

**CITY OF GRAHAM
CITY COUNCIL MEETING MINUTES
TUESDAY, JANUARY 11, 2022**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on January 11, 2022, in the Council Chamber of the Municipal Building located at 201 South Main Street, Graham, NC.

Council Members Present:

Mayor Jennifer Talley
Mayor Pro Tem Ricky Hall
Council Member Bobby Chin
Council Member 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

CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order at 6:02 p.m. and presided. Mayor Talley asked Pastor Chris Howe, First Baptist Church of Graham, to give the invocation.

Mayor Talley thanked Pastor Howe on behalf of the City Council and City of Graham employees for his church's actions of providing a place to take donations and distributing the donations to the Embers Motor Lodge victims. Pastor Howe thanked Mayor Talley for her words.

Everyone then stood to recite the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

Graham Recreation and Parks 2021 9/11 Commemorative 5k Check and First Responders Team Cup Trophy Presentation:

- Check Presentation to Children of Fallen Heroes
- Trophy Presentation to Graham Fire Department

Mayor Talley stated the presenters were unable to attend tonight due to unexpected circumstances. The presentation will take place at next month's meeting on February 8, 2022.

CONSENT AGENDA:

- a. To approve the minutes of the December 13, 2021, Special Meeting and December 14, 2021, Regular Meeting sessions.
- b. To approve the following tax releases in the amount of \$503.08:

| CITY OF GRAHAM RELEASE ACCOUNTS | | | | |
|------------------------------------|------|-------------------------------|--|--------------------|
| JANUARY | | | | |
| ACCT# | YEAR | NAME | REASON FOR RELEASE | AMOUNT RELEASED |
| 36779 | 2021 | WHITESELL, CHARLES VICTOR | BOAT BILLED ON REAL ESTATE BILL AND SEPARATELY | \$227.80 |
| 384548 | 2021 | WELLS FARGO FINANCIAL LEAS | VALUE CORRECTION | \$15.24 |
| 69068 | 2020 | STATE FARM MUTUAL AUTO INS | ASSETS DOUBLE BILLED | \$98.68 |
| 69068 | 2021 | STATE FARM MUTUAL AUTO INS | ASSETS DOUBLE BILLED | \$65.13 |
| 667366 | 2021 | HABITAT FOR HUMANITY | EXEMPT PROPERTY | \$68.25 |
| 658671 | 2021 | HUNTINGTON TECHNOLOGY FINANCE | ASSETS DOUBLE BILLED | \$27.98 |

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Chin. The motion passed unanimously.

PUBLIC HEARINGS:

ITEM 1: Voluntary Contiguous Annexation- 78.12 acres located on Cherry Lane (AN2103):

A public hearing had been scheduled to consider a voluntary contiguous annexation containing 78.12 acres on Cherry Lane, GPIN 8893686572 & 8894906303. (Staff requests that this item be tabled to the March 8, 2022, Council meeting.)

Mayor Talley stated that staff had informed Council that the applicant had requested this item be tabled.

Mayor Talley asked for a motion to table items 1, 2, and 3.

Mayor Pro Tem Hall motioned to table items 1, 2, and 3 until the March 8, 2022 meeting, seconded by Council Member Parsons. The motion passed unanimously.

ITEM 2: Voluntary Contiguous Annexation- 37.85 acres on Governor Scott Farm Road (AN2104):

A public hearing had been scheduled to consider a voluntary contiguous annexation containing 37.85 acres on Governor Scott Farm Road, GPIN 8893886609. (Staff requests that this item be tabled to the March 8, 2022, Council meeting.)

Mayor Talley stated that staff had informed Council that the applicant had requested this item be tabled. Mayor Talley asked for a motion to table items 1, 2, and 3.

Mayor Pro Tem Hall motioned to table items 1, 2, and 3 until the March 8, 2022 meeting, seconded by Council Member Parsons. The motion passed unanimously.

ITEM 3: Voluntary Contiguous Annexation- 9.10 acres on Cherry Lane (AN2105):

A public hearing had been scheduled to consider a voluntary contiguous annexation containing 9.10 acres on Cherry Lane, GPIN 8893796670. (Staff requests that this item be tabled to the March 8, 2022, Council meeting.)

Mayor Talley stated that staff had informed Council that the applicant had requested this item be tabled. Mayor Talley asked for a motion to table items 1, 2, and 3.

Mayor Pro Tem Hall motioned to table items 1, 2, and 3 until the March 8, 2022 meeting, seconded by Council Member Parsons. The motion passed unanimously.

ITEM 4: Rezoning- 200 S. Marshall Street (RZ2108):

A public hearing had been scheduled to consider an application by Lee Kimrey, to rezone 0.50 acres of property, on 200 South Marshall Street, from Office Institutional (O-I) to Central Business (B-1). (GPIN 8884233706) (Planning Board approved the rezoning at its December 21, 2021, regular meeting)

Justin Snyder, Planning Director, stated this was a request from Lee Kimrey to rezone 0.50 acre from Office Institutional (O-I) to Central Business (B-1). He stated there were mixed zoning uses around the property on South Marshall Street, ranging from High-Density Residential (R-7) to Business District with Neighborhood Businesses (B-3) and General Business (B-2) zoning. Mr. Snyder also stated the property is in close proximity to the Downtown Central Business District, and if approved, the new zoning would not require a significant land-use change from its current zoning and would offer commercial flexibility to help the applicant's needs. He stated the landscape and buffering requirements would help protect adjacent land uses from any potential negative effects of the rezoning. Mr. Snyder stated within the Graham 2035 Comprehensive Plan, this area should be labeled as Downtown Residential, which would include uses such as "neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking." He stated residential use is likely not the best-suited use, and the current zoned office use is somewhat limiting. Mr. Snyder stated the requested zoning exempts the applicant from providing off-street parking, and there is no good on-street parking in this area. He also informed Council the Planning Board did approve, and staff is recommending approval and expressed concern about the lack of parking.

Mayor Talley opened the public hearing, and the following spoke:

Lee Kimrey (104 West Elm Street) (applicant): Mr. Kimrey informed Council the initial plan to rezone as a Central Business (B-1) for this property would allow them to build a two-story building that would provide space for multiple businesses for a neighborhood commercial site. Mr. Kimrey stated their beginning planning stages for this site included a mixed-use building that included both office building spaces and a commercial-residential option. Mr. Kimrey read from the Graham 2035 Comprehensive Plan sections that he believed supported this change. Mr. Kimrey read the passages below.

The Graham 2035 Comprehensive Plan, Introduction, Page 3, second paragraph.

Grow Downtown

Downtown is critical to the City's success and should be the focus of new investments and development, including adaptive reuse projects, public art installments, building restorations, use diversification, infrastructure upgrades, small business development, and more.

The Graham 2035 Comprehensive Plan, Section 2, Introduction, Page 9, third paragraph.

Create vibrant centers, especially downtown

Graham should grow employment and a mix of uses around downtown and focus areas. Vibrant centers create spillover effects and foster small business development and innovation. Create the next generation of employment sanctuaries by facilitating development through public-private partnerships.

Mr. Kimrey stated he had contacted all the neighbors to the property, excluding the Post Office. Mr. Kimrey stated he went through with each neighbor all the Central Business (B-1) uses, and the neighbors had approved all uses for the Central Business (B-1) zoning.

Multiple Council Members asked Mr. Kimrey questions such as what he believed would go in the building, how they would accommodate parking for those businesses, and the size of the building.

Mr. Kimrey informed that the plan was to use Pine Street for public parking and on-site parking to be rezoned. Mr. Kimrey stated they planned to have the building be at least 75 square feet or 75 by 100 feet. Mr. Kimrey explained to Council he could not give them an exact number of parking spots because the plan was for this building to hold multiple businesses. Mr. Kimrey repeatedly stated there would be parking provided on-site, and it would be adequate to the required spots per each business since they did not know what type of businesses would be going into the building.

Kirk McVay (415 W Pine Street) (Neighboring Business Owner- Car Wash): Mr. McVay disagreed with Mr. Kimrey about their conversation and stated that he was not for the expansion of the Central Business (B-1) zone or this rezoning in particular because it did not require the applicant to provide parking for a Central Business (B-1) zone use.

Mayor Talley asked for a motion to close the public hearing. Council Member Chin moved to close the public hearing, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Council discussed the rezoning, and all Council Members seemed to be concerned about the applicant not being required with the B-1 zoning to provide parking. Mayor Talley expressed she would like to see this as a conditional rezoning so the applicant would have additional requirements placed on them to ensure proper on-site parking.

Mayor Talley moved to deny the rezoning request because it was not fully consistent with the Graham 2035 Comprehensive Plan because B-1 zoning requires on-street parking, which does not meet Goal and Issue #3, which is Policy 3.1.3. She also stated that this was also not consistent with the wording: “designated neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking” also found in the Graham 2035 Comprehensive Plan, and there was nothing brought to Council that would suggest he would be required to provide for parking under B-1. Mayor Pro Tem Hall seconded, and it passed unanimously.

The Graham 2035 Comprehensive Plan, Goal 3.1, Issue 3.1.3 on page 16.

Policy 3.1.3: Parking Behind Buildings

Encourage off-street parking to be located in the rear of new commercial buildings with accessed provided by alleys.

The Graham 2035 Comprehensive Plan, Downtown Residential, Supporting Uses, Page 32.

Supporting Uses: Places of worship, daycares, park facilities, schools, civic spaces; designated neighborhood centers may include neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking

Mayor Talley stated she would like to see a revised plan for Council to consider and asked the applicant to bring that revised plan to the next Council meeting.

ITEM 5: Special Uses Permit Amendment (AM2102):

A public hearing had been continued to consider the process for Special Use Permits with the recommendation that special use permits will be referred to the Board of Adjustment for consideration. The City Council asked for this to be moved to January 11, 2021, a meeting for the new Council to review. (Continued from December 14, 2021, City Council meeting) (Planning Board approved the amendments at its October 12, 2021, regular meeting)

Mr. Snyder, Planning Director, explained to Council the text amendment request originated with the previous Council with the intent to streamline the Special Uses Permit process for the City. The current process has applicants and citizens go to two different boards, the Planning Board and City Council. Mr. Snyder stated in its final review of the proposed amendment; the Planning Board decided that it needed its own legal counsel on retainer to represent the Board in all quasi-judicial cases involving a special use permit.

Mayor Talley stated she believed that the City Council should still receive these and that the City Attorneys should be present and represent the City at these hearings since they do not receive many. Mayor Talley stated she would also like staff to send out an informational brochure explaining to citizens about quasi-judicial hearings.

Mayor Pro Tem Hall moved to close the public hearing, seconded by Council Member Chin. The motion passed unanimously.

Mayor Talley moved to deny the text amendment. He added the procedure change requesting that for quasi-judicial hearings, an informational brochure explaining quasi-judicial hearings be sent out to all affected residents during the mailing process with the notice of the quasi-judicial hearing, and that the City Attorneys are to be present in all quasi-judicial hearings, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 6: 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 re-classifying existing permitted uses and changes in 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)

Justin Snyder, Planning Director, stated that while looking into the Special Use Permit process, staff identified several uses in the permitted uses table that were improperly classified based on type and intensity. He stated that staff had made several adjustments to the existing permitted uses table to classify these uses better. Mr. Snyder stated that staff recommends approval to simplify things for residents and developers. He stated the changes included making specific uses by right in the appropriate places and certain uses not allowed in certain areas. Mr. Snyder stated that staff is open to any suggestions that Council had.

Dean Ward (483 W Moore Street): Planning Board Chair requested that Council remand agenda items six through ten back to the Planning Board for further discussion.

Mayor Talley moved to close the public hearing, seconded by Council Member Chin. The motion passed unanimously.

Mayor Talley moved to remand items six, seven, eight, nine, and ten and referred back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 7: Amendment- Development Ordinance- Waiting Period on Denied Rezoning's (AM2105):

A public hearing had been scheduled to consider a process for an applicant to re-apply for a rezoning following a denial from City Council. (Section 10.84, part b) (Planning Board approved the amendments at its December 21, 2021, regular meeting)

Mayor Talley moved to rescind items six, seven, eight, nine, and ten back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall, passed unanimously.

ITEM 8: Administrative Modifications- Development Ordinance (AM2106):

A public hearing had been scheduled to consider an amendment to the Development Ordinance as recommended by the UNC School of Government and under N.C.G.S. 160D-705(c), to allow staff to make administrative modifications to approved special use permits assuring all zoning requirements are met. (Planning Board approved the amendments at its December 21, 2021, regular meeting)

Mayor Talley moved to rescind items six, seven, eight, nine, and ten and refer back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 9: Amendment- Development Ordinance- Article X (10) (AM2107):

A public hearing had been scheduled to consider an amendment to Article X (10) Section 10.398 to 10.399, Signage, to allow larger entry signage for multifamily, multi-use developments containing residential units, and major subdivisions. (Planning Board approved the amendments at its December 21, 2021, regular meeting)

Mayor Talley moved to rescind items six, seven, eight, nine, and ten and refer back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 10: Development Ordinance- Open Space Provisions (AM2108):

A public hearing had been scheduled to consider an amendment to Sections 10.249.2 to 10.249.6 regarding open space provisions. (Planning board approved the amendments at its December 21, 2021, regular meeting)

Mayor Talley moved to rescind items six, seven, eight, nine, and ten and refer back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Eric Crissman (208 Albright Avenue): Mr. Crissman spoke in reference to the non-actions of the Council in appointing a Planning Board member at the last Council meeting. He stated there were valid applicants for Council to consider. Mr. Crissman voiced concern on making decisions privately. He used as an example how the Council recently approved the questionnaire application without any input from citizens and without discussion during a meeting for the public to hear. Mr. Crissman stated that the Council should have considered individuals on the ballot instead of the application process. Mr. Crissman expressed the need for Council to be transparent in their decisions.

Keith Westbrook (604 Trock Wilder Court): Mr. Westbrook spoke in reference to a crosswalk issue near the city schools and his conversation with the North Carolina Department of Transportation.

CITY STAFF COMMENTS

Assistant City Manager Aaron Holland: Mr. Holland stated that staff had a meeting with a potential vendor who would provide COVID-19 tests and a person to administer those tests if the Supreme Court approved the vaccination mandate. Mr. Holland stated staff believed this vendor would be a good option.

CITY COUNCIL COMMENTS

Mayor Pro Tem Ricky Hall stated he had noticed that one of the Graham Housing Authority facilities seemed very dilapidated, located on Hill Street, and some of the roofing had come off. He asked staff knew if they knew what had happened. Mayor Pro Tem Hall also stated that he would like to combine the Appearance Commission and the Tree Board and asked if staff would look into the correct wording for Council to consider at next month's meeting.

Fire Chief Tommy Cole answered the Graham Housing Authority facility was located on 105 Hill Street and that the reason for the dilapidation was that the roof had caught on fire.

Aaron Holland, Assistant City Manager, stated that staff could reach out to Graham Housing Authority on their plans for that building. Mr. Holland also stated he would provide Council the old language or wording for when the Appearance Commission and Tree Board were combined.

Mayor Jennifer Talley informed staff that there was no calendar on the City's website for the Graham Housing Authority's board meeting.

Megan Garner, City Manager, answered that staff would look into providing the calendar on the website.

Council Member Bobby Chin inquired if the City had considered re-establishing the Economic Development Committee or had there ever been one for the City. Council Member Chin also stated the potential benefits of having one for the City.

Aaron Holland, Assistant City Manager, stated he had researched to see if the City of Graham had an Economic Development Committee in the past. He did not find where there was ever a formal committee created.

Mayor Talley stated she remembered it being an informal committee.

Mr. Holland asked Council for direction on what composition they would like the committee to be, such as a volunteer board or neighboring jurisdictions. He asked for the difference in this committee versus what the Alamance Chamber of Commerce is already doing.

Mayor Talley and Council Member Chin answered they believe the purpose would be to compile data about Graham that potential businesses would be interested in and putting that information on the City's website. Council Members also stated they would like this committee to meet potential businesses and discuss moving to Graham and helping promote Graham in many different ways.

Mr. Holland suggested two members of the Council meet with the City Manager and himself to discuss what the committee should look like.

Mayor Talley stated the two members of the Council for the meeting should be her and Council Member Chin.

Mayor Talley:

- Asked Council to send her a list of prioritized goals they would like to accomplish via email.
- She stated that she would like to recognize the individual who helped evacuate the Embers Motor Lodge residents during the recent fire. She asked Fire Chief Cole to coordinate their attendance at the next Council meeting.
- She stated that she was interested in having city staff look into a pay plan study by looking at the neighboring municipalities to improve the pay for essential services jobs. Mayor Talley asked them to bring these ideas to next month's meeting or discuss them in a special meeting.
- She asked staff to look into activating the cemetery committee.
- She asked staff to arrange a tour of Amazon Warehouse.

Mr. Holland informed Council that staff had preliminary met to discuss certain departments' ability to successfully recruit and keep qualified employees with the current salaries, and they have started putting together ideas. Mr. Holland also said he would reach out to Amazon, with the permission of the Council, to schedule a tour for the first of February.

ADJOURN:

Upon motion, at 8:07 p.m., Mayor Pro Tem Hall, seconded by Council Member Chin, passed unanimously.

Darby Terrell

Darby Terrell, City Clerk