximately 11 acres on Jimmie Kerr Road (GPIN 8894469497 & 8894469816)*

Mr. Holland explained that this is a request to rezone the property from I-1 to R-MF (residential multi-family).

The property currently is vacant, and is surrounded by general business and industrial districts, including a hotel, truck stop, and packaging facility, the latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road. He advised that this item was tabled at last month's meeting. With no questions forthcoming, Mayor Peterman opened the Public Hearing.

The following individual addressed this agenda item with Council Members:

Travers Webb-619 E. Harden St. Graham

Mr. Webb expressed concern that at last month's meeting, someone from another project spoke about Mr. Webb's need for sewer. He informed Council that his request does not need sewer. He asked that Council consider the merits of his request on its own and not base their decision on other requests.

Council Members and Mr. Webb discussed sewer capacity, zoning and traffic. Mayor Peterman stated that he would like to see what sewer capacity in that area might look like after hearing back from Second Partners, LLC next month. He asked Mr. Webb if he would be willing to postpone this request for one month. Mr. Webb asked Council to take action at this meeting. At the conclusion of the discussion with Mr. Webb, Mayor Peterman closed the Public Hearing. Council Member Wiggins stated that Mr. Webb has the right to ask Council to move forward with his request. Council Member Talley made a motion to postpone this item until the August 10, 2021 meeting, seconded by Council Member Hall. Ayes: Council Member Talley, Council Member Hall, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Wiggins. Motion carried 4:1.

Requests & Petitions from Citizens:

a. Nicks Building Balcony Encroachment. Request by Jennifer Talley for an encroachment license agreement for the installation of a balcony on the front of the Nick's building located at 102 South Main Street

Mayor Peterman asked Council Member Talley to step down while discussing this agenda item. Mr. Holland explained that the City received a written request from Chuck and Jennifer Talley with supporting photos for a proposed balcony to be installed on the front and side of the Nicks building located at 102 S. Main Street. The proposed balcony is to be re-installed as it was on the historic Nicks building and described in the attached request. He added that an encroachment license agreement approved by City Council is required pursuant to Sec. 18-2(c) of the City's Code of Ordinances. Mr. Holland advised that the proposed project has not received all necessary approvals from applicable boards. Any conflicts within right of ways will need to be further investigated during TRC review. He advised that staff recommends any approvals to be contingent upon satisfaction of TRC and HRC approval.

A brief discussion between Council Members and staff about encroachment requests coming to Council prior to obtaining HRC and TRC approval ensued. Council Members expressed concern with items coming straight to Council before HRC and TRC, with Mayor Peterman suggesting that we look into policy and making an amendment that would require HRC and TRC approval first. With no further comments forthcoming, Mayor Peterman opened the discussion to the floor.

The following individual addressed this agenda item with Council Members:

Chuck Talley-808 Sideview St. Graham

Mr. Talley expressed concern for the time in which a developer has once they are issued a permit. Mayor Pro Tem Turner stated that he did not see a problem with approving the encroachment agreement because Mr. Talley would still have to go back before HRC and TRC. Council Member Hall agreed with Mayor Pro Tem Turner. Mayor Peterman stated that out of respect for our volunteer boards and commissions, the only way he could see him approving this was if he received approval from Council to be at the HRC and TRC meetings to explain the Council's position and answer questions.

Council Member Hall made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Jennifer Talley for the installation of a balcony on the front and side of the building located at 102 S. Main Street as identified by the submitted photos with the following condition(s):

- Approval by all applicable boards including HRC and TRC prior to construction.
- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured.
- Provide a final survey to confirm approved use of public space.
- Improvements under the Encroachment License must be made prior to the expiration of the building permit.
- City Council gives permission to Mayor Peterman to go to HRC and TRC to answer any questions that they may have of the City Council.

City Council Wiggins seconded the motion and all voted in favor of the motion. Council Member Talley returned to the bench.

Mr. Tom Boney encouraged Council to consider making a policy change in order to make a procedural change. Mayor Peterman asked staff to look into what other cities are doing. Council Member Talley expressed concern for other projects being approved with language that stated contingent upon approval from TRC. Mayor Peterman advised that staff will look into the matter.

Board & Commission Appointments:

Appearance Commission:

Council Member Wiggins asked City Clerk Darcy Sperry if she had received any updates to Zipporah Clark Baldwin's application regarding employment. She noted that at the HRC meeting, newly appointed member Ms. Clark Baldwin advised that she had recently begun working, but her application stated she is retired. Ms. Sperry advised that she had not received anything from Ms. Clark Baldwin. Consensus was given to move this agenda item until next month's meeting.

Planning Board/Board of Adjustment:

Mayor Peterman made a motion to appoint Jerome Bias to the Planning Board/Board of Adjustment with a term ending 2024, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Recreation Commission:

Mayor Peterman made a motion to appoint Laurie Pickard and Tim Beshel to the Recreation Commission with terms ending 2024, seconded by Council Member Hall.

Tree Board:

The following individual addressed this agenda item with Council Members:

Megan Buckner-Hickman-304 Eastway Ln. Graham

Mayor Peterman made a motion to appoint Megan Buckner-Hickman and Carmen Larimore to the Tree Board with terms ending 2024, seconded by Council Wiggins. All voted in favor of the motion.

Issues Not on Tonight's Agenda (Public Comment Period):

Downtown Development Director Mary Faucette mentioned the upcoming Kinfolk and Thursdays at Seven Concert series. She also advised that the Downtown Consumer Survey was extended to July 31, 2021.

Mayor Pro Tem Turner stated that he would like to offer Mr. Holland a two year contract to continue on as Interim City Manager. Mayor Peterman stated that he would like to discuss this and would like to get a report on applications received for the City Manager position.

Council Member Talley asked if the Cemetery Advisory Committee had met yet. Mayor Peterman advised they had not.

Council Member Talley asked about the brick repair to planters in the downtown area. Mr. Holland stated that Public Works Director Burke Robertson is evaluating it.

Council Member Talley asked if there was any information on the BB&T building.

Council Member Talley asked when we would be meeting about grant money. Mr. Holland advised that the City has been asked to pump the breaks until we see if we will receive funds from other grants. He advised that the Council has to approve all fund expenditures.

At 7:54 p.m., Council Member Hall made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 10, 2021**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on August 10, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street, Graham, NC.

Council Members Present:

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

Staff Present:

Aaron Holland, Interim City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Jeff Wilson, IT Systems Manager
Renee Ward, Interim City Clerk
Nathan Page, Planning Director

CALL TO ORDER:

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

Mayor Peterman stated that Mayor Pro Tem Chip Turner experienced a health issue and would not be present for tonight's meeting.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST: City Clerk Darcy Sperry

Councilmember Jennifer Talley stated that in regards to the Appearance Committee appointment that Zipporah Clark Baldwin was an employee of one of her companies. She stated there was no financial benefit and that Ms. Baldwin worked in a section of the company that plans events. She asked Council if they considered this a conflict of interest.

Mayor Peterman stated that he did not consider this as a conflict of interest and Councilmembers Hall and Wiggins agreed. Councilman Wiggins added that in the wake of grants, there may be concern and that Ms. Baldwin needed to know that before taking office and being sworn-in.

Councilmember Tally also stated that in regards to the Planning Board Recommendations, Item 3b, (Rezoning-Maple and Market) she needed to disclose that she owns adjoining property to the proposed rezoning property.

Mayor Peterman stated that he considered owning adjacent property as a conflict of interest.

Upon motion by Mayor Peterman, seconded by Councilmember Wiggins, it was resolved that Councilmember Talley would be recused from Item 3b (Rezoning-Maple and Market). Ayes: Mayor Peterman, Councilmember Wiggins. Nays: Councilmember Hall. Motion carried 2:1.

Tom Boney, Alamance News, disagreed with Mayor Peterman's motion to recuse Councilmember Talley from considering Item 3b.

Councilmember Talley voiced confusion over being recused and asked if she would be able to speak as a citizen on the rezoning in question if she was barred from voting on the rezoning.

City Attorney Robert Ward stated that it was the Council's discretion to decide if owning property adjacent to the proposed rezoning property was considered a conflict of interest and that if she was recused, she should not be permitted to speak because her role was that of a councilmember.

Mayor Peterman stated that in reference to G.S. 160(D) that Councilmember Ricky Hall should also be recused from Item 3b because of being an employee of Councilmember Talley. Councilmember Hall stated he did not work for Councilmember Talley and that he had never completed an application for employment.

Mayor Peterman rescinded his request asking for Councilmember Hall's recusal.

Mr. Tom Boney, Alamance News, stated that these proceedings were odd and that the Council was going down a rabbit hole by forcing a recusal and not allowing the person in question the right to vote.

OATH OF OFFICE: Interim City Clerk Renee Ward

City Clerk Darcy Sperry administered the oath of office to Renee Ward to act as Interim City Clerk for the City of Graham, effective August 10, 2021.

CONSENT AGENDA:

- a. **Approval of Minutes from the July 13, 2021, Regular Session meeting.**
- b. **Approval of Tax Collector's Year End Report.**
- c. **Approval of 2020 Outstanding Tax Listing.**
- d. **Approval of the below listed Tax Releases:**

CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST				
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
680674	2021	PLATINUM RENOVATIONS INC	RELEASE & REBILLED TO CURRENT OWNER	\$113.75
693659	2021	DALIMONTE, FRANK	SCE REMOVED FROM 21 BILL, ADD EXEMPTION BK	\$299.45
700137	2021	ZACHARY, JONATHAN LAVERNE ETAL	RELEASE & REBILLED TO CURRENT OWNER	\$602.66
597413	2021	QUIGLEY, DAVID RAYMOND JR	SOLD PRIOR TO JAN 1, 2021	\$34.32
603973	2021	SYSTEL BUSINESS EQUIPMENT CO	WRONG SCHEDULE, VALUE ADJUSTMENT	\$18.77
678174	2021	REICHENBACH, KENNETH WAYNE	VALUE OF BOAT ADJUSTED	\$3.64
680893	2020	TURNER, BRICE CALDWELL	DID NOT OWN JAN 2020	\$6.38
680893	2021	TURNER, BRICE CALDWELL	DID NOT OWN JAN 2020	\$6.38

- e. **Approve an Ordinance amendment to CHAPTER 18- STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE I- IN GENERAL of the Code of Ordinances to require Historic Resource Commission and Technical Review Committee approval prior to City Council consideration of an Encroachment License request.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING
CHAPTER 18, ARTICLE I, Sec. 18-2 TO THE CODE OF ORDINANCES OF THE CITY OF
GRAHAM, NORTH CAROLINA**

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by amending section numbered 18-2, which said section reads as follows:

Chapter 18 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. – IN GENERAL

Sec. 18-2(e). – Encroachments on streets and public rights-of-way.

Amended Section 18-2(e)

e. The city manager or his designee will work with the applicant to help prepare the application for presentation to the City Council. The city staff shall require the application to, and approval from the Historic Resources Commission and Technical Review Committee, if applicable. The city staff may also require the applicant to produce evidence of property ownership sufficient to establish the applicant's authority for the use of any person or entity other than the signatory and/or engineered drawings sufficient to determine the proposed use of the public space.

Sec. 2. That this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law

- f. **Petition for Voluntary Contiguous Annexation for 52 acres located off Parham Drive and Wildwood Lane (GPIN 8883202217, 8883216464, 8883219007, 8883312515) (AN2102):**
 - i. **Approve Resolution Requesting City Clerk to Investigate Sufficiency.**

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR 52 ACRES LOCATED OFF PARHAM DRIVE AND WILDWOOD LANE
GPIN# 8883216464, 8883312515, 8883219007, 8883202217 (AN2102)

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 21, 2021, by the Graham City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham:
That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ii. Approve Resolution Fixing Date of September 14, 2021 for Public Hearing on Question of Annexation.

RESOLUTION FIXING DATE OF SEPTEMBER 14, 2021, FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 FOR 52 ACRES LOCATED OFF PARHAM DRIVE AND WILDWOOD LANE
GPIN# 8883216464, 8883312515, 8883219007, 8883202217 (AN2102)

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 6:00 pm on September 14, 2021.

Section 2. The area proposed for annexation is described as follows:

ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

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.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 10th day of August, 2021.

- g. Appoint the following to the Appearance Commission with a term expiration of June 30, 2024:
 - i. Zipporah Clark Baldwin
 - ii. Bernadette Konzelmann
 - iii. Carmen Larimore

Upon motion by Councilmember Hall, seconded by Councilmember Wiggins, it was resolved unanimously to approve the foregoing consent agenda.

OLD BUSINESS:

- a. **Public Hearing: CR2006 Truby Apartments.** Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on Truby Drive (GPIN 8894453334).

Planning Director Nathan Page stated that the applicant requested that this item be tabled to the next City Council meeting.

Upon motion by Mayor Peterman, seconded by Councilmember Wiggins, it was resolved unanimously to table the rezoning for Truby Apartments to the September 14, 2021, City Council meeting.

- b. **Public Hearing: RZ2104 Jimmie Kerr Multi-Family.** Request by Travers Webb for rezoning to R-MF from I-1 for approximately 11 acres on Jimmie Kerr Road (GPIN 8894469497 & 8894469816)

Planning Director Page explained that this was a request to rezone property from I-1, Light Industrial, 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, and a packaging facility. The latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road. He stated that while this request met many of the standards of Graham's 2035 Comprehensive Plan, the potential magnitude of the density of development, unknown site layout, the limited sewer capacity, and the potential traffic issues suggest that this development would be better served by one comprehensive Conditional Zoning.

Councilmember Talley stated she would like to see this item tabled again and that she was not ready to move forward in a positive way.

Mayor Peterman asked if there were any changes made and what was the downside to rezoning this property. Planning Director Page stated that he was not aware of any changes and that the rezoning may result in more of an impact to sewer and traffic than a Light Industrial rezoning.

Mayor Peterman asked if the plan could go forward if the impact to sewer and traffic was not improved.

Planning Director Page stated that a small industrial use or small multi-family would work for this site. He further stated that without the sewer being resolved, it could not support a large volume water user and without the traffic considerations it would not be able to support a large traffic volume user. He stated that it would be vetted through TRC regardless of the rezoning approval or not. However, it may be beneficial to look at the whole area at one time given the proximity of other developments in the vicinity.

Mayor Peterman opened the public hearing and the following person spoke:

Mr. George Travers Webb, III - 619 E. Harden St. Graham

Mr. Webb stated that the sewer had no bearing on this rezoning and that this was the key to get this started and to get support to pay for the sewer improvements. He stated that without a rezoning, the traffic studies and requirements could not be completed.

Mayor Peterman closed the public hearing and stated that he agreed with Councilmember Talley that more information was needed.

Upon motion by Councilmember Hall, seconded by Mayor Peterman, it was resolved to table the rezoning to the September 14, 2021, City Council meeting. Ayes: Councilmember Talley, Councilmember Hall, and Mayor Peterman. Nays: Council Member Wiggins. Motion carried 3:1.

RECOMMENDATIONS FROM PLANNING BOARD:

- a. **Public Hearing: CR2101 Gilbreath Multifamily.** Application by Ben Green Hyconic Holdings LLC, for 38 acres to Conditional Residential from Light Industrial for 453 dwelling units, apartments and townhomes (GPIN 8883885270, 8883872722, 8883886903)

Planning Director Page stated that the applicant had asked that the rezoning request be tabled to the next meeting in order to meet requests from the Planning Board.

Upon motion by Councilmember Hall, seconded by Councilmember Wiggins, it was resolved unanimously to table the rezoning request to the September 14, 2021, Council meeting.

- b. **Public Hearing: RZ2106 Maple and Market.** Application by Jerry Smith for rezoning of parcels (approximately 3.5 acres) to B-1 from R-7 (GPIN 8884059566, 8884150571, 8884151515, 8884058556, 8884059880, 8884151700, 8884151602)

Councilmember Talley stated that she would like to consult with the Municipal Attorney as to whether she could vote on this issue and requested that Council take leniency and consider postponing the rezoning until she could get advice from the School of Government and the Municipal Attorney to determine her voting rights.

Mayor Peterman stated that it would be at the request of the petitioner if they would like to postpone the rezoning. Mayor Peterman asked Mr. Cox to come forward.

Mr. Jason Cox, 200 N. Main Street, Graham, representing the petitioner, stated that he did not have the authority to agree to a continuation. He asked if Council could take a recess while he contacted the petitioner.

Council agreed to allow Mr. Cox to consult with the petitioner, and Council moved ahead to Item C.

After consulting with the petitioner, Mr. Cox stated that the petitioner asked that the rezoning be considered tonight.

Planning Director Page stated that this was a request to rezone the subject property from R-7, Residential High Density, to B-1, Downtown Business. The property currently had a few detached single-family homes, some of which are rentals and some are owner-occupied. The homes are served by city streets, water and sewer and the site was approximately 3.5 acres.

Councilmember Hall asked if the surrounding owners had signed off on this rezoning.

Planning Director Page stated that the owners were part of the application process and they did not have to do an individual signature for each one because this was not a conditional rezoning. He stated that surrounding owners were notified of the rezoning.

Councilmember Talley recused herself from consideration of this item due to conflicts of interest.

Mr. Cox stated that this was a blanket rezoning and that the southwest parcels were currently vacant and in poor condition and would possibly be demolished. He stated that this project would take time and that he expected to be back in front of Council several more times.

Mayor Peterman asked if Mr. Cox knew what would be developed on the property.

Mr. Cox stated they did not know because there would need to be an immiscible amount of feasibility studies, costs, market analysis, engineering, topography, surveying, etc., which would be the next step after the approval of the rezoning. He stated that this was a two to five year project.

Mayor Peterman stated that one of the Planning and Zoning members voted against the request due to the old houses.

Mr. Cox stated that he voiced at the Planning and Zoning meeting that if there were a coalition of stakeholders or an organization that would work with them in relocating the primary large residence he would like to see that happen. He stated that he had restored a number of historic properties and that this residence did matter to him.

Councilmember Wiggins stated that she hoped the house could remain and maybe become a bed and breakfast, but did not know what condition the house was in.

Mr. Cox stated that he did not know the condition of the house. He stated that he would bend over backwards to find a way to relocate the house but he did not know if the house could remain on this property. He stated that because of the time frame he would work with the existing tenants allowing them to stay an additional term before they would be close to doing anything to the property.

The public hearing was opened and the following person spoke:

John Lepri, 531 N. Main Street, Graham, spoke in opposition of the rezoning.

The public hearing was closed.

Upon motion by Councilmember Hall, seconded by Mayor Peterman is was resolved to deny the request for rezoning. Councilmember Wiggins voted no. Councilmember Talley was recused.

- c. **Public Hearing: AM2102 Text Amendment 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)

Planning Director Page stated that the Planning Board asked that this issue be tabled to the next Council meeting. Mr. Page introduced the new Senior Planner Cameron West.

Mr. West stated that he is from Elizabeth Town and was happy to join the team here at the City of Graham.

Planning Director Page stated that the City Council had requested the Planning Board evaluate the process for Special Use Permits, with the recommendation that they be sent to the Board of Adjustment to be heard once. He stated that under the current process, the residents of the City have limited input and the City Council has limited discretion for Special Use Permits. He stated that the current process left most residents feeling disconnected from the deliberations regarding Quasi-Judicial Hearings.

Mr. Page further stated that other jurisdictions in North Carolina had taken the step to evaluate what uses their Table of Permitted Uses has for Special Use Permits, as well as what limitations should be placed upon them (for example, a cell tower may be required to have all property lines as far away as the height of the tower). The Planning Board and Council may remove the requirement for Special Use Permits for all uses without specific standards, or add standards to those uses. For example, Bed and Breakfasts currently require a Special Use Permit in some zones, but have no standards with regards to capacity, parking, etc.

The draft language places authority to hear and approve or deny the Special Use Permits with the Board of Adjustment, and such hearings only occur once, rather than going before the Planning Board and subsequently the City Council.

Mayor Peterman stated that in respect to Planning and Zoning, we should postpone the recommendation and give the board the opportunity to work on this.

Upon motion by Councilmember Hall, seconded by Mayor Peterman, it was resolved unanimously to table consideration of the proposed text amendment, regarding Special Use Permits, to the September 14, 2021, City Council meeting.

PUBLIC COMMENT PERIOD:

Mr. Morris Robertson, 3457 Southern High Mt. Herman Road, Graham, NC, asked Council to consider a columbarium in a portion of property adjacent to its cemetery.

Mayor Peterman stated that the portion in question was not owned by the City of Graham and that he would ask City staff to look into the request.

Councilmember Talley asked if the Cemetery Board had been regrouped after a discussion two months ago.

Mayor Peterman said that they are trying to find out if members were still available to serve and bring members to Council to vote.

City Clerk Sperry stated that in 2013 it was put together as an advisory committee and that it had never been formed as an official board.

Mayor Peterman stated that this committee should be an official board.

Upon motion by Councilmember Hall, seconded by Mayor Peterman it was resolved unanimously to direct staff to create an official Cemetery Board and to grandfather in current members as part of the board if they chose to serve.

STAFF COMMENTS:

Planning Director Page shared the following:

- Quasi-Judicial Training for Boards/Commission members – August 24th – 1:00pm to 3:30pm at City Hall.
- Legislative Training for Boards/Commission members – September 14th – 5:30pm to 8:00pm at City Hall.
- E. Pine Street Sidewalk Project has the last easement acquired, largely due to Rod Payne’s exceptional work, dedication, quality, and knowledge which made the property owners comfortable and prepared for the project.
- Jimmie Kerr Road speed limit reduction has been approved by NCDOT, from the City Limits to Cherry Lane, and should be signed soon.
- The intersection of Harden Street and E. Elm Street’s final design is underway by NCDOT, and plans should be released soon.

Mr. Jason Cox re-entered the Council Chamber and announced that he was ready to address Council in reference to Planning Board Recommendations, Item b (Maple and Market Rezoning).

Interim City Manager Aaron Holland praised City Clerk Darcy Sperry and Planning Director Nathan Page for their excellent work performed while with the City of Graham and that they would be missed.

City Council also expressed sincere appreciation to Ms. Sperry and Mr. Page for a job well done.

CITY COUNCIL COMMENTS:

Councilmember Talley announced that a movie company would be filming a movie, Too Little Too Late in the downtown Graham area this month.

Dockdogs – National Competition - September 17-19, 2021 in downtown Graham.

Thursdays at Seven Concert - August 24th - Castaways will be performing.

Councilmember Hall asked City Staff to review a request to extend a sidewalk from Water Street to Parker Street.

Councilmember Talley asked staff to review the policy for downtown events to include notifying downtown business owners of a potential event that may take place in the area of said businesses.

Interim City Manager Holland stated that they could include notifying business owners to the event application process.

9/11 Commemorative 5K Event - First Responders Team Cup Kid’s Zone, Food Trucks, Band Blood Drive
General Information General Information Date: Saturday, September 11, 2021. Event Times: 8:00am – 2:00pm. For All Ages.

ADJOURN:

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

Renee M. Ward, CMC
Interim City Clerk

**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				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
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	ANTIQUE 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 Country 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. Westbrook 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

**CITY OF GRAHAM
CITY COUNCIL MEETING MINUTES
TUESDAY, OCTOBER 12, 2021**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on October 12, 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- *Absent*
Councilmember Melody Wiggins
Councilmember Jennifer Talley
Councilmember Ricky Hall

Staff Present:

Aaron Holland, Interim City Manager
Renee Ward, Interim City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney - *Absent*
Justin Snyder, Planning Director
Darby Terrell, City Clerk

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.

Mayor Peterman, announced Mayor Pro Tem Chip Turner was feeling well and wished him a quick recovery.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST AND OATH OF OFFICE:

Interim City Clerk Renee Ward administered the oath of office to Darby Terrell as the City Clerk for the City of Graham, effective October 12, 2021.

There were no conflicts of interested reported.

WASTE WATER TREATMENT PLANT- PROJECT UPDATE:

Interim City Manager Aaron Holland, introduced Hazen & Sawyer representatives, Mr. Colin Beck, 1343 Rodessa Run, Raleigh, NC, presented the update to the City Council.

Mr. Beck stated Council that the project was to allow the Waste Water Treatment Plant to increase capacity, improve treatment and reliability of the plant, and to insure wet weather resiliency for the plant. Mr. Beck reminded Council that a grant from the North Carolina Department of Environmental Quality (NCDEQ) of \$30,694,000, would be used towards funding this project. Mr. Beck then explained that previous comments from NCDEQ on requirements to update the plant would cost roughly five million dollars more, and with NCDEQ granted full funding of the extra expenses. Mr. Beck stated that due to current circumstances there was an increase in the overall cost of the project that would add roughly ten million dollars more for the total cost of the project. Mr. Beck stated that Hazen & Sawyer had submitted a new application on September 30, 2021, for the exact funding needed, and they were confident that NCDEQ would grant the additional amount to the City. He stated a decision by NCDEQ would not be made until March of 2022.

Mr. Beck stated Council, that there would be a design meeting with the City staff in November. Mr. Beck explained the next steps after March 2022. Mr. Beck stated the Council of the tentative schedule for next year, they expect to start advertising for the project in April 2022, have an accepted bid in June 2022, and the construction in August of 2022.

Councilmember Talley asked Mr. Beck if he anticipated any other additional costs. Mr. Beck responded saying that Hazen & Sawyer does not currently anticipate any additional costs due to the bidding climate, but they would be watching closely on the building materials costs.

Mayor Peterman inquired about the lifespan of the Waste Water Treatment Plant, and would this be discussed again in the near future. Mr. Beck answered that most building infrastructure had a lifespan of 20 years.

CONSENT AGENDA:

- i. To approve the minutes of the September 14, 2021, City Council regular session meeting.
- j. To approve an Engineering Contract #2 by Alley, Williams, Carmen & King, in the amount of \$340,500, which are fully reimbursable through the NCDEQ State Loan and Water Infrastructure Fund Grant, for the Boyd Creek Pump Station.
- k. To approve administrative edits the Development Ordinance pursuant to Sections 10.4(A) and (B) to correct grammar, spelling, punctuation, numbering, capitalization, and other non-substantive changes to. These changes are non-substantive and do not change the meaning of the ordinance. (To view the updated Development Ordinance follow the link <https://www.cityofgraham.com/ordinances/>)
- l. To approve a Sewer Disconnection Policy for delinquent “sewer only” accounts.
- m. To award a contract, in the amount of \$275,000, to Stewart-Cooper-Newell Architects for design services for the proposed fire station project.
- n. To approve a Sanitary Sewer Permitting Policy to limit the accumulation of wastewater permitted at State mandated flows per bedroom (Paper Flow) which impacts available wastewater treatment and pump station capacity in order to maintain capacity for future projects.
- o. To approve Water and Wastewater System Extension and Connection policy to extend its water and wastewater systems to better serve the needs of the citizens of Graham as well as those who desire to connect to the City’s water and wastewater system.
- p. To approve the following tax releases in the amount of \$2,580.33:

CITY OF GRAHAM RELEASE ACCOUNTS			
OCTOBER			
ACCT #	YEAR	NAME	REASON FOR RELEASE
			AMOUNT RELEASED
11892	2021	KEYSTONE GROUP INC	DISCOVERED NEW 2021 OWNER, RELEASE BUILDER
469640	2021	COBLE, REVOCABLE LIVING TRUST	QUALIFIED FOR HOMESTEAD EXEMPTION
684791	2021	GRANGER, CHARLES H	QUALIFIED FOR HOMESTEAD EXEMPTION
697205	2021	MABE, STEPHEN GLENN	BOAT LOCATED IN BURLINGTON
699210	2021	STUDION ELM INC	BUSINESS LOCATED IN SAXAPAHAW
700133	2021	GRAHAM EXPRESS WASH LLC	TAX DOUBLE BILLED
			TOTAL RELEASES \$2,580.33

Mayor Peterman asked for a motion to approve a, b, c, d, f, and h, of the consent agenda. Councilmember Hall moved, and Councilmember Talley seconded. The motion passed unanimously.

Councilmembers pulled consent agenda item e and g to discuss further.

CONSENT AGENDA ITEM (g):

Councilmember Talley inquired about consent agenda item g. Interim City Manager Holland explained that this policy was a formalized version of the current policy being used by staff, which was very similar to the City of Mebane's due to both cities having sewer connections. Mr. Holland explained that with Council approval staff could now provide this policy to citizens.

Councilmember Hall moved to approve consent agenda item g, seconded by Councilmember Talley, motion passed unanimously.

CONSENT AGENDA ITEM (e):

City Council asked questions on consent agenda item e, Fire Chief Tommy Cole, for an update on the proposed fire station project.

Chief Cole informed Council on the progress of a new fire station. He stated that the staff Stewart-Cooper-Newell Architects for the design of the new station based on their experience with building modern-day fire stations, and in repurposing old city buildings. Chief Cole stated that completion of the design would be in early spring.

Mayor Peterman motioned to approve consent agenda item e, seconded by Councilmember Wiggins, 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-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) **(Planning Board has requested this item to be tabled to the November 9, 2021, City Council Meeting)**

City Council discussed following the recommendation to table this item as requested from the Planning Board.

Councilmember Hall motioned that we postponed one and two, seconded by Councilmember Talley. During discussion Councilmember Wiggins disagreed and Mayor Peterman asked to act one at a time.

Councilmember Hall corrected the motion to postpone motion one, carrying the second from Councilmember Talley. The motion carries 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 August 10, 2021, City Council Meeting.) (AM2102) (Planning Board has requested this item to be tabled to the November 9, 2021, City Council Meeting)*

Councilmember Wiggins expressed concern about the length of time it had taken Council to approve this item. She stated the desire to give staff time to review the Special Use's and Special Use permit process, back to Council with a recommendation. Council discussed this option. Planning Director, Justin Snyder stated the Council that they could pull it, and when it was ready it would need to go through the process advertising process.

Councilmember Wiggins moved to pull Item 2 and delay it to allow staff the opportunity to work on it. Mayor Peterman seconded the motion. The motion was denied by a vote of 3 to 1. Noes Mayor Peterman, Councilmembers Hall and Talley.

Councilmember Hall moved to follow the Planning Boards request of tabling the request. Mayor Peterman seconded the motion. The motion passed 3 to 1. Noes, Councilmember Wiggins.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENTS

Councilmember Hall asked if the old hosiery mill located on Parker Street and ask to board up windows due to receiving complaints from citizens. Planning Director Justin Snyder informed Council that staff would contact the owner and determine if there are any policy violations.

Councilmember Talley stated Council of one of the advisory committees' discussions about the practice of the pledge of allegiance and an invocation at the beginning of meetings. After a brief discussion Councilmember Talley asked Council for a consensus to have a policy to allowing boards and commissions to include pledge of allegiance and an invocation. All members consented and agreed with Councilmember Talley.

Councilmember Talley gave updates on the City's Pumpkin Bash and ALCOVets events.

Mayor Peterman stated the Veterans Day Parade, would be held on Saturday, November 13, 2021, at 10:00 am.

CITY STAFF COMMENTS

Interim City Manager stated City Council of the Police Department's Community Survey. Mr. Holland offered staff's condolences to the family of Grace Baldwin, who served on several boards for the City and was very involved with the community.

Mary Faucette, Economic Development Coordinator, gave updates to Council on upcoming events and highlighted Neyra, a company that opened in Graham just three years ago, on their collaboration with Graham Recreation and Parks Department. She explained the company approached the department with the idea of resurfacing tennis courts at Cooke Park as a community service project. Neyra employees, along with the GRPD staff, had been resurfacing six tennis courts over the last several weeks. In addition to resurfacing the courts, they are adding permanent Pickle Ball lines to two of the courts. All work is expected to be completed this week. She also stated the Council about the new entrance sign and newly planted pink weeping cherry tree located in memory of Mickey Cheek.

- Historical Resources Commission (HRC) awarded Façade Grants
- October 14 the Graham High School Homecoming Parade downtown will be started at 6:00 p.m.
- October 23, Alamance County Car Show from 8:00 a.m. to 2:00 p.m.
- October 29, Pumpkin Bash event 6:00 p.m. to 9:00 p.m.
- October 21, Vision Forum at The Graham Mill, from 6:00 p.m. to 8:00 p.m.

CLOSED SESSION:

City Council would considered a Closed Session pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6), to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

The Council decided not to go into Closed Session.

ADJOURN:

Upon motion Mayor Peterman, seconded by Councilmember Hall, and it resolved unanimously to adjourn. (6:39 p.m.)

Darby Terrell, City Clerk

**CITY OF GRAHAM
CITY COUNCIL SPECIAL MEETING MINUTES
FRIDAY, OCTOBER 22, 2021**

The City Council of the City of Graham held a special meeting beginning at 11:00 a.m. on October 22, 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
Darby Terrell, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney - *Absent*
Lorrie Andrews, Human Resources Director

CALL TO ORDER:

Mayor Jerry Peterman called the meeting to order and presided at 11:00 a.m. Mayor Peterman offered the invocation and everyone stood to recite the Pledge of Allegiance.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST:

Darby Terrell, City Clerk, asked Council to report any conflicts of interest. There were no conflicts of interest reported.

CLOSED SESSION:

City Council considered going into a Closed Session pursuant to N.C.G.S. §. 143-318-11 (a) (6), to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Mayor Peterman stated the following staff and other non-council members would be attending the Closed Session:

- Aaron Holland, Interim City Manager
- Lorrie Andrews, HR Director
- Billy Clayton, Administrator of Police Department
- Megan Garner, Candidate
- Darby Terrell, City Clerk
- Bryan Coleman, City Attorney

Councilmember Ricky Hall motioned to go into closed session, Mayor Pro Tem Chip Turner seconded, the motion was approved. The Council moved to a Closed Session at 11:03 a.m.

Councilmember Melody Wiggins motioned to open the Public Meeting, Mayor Pro Tem Turner seconded, the motion was approved. The Public Session opened back up at 12:23 p.m.

NEW BUSINESS:

ITEM 1: CONTRACT- NEW CITY MANAGER

Mayor Peterman made the following statement, “We have discussed the position of City Manager and have extended an offer of employment and contract to Ms. Megan Garner, effective November 15, 2021.” The Mayor Peterman motioned the above statement, Councilmember Wiggins seconded the motion, and it was approved unanimously.

PUBLIC COMMENT PERIOD

Tom Boney, Alamance News, asked for a copy of the contract between the City of Graham and Ms. Megan Garner. Mr. Boney also asked if Ms. Garner had accepted the position.

Bryan Coleman, City Attorney, informed Mr. Boney that since the contract had been approved, Mr. Boney would receive a copy of the contract. Aaron Holland, Interim City Manager, also informed Mr. Boney that only the contract terms had been approved on both sides and that Ms. Garner would need to sign the approved contract.

CITY COUNCIL COMMENTS

Councilmember Jennifer Talley welcomed Ms. Garner to the City of Graham.

ADJOURN

Councilmember Ricky Hall motioned to adjourn at 12:34 a.m., Mayor Pro Tem Chip Turner seconded the motion, the motion passed.

Darby Terrell, City Clerk

**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:

- q. To approve the minutes of the October 12, 2021 and October 22, 2021, City Council regular and special sessions.
- r. 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.

- s. 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, City Clerk

**CITY OF GRAHAM
CITY COUNCIL SPECIAL MEETING MINUTES
MONDAY, DECEMBER 13, 2021**

The City Council of the City of Graham held a special meeting beginning at 6:00 p.m. on December 13, 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:

Megan Garner, City Manager
Aaron Holland, Assistant City Manager
Darby Terrell, City Clerk
Bob Ward, City Attorney
Bryan Coleman, City Attorney- *absent*

CALL TO ORDER:

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m.

INTRODUCTION TO COUNCIL MEETING PROCEEDINGS

Mayor Peterman welcomed Council Members Elect Bobby Chin and Joey Parsons. Mayor Peterman reviewed meeting proceedings and the organization of special meetings.

REVIEW OF DECEMBER 14, 2021 REGULAR SESSION AGENDA

Mayor Peterman discussed how the organization of the new City Council would take place. He then reviewed agenda items the former Council members would act upon. He asked City Clerk Darby Terrell to add the administering the Code of Ethics before the approval of minutes and the Old Business item the former Council would be voting on. All agreed to add the Code of Ethics statement. Mayor Pro Tem Chip Turner and Council member Melody Wiggins then exited the meeting.

Mayor Peterman handed the meeting over to Mayor-Elect Jennifer Talley to review agenda items with the newly elected Council members. Mayor-Elect Talley suggested a 20-minute recess, after the oath of office was administered, for photos and greeting visitors in attendance. Council members Elect agreed to a recess.

Council discussed the process of filling the vacant City Council member seat. Mayor-Elect Talley suggested a questionnaire for those interested in serving to complete and submit for consideration. Ms. Talley also suggested having Option A, the motion and vote method on interested candidates, until Council reached a majority vote on a candidate.

Tom Boney, Alamance News, asked staff and Council what options they were choosing from by deciding how to fill the vacancy.

City Manager, Megan Garner, stated the legal experts suggested two options at the UNC School of Government used by most local governments when filling a vacant seat. Megan Garner said Option A was the motion-and-vote method, and Option B was the motion-and-ballot method.

Tom Boney, Alamance News, asked if Council would be able to see how many applicants they received before deciding on how to vote.

Bob Ward, City Attorney, answered that, yes, legally they could see how many people applied and then decide how to choose the next council member. However, they should announce what procedure they will be using beforehand on how they would decide who would be taking the vacant seat.

Mayor-Elect Talley, began reviewing agenda items. She asked the City Clerk, Darby Terrell to include the correct language for motions on each agenda item for the new Council members.

Mayor Peterman asked if he needed to be present for the Audit Report since the Mayor is automatically on the Audit Committee for the City of Graham. Bob Ward, City Attorney, said he does not need to be present. The Council members discussed accepting the report and asking for public comment.

Council discussed the consent agenda and how the going off Council proceeded to vote on those items. Mayor Peterman did inform the new Council that these were mostly non-controversial items that did not need to be discussed, but Council members could pull any items off if they had questions for staff.

Tom Boney, Alamance News, asked if the annexation items on the December 14, 2021 agenda have any addresses. Or if they have any more descriptions on which parcels these properties are being discussed.

Aaron Holland, Assistant City Manager, answered that the listed properties do not receive addresses until further in the annexation process.

Mayor-Elect Talley suggested tabling New Business Item E, so the new Council members will have more time to review the proposed changes.

Council and staff discussed Item F, the Rezoning on East Harden street. Mayor-Elect Talley asked if the representative will be present and if staff was aware of their efforts to reach out to the adjacent property owners. Darby Terrell, City Clerk answered that Mr. Chad Huffines was the representative, and it was more than likely he would be present. Aaron Holland, Assistant City Manager answered that he wasn't aware of Mr. Huffines or Maple View Inc's efforts to contact the adjacent property owners.

Mayor-Elect Talley suggested tabling the Planning and Board of Adjustment vacant seat appointment item to allow staff to advertise the vacancy and receive additional applications for review.

Mayor-Elect Talley asked City Clerk Terrell to move the position of City Staff Comments before the City Council Comments.

ADJOURN

Council member Ricky Hall motioned to adjourn at 7:13 p.m., Council member Talley seconded the motion, the motion passed unanimously.

Darby Terrell, City Clerk

**CITY OF GRAHAM
CITY COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 14, 2021**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on December 14, 2021, in 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
Council Member Elect Bobby Chin
Council Member Elect Joey Parsons

Staff Present:

Megan Garner, City Manager
Aaron Holland, Assistant City Manager
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Darby Terrell, City Clerk
Justin Snyder, Planning 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 Council Member Hall to give the invocation and everyone stood to recite the Pledge of Allegiance.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST:

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

APPROVAL OF MINUTES:

Mayor Jerry Peterman asked for a motion to approve the Regular Meeting minutes of the November 9, 2021, City Council meeting as presented. Council Member Ricky Hall moved to approve, Council Member Melody Wiggins seconded, and the motion passed unanimously.

OLD BUSINESS:

ITEM 1: CODE OF ORDINANCES- SESSION LAW 2021-18 (SENATE BILL 300) CRIMINAL PENALTIES CHANGES- SECOND READING

North Carolina General Assembly Senate Bill 300 (Session Law 2021-18), 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 asked Council to consider adopting these amendments to the City of Graham Code of Ordinances to comply with Senate Bill 300.

Aaron Holland, Assistant City Manager, informed Council that this was the second reading for the required changes to the Code of Ordinances by Session Law 2021-18 on the criminal penalties that were enacted in these ordinances. This was a required change by the North Carolina General Assembly and there was a deadline to pass these changes before December 31st of this year.

Council Member Wiggins moved to approve the second 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. Council Member Hall seconded the motion, the motion passed unanimously.

CERTIFICATION OF ELECTION:

City Clerk Darby Terrell confirmed the certification of the election held on November 2, 2021, as certified by the Alamance County Board of Elections as follows;

Votes for Mayor Position:

Jennifer Talley	828
Chip Turner	680

City Clerk Terrell confirmed that Jennifer Talley was the duly elected Mayor for a two-year term expiring December 2023.

Votes for Council Member Positions:

Daniel Alvis	309
Jeanette E. Beaudry	195
Bobby Chin	685
Brook Flood	119
Edith J. Montoya	400
Joey Parsons	663
Melody Wiggins	540

City Clerk Terrell confirmed that Bobby Chin and Joey Parsons are the duly elected Council Members for a four-year term expiring December 2025.

ORGANIZATION OF NEW CITY COUNCIL

North Carolina State House Representative Dennis Riddell administered the Oath of Office to newly elected Mayor Jennifer Talley.

Alamance County Clerk of Court Meredith Edwards administered the Oath of Office to newly elected City Council Member Bobby Chin.

Alamance County Clerk of Court Meredith Edwards administered the Oath of Office to newly elected City Council Member Joseph “Joey” Parsons.

SPECIAL PRESENTATION:

Former Mayor Jerry Peterman congratulated the new council on their achievement of being elected as Mayor and Council Members for the City of Graham. He also expressed his gratitude to City staff, fellow Council Members, and everyone who helped him during his years on Council.

NEW COUNCIL CONVENES- ELECTION OF MAYOR PRO TEM:

Council Member Chin moved to nominate Ricky Hall as Mayor Pro Tem Council Member Joey Parsons seconded the motion, the motion passed unanimously. There were no other nominations.

Alamance County Clerk of Court Meredith Edwards administered the Oath of Office to the newly elected Mayor Pro Tem Ricky Hall.

SET REGULAR SESSION MONTHLY MEETING SCHEDULE:

Council discussed setting the monthly time and date of the regular session meetings. Council agreed to stay with the current scheduled date and time.

Mayor Talley asked for a motion to set the regular session monthly meeting schedule. Council Member Parsons moved to set the regular session meeting schedule for the second Tuesday of each month to begin at 6:00 p.m. Council Member Chin seconded, the motion passed unanimously.

COMMENTS FROM NEWLY ELECTED OFFICIALS

Mayor Talley announced that with the currently vacant seat, Council had decided to use a motion-and-vote method suggested by the University of North Carolina School of Government, for municipalities. Mayor Talley also announced that Council would like interested individuals to complete a questionnaire, so that Council could review the submissions and vote on candidates at the February 8, 2022, Council meeting.

Mayor Talley asked for a motion to select the motion-and-vote method to fill the vacant Council seat. Council Member Chin moved to collect questionnaires no later than January 30, 2022, and use the motion-and-vote method as the process to fill the vacant Council seat at the February 8, 2022, City Council meeting. Mayor Pro Tem Ricky Hall seconded, the motion passed unanimously.

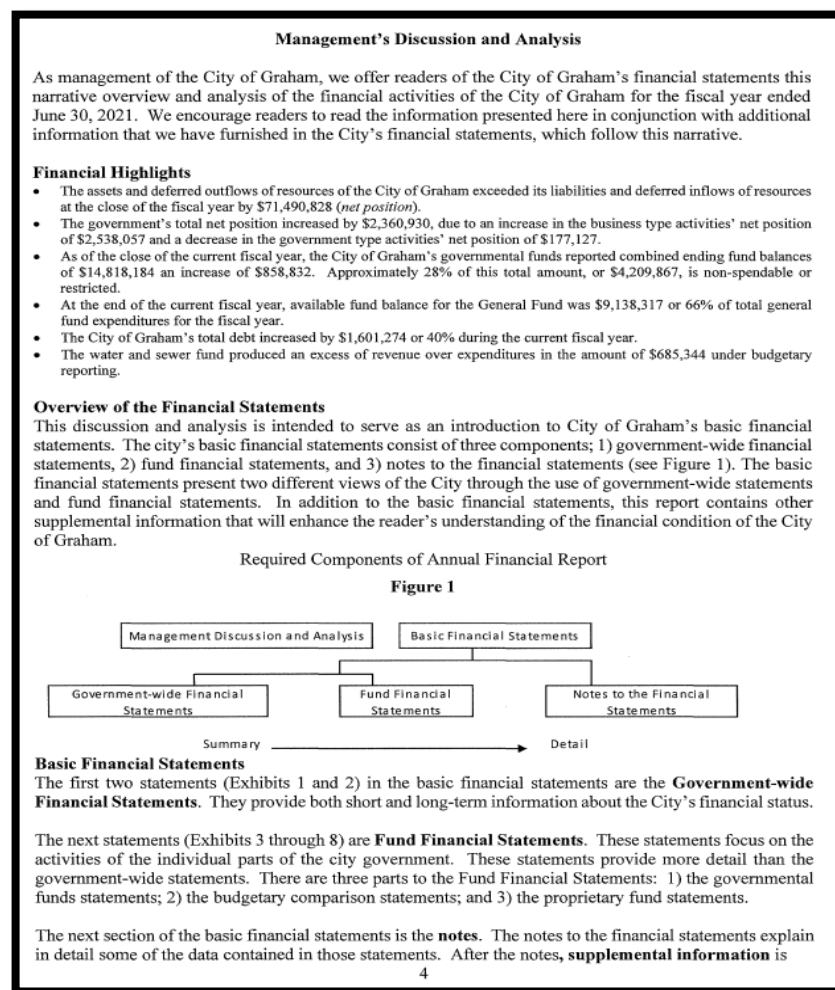
CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST:

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

AUDIT REPORT:

Mayor Talley introduced Patricia Rhodes, Stout, Stuart, McGowen, and King. Ms. Rhodes presented to Council the 2020-2021 Audit Report. During the presentation, Ms. Rhodes informed Council of the services that her firm provides the City of Graham as well as the services by Cobb Ezekiel Loy & Company, P.A. Ms. Rhodes announced that the Local Government Commission approved the audit report for the City.

Ms. Rhodes directed Council to page 4, of the audit report, and discussed the Financial Highlights. Ms. Rhodes highlighted the City of Graham was at 66% of the total general fund expenditures. The general fund is normally used to determine the strength of a city. She informed Council that the state average is 50% and that the State had a required minimum of 8%. She reminded that Council they have a long-standing goal to keep the general fund expenditures at or above 30%. The City's total debt did grow due to the Water Pollution Revolving Loan for the sewer improvements.

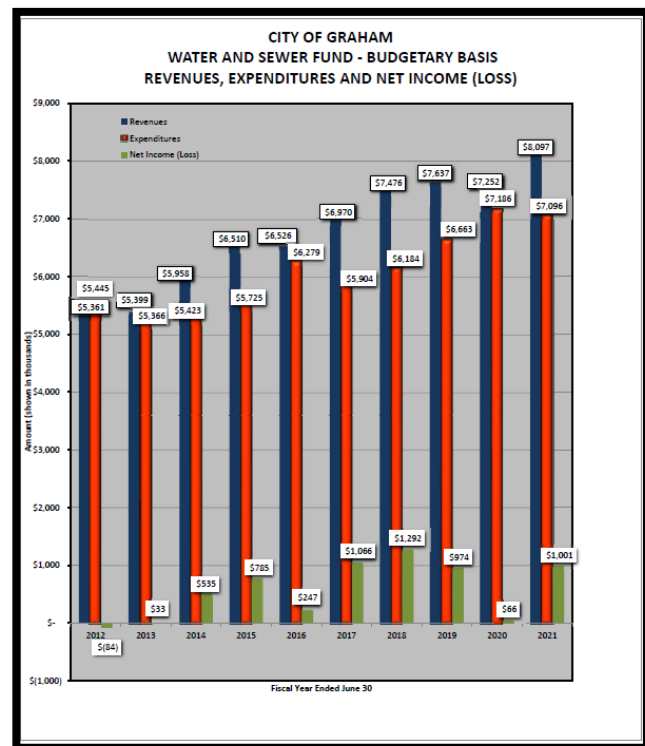
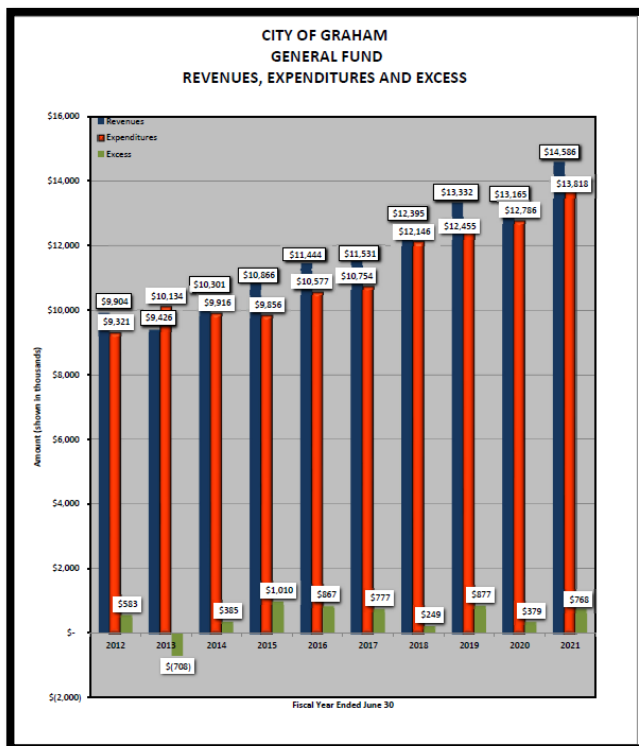


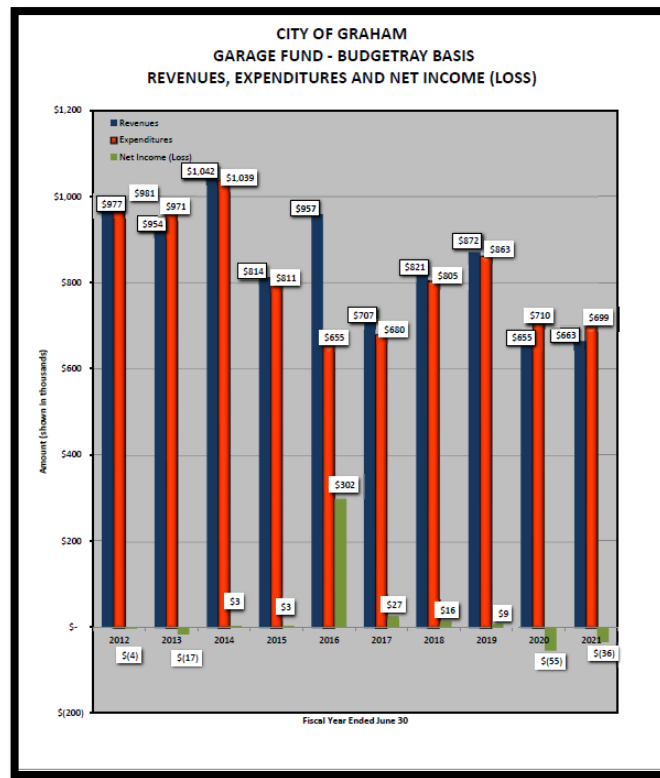
Ms. Rhodes informed Council that the City of Graham was expecting to receive quite a few grants in the next upcoming year and that her firm would help monitor the grant funds and ensure they are being used appropriately per the grant rules.

Ms. Rhodes then reviewed the General Fund, Water and Sewer Fund, and Garage Fund graphs; all graphs are over ten years to show trends (provided below). With the first graphs, Ms. Rhodes informed Council the General Fund revenues exceeded the expenditures last year. She did highlight that within the General Fund,

the City Council's budget was the only one that exceed the budgetary amount of expenditures, mostly because of the legal fees that were assessed late last year. Ms. Rhodes stated that auditors are required to inform Council if a department was over budget, and reminded Council that per the statutory requirement they must stay within the budget. Ms. Rhodes answered a Council Member's question that the reason a budget amendment was not made to correct this problem was that it was too late. She also informed Council the Water and Sewer Fund revenues exceeded the expenditures as well last year. Ms. Rhodes did state that the Garage Fund in which the goal for a city would be to break even did not happen this year because the expenditures exceeded the revenues which had the fund at a net loss.

Ms. Rhodes ended the presentation with the letter required by her firm's professional standards that communicate overall important highlights to Council. Ms. Rhodes summarized the letter informing Council even with the difficulties that COVID-19 provided, the auditors did not have any problems performing their duties. She continued and stated that they had no difficulties or disagreements with management. Ms. Rhodes thanked Council for allowing them to continue doing the audit for the City of Graham, she also thanked city staff for their help throughout the process. She also extended the offer of answering any of Council Members' questions while they look at the report and asked them to call their office any time.





CONSENT AGENDA:

- a. To approve a Petition for a Voluntary Contiguous Annexation for 78.12 acres located on Cherry Lane (GPIN 8893686572 & 8894906303) (AN2103) and:
 - i. To approve a Resolution Requesting the City Clerk to Investigate Sufficiency.
 - ii. To approve a Resolution Fixing Date of Public Hearing on Question of Annexation.
- b. To approve a Petition for a Voluntary Contiguous Annexation for 37.85 acres located on Governor Scott Farm Road (GPIN 8893886609) (AN2104) as well as:
 - i. To approve a Resolution Requesting the City Clerk to Investigate Sufficiency.
 - ii. To approve a Resolution Fixing Date of Public Hearing on Question of Annexation.
- c. To approve a Petition for a Voluntary Contiguous Annexation for 9.10 acres located on Cherry Lane (GPIN 8893796670) (AN2105) as well as:
 - i. To approve a Resolution Requesting the City Clerk to Investigate Sufficiency.
 - ii. To approve a Resolution Fixing Date of Public Hearing on Question of Annexation.
- d. To approve public improvements for Windsor Homes at Forks of Alamance subdivision Phase 1, 2A, and 2B (\$1502)
- e. To approve the following tax releases in the amount of \$66.54:

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
694437	2021	WELLS FARGO VENDOR FINANCIAL	ASSETS MOVED TO ANOTHER ACCOUNT	\$66.54

Mayor Talley allowed questions and comments from the audience on consent agenda items. Mr. Chad Huffine, a concerned citizen, stated he had not been notified and was concerned that there was no proper notice given to all property owners abutting one of the properties. Mayor Talley asked Planning Director, Justin Snyder, if proper notice was given. Mr. Snyder answered that he was confident that staff met the statutory requirements of notification. Both Mr. Snyder and Assistant City Manager, Aaron Holland, stated that Council could still approve the consent agenda as presented and that staff would confirm and make sure abutting property owners had been informed and properly notified.

Mayor Talley asked for a motion to approve the consent agenda, Mayor Pro Tem Hall moved to approve the consent agenda, Council Member Parsons seconded, and the motion passed unanimously.

NEW BUSINESS

ITEM A: Source Water Resiliency and Response Plan Notification-

Source Water Resiliency and Response Plan Notification- On January 1, 2019, a new rule that mandates Source Water Protection (SWP) planning for all public water supply systems that treat and supply water from surface sources. It is required for all public water systems treating and furnishing water from a surface water source to create and implement a Source Water Protection Plan to be following 15A, NCAC, 18C .1305 (a) and G.S. 130A-320.

Assistant City Manager, Aaron Holland, informed Council that on January 1, 2019, a new rule that mandates Source Water Protection (SWP) planning for all public water supply systems that treat and supply water from surface sources to create and implement a Source Water Protection Plan to be following 15A, NCAC, 18C .1305 (a) and G.S. 130A-320.

Mr. Holland stated Council did not have to take any action for this item and that it was only required for staff to notify Council that they had created this plan.

ITEM B: Community Oriented Policing Services (COPS) Grant Approval-

Community Oriented Policing Services (COPS) Grant Approval - The Graham Police Department is requesting Council consider hiring six new police officers for the COPS grant awarded by the US Department of Justice. The grant would require continuation funding for a minimum of 12 months after the 3-year grant cycle.

Captain Daniel Sisk, Graham Police Department, informed Council that the Police Department had applied for the United States Department of Justice's Community Oriented Policing Services grant. Capt. Sisk stated that this grant would be used to fund six full-time police officers to help increase their effort for planned community partnerships, implementation of projects, to analyze and assess problems, implementation of changes to personnel and agency management in support of community policing, and increase the capacity of the agency to engage community policing activities. Capt. Sisk informed Council this grant would fund 75% of an entry-level officer's salary for three years. \$250,000 annually for a total at the end of the three years \$750,000. The grant funding will be available for up to five years to allow the department to recruit and hire for these six positions.

Mayor Talley commented that she was happy and looking forward to the staffing of six additional officers, which was needed for the City of Graham.

Tom Boney, Alamance News, asked Council the amount that the City would have to match, and the City's ability to provide salaries for these new officers after the grant funding was over.

City Manager, Megan Garner, informed Mr. Boney of the annual cost for the 3-year total was estimated at \$440,376 in the staff report.

COSTS

We are requesting the funding of six full time officers. The median salary for an entry level officer is \$44,789. When benefits are added it increases that cost to \$66,132. The annual cost for 6 officers is \$396,792. The Grant funded portion would be \$250,000 annually. The City's grant match funding would be \$146,792 annually. The 3-year total cost for the city would be \$440,376. The city is funding more than 25 percent of the annual cost due to the annual cap of the Federal grant. In other words, the annual salary with benefits would have to be \$55,555 in order for the city to only fund 25 percent of the awarded grant funding. So, our median salary is approximately \$10,577 more than the allotted grant funding allows.

Mr. Boney stated that Council should be cautious of these types of grants. He expressed concern that Council would be forced to figure out, in the future, how to pay for the new officers' salaries without grant aid.

Mayor Talley stated that she agreed and understood Mr. Boney's concern with providing the officers' salaries once the funding from the grant had ended, but the need for more officers outweighs this concern.

She explained that the State's assessment for the City of Graham indicated that Graham should be providing a minimum of 12 officers on patrol and that we currently provide four. Mayor Talley stated this grant would help with reaching that minimum number of officers needed.

ITEM C: Planning and Board of Adjustment Board Vacancy-

City Council will consider appointments to the Planning and Board of Adjustment Board.

Mayor Talley stated that Council would like to table this item to allow the City Clerk time to advertise for the vacancy on the Planning and Board of Adjustment. Council Member Parsons agreed and stated that the citizens need to be notified that this position was open.

Council Member Chin moved to table this item to the February 8, 2022, City Council meeting to allow the City Clerk to advertise the vacancy on both the City's website and social media. Mayor Pro Tem Hall seconded, the motion passed unanimously.

PUBLIC HEARINGS:

ITEM D: Amendment to Development Ordinance as required by North Carolina General Assembly Session Law 2021-18 (SB 300) (AM2104)-

Amendment to Development Ordinance as required by North Carolina General Assembly Session Law 2021-18 (SB 300) (AM2104) A public hearing had been scheduled to consider the North Carolina General Assembly Session Law 2021-18, Senate Bill 300 to require criminal penalty amendments in the Development Ordinance in Chapter 10 of the Code of Ordinances. The Planning Board has already approved and suggests approval of these changes. (Planning Board approved of amendments at its November 16, 2021, regular meeting.)

Planning Director, Justin Snyder, informed Council Session Law 2021-18 or Senate Bill 300, also made criminal and civil penalty changes to the Development Ordinance. He informed Council there were at least ten changes made to the Ordinance to allow the language to match what was required by Session Law 2021-18.

Mayor Pro Tem Hall moved to approve the text amendments because it was consistent with Graham's 2035 Comprehensive Plan, Council Member Chin seconded, the motion passed unanimously.

ITEM E: Amendments to Development Ordinance for Table of Permitted Uses and Notes (AM2103)-

Amendments to Development Ordinance for Table of Permitted Uses and Notes (AM2103) - A public hearing had been continued to consider a text amendment to the Development Ordinance to re-classify existing permitted uses and changes to the Notes to the Table of Permitted Uses. (Sections 10.135 to 10.149) (Planning Board approved the amendments at its November 16, 2021, regular meeting)

Mayor Talley asked for a motion to table this item to give Council more time to review the changes that are being made and to allow Council time to ask questions to staff before the meeting. Mayor Pro Tem Hall moved to table this item to the January 11, 2022 meeting, Council Member Chin seconded, the motion passed unanimously.

ITEM F: Rezoning- 1205 East Harden Street for Maple View, Inc. (RZ2107)-

Planning Director, Justin Snyder, informed Council of this request to rezone 5.11 acres of property from low-density residential (R-18) to light industrial(I-1). Mr. Snyder informed Council this property was also located in the Highway 54 overlay, so additional development control measures, as well as use limitations under Section 10.465 of the development ordinance, would apply for this property. Mr. Snyder also informed Council that this rezoning meets the below policies of the Graham 203 5 Comprehensive Plan, and staff recommended approval.

- **2.1.1 Diverse job market.** A diversified job market that provides employment

opportunities for persons with varying education levels and skill sets was needed and encouraged. This amendment will allow for potential job creation that will diversify our existing workforce.

- **2.1.4 Competitive advantage.** Graham works to strengthen its existing comparative economic advantages including a high quality and highly diverse workforce, local education and research institutions, and high quality of life. This amendment will strengthen the local economy by increasing the tax base with minimal impact to existing public infrastructure. It will aid in diversifying our skilled labor workforce.
- **2.2.2 Living wages.** Promote the creation of living-wage jobs, and promote living wages when considering economic development incentives and investments. Expand living wage opportunities for people without 4-year college degrees. This amendment will likely attract business with a skilled workforce that may not necessarily be college educated or which may trend towards community colleges and functional programs.
- **3.2.4 Greenway system.** Promote a greenway system that links together the City's recreational resources and provides connections to commercial, employment, and residential areas. Greenways along stream buffers should be prioritized in order to protect the stream watershed. This parcel was located along a mapped stream, and by clustering the development and impervious areas to the front of the property, the rear stream buffer areas can be retained as natural open space with potential for trails or access easements for the public.
- **4.3.1 Land use patterns.** Promote 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. The use of this parcel for light industrial will allow more efficient use of the existing water and sewer lines, without an additional maintenance burden.

Chad Huffine, Project Engineer for Maple View Inc., 505 East Davis Street, Burlington, NC, informed Council that the Planning Board had unanimously approved this rezoning and asked for Council to consider approving this rezoning as well. Mr. Huffine informed Council the property had been owned since 2006 by Maple View Inc and that the light industrial zoning fits with their intentions for the future of this property.

Council Member Parsons asked what the end use of this property was, Mr. Huffine answered there was no definite plan for what would be developed on this property as of right now. Mr. Huffine also informed Council that they did speak with the Lenoir Homes Council and they had no concern.

During the discussion of this rezoning, Mayor Pro Tem Hall asked staff to put on the February 8, 2022, meeting's agenda to discuss moving the notification buffer from 100 feet to 150 feet.

Council Member Parsons moved to approve the rezoning request to I-1, because it was consistent with the 2035 Comprehensive Plan, meeting policies 2.1.1, 2.1.4, 2.2.2, 3.2.4, and 4.3.1. Mayor Pro Tem Hall seconded, motion passed unanimously.

PUBLIC COMMENT PERIOD

Keith Westbrook (604 Trock Wilder Court)- Congratulated the new City Council Members and welcomed City Manager, Megan Garner. Mr. Westbrook wanted to update Council on the crosswalk issue near the city schools.

CITY STAFF COMMENTS

City Manager, Megan Garner- Wanted to thank everyone for being kind and welcoming, and she was excited to be in Graham.

CITY COUNCIL COMMENTS

Council Member Bobby Chin- Thanked everyone who elected him and that he would represent every citizen of Graham. He stated he was looking forward to moving Graham forward and they should be proud of this City. He thanked everyone for taking a chance on an outsider and believes that there was work to be done and appreciates the opportunity.

Mayor Pro Tem Ricky Hall- Thanked Council for electing him as Mayor Pro Tem. He agreed with Council Member Chin that there was a lot of work to do and he was looking forward to making Graham better.

Mayor Jennifer Talley- Mentioned that there was a lot of projects coming up and they have been working very diligently. Mayor Talley recognized Mr. Tommy Purcell for volunteering his time picking up trash throughout the City of Graham. Mayor Talley announced on behalf of the Graham Cinema there would be Trolley Rides, on Friday, Saturday, and Sunday at 6:00 p.m., 6:30 p.m., and 7:00 p.m. Mayor Talley also mentioned that she would be meeting with the Recreation Department on events for the upcoming months.

ADJOURN:

Upon motion Mayor Talley, seconded by Mayor Pro Tem Hall, resolved unanimously to adjourn at 7:59 p.m.

Darby Terrell, City Clerk