## City of Graham City Council Regular Meeting Agenda July 12, 2022 6:00 p.m.



**CALL TO ORDER:** Mayor Jennifer Talley

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

#### **CONSENT AGENDA:**

- **a.** To approve the following City Council Meeting Minutes:
  - June 2, 2022 Budget Workshop
  - June 14, 2022 Council Meeting
  - June 14, 2022 Closed Session
  - June 28, 2022 Special Meeting
- **b.** To adopt a resolution authorizing the exchange of City-owned property (wooden mantles), between the City of Graham and Preservation Burlington.
- c. To adopt a resolution setting a date of public hearing for August 9, 2022, to consider a contiguous annexation for multiple tracts of property totaling 94.474 acres located on Cherry Lane and to adopt a resolution directing the City Clerk to investigate the sufficiency of the petition.
- **d.** To reappoint Noelle Purcell to the Historical Museum Advisory Board for a term to expire June 30, 2025.
- e. To approve the following existing Inspection Department fees that were inadvertently removed from the recently approved fee schedule:

Change of Contractor- \$50 Building Fee Misc.- \$50 Temporary Gas- \$50 Fireplace Fee- \$50 Daycare Inspections \$100 Home Recovery \$10

**f.** To approve the following tax releases in the amount of \$7,498.07.

	CITY OF GRAHAM RELEASE ACCOUNTS			
JULY REL	EASES			
ACCT# YE	EAR NAME	REASON FOR RELEASE	AMOUNT RELEASED	
702640 20	021 JOSE B SOSA DIMAS	BILLED IN ERROR, SHOULD HAVE BEEN BILLED TO SOJ	\$20.57	
648047 20	021 SALEM LEASING CORP	TWENTY-NINE LEASED IRP VEHICLES NOT LOCATED IN	\$7,477.50	
		THE CITY LIMITS		

#### **PUBLIC HEARINGS:**

1. <u>COST-SHARING AGREEMENT – TRUBY DRIVE IMPROVEMENT PROJECT</u> – A public hearing has been scheduled to consider approving a cost-sharing agreement between the City of Graham and Truby Drive Industrial 1, LLC, for street improvements.

#### **NEW BUSINESS:**

- 2. STREET CLOSING 100 BLOCK ELM STREET OCTOBER 21, 2022: City Council will consider a request to close the 100 block of W. Elm Street on October 21, 2022, from 5:00 p.m. to 9:00 p.m. for a faith and family night concert.
- CHAPTER 8 ARTICLE IV CANVASSERS' AND SOLICITORS' PERMIT City Council will
  consider amending regulations and requirements in the Code of Ordinances for Canvassers' and Solicitors'
  Permit.
- **4.** <u>REPLACEMENT OF TOWER LADDER TRUCK</u> City Council will consider an intent to purchase a replacement of a 1975/2005 Tower Ladder Aerial Fire Truck.

#### **PUBLIC COMMENT PERIOD:**

**CITY STAFF COMMENTS:** 

**CITY COUNCIL COMMENTS:** 

**ADJOURN** 

## City of Graham City Council Special Meeting Budget Workshop Meeting Summary June 2, 2022



The City Council of the City of Graham held a Budget Workshop at 6:00 p.m. on June 2, 2022, in the Council Chamber, City Hall 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 Council Member Bonnie Whitaker

#### **Staff Present:**

Megan Garner, City Manager Aaron Holland, Assistant City Manager Julianne Cordon, Finance Director

#### **CALL TO ORDER:**

Mayor Jennifer Talley called the meeting to order at 6:00 p.m. and presided.

#### FY 2022-2023 PROPOSED BUDGET DISCUSSION

Mayor Talley shared that Council would like to consider reducing the water and wastewater system development fees and was waiting for the Engineer to get a revised fee scale reducing those fees by 25%. Mayor Talley also expressed interest in the amount of revenue that could potentially be generated by the newly revised water system development fees.

Mayor Talley said that if Council was not able to adopt a revised water system development fee schedule that it would be okay to adopt the existing fee schedule on June 14, 2022, and then prepare a budget amendment with the new reduced fees.

City Manager Garner shared that when the Engineer presented the fees, it was described as the ceiling which was the max you could charge. She said that if Council had a consensus on reducing the water development fees and if so, by what percentage and staff could revise those fees and push them out to the public. Ms. Garner stated that there would be a separate public hearing in June to establish the value of the water system and would be considered separately from the budget.

Mayor Pro Tem Hall suggested reducing the water system development fees by 25% and all Council Members agreed.

Assistant City Manager Aaron Holland said that using the current fiscal year development and the existing water and sewer fees, they would generate approximately \$887,376. Based on the new proposed fee, without the 25% reduction and based on current development it would generate approximately \$4.2 million. If Council reduces the fees by 25%, revenue would be approximately \$3.1 million.

Mayor Talley asked if the proposed fees were consistent and in line with our neighboring cities. Mayor Talley expressed that she did not want to change the fee schedule that would discourage development but wanted it to be fair to small and large developers.

Assistant City Manager Holland shared that Graham's development fees were lower than the neighboring cities including the water system development fees. Mayor Talley asked that we include Mebane and Burlington fees for comparison.

Council discussed the mandated upgrades needed to the water system and its cost of \$74 million and the need to get grants to help with the cost.

Mayor Talley shared that she had a conversation with a company at the North Caroling League of Municipalities (NCLM) conference that takes over utility systems for cities. She expressed having a member from that company come out and access the City's system. She shared that they had more knowledge than any member of the Council and any of our employees and that they had specialized knowledge about how to handle a \$74 million expenditure.

Mayor Talley said that this was the largest expenditure that Graham had ever had in its history and that she did not have the knowledge to implement this upgrade and would like to have a consultant who was highly specialized to access the value of the infrastructure and how new development should be assessed to connect to that infrastructure.

Assistant City Manager Holland said that Engineer Josh Johnson had done an analysis of the City's water system and the Council would be getting that information to consider at the June meeting. He said Council would know the value of our system and that Hazen and Sawyer was the company Graham was using to get us through this large upgrade. He shared that this was what their engineering firm was built around which were projects of this type.

Mayor Talley suggested contacting this company she met at the NCLM conference and have them do a free analysis. She said she did not mind paying them to do an analysis and that while we are not interested in selling our water and sewer system, we would be interested in a consulting fee for someone to come and advise how to come up with \$74 million for this project.

Council Member Chin said that there were two things, one was the fee structure and the other was how do we handle the \$74 million funding requirement, and that these were separate items. He said other than the water and sewer system fee, everything else had been adjusted given the Council recommendations. He suggested setting the fee schedule in place and then following up by bringing in an outside consultant about how best to finance a \$74 million construction project.

Assistant City Manager Holland said that it would not hurt to have another consultant come and give us an expert opinion.

City Manager Garner asked if the Council consensus was to reduce water and sewer development fee by 25%. Council consensus was to reduce by 25% and Mayor Talley asked for 50% reduction as well for additional options to consider.

Council continued reviewing individual department budgets.

Council Member Chin said that the Downtown Development budget should now be zero.

City Manager Garner asked if Council wanted to fund the two grant programs; \$15,000 for façade and \$15,000 for Business Beautification that were included in the Downtown Development budget and that these funds could be moved to non-departmental. Council agreed.

Mayor Talley asked that the Historic Commission members be made aware of the \$4,500 earmarked for plaques to be placed on historical buildings.

Mayor Talley asked that the façade and business beautification grants be advertised for downtown businesses to apply.

Mayor Talley suggested earmarking funds for the businesses that would not be able to finish their projects by the beginning of the next fiscal year.

Council Member Whitaker asked if \$8,500 was for the Main Street program.

City Manager Garner said it was.

Council Member Whitaker asked if Council was going to put that much money into Main Street.

Assistant City Manager Holland said that in order to participate in the Main Street program, one of the requirements was to have a staff person dedicated to 40 hours per week and without Ms. Faucette to use as that person, the City would not have anyone. He shared that you could not split up the duties among multiple staff members.

Council Member Whitaker said it seemed like an expense that should not be there.

Council Member Chin said it should be zero.

Council Member Parsons said that the Main Street program was a good program and once you got certified it would pay for itself with grants and certain things that the City was not eligible to get at this point.

Mayor Talley said she was open to hiring someone that specialized in the main street program or a consultanttype person.

Council Member Chin said the downtown was growing and given what we are facing budget-wise we should not be thinking about funding a \$143,000 department and down the road when we can do more downtown that might warrant hiring someone we would look at it then. He said that we need to focus on taking care of all of Graham and not just downtown. He said we had a lot of property that was vacant and did not need to be paying someone whose sole focus was downtown.

Mayor Talley said that three years ago, Council discussed why this position was just for downtown and questioned why are we not hiring a position that would deal with the whole city for economic development. The discussion was that the Chamber's job was economic development for Graham so why hire our own economic developer. She said that the previous Council was willing to invest \$60,000 in a position that was expected to be bringing in grants enough to justify the \$60,000 expense.

Assistant City Manager Holland said that the Council at that time had a vision for that position to serve in a heavy recruitment role. He shared the value in that position was public information officer duties, communication, and marketing duties with the opportunities for the need to recruit.

Mayor Talley said that some cities had 40 hours a week person and their downtowns are not successful, clearly by their own definition, and Graham's downtown was successful and we do not have anyone working 40 hours a week on it. She shared that it was frustrating that Graham would be kicked out of the DAC program automatically. She said that she asked at a previous budget meeting what businesses had been recruited here through this position and it was zero. She said that over the past three years, there had not been any business of substance that had been recruited and that was a concern with Council and herself.

Assistant City Manager Holland said that it was a standard of the Main Street program to have a 40-hour-a-week person.

Council Member Whitaker asked if the position could be left in the budget for now and then come back to it later.

Council Member Chin said that Council should zero out this department because our downtown was growing and if you leave something in place, it is an incentive for somebody to slip something in.

Mayor Talley said that the budget had gone from \$60,000 to \$127,000 in three years. Council Member Parsons said that \$30,000 of that was for grants.

Council Member Parsons asked what percentage of Graham was downtown.

Mayor Talley said 2%. Council Member Parson said that we had 95% of Graham that was not represented.

Mayor Talley asked if staff would reach out to Main Street to determine the benefits of this program and were there actual grants that the City could get to justify coming back in. She suggested a consultant that was knowledgeable that could make it a money maker and not a cost to the City.

Council Member Chin said that we needed to hire someone that would develop all of Graham.

Council continued to ask for clarifications on the proposed budgeting for each department.

Mayor Talley inquired about the County collecting Graham's taxes versus Graham.

Assistant City Manager Holland said that it was explored about ten years ago and that it was not worth going with the County. Finance Director Cordon said that our collection rate was better than the County.

Mayor Talley said that Council would be interested in knowing what it would cost for the County to collect Graham's taxes.

Council Member Parsons asked about implementing safety protocols for the Council Chamber and City Hall in general. He said that he spoke to Captain Flood about the use of security wands and implementing safety protocols. He said the first thing was to replace the side exit door.

City Manager Garner said that the NC League of Municipalities offers a free risk assessment and would make recommendations in conjunction with our police department.

City Manager Garner suggested \$5,000 be placed in facilities for Council Chamber safety improvements.

Mayor Talley asked about items that were cut from the Police Department's budget.

City Manager Garner said that the overall allocation from the current year's budget to next year's request was an increase of \$1.8 million, and there were areas that were reduced. She said that she had spoken to Police Chief Cole and she said that the department could work within the total budget that was being proposed.

Mayor Talley asked the Finance Director about creating a spreadsheet showing what was budgeted last year, the current budget with percentage difference, and the Manager's recommended new budget.

City Manager Garner said that the Finance Director had prepared the year-to-date budget reports for March and April that showed the budgeted amount, the amount spent, and the percentage of the amount different.

It was discussed that the two Fire Captain positions would not be filled until January 2023, and depending on being awarded the SAFER grant.

Mayor Talley said that depending on how many positions we would be awarded through the grant; these positions could be eliminated.

City Manager Garner said that we do not know what it will look like if we are awarded zero, two, or six and until we have that notification we are not proposing to do anything.

Mayor Talley asked what the Manager's thought process was if the City was awarded two positions.

City Manager Garner said that it is important to have someone in a command role dedicated to a shift. She said that it would provide accountability.

Council Member Parsons said that the Captains positions were imperative and then fill in the other positions with shift volunteers and for the record, he was in favor of hiring those positions and the part-time and volunteers be given a fair chance to apply for those positions.

City Manager Garner said that there would be a qualified pool among the members of the fire department in whatever capacity they serve.

Council Member Chin said that for Inspections/Planning it was recommended to drop the Planning Director and the funding for the UDO which would reduce the budget by \$368,722.

City Manager Garner said that based on the last Council work session, there was one position elimination proposed for that department and with going to one planner it would be difficult to go through a UDO rewrite and the future land use plan. She said that she would suggest to Council delaying those projects with a potential restructuring in the department.

Mayor Talley discussed the possibility of hiring an engineer dedicated to TRC reviews, etc. She said that she did not want to see items going to the Planning Board and then coming to the Council that could not be built and that such items should never get to that level of consideration. She said that an engineer should be reviewing plans before it goes to the Planning board.

Mayor Talley said that she talked with our current engineering firm to have a dedicated person with set hours come to the City and work on projects. She asked if the City should hire a full-time engineer or pay an outside firm to supply a part-time engineer. She said that having a skilled engineer would raise the quality of services we provide through the planning department.

City Manager Garner said that at the last budget work session there was mention of an engineer and staff evaluated a full-time staff engineer at approximately \$100,000 with salary and benefits. She said our current City Engineer was willing to provide dedicated office hours to the City of Graham and that the City would benefit from that and would give staff time to figure out what that position would like before we are committed to a full-time person.

City Manager Garner asked Council for a consensus on removing the UDO and Future Land Use rewrite.

Council agreed.

Mayor Talley asked if there was money in the budget to update the Comprehensive Plan.

Assistant City Manager Holland said when you make changes to a specific area, it would affect other areas. To put a dollar amount for a refresh would be difficult when Council was wanting to change a specific area. He will check into the cost of an update.

Council discussed the new sanitation department superintendent position at a pay grade of 19. Council consensus was to create the new position at a salary of \$70,000 or less.

Mayor Talley discussed being dependent on others and that the budget for contracted services had gone from \$85,000 to \$400,000 in one year because of recycling. She asked if staff could come up with a better system for collecting recyclables.

Mayor Talley suggested the boat dock ramp be repaired or replaced.

Mayor Talley suggested spending \$10,000 to bring Arts Around the Square back. City Manager Garner asked if staff could evaluate the cost, and determine when it could be implemented, then bring it back to Council for consideration for a budget amendment. Council agreed.

Mayor Talley suggested pontoon tours and the rental of boats to be marketed by the Recreation Department. City Manager Garner said that the department had budgeted for marketing and updating materials under miscellaneous expenses. She said that we would need to check with our insurance carrier to allow public boat tours or rental of boats.

Mayor Talley suggested pressure washing the sidewalks in the downtown district and staining the sidewalks after paving and re-stamping crosswalks.

City Manager Garner said that after all the changes have been as suggested by Council a new summary would be sent out.

Mayor Talley shared that she had discussions with the County about a potential shared medical facility as a health benefit for employees and dependents. She said that she did not know the cost but would like to possibly consider it for this year's budget. Ms. Garner said that once those numbers are available Council could always consider a budget amendment if it is approved.

#### **ADJOURN:**

The meeting adjourned at 9:13 p.m.

Renee M. Ward
Renee M. Ward
Interim City Clerk

## City of Graham City Council Meeting Minutes June 14, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on June 14, 2022, in the Council Chamber, City Hall 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 Council Member Bonnie Whitaker

#### **Staff Present:**

Megan Garner, City Manager Aaron Holland, Assistant City Manager Bryan Coleman, City Attorney Bob Ward, City Attorney Renee Ward, Interim City Clerk

#### **CALL TO ORDER:**

Mayor Jennifer Talley called the meeting to order at 6:00 p.m. and presided.

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

Josh Gresham, Trailhead Church, gave the invocation and all stood for the Pledge of Allegiance.

#### **RECOGNITION:**

Jackson Benes – Council recognized Mr. Benes for receiving the Congressional Award Bronze Certificate, which is Congress's highest award for youth.

#### **CONSENT AGENDA:**

- a. To approve the following City Council Meeting Minutes:
  - May 10, 2022 Council Meeting
  - May 10, 2022 Closed Session
  - May 17, 2022 Budget Workshop
- **b.** To adopt a resolution authorizing the intent to exchange City-owned property (wooden mantles), between the City of Graham and Preservation Burlington.

## RESOLUTION AUTHORIZING THE EXCHANGE OF PERSONAL PROPERTY BETWEEN THE CITY OF GRAHAM AND PRESERVATION BURLINGTON

WHEREAS, pursuant to North Carolina General Statute NCGS 160A-271, the Graham City Council states its intention to consider authorizing the exchange of certain City-owned property for certain property currently owned by Preservation Burlington; and

WHEREAS, North Carolina General Statute NCGS 160A-271 grants the Graham City Council the authority to exchange any real or personal property belonging to the city for other real or personal property by private negotiation if the city receives a full and fair consideration in exchange for its property. Property shall be exchanged only pursuant to a resolution authorizing the exchange adopted at the next regular meeting of the City Council upon 10 days public notice; and

**WHEREAS**, the City of Graham owns one wooden mantle used in the Graham Historical Museum as a display, purchased for \$150 in 2018; and

WHEREAS, Preservation Burlington owns a mantle attributed to the Frances Ann Holt Williamson and John Lea Williamson House that once stood at the current site of Graham City Hall with a current retail value of \$1,500; and

WHEREAS, Preservation Burlington and the City of Graham have expressed a desire to exchange and state that said exchange is for full and fair consideration.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City of Graham City Council authorizes by resolution the exchange of one wooden mantle used in the Historical Museum as a display for a mantle from the Frances Ann Holt Williamson and John Lea Williamson House owned by Preservation Burlington.

#### Adopted on this the 14th day of June 2022.

- **c.** To award a bid in the amount of \$74,653,000, to Crowder Construction Company contingent upon the award of additional CWSRF loans in the amount of \$30,000.000.
- **d.** To approve a Project Budget Ordinance, in the amount of \$200,000, for the proposed Truby Drive Street Improvements and to set a date of a public hearing for July 12, 2022, to consider an agreement with Truby Drive Industrial 1 LLC (formerly A. L. Neyer) for the street improvement project.

#### CAPITAL PROJECT ORDINANCE TRUBY DRIVE STREET REPAIR

**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 Truby Drive Repair.
- 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		\$200,000
	TOTAL	\$200,000

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

Construction		\$200,000
	TOTAL	\$200,000

- 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.
  - e. To approve closing the 100 block of East and West Elm Streets from 3:00 p.m. to 10:30 p.m., and closure of North and South Main Streets from 4:00 p.m. to 10:30 p.m. on October 28, 2022, for the Annual Pumpkin Bash.
  - f. To approve the following tax releases in the amount of \$15.93.

CITY OF GRAHAM RELEASE ACCOUNTS			
JUNE RELEASES			
_ACCT# YEAR NAME	REASON FOR RELEASE	AMOUNT RELEASED	
660779 2021 R & R PROPERTIES OF ELON LLC	BUSINESS SOLD OCTOBER 2020	\$15.93	

g. To approve the following Fiscal Year 2021-2022 Budget Amendment Ordinance:

#### CITY OF GRAHAM

#### BUDGET AMENDMENT ORDINANCE 2021-2022

## BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT THE 2021 - 2022 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

Section 1. GENERAL FUND					INCREASE
DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	( DECREASE
City Council	53,900.00	293,900.00	240,000.00		
Administrative	580,100.00	540,100.00		40,000.00	
Downtown Development	127,200.00	122,200.00		5,000.00	
Information Technologies	269,700.00	273,200.00	3,500.00		
Finance	342,300.00	370,300.00	28,000.00		
Public Building & Ground	123,700.00	116,200.00		7,500.00	
Police Department	4,617,000.00	4,837,000.00	220,000.00		
ire Department	1,770,100.00	1,827,100.00	57,000.00		
nspections	581,300.00	599,100.00	17,800.00		
Traffic Engineering	91,000.00	28,000.00		63,000.00	
Garage Warehouse	110,400.00	112,200.00	1,800.00		
Street Department	1,630,200.00	1,513,200.00	•	117,000.00	
Street Lights	110,000.00	100,000.00		10,000.00	
Sanitation	1,234,400.00	1,278,900.00	44,500.00	,	
Recreation	904,600.00	816,300.00	•	88,300.00	
Graham-Mebane Lake	186,600.00	186,600.00		,	
Athletic Facilities	400,500.00	405,700.00	5,200.00		
Property Maintenance	817,300.00	821,800.00	14,500,00	10,000.00	
Non-Departmental	820,200.00	850,700.00	30,500.00	,	
	14,770,500.00	15,092,500.00	662,800.00	340,800.00	322,000.00
Section 2.					
GENERAL FUND					INCREASE
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Local Sales Tax	4,042,700.00	3,720,700.00		322,000.00	
	4,042,700.00	3,720,700.00	-	322,000.00	(322,000.00
Section 3.					
WATER & WASTWATER					INCREASE
EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Water Billing	613.100.00	620.300.00	7.200.00		
W&S Distribution	2,050,800.00	1,471,200.00	,	579,600.00	
Maintenance & Lift Stations	292,200,00	267,200.00		25,000.00	
Water Treatment Plant	2,032,500.00	2,368,000.00	335.500.00	25,555.50	
Wastwater Treatment plant	1,622,100.00	1,884,000.00	261,900.00		
Non-Departmental	2,383,000.00	2,383,000.00	202,500.00		
ion ocportmental	8,993,700.00	8,993,700.00	604,600.00	604,600.00	

Section 5					
GARAGE FUND					INCREASE
EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
C	911.400.00	1,061,400.00	150.000.00		
Garage _	911,400.00	1,061,400.00	150,000.00		150,000.00
=	311/100100	1,001,100.00	130,000.00		130,000.00
Section 6					
GARAGE FUND					INCREASE
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Alamance County Fuel	185,300.00	125,300.00		60,000.00	
City of Graham Fuel	224,300.00	134,300.00		90,000.00	
=	409,600.00	259,600.00	-	150,000.00	(150,000.00)
Section 7					
CAPITAL PROJECTS AND					NET
OTHER SPECIAL FUNDS					INCREASE
REVENUES AND EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
State Drug Funds	100.00	6,000.00	5,900.00		
Federal Drug Funds	100.00	96,800.00	96,700.00		
Captial Reserve Fund	100.00	732,500.00	732.500.00		
Old Fields Outfall	2.055.000.00		732,300.00		
	2,955,000.00	2,955,000.00			
WWTP Upgrade _	3,815,000.00	3,815,000.00			
=	6,770,200.00	7,605,300.00	835,100.00	-	835,100.00

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: REZONING – 206 E ELM AND 105 N MARSHALL (CR2201) - A public hearing had been scheduled to consider an application by Chad Huffine on behalf of Square Miler Holdings, LLC, to rezone approximately 0.65 acres at 206 E. Elm Street and 105 N. Marshall Street, from B-1, (Central Business) and B-2, (General Business) to C-R, (Conditional Residential) to construct townhomes and C-B (Conditional Business) to construct a live-work building. (Planning Board recommended approval.)

Mayor Talley asked to be recused due to a conflict of interest.

Motion by Mayor Pro Tem Hall, seconded by Council Member Chin, to recuse Mayor Talley from this item. The motion passed unanimously.

Assistant City Manager Aaron Holland stated this was a request by Chad Huffine on behalf of Square Miler Holdings, LLC, to rezone approximately 0.65 acres at 206 E. Elm Street and 105 N. Marshall Street from B-1 (Central Business) and B-2 (General Business) to C-R (Conditional Residential) to construct townhomes and C-B (Conditional Business) to construct a live-work building. He stated they were seeking to construct three townhome buildings and a fourth mixed-use building with upper-story residential and first-floor commercial of 2000 square feet. The plan provided 24 on-site spaces for 26 total bedrooms in 13 residential units. He stated that staff recommended approval and this request was heard by the Planning Board at its May 17, 2022, meeting and recommended adding a condition that the developer add a convex mirror and signage at the Elm Street exit warning motorists of pedestrian crosswalks.

Mr. Chad Huffine, The LEADS Group, stated he was the civil engineer for the project and the property was currently single-family residential use on about 0.65 acres. He stated the proposal asks for three townhome

Buildings; four units in one building, five units in another, and two units in the third building with mixed-use of live-above, work-below that would front Elm Street.

Council Member Whitaker suggested setting a time limit of three minutes for anyone wishing to speak.

Council agreed.

The public hearing was opened and there were no comments.

Motion by Council Member Whitaker to close the public hearing, seconded by Council Member Chin. The motion passed unanimously.

Motion by Council Member Chin to approve the rezoning due to this action being reasonable and in the public interest and supported policies 4.3.1, 5.1.2, and 5.2.1 of Graham's 2035 Plan to allow for efficient connection to City services, flexibility in home ownership, and diverse housing stock and with the additional conditions per the Planning Board of signage and crosswalks, seconded by Mayor Pro Tem Hall. The motion passed unanimously. (Mayor Talley was recused from consideration of this item.)

Motion by Mayor Pro Tem Hall to allow Mayor Talley to re-join the Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

#### ITEM 2: VOLUNTARY CONTIGUOUS ANNEXATION – 3.87 ACRES – JIMMIE KERR ROAD

(AN2203): A public hearing had been scheduled to consider a voluntary contiguous annexation to extend the corporate limits of the City of Graham, NC, for a 3.87-acre tract of land located on Jimmie Kerr Road.

Assistant City Manager Holland stated the request was to extend the corporate limits in the area located on Jimmie Kerr Road across from the new Alamance Community College building currently under construction and contained approximately 3.87 acres total. Water and sewer are located adjacent to this property within the Jimmie Kerr Road right-of-way, and the applicants wished to tie onto the City's infrastructure. Commercial property generally creates positive tax revenue for the City, and because the public services were already available to the site and trash was handled commercially, the cost to the City would be minimal.

The public hearing was opened and the following spoke:

Mr. Chad Huffine, 505 East Davis Street, stated he was the civil engineer for the project and this was a proposed use and currently zoned properly, and was requesting connection to the City's facilities.

Motion by Council Member Chin to close the public hearing, seconded by Council Member Parsons. The motion passed unanimously.

Motion by Mayor Pro Tem Hall to approve the annexation extending the corporate limits for 3.87 acres on Jimmie Kerr Road and being consistent with Graham's 2035 Comprehensive Plan and G.S. 160A-31, seconded by Council Member Parsons. The motion passed unanimously.

#### ANNEXATION ORDINANCE

# TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR A 3.87-ACRE TRACT OF LAND ON JIMMIE KERR ROAD

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 June 14, 2022, after due notice by publication on May 26 and June 2, 2022; 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 June 14, 2022:

#### Legal Description GPIN#: 8894531201 and 8894520912

Those certain tracts or parcels of land located in Haw River Township, Alamance County, North Carolina, adjoining Jimmie Kerr Road (SR 1928) and being more particularly described as follows:

BEGINNING AT AN EXISTING IRON PIPE, THENCE WITH THE RIGHT OF WAY OF JIMMIE KERR ROAD, A BEARING OF N 35°25'41" E, A DISTANCE OF 82.05' TO AN EXISTING IRON PIPE, THENCE N 35°10'40" E, A DISTANCE OF 156.38' TO A RIGHT OF WAY CAP, THENCE S 54°01'03" E, A DISTANCE OF 30.29' TO A RIGHT OF EAY CAP, THENCE N 35°49'02" E, A DISTANCE OF 61.78' TO AN EXISTING IRON PIPE, THENCE N 35°54'51"E, A DISTANCE OF 321.64' TO AN EXISTING IRON PIPE, THENCE LEAVING SAID RIGHT OF WAY, A BEARING OF S 09°12'56" E, A DISTANCE OF 109.94' TO AN EXISTING IRON PIPE, THENCE S 23°42'17" E, A DISTANCE OF 140.34' TO AN EXISTING PIPE, THENCE S 46°07'51" E, A DISTANCE OF 18.56' TO AN EXISTING IRON PIPE, THENCE S 35°47'43" W, A DISTANCE OF 170.70' TO AN EXISTING IRON PIPE, THENCE S 54°03'57" E, A DISTANCE OF 152.64' TO AN EXISTING IRON PIPE, THENCE S 35°54'49" W, A DISTANCE OF 299.97' TO AN EXISTING IRON PIPE, THENCE N 54°05'15" W, A DISTANCE OF 397.73' TO AN EXISTING IRON PIPE BEING THE POINT AND PLACE OF BEGINNING, CONTAINING 3.87 AC.± (0.00605 SQ. MILES). THE ABOVE DESCRIPTION WAS TAKEN FROM A SURVEY COMPLETED BY CAROLINA CORNERSTONE SURVEYING, DATED 03/25/22, JOB# 220305, TITLED "CORPORATE LIMITS EXTENSION, CITY OF GRAHAM."

**Section 2.** Upon and after June 14, 2022, 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 June 2022.

#### ITEM 3: AMENDMENT – DEVELOPMENT ORDINANCE – ARTS AND CRAFT STUDIOS

(AM2206): A public hearing had been scheduled to consider a text amendment to the Development Ordinance to include arts and craft studios' standards in the Table of Permitted Uses. (Planning Board recommended approval.)

Assistant City Manager Holland stated that a member of the City Council had proposed the language below to create standards for arts and crafts studios with a new definition and revisions to the Permitted Uses Table. Staff had worked with the City attorney to remove and revise the text to avoid potential inconsistencies in the uses listed, and staff had added a note to the Permitted Uses Table to prevent some of the more intensive artisanal uses involving smoke, fumes, and heat from creating issues in the downtown district. He stated the Planning Board recommended approval and added one change; to define "significant" and add the word "significant" after the word "no" in section 10.136.25 a, b, c, and h.

The public hearing was opened and there were no comments.

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

Motion by Mayor Pro Tem Hall to approve the text amendment and that this action was reasonable and in the public interest because it allowed for the expansion of new types of businesses Downtown and it does further Graham 2035 Plan strategy 2.2.1: Job Development to Support Business Recruitment Efforts, seconded by Council Member Parson. The motion passed unanimously.

**25**. **Arts and Crafts Studio** – The following performances standards and definition shall apply in order to retain a character consistent with the character of the downtown:

"Significant" in terms of this Section shall be defined as "having or likely to have influence or effect."

- a. *Dust, dirt, fly ash or other air pollutants*. There shall be no *significant* emission of dust, dirt, fly ash, gases, fumes, vapors or other air pollutants into the atmosphere that could cause damage to the public health, or to animals, vegetation, or other forms of property.
- b. *Electrical interference*. There shall be no *significant* electrical disturbances affecting the operation of any equipment other than that of the creator of such disturbances.

- c. *Heat and glare*. There shall be no *significant* heat or glare perceptible to human senses at the property line of any use creating heat or glare.
- d. Landscaping. See landscaping requirements on File in the office of the City clerk and inspection department.
- e. *Enclosure*. All processing, assembly, and fabrication shall be located within an enclosed building, and shall be subject to fire and building codes.
- f. Liquid or solid waste. There shall be no discharge of any liquid or solid waste into any stream except as authorized by the State of North Carolina.
- g. Noise. The sound-pressure level of sound radiated from an establishment, measured at the lot line, shall not exceed the values in any octave band of frequency that are specified in the table below. The sound-pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American Standards Association.

Freque	ncy Band	
(cycles	per second)	Decibels
20-	75	69
75-	150	57
150-	300	52
300-	600	46
600-	1200	42
1200-	2400	37
2400-	4800	33
4800-	10,000	30

- h. *Odor.* There shall be no significant objectionable odors perceptible to the human senses at or beyond the property line of any use that may create odors.
- i. Radioactivity. There shall be no radioactive emission that would be dangerous to health.
- j. Smoke. There shall be no emission into the atmosphere of smoke from any operation of a shade darker than Number one on the Ringelmann Smoke Chart as published by the United States Bureau of Mines, except that smoke of a shade not darker than No.3 on said chart may be emitted for not more than 2 minutes in any thirty-minute period.
- k. Traffic. There shall be no industrial vehicular traffic on any minor residential street.
- I. *Vibration*. There shall be no vibration perceptible to human senses at the property line of any use that may create vibration.

ITEM 4: AMENDMENT - DEVELOPMENT ORDINANCE - ARTICLE X - FLAGS & BANNERS (AM2207): A public hearing had been scheduled to consider a text amendment to the Development Ordinance to revise the flags and feathered flags and banners standards. (Planning Board recommended approval.)

Assistant City Manager Holland stated a member of City Council had proposed language to create revised standards for flags (public and private), feathered advertising flags, and banners. Staff and the City attorney have worked the proposed language into each applicable section. These amendments would allow, under certain circumstances, feathered advertising flags and banners to assist our business community, while offering standards for maintenance and upkeep to prevent excessive cluttering, dangerous, or unsightly situations. He stated that Staff and the Planning Board recommended approval.

The public hearing was opened and there were no comments.

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

Mayor Talley asked that under section (6) Private flags, public flags, feather flags, and banners. a. Location, number 1; to add to allow signage if the business owner has a temporary encroachment within the public right-of-way.

Motion by Mayor Pro Tem Hall to approve the amendment due to this action being reasonable and in the public interest and this action was reasonable because it allowed expansion of new types of businesses Downtown and it does further Graham's 2035 Plan strategy 2.2.1: Job Development and with the amendment by Mayor Talley, seconded by Council Member Chin. The motion passed unanimously.

#### ARTICLE X. SIGNS

#### Section 10.390 Definitions

For the purposes of this article, the following definitions shall apply:

*Feather banner*: A lightweight portable temporary advertising medium, mounted on a pole that resembles a feather shape.

Feather flag: A lightweight portable temporary advertising medium, mounted on a pole that resembles a sail.

*Flag (private)*: Any fabric or other flexible material that is attached or designed to be attached to a pole or similar device, which represents or symbolizes a business, organization or group.

Flag (public): A flag displaying the name, insignia, emblem, or logo of any official nation, state or municipality recognized by the federal government of the United States of America.

*Sign:* Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or a product, which are visible from any public way and used to attract attention.

Sign, dilapidated: An existing sign shall be considered dilapidated when it shows signs of being in disrepair, broken down, shabby or neglected, when it fails to be in the same form as originally constructed, or when it fails to perform its intended function of conveying a message. Conditions of dilapidation shall include, but not be limited to:

- (1) Structural pole or support failure.
- (2) Signs not being held vertically or as originally constructed.
- (3) Borders falling off or already removed.
- (4) Panels missing or falling off.
- (5) Message falling off or in disrepair such that it cannot be interpreted by the motoring public.
- (6) Signs which are overgrown by trees or other vegetation.

Signs, freestanding, adjacent to interstate highway: As used in this section, shall be defined as a sign located on the property that is located within five hundred (500) feet of the right-of-way of an interstate highway and contiguous with an interstate highway or a state-numbered highway which interchanges with an interstate highway. Amended by City council 4/2/2002.

Signs, freestanding on-premises: As used in this section, shall be defined as a sign advertising a service, product, or offering which utilizes the property for the business and purpose advertised.

Sign, wall: A sign attached to or painted on a wall of a building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a facade window. (Section 10.390 amended 1/6/2009)

#### Section 10.391 Intent

It is the intent of this section to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings, appropriate to the type and intensity of activity to which they pertain, expressive of the identity of individual properties or occupants or products or of the community as a whole, legible in the circumstances in which they are seen and appropriate to traffic safety.

#### Section 10.392 Scope generally

Unless specifically exempted, no sign visible from a public right-of-way, whether exterior to or interior to a structure, shall be erected, displayed, or substantially altered except in accordance with the provisions of this article and until a permit has been issued by the building inspector.

#### Section 10.393 Exemptions

The following signs are exempt from regulation and permit requirements under this article, provided such signs comply with the provisions of Section 10.397 General Limitations and Section 10.399:

- (1) Signs bearing only property identification numbers and names, post office box numbers of occupants of the premises or other identification of premises not of a commercial nature, provided such signs are not illuminated and do not exceed two (2) signs per zoning lot or two (2) square feet in area per display surface.
- (2) Flags and insignia of a government, when not displayed in connection with a commercial promotion.
- (3) Legal notices; bankruptcy, estate, and legal sale signs, and traffic directional or regulatory signs erected by or on behalf of a governmental body
- (4) Memorial signs or tablets and names and construction dates of buildings when cut into any masonry surface.
- (5) Signs directing and guiding traffic and parking on private property, provided such signs are non-illuminated or indirectly illuminated, bear no advertising matter, and do not exceed four (4) square feet in area per display surface.
- (6) Real estate signs advertising the sale, rental, or lease of the premises on which said signs are located,

- provided such signs do not exceed one sign per street frontage or one sign per four hundred (400) feet of street frontage, or six (6) square feet in area per display surface, and are removed immediately after sale, rental or lease of the premises.
- (7) Construction site identification signs whose message is limited to identification of architects, engineers, contractors, and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date, provided such signs do not exceed one sign per construction site or thirty-two (32) square feet in area per display surface, are not erected prior to issuance of a building permit and are removed within seven (7) days of issuance of a certificate of occupancy. Construction signs in residential zones shall not be illuminated or reflectorized.
- (8) Temporary political yard signs advertising candidates or issues, provided such signs do not exceed one sign per candidate per zoning lot or sixteen (16) square feet in area per display surface, are not erected prior to forty-five (45) days before the actual election day and are removed within seven (7) days after the election.
- (9) Yard or garage sale signs announcing yard or garage sales, provided such signs do not exceed one sign per site of such sale or four (4) square feet in area per display surface, and are removed within seven (7) days of erection.
- (10) Public event announcements by public or nonprofit organizations of special events or activities of interest to the general public, provided such signs do not exceed one sign per site of such events or activities and twelve (12) square feet in area per display surface, and are removed within fourteen (14) days of erection.
- (11) Temporary signs announcing grand openings of new businesses only, provided such signs do not exceed thirty-two (32) square feet of display area per business site, and are removed within thirty (30) days after they are erected. Such signs shall not be electrified.
- (12) Signs erected by the City or other governmental agencies, such as street signs, public service signs and historical markers, which contain no commercial advertising matter.
- (13) Churches shall be permitted two (2) freestanding signs per zoning lot. Each sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height. All other regulations of this article shall apply.
- (14) Temporary signs identifying businesses or business events provided such signs are:
  - (a) Located on the business lot.
  - (b) Not to exceed sixteen (16) square feet in area per display surface.
  - (c) Not to exceed more than one (1) sign per street frontage or one (1) per one-hundred (100) feet of road frontage not to exceed (2) signs per street frontage.
  - (d) Not located less than one-hundred (100) feet from another temporary sign on same frontage.
  - (e) To be located outside of the right-of-way of any public street.

- (f) Not located on residentially zoned lots.
- (g) Erected not to exceed thirty (30) days in a ninety (90) day period per business.
- (15) Signs that are not visible from a public way.
- (16) Holiday decorations in season.

(Section 10.393 amended 5/6/2008, 1/6/2009)

#### Section 10.394 Reserved

(Section 10.394 deleted 11/5/2013)

#### Section 10.395 Permit generally

- a. Applications for permits under this article shall be submitted on forms in the building inspector's office. Each application shall be accompanied by plans, which shall:
  - (1) Indicate the proposed site by identifying the property by ownership, location and use.
  - (2) Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines and existing signs.
  - (3) Show (drawing to scale) size, character, complete structural specifications and methods of anchoring and support.
- b. If conditions warrant, the building inspector may present the plans to the planning board for their approval. He may also require such additional information as will enable a determination that such sign can or cannot be erected in conformance with this article.
- c. A fee shall be charged to erect a sign. The amount of the fee shall be fixed from time to time by the City council and shall be kept on file in the office of City clerk.

#### Section 10.396 Traffic safety precautions

Notwithstanding any other provision in this chapter, the following restrictions shall apply to signs in order to preserve the safety of pedestrian, bicycle and vehicular movements:

- (1) No sign shall make use of the words "stop," "slow," "caution," "danger" or any other word, phrase, symbol or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs.
- (2) No sign shall be erected so that by its location, color, nature or message it is likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.
- (3) Except as used to display time and temperature, no sign shall contain flashing lights.
- (4) In all districts except the B-1 Business District, no fence, wall, shrubbery or other obstructions to vision between the heights of three (3) feet and sixteen (16) feet shall be permitted within twenty (20) feet of the intersections of the right-of-way lines of streets or of streets and railroads.

#### **Section 10.397 General limitations**

- a. Except where specifically exempted by this chapter, all signs, including the supports, frames and embellishments thereto, shall not be located within any public right-of-way, nor shall any sign be attached, affixed or painted on any utility pole, light standard, telephone or telegraph pole, any tree, rock or other natural object.
- b. No sign shall obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building, structure or lot.
- c. No sign shall have more than two (2) display surfaces.
- d. Illuminated signs may have either an exterior or interior source of illumination. Exterior illumination, where the source of illumination is provided by such devices as spotlights or floodlights, shall be placed so that it is not directly visible from any residential district, or from adjacent properties. Internal illumination means that the source of illumination is from within the sign itself. Neon tube illumination shall be prohibited except as internal illumination. All wiring, grounding, etc., for illuminated signs shall meet the requirements of the National Electrical Code.
- e. Animated, rotating, flashing or other moving or apparently moving signs must display a static message for a minimum of twenty (20) seconds.
- f. Devices consisting of banners, streamers, pennants, windblown propellers, strung light bulbs and similar installations shall be prohibited, except with the written permission of the City manager.
- g. Mobile or portable signs (including A and T-shaped signs) shall be prohibited except for the uses specified in paragraphs (10), (11) and (14) of Section 10.393 Exemptions.
- h. All signs shall be maintained in a state of good repair. No sign shall be continued which becomes structurally unsafe or endangers the safety of the public or property. When evidence of an unsafe sign is brought to the attention of the inspector, he shall order that such sign be made safe or be removed. A period of forty-eight (48) hours following receipt of the notice by the person owning or using the sign shall be used for compliance.
- i. No sign shall be erected on the roof of any building.
- j. No dilapidated sign may be ordered to be moved unless the condition continues to exist after thirty (30) days from the date the building inspector gives notice to the sign owner. Notice shall be complete upon the posting of such determination affixed to the affected sign. In addition, the building inspector shall, on the same date, mail a copy of such determination by certified mail, return receipt requested, to the person, firm, or corporation, if any, who listed the sign for ad valorem taxes. This requirement shall be satisfied upon mailing. If the sign has not been listed for ad valorem taxes for the preceding or current year of such determination, no notice shall be required to be mailed.

(Section 10.397 amended 1/6/2009, 6/1/2010)

Section 10.398 Residential districts

No sign shall be erected or displayed in any residential district except as allowed under Section 10.393 Exemptions or as provided below:

- (1) Development identification signs containing the name only of a subdivision, multifamily development or planned development, provided such signs are limited to two freestanding signs at public points of access to the development, ten (10) square feet in area per display surface and a maximum height of six (6) feet.
- (2) Home occupation signs identifying a home occupation, provided such signs are not illuminated and are limited to one wall or one freestanding sign per lot and a maximum display surface area of three-square feet.
- (3) Nonresidential signs identifying nonresidential uses permitted as a principal or special use in residential districts, provided such signs are limited to one freestanding or wall sign per zoning lot and eighteen (18) square feet in area per display surface. Where a freestanding sign is used, there must be a setback of at least twenty (20) feet from the right-of-way.

#### Section 10.399 O-I, B-1, B-2, B-3, I-1 and I-2 districts

- (a) Generally. No sign shall be erected or displayed in the Office and Institutional District, the Neighborhood, General or Central Business District, the Light Industrial District or the Heavy Industrial District except as allowed under Section 10.393 Exemptions or as provided below for the type of sign and the zoning district in which it is located.
- (b) Multiple uses. Where a zoning lot contains more than one principal use or establishment, the provisions below shall apply to the zoning lot as a whole, and the owners of the zoning lot shall be responsible for allocating permitted signs and display surface areas among the individual uses or establishments. The sign plan submitted for such zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other.
  - (1) Freestanding signs. On-premises freestanding signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface and the maximum height limitations contained in Section 10.400 Area and Height of Signs provided:
    - a. The zoning lot on which a freestanding sign is located shall be accessible by automobile and contain off-street parking for the principal uses(s).
    - b. No sign shall obstruct the vision of motorists at the intersection of right-of-way lines of streets, or streets and railroad, or of streets and driveways. The zoning enforcement officer shall investigate each site before the placement of any sign to ensure proper vision. No sign shall be erected on or protrude onto any public right-of-way.
    - c. Freestanding signs shall be limited to two (2) signs per zoning lot with street frontage of one hundred (100) feet or more, and shall not be located closer than fifty (50) feet to any other freestanding sign on the same premises. On zoning lots adjacent to an Interstate highway, only one (1) freestanding sign up to 300 square feet shall be allowed and must be directed toward the Interstate. (Amended 4/2/2002)
    - d. No freestanding sign shall be permitted on the same street frontage along which there is a projecting sign.

- e. Freestanding signs shall clear driveway and parking areas by a height of at least fourteen (14) feet and shall clear sidewalks and pedestrian paths by a height of at least nine (9) feet.
- f. The message of freestanding signs shall be limited to the name(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon, except that freestanding signs identifying theaters or service stations may also identify the current presentations or fuel prices, as appropriate.
- (2) Projecting signs. Projecting signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface limitations contained in Section 10.400 Area and Height of Signs, provided:
  - a. The building to which a projecting sign is attached shall be twenty (20) feet or more in width.
  - b. Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than fifty (50) feet to any other projecting sign.
  - c. No projecting sign shall be permitted on the same street frontage along which there is a freestanding sign.
  - d. Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten (10) feet, shall project no more than five (5) feet from the building to which they are attached and shall not extend beyond the inner edge of the curb line.
  - e. No projecting sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached.
  - f. [Reserved].
  - g. The message of projecting signs shall be limited to the name(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon.
- (3) Wall signs. Wall signs may be erected and displayed on a zoning lot in compliance with the maximum percentage of facade coverage limitations contained in Section 10.400 Area and Height of Signs, provided:
  - a. Posters and paper signs displayed on or through windows are exempt.
  - b. Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds of the distance between the top of a window and the sill of the window above.
  - c. No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.
  - d. No wall sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached. If the building consists of more than two (2) stories, wall signs shall not extend above the second story.
  - e. Wall signs, or portions thereof, placed between window spandrels shall not exceed in height two-thirds of the height of the spandrel.

- f. Wall signs shall not cover or interrupt major architectural features.
- g. In industrial zones, wall signs on the side of buildings adjacent to lots zoned residential are permitted only when the building is at least fifty (50) feet from the side lot line of the residential lot.
- h. Wall signs on the side of buildings in the O-I Zone are not permitted.

#### (4) Marquee or awning signs.

- a. Signs hung below a marquee or awning shall conform in size and appearance to existing signs under the same marquee or awning. Where there are no such existing signs under a marquee or awning, signs being hung under them shall meet the height and area requirements contained in Section 10.400 Area and Height of Signs.
- b. Marquee and awning signs shall not be illuminated.
- c. Signs below a marquee or awning shall not be less than nine (9) feet above the ground or sidewalk.

#### (5) Outdoor advertising signs.

- a. Outdoor advertising signs are permitted only in the Light and Heavy Industrial Districts. In the General Business District, outdoor advertising signs are permitted only on property adjacent to Interstate 85, and such signs shall be directed toward traffic on Interstate 85.
- b. No outdoor advertising sign shall be permitted closer than one hundred (100) feet to a lot zoned for residential purposes.
- c. No sign shall be placed or constructed within one thousand (1,000) linear feet of another sign on the same side of the road.
- d. Only one outdoor advertising sign shall be allowed for each two hundred (200) feet of lot frontage in single ownership.
- e. Outdoor advertising signs attached to a building structure shall not be higher than the wall to which they are attached. Outdoor advertising signs shall not be mounted on the rooftop of any building.
- f. Outdoor advertising signs may be illuminated, provided such illumination is placed and shielded so as to prevent the direct rays of illumination from being cast upon neighboring lots and/or vehicles approaching on a public way from any direction.
- g. Outdoor advertising signs shall not be permitted within a five hundred (500) foot radius of the intersecting centerline within an interchange on a limited access highway.
- h. In the industrial districts a fifty-foot setback from street rights-of-way is required, with the exception of property along Interstate 85.

- i. Any sign with a changeable or movable face, electronic or otherwise, shall display a static message for a minimum of twenty (20) seconds, and shall have a dimmer system installed so as to automatically adjust the brightness based upon ambient light conditions.
- k. Any nonconforming sign that is damaged or destroyed by a sudden act of God may be replaced to its original condition pursuant to the Code and may not be enlarged. The reconstruction or repairs must be completed within sixty (60) days of the sudden natural occurrence, which caused the damage or destruction.
- I. Sign company must acquire notarized signature of land owner or land owner must sign permit.
- (6) Private flags, public flags, feather flags, and banners.

#### a. Location.

- 1. Feather flags or banners shall be located only on non-residentially zoned properties. They are allowed anywhere on a parcel, but they shall not be located within a public right of way, unless the business owner has a temporary encroachment within the public right-of-way, nor shall they be located in any fashion that would obstruct pedestrian access, vehicular access, safety, or visibility. Any flags or banners determined to be in violation of this subsection shall be removed by the property owner within seven days of receipt of a Notice of Violation. If not removed within seven days, the City shall remove the flags and store them at City Hall for a period not to exceed 30 days. After this time, they shall be disposed of if not claimed by the owners. Any person aggrieved by a decision of the Zoning Enforcement Officer shall be entitled to appeal said decision to the Board of Adjustment within 30 days of receipt of a written Notice of Violation.
- 2. Flags of any type located on a non-residential building shall be located so that the minimum clearance distance is nine feet from the bottom of the flag to the sidewalk or roadway. Flags of any type shall not be installed flat or flush against a wall or on any roof of a structure.

#### b. Size.

- 1. Feather flags shall be no greater than 12 feet in height and no greater than four feet in width.
- 2. Feather banners shall be no greater than 12 feet in height and no greater than 2.5 feet in width.
- 3. Private flags shall be no greater than 15 square feet in area and shall be no taller than 20 feet total in height when mounted to a flagpole.
- 4. Public flags shall be no larger than 50 square feet in area and shall be no taller than 30 feet in total height when mounted to a flagpole.

#### c. Number allowed.

1. Businesses and other private organizations may be allowed one feather flag or banner, or two private flags per parcel. If more than one business or organization is located on a single parcel of land, the total number of feather flags or banners or private flags permitted shall not exceed two per parcel. No more than four public flags shall be permitted on any individual parcel unless otherwise approved by the City Council.

#### d. Illumination.

- 1. Feather flags or banners and private flags shall not be illuminated. This shall not apply to public flags, which may be either uplit or downlit, provided the light shines directly on the public flags and does not create nuisance glare to pedestrians or motorists.
- 2. No electric, battery-powered, or motor-powered device shall be allowed for any advertising device.

#### e. Advertising message.

- 1. Feather flags or banners and private flags may have an advertising message or logo of the business for which the sign is intended.
- 2. No political content shall be allowed on any flag, as this is governed by the political sign regulations in 10.393.

#### f. Materials.

1. Feather flags or banners and flags shall be of nylon, fabric, canvas, or plastic material.

#### g. Installation.

- 1. Feather flags or banners and flags shall be installed to ensure safety measures. Business owners will be responsible for ensuring that flags will not create an unsafe environment during high winds. Should flags appear to be dangerous or should they dislodge by wind, they shall be immediately taken indoors or they will be disposed of by the City.
- 2. Flags of any type shall be tied down or mounted securely.

#### h. Time-limited Signs

- 1. Grand opening signs shall be removed after 30 days.
- 2. Feather flags shall be removed and stored indoors before close of business each day.
- 3. Feather flags or banners shall not be permanent fixtures on any property and shall be taken down after a 30-day period. They may be replaced after being absent on the property for 30 consecutive days.

#### i. Maintenance and Replacement.

- 1. Flags, feather flags or banners, and other similar items intended for temporary use shall be maintained so as to prevent deterioration. Should any portion of the flag or feathered flag or banner become faded, frayed, torn, or otherwise deteriorated, it shall immediately be removed.
- 2. Damaged or destroyed flags or feather flags or banners may be replaced only in compliance with the provisions of this Ordinance.

#### j. Exemption.

- 1. The standards in this Ordinance shall not apply to the flag of the United States of America.
- (d) Prohibited Signs: In addition to signage prohibited in Article X of the *City of Graham Development Ordinances*, the following signs shall be prohibited in the Overlay District:

- (1) Animated sign, nor moving or flashing signs, including changeable copy signs, except for ones that display exclusively time, date, and/or temperature.
- (2) Portable signs, unless exempt by Section 10.393 Exemptions.
- (3) Projecting or suspended signs from building or structure.
- (4) Inflatable signs or tethered balloons.
- (5) Backlit monument signage is not permitted except in knockout backlit signs.
- (6) Beacons.
- (7) Roof signs.
- (8) Flags used as promotional devices of any type, including but not limited to the promotion of goods, services, business establishments, events, etc., except that feather banners, private flags, and feather flags may be displayed subject to the requirements of Section 10.399 during the operating hours of the business establishment and shall be removed and stored indoors before close of business each day.
- (9) Posters.
- (10) Outdoor advertising signs shall be permitted only on properties in the Overlay District adjacent to Interstate 85-40. Such signs shall be directed toward traffic on Interstate 85-40. (Section 10.442 amended 1/6/2009)

#### Section 10.443 Trees

All issues involving trees in the South Main Street Overlay District shall conform to Article VII of the *City of Graham Development Ordinances*.

#### **Section 10.444** Access Management and Parking Areas

- (a) Standards
  - (1) Joint driveways are permitted and recommended. Property owners who wish to share driveways should record a driveway maintenance agreement between them.
- (b) Walls Signs: The maximum total area of all allowable wall signs shall be equal to no more than ten percent (10%) of the area of the wall of which such sign is a part or to which each such sign is attached.
- (c) Signs shall be located such that there is at every street intersection a clear line of sight, and all signs shall be located outside of the right-of-way of any public street.
- (d) Prohibited Signs: In addition to signage prohibited in Article X of the *City of Graham Development Ordinances*, the following signs shall be prohibited in the Overlay District:

- (1) Animated sign, nor moving or flashing signs, including changeable copy signs, except for ones that display exclusively time, date, and/or temperature.
- (2) Portable signs, unless exempt by Section 10.393 Exemptions.
- (3) Projecting or suspended signs from building or structure.
- (4) Inflatable signs or tethered balloons.
- (5) Backlit monument signage is not permitted except in knockout backlit signs.
- (6) Beacons.
- (7) Roof signs.
- (8) Flags used as promotional devices of any type, including but not limited to the promotion of goods, services, business establishments, events, etc., except that feather banners, private flags, and feather flags may be displayed subject to the requirements of Section 10.399 during the operating hours of the business establishment and shall be removed and stored indoors before close of business each day.

#### (9)(8) Posters.

(10)(9) Outdoor Advertising Signs shall be permitted only on properties in the Overlay District adjacent to Interstate 85-40. Such signs shall be directed toward traffic on Interstate 85-40. (Section 10.467 amended 1/6/2009)

#### Section 10.468 Trees

All issues involving trees in the East Harden Street Overlay District shall conform to Article VII of the *City of Graham Development Ordinances*.

#### Section 10.469 Access Management and Parking Areas

- (a) Standards
  - (1) Joint driveways are permitted and recommended. Property owners who wish to share driveways should record a driveway maintenance agreement between them.

#### ITEM 5: ADOPTION - WATER AND WASTEWATER SYSTEM DEVELOPMENT FEE

<u>ANALYSIS</u>: A public hearing had been scheduled to consider adopting the City of Graham's Water and Wastewater System Development Fee Analysis.

Assistant City Manager Holland stated in June of 2017, the General Assembly adopted HB-436, entitled "An Act to Provide for Uniform Authority to Implement System Development Fees for Public Water and Sewer Systems in North Carolina and to clarify the Applicable Statute of Limitations". This action amended

Chapter 162A of the North Carolina General Statutes and enables local governments to assess a System Development Fee on new development within their territorial limits. He stated as indicated in a letter from Alley, Williams, Carmen and King (AWCK), prepared a written analysis which was made available for public review and comment at City Hall and on the City's website. The City had met the mandatory 45-day review period and no additional comment or feedback had been received at this time. He stated the fiscal

impact was actual revenue from System Development Fees and would vary from year to year. The actual levy of system development fees could be found in the 2022-2023 Budget Ordinance adopted following a study, public comment period, and public hearing. He stated that staff recommended approval and our engineer Josh Johnson, with AWCK, was present to answer any questions.

Mr. Josh Johnson, City Engineer, AWCK, stated that the system development fees were fees that would be paid upfront, a one-time fee for every connection to the water or wastewater system. He stated that state law changed five years ago and detailed specifically how to calculate what the payment could be based upon the value of the water and wastewater systems. He said that it basically put a dollar of every gallon of capacity inside the water and wastewater systems. Mr. Johnson stated that the funding for this could be used for growth projects and was a separate fee from the water or sewer rate and was not what the users pay, it is paid when the water meter is installed.

The public hearing was opened and there were no comments.

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

Motion by Council Member Whitaker to adopt the System Development Fees for Water and Wastewater Improvements Analysis, seconded by Council Member Parsons. The motion passed unanimously.

# RESOLUTION ADOPTING SYSTEM DEVELOPMENT FEES FOR WATER AND WASTEWATER IMPROVEMENTS

A resolution of the City Council of the City of Graham, North Carolina, System Development Fees for Water and Wastewater Improvements that are attributable to new development within the City's jurisdictional limits; Providing for System Development Fee Collection and Accounting for Fee Revenue; Providing for the appropriation of System Development Fee Revenue; Providing for Recurring Review and Update of System Development Fee; Providing for System Development Fee Waivers; Providing for Severability; and Declaring an Effective Date.

WHEREAS, North Carolina Session Law 2017-138 (the "Public Water and Sewer System Development Fee Act") states that to impose water and sewer System Development Fees the City Council may, after commissioning preparation of written analysis, receive public comment on said analysis for a period of not less than 45 calendar days, and holding one (1) public hearing regarding said analysis, adopt a System Development Fee schedule and incorporate it into the City's fee schedule; and

WHEREAS, Alley, Williams, Carmen & King, Inc. prepared for the City a professional engineering report (the "Water and Wastewater System Development Fee Analysis") on the implementation of System Development Fees attributable to new development within the City's jurisdictional limits; and

WHEREAS, the City Council finds and determines the City has complied with the requirements of the Public Water and Sewer System Development Fee Act for publishing the written System Development Fee Analysis prior to holding any public hearing; and

WHEREAS, pursuant to the Public Water and Sewer System Development Fee Act the City Clerk of the City of Graham timely published on June 2, 2022, the notice of public hearing (attached as Exhibit "A") in a newspaper of general circulation concerning a public hearing to consider approval of the written System Development Fee Analysis and adoption of a System Development Fee schedule.

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

- **SECTION 1.** The facts and recitations found in the preamble of this Resolution are true and correct and incorporated herein for all purposes.
- **SECTION 2. Approval of System Development Fees.** The System Development Fees identified in the final Water and Wastewater System Development Fee Analysis dated June 13, 2022, (a copy of which is attached as Exhibit "B" and incorporated into this Resolution for all purposes) are approved, levied, and imposed as to the City's jurisdictional limits.
- **SECTION 3.** Collection of System Development Fees. The City may collect the System Development Fees herein imposed or as may be later amended beginning upon the effective date of this Resolution. The System Development Fees herein imposed or as may be later amended shall be collected as directed by and in accordance with the Public Water and Sewer System Development Fee Act.
- **SECTION 4.** Accounting for System Development Fee Revenue. The City shall deposit all funds collected for the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.
- **SECTION 5. Appropriation of System Development Fee Revenue.** The City shall appropriate all funds collected for the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.
- **SECTION 6. Recurring Review and Update of System Development Fees.** The City shall update the Water and Wastewater System Development Fee Analysis and the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.
- **SECTION 7. Waiver of System Development Fees.** The City may at any time elect to waive the collection of the System Development Fees herein imposed or as may be later amended.
- **SECTION 8.** Severability. In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Graham, North Carolina declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

#### **SECTION 8.** Effective Date. This Resolution shall be in full force and effect on <u>July 1, 2022</u>.

**PASSED, APPROVED, AND ADOPTED** on this the 14<sup>th</sup> day of June 2022. The motion to adopt this Resolution was made by, Council Member Whitaker, seconded by Council Member Parsons, and passed by a vote of 5 to 0.

ITEM 6: FY 2022-2023 BUDGET: City Council considered the adoption of the FY 2022-2023 Budget Ordinance, FY 2023 Pay Plan, and the 2022-2023 Rates and Fees Schedule.

City Manager Megan Garner stated the budget was presented to Council in May and advertised. She stated Council had held two budget work sessions where Council had made several changes to the budget and the fee schedule. She stated the City had a statutory obligation to hold a public hearing to receive public input on the proposed budget for the upcoming fiscal year, which would begin on July 1, 2022.

The public hearing was opened and the following spoke:

Mr. Westbrook, 604 Trock Wilder Court, Graham, inquired about needed repairs to the gym and brine spreading equipment in Public Works.

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

Council Member Chin stated that Council had to make hard decisions and that the budget that had been put together was a budget that the citizens of Graham could approve of. He stated the challenges the City was facing and after further review of the fee analysis, the rate and fee schedule should be approved. He stated that it was a cost incurred by the developers upfront and reducing that cost would only penalize the citizens of Graham. He stated that the City's infrastructure needs to be taken care of and water and sewer lines need to be replaced. He further stated that the two positions that had been eliminated needed to be removed from the 2022-2023 pay plan.

Mayor Talley stated that her concern about the rate and fee schedule was that it was a complete overhaul of the rate and fee schedule which she had proposed a reduction because it was not fair to people we are trying to encourage for development. Mayor Talley shared that the fee schedule needed to be advertised more and give people time to comment and she did not feel comfortable approving at this time. She said that she was comfortable passing the budget as presented and delaying the fee schedule by 30 days so it could be advertised and come back to the next Council meeting for consideration.

Motion by Mayor Pro Tem Hall to adopt the FY 2022-2023 Budget Ordinance and Pay Plan, amended by Council Member Chin to eliminate the Planning Director and Downtown Development positions from the pay plan, seconded by Council Member Whitaker. The motion passed unanimously.

Mr. Tom Boney inquired about the two eliminated positions and the engineer position that was previously discussed during budget work sessions.

City Manager Garner stated that there was an additional \$25,000 for engineering fees for our current engineer to hold office hours at the City of Graham.

After a lengthy discussion, it was decided to publicize the fee schedule for two weeks and hold a special meeting on June 28, 2022, to consider the rate and fee schedule.

Motion by Mayor Talley to table the rates and fee schedule for two weeks and hold a Special Meeting on June 28, 2022, to review and consider the 2022-23 Rate and Fee Schedule, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

# Budget Ordinance FY 2022-2023

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

Section I. The following amounts are hereby appropriated in the General Fund for the operation of the City Government; its activities and capital improvements for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, in accordance with the Chart of Accounts heretofore established for the City:

Department	FY 2022-2023
City Council	63,000
Administration	653,900
Downtown	0
Information Technology	320,100
Finance	403,400
Public Buildings	176,000
Police	5,661,200
Fire	1,637,700
Inspections	566,900
Traffic Engineering	28,300
Garage and Warehouse	105,700
Streets & Highways	1,616,100
Street Lights	125,000
Sanitation	1,406,800
Recreation	1,030,100
Lake	240,600
Athletic Facilities	429,000
Property Maintenance	769,700
Non-Departmental	1,123,100
	16,356,600

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023.

Ad Valorem Taxes	6,149,100
Investment Earnings	45,000
Miscellaneous	731,600
Other Taxes/Licenses	700
Permits/Fees	475,000
Restricted	
Intergovernmental	714,000
Sales/Services	986,300
Unrestricted	
Intergovernmental	6,057,000

Fund Balance	1,197,900
Grand Total	16,356,600

Section 3. The following amounts are hereby amended from April 25, 2022, adoption for appropriations in the Water & Sewer Fund for its operations, activities, and capital improvements for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, in accordance with the Chart of Accounts heretofore established for the City:

Water and Sewer Billing	\$678,600
Water and Sewer Distribution	\$3,109,900
Maintenance & Lift Station	\$229,000
Water Treatment Plant	\$2,375,000
Wastewater Treatment Plant	\$1,884,000
Non-Departmental Admin	\$3,531,400
FUND TOTAL	\$11,807,900

Section 4. It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, as amended from April 25, 2022, adoption.

Non-Operating	\$181,600
Operating	\$429,600
Other Financing Sources	\$2,018,500
Services	\$9,178,200
FUND TOTAL	\$11,807,900

Section 5. The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund		1,064,500

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 \$77 per hour.

Ala Co Fuel	220,900			
City Of Graham Parts	285,100			
City Of Graham Labor	215,800			
City Of Graham Fuel	288,100			
Graham Housing Parts	5,500			
Graham Housing Labor	3,400			
Graham Housing Fuel	11,600			
Green Level Parts	9,400			
Green Level Labor	5,300			
Green Level Fuel	14,200			
ABC Parts	0			
ABC Fuel	5,200			
Interest On Investments	0			
Total	1,064,500			

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
BOYD CREEK PUMP STATION	\$3,962,000	\$3,962,000
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 dollars (\$100.00) of valuation of property as listed for taxes as of January 1, 2022, 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 \$1,381,100,000 (100% valuation) with an anticipated collection rate of 97%.

Section 9. The City of Graham Capital Improvement Plan 2022 -2032 for Water & Sewer Fund and 2022 - 2027 for all other funds 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 10. 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 14th day of June 2022.

#### 2022-2023 CITY OF GRAHAM PAY PLAN

FY 2023 Proposed Pay Plan					
Job Title	Grade	Min	Mid	Max	
Sanitation Collector	10	\$32,264.40	\$35,130.50	\$45,669.65	
General Maintenance Worker I	11	\$33,669.62	\$36,887.03	\$47,953.14	
General Maintenance Worker II Plant Maintenance Mechanic I Police Traffic Enforcement Utility Maintenance Worker I	12	\$35,145.10	\$38,731.38	\$50,350.79	
Equipment Operator I Fields Technician Property Evidence Technician Plant Maintenance Mechanic II	13	\$36,694.36	\$40,667.95	\$52,868.33	

Athletic Facilities Technician Equipment Operator II Fleet Service Technician General Maintenance Worker III Parks Maintenance Technician Utility Equipment Operator I	14	\$38,321.08	\$42,701.35	\$55,511.75
Customer Service Representative Equipment Operator III Landscape Specialist Maintenance and Relief Treatment Plant Operator Office Assistant Police Records Clerk Sanitation Collector/Equipment Operator Sanitation Equipment Operator Treatment Plant Operator I Utility Billing Technician Utility Equipment Operator II	15	\$40,029.13	\$44,836.41	\$58,287.34
Crew Leader Laboratory Technician I Treatment Plant Operator II Water Quality Technician (New/Mebane 1/2 Salary)	16	\$41,822.59	\$47,078.23	\$61,201.70
Accounting Technician Athletics Field Supervisor Lake Warden Public Works Assistant	17	\$43,705.72	\$49,432.15	\$64,261.79
Fleet Technician Laboratory Technician II Police Administrative Assistant Property Maintenance Supervisor Senior Customer Service Treatment Plant Operator III Water Billing Supervisor Zoning & Inspection Technician Sanitation Supervisor (New)	18	\$45,683.00	\$51,903.75	\$67,474.88
Fire Equipment Operator Parks & Athletic Facilities Maintenance Supervisor Planner I Police Officer I Recreation Center Supervisor Street Maintenance Supervisor Tax Collector Zoning Enforcement Officer	19	\$47,759.15	\$54,498.94	\$70,848.62
Athletic Supervisor Recreation Marketing Supervisor Laboratory Technician III Plant Operations Supervisor Police Officer II	20	\$49,939.11	\$57,223.89	\$74,391.05

Code Enforcement Officer Recreation Program Supervisor	21	\$52,228.07	\$60,085.08	\$78,110.61
Distribution & Collection Supervisor Fire Inspector Fleet Superintendent Laboratory Supervisor Plant Maintenance Supervisor Pretreatment Coordinator Systems Support Technician	22	\$54,631.47	\$63,089.34	\$82,016.14
City Clerk Police Sergeant Property Maintenance Superintendent	23	\$57,155.04	\$66,243.80	\$86,116.94
Fire Captain Street Superintendent	24	\$59,804.79	\$69,555.99	\$90,422.79
Field Operations Superintendent Environmental & Lab Services Superintendent Police Captain Wastewater Plant Superintendent Water Plant Superintendent	25	\$62,587.03	\$73,033.79	\$94,943.93
	26	\$65,508.39	\$76,685.48	\$99,691.13
Inspections Director IT Director Field Operations Manager	27	\$68,575.81	\$80,519.76	\$104,675.68
Director of Human Resources/Risk Management Assistant Police Chief Utilities Compliance Manager	28	\$71,796.60	\$84,545.74	\$109,909.47
Finance Officer Recreation & Parks Director	29	\$75,178.43	\$88,773.03	\$115,404.94
	30	\$78,729.35	\$93,211.68	\$121,175.19
Fire Chief	31	\$82,457.81	\$97,872.27	\$127,233.95
Police Chief Public Works Director Utilities Director	32	\$86,372.70	\$102,765.88	\$133,595.65
	33	\$90,483.34	\$107,904.18	\$140,275.43
	34	\$94,799.51	\$113,299.38	\$147,289.20
	35	\$99,331.48	\$118,964.35	\$154,653.66
Assistant City Manager	36	\$104,090.06	\$124,912.57	\$162,386.34
	37	\$109,086.56	\$131,158.20	\$170,505.66
	38	\$114,332.89	\$137,716.11	\$179,030.94
	39	\$119,841.53	\$144,601.91	\$187,982.49
	40	\$125,625.61	\$151,832.01	\$197,381.61

Rev 6-14-22

# **NEW BUSINESS:**

**ITEM 7: BOARDS AND COMMISSIONS:** City Council considered the following appointments to the City's Boards and Commissions:

# **ABC Board - Graham Appointee**

Robert Parrish - Reappointment

## **Appearance Commission/Tree Board:**

Two Vacancies

New Applicant – Casey Wagner, Megan Buckner-Hickman, Emily Bell O'Dell (2nd choice)

### **Graham Historical Museum Board**

Karen Chin - Reappointment

Jennifer Brito - Reappointment

New Applicants – Casey Wagner, Russell Compton, Zipporah Clark-Baldwin (3<sup>rd</sup> Choice)

# **Graham Housing Authority**

Thomas Foust – Reappointment

New Applicants: Melissa Clay Barnes (2<sup>nd</sup> choice), Shanelle Harvey (1<sup>st</sup> choice)

### **Historic Resources Commission**

Two Vacancies

Zipporah Clark-Baldwin - Reappointment

# Planning Board/Board of Adjustment

Dean Ward - Reappointment

Tony Bailey - Reappointment

Mike Benesch (Extra-Territorial-Recommended by Alamance County) – Reappointment

**New Applicants:** Nathaniel Gainey, Colleen Macklin (2<sup>nd</sup> choice), Zipporah Clark-Baldwin (2<sup>nd</sup> choice), Keith Michaels, Melissa Clay Barnes (1<sup>st</sup> choice), Emily Bell O'Dell (1<sup>st</sup> choice), Shanelle Harvey (2<sup>nd</sup> choice)

### **Recreation Commission**

Nicki Smith - Reappointment

Jay Cook, Jr. - Reappointment

New Applicant – Casey Wagner

### **Alamance County Library Committee**

Jordan Dawson – Reappointment

Colleen Macklin – Reappointment

New Applicant: Shereá Burnett

# **Economic Development & Marketing Committee**

**Seven Vacancies** 

New Applicant: Griffin McClure

Mayor Talley stated that it was recommended to consider reappointments only tonight and once the reappointments are made, Council would like the City Clerk to reach out to the applicants that have applied and where there are no vacancies give them the opportunity to apply for vacant positions. Mayor Talley also asked to advertise the boards that have vacancies on the website for 30 days in order to get additional applicants.

Motion by Mayor Talley, seconded by Mayor Pro Tem Hall, the following reappointments were made. The motion passed unanimously.

# **ABC Board – Graham Appointee**

Robert Parrish – term to expire 20

# **Graham Historical Museum Board**

Karen Chin

Jennifer Brito

# **Graham Housing Authority**

Thomas Foust

### **Historic Resources Commission**

Zipporah Clark-Baldwin

# Planning Board/Board of Adjustment

Dean Ward

Tony Bailey

Michael Benesch - ETJ

### **Recreation Commission**

Nicki Smith

Jay Cook, Jr.

# **Alamance County Library Committee**

Jordan Dawson

Colleen Macklin

### Council took a 10-minute recess.

### **PUBLIC COMMENT PERIOD:**

Mr. Keith Westbrooks, 604 Trock Wilder Court, inquired about Arts Around the Square.

Mr. Chad Huffine, inquired about the Cherry Lane overlay project.

# **CITY STAFF COMMENTS:**

No comments.

# **CITY COUNCIL COMMENTS:**

Mayor Talley stated that Sam Holt had contacted her regarding concerns of flooding with the future development near the interstate.

Mayor Talley asked if the City sweeper could go down Moore Street twice a month to help with litter.

Mayor Talley stated that she and Council Member Chin would like to focus on the Master Plan and that she had comments to give to Staff to review and work on those changes.

Mayor Pro Tem Hall inquired about the ongoing clean-up efforts for property on Parker Street.

Mr. Tom Boney asked Mayor Talley for a copy of notes regarding the Mayor and Council Member Chin's suggested changes to the Master Plan.

Council Member Parsons inquired about the façade grants.

# **CLOSED SESSION:**

Mayor Pro Tem Hall motioned to go into closed session pursuant to G.S. 143-318.11(a)(6), seconded by Council Member Chin. Motion passed unanimously. (8:39 p.m.)

Motion by Mayor Pro Tem Hall to go back into open session, seconded by Council Member Whitaker. The motion pass unanimously.

Mayor Talley stated that after the review of the City Attorney's they would continue as Graham's City Attorneys for FY 2022-23.

# **ADJOURN**

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. Motion passed unanimously. (9:23 p.m.)

Renee M. Ward, CMC Interim City Clerk



# CITY OF GRAHAM CITY COUNCIL CLOSED SESSION MINUTES June 14, 2022

The City Council of the City of Graham met in a closed session pursuant to G.S. 143-318.11(a)(6) on June 14, 2022, in the Municipal Building located at 201 South Main Street.

# **Council Members Present:**

Mayor Jennifer Talley Mayor Pro Tem Ricky Hall Council Member Bobby Chin Council Member Joey Parsons Council Member Bonnie Whitaker

# **Staff Present:**

Robert Ward, City Attorney Bryan Coleman, City Attorney

Mayor Pro Tem Hall motioned to go into closed session pursuant to G.S. 143-318.11(a)(6), seconded by Council Member Chin. Motion passed unanimously. (8:39 p.m.)

Motion by Mayor Pro Tem Hall to go back into open session, seconded by Council Member Whitaker. The motion passed unanimously.

Mayor Talley stated that after the review of the City Attorney's performance Mr. Ward and Mr. Coleman would continue as Graham's City Attorneys for FY 2022-23.

Renee M. Ward Renee M. Ward. CMC

Interim City Clerk

# City of Graham City Council Special Meeting Minutes June 28, 2022



The City Council of the City of Graham held a Special Meeting at 6:00 p.m. on June 28, 2022, in the Council Chamber, City Hall Municipal Building, located at 201 South Main Street, Graham, NC.

# **Councilmembers Present:**

Mayor Jennifer Talley Mayor Pro Tem Ricky Hall Council Member Bobby Chin Council Member Joey Parsons Council Member Bonnie Whitaker

# **Staff Present:**

Megan Garner, City Manager, absent Aaron Holland, Assistant City Manager Renee M. Ward, Interim City Clerk

# **CALL TO ORDER**:

Mayor Jennifer Talley called the meeting to order and presided at 6:00 p.m.

# **ADOPTION - FY 2022-23 RATES & FEE SCHEDULE:**

Mayor Talley shared that since the last Council meeting Council had discussions on how to proceed with implementing increased water and sewer development fees and other fees. She said that the proposals for discussion tonight were fees as suggested through the water and sewer system analysis by Alley, Williams, Carmen and King, that were adopted at the June 14, 2022, Council meeting.

Mayor Talley explained that at the last Council meeting she asked Council to consider postponing the approval of the development fees in order to notify local builders. She shared that she sent an email to Susan Black, Homebuilders Association, and asked that she get the word out to members of the community in order to get feedback. Mayor Talley said that she and Council Member Chin had worked on the fee schedule and other Council Members may have also done work, as well as Assistant City Manager Holland and City Engineer Josh Johnson. She shared that they had come up with something different from the last version that was being proposed.

City Engineer, Josh Johnson said that the new proposal was a phased implementation so the fee as of July 1, 2022, would be \$1,100 for water and \$1,100 for sewer for 2 bedrooms, <sup>3</sup>/<sub>4</sub>" meter. Then it would increase again on January 1, 2023, \$1,500 for water and \$1,500 for sewer and then potentially another increase on July 1, 2023, in the next fiscal year's budget cycle.

Mayor Talley said that the reason she wanted to wait was to get input from builders because contractors had already figured fees into existing contracts and going up on rates would be unfair.

Mayor Talley explained the cost of the upgrades to the City's water and wastewater system and how the fees would help offset the \$74 million debt service along with grants and fund balance savings.

Mayor asked if there was anyone who would like to speak regarding the proposed fees. The following persons spoke:

<u>Tom Boney, Alamance News</u>, inquired about who proposed the new water and sewer system development fees.

Mayor Talley asked City Engineer, Josh Johnson, to explain how he came up with the options listed on the spreadsheet.

Mr. Johnson read the below email sent to Council the afternoon of June 28, 2022:

Good Afternoon,

Since the last City Council meeting, we've had extensive discussions regarding how to proceed with implementing increased water and sewer development fees. Those discussions have included discussions with developers, council members, and staff. The intent of those discussions has been to inform interested parties about the process for water and sewer development fee creation, payment, and implementation. The results of those discussions are a phased implementation policy for water and sewer development fees as well as additional guidance and policy on how to implement the fees going forward.

For clarification purposes, the water and sewer development fees are based upon the water meter size for a connection. For residential dwelling units, this is further determined based upon the number of bedrooms for the sewer. The fee is set up in this manner so as to correspond to the impact that the fee has on the water and sewer systems.

This proposal is for a phased implementation of the water and sewer development fees. The initial base fee would be set at \$1100 for water and \$1100 for sewer (\$2200 total) for a 2-bedroom home. This would be \$3300 total for a 3-bedroom home. The current fee for both of these scenarios is \$1668 for both of these types of houses.

This fee would be in place from July 1, 2022, through January 1, 2023. On January 1, 2023, the fee would increase to \$1500 for water and sewer (\$3000 total) for a 2-bedroom home. This would be \$4,500 total for a 3-bedroom home.

The fee for July 1, 2023, would then be proposed to increase again to \$2500 for water and \$1750 for sewer for a total of \$4250. This would be \$6,375 total for a 3-bedroom home. It's important to note that this fee would be for the next fiscal year and therefore no action is needed at this time on the July 1, 2023, increase.

In order to phase in the increases, we have also implemented a process for pre-payment of fees. Developers are eligible for pre-payment of fees based upon construction drawing approval or water and sewer permits. This would allow a developer to "lock in" a fee cost in order to prevent being hit by future increases. The benefit to the City would be the early payment of funds.

A chart showing the current fees, a chart showing the proposed fees, and the proposed fee schedule are included for your review. We also added a line at the end of the Construction Plan Review and Inspection Fees chart that payment is due prior to final construction plan approval to clarify when payment is due. I will be at the Council meeting tonight to review all of the above.

Mr. Boney referenced the comment about discussions and where the discussions took place.

Mayor Talley shared who was present at the meeting and the intent was to find clarity and discuss issues she brought up about infill development and that Mr. Chin had several questions of his own.

Council Member Chin said that he brought up questions regarding the fee schedule, what was originally proposed, and understanding of new development versus infill development.

Mr. Boney questioned how the different proposals came about and that Mr. Chin had stated at the last Council meeting that anything less than the full amount would be taking money from the residents of Graham. He also asked for clarification on the different proposals. Mr. Boney went on to question who attended the meeting and that there was no mention of any developers being present.

Mayor Talley shared that they had spoken with Dennis Eullis, Amanda Hodierne, and Chuck Talley who all gave input.

Mr. Boney expressed the importance of such a discussion that should have been held in the open with the entire discussion known and publicized.

Mayor Talley explained that at the June 14, 2022, Council meeting she was under the impression that Council Member Chin had agreed to a 50% increase but then changed his mind and she was not ready to approve a full increase without having a conversation with developers. Mayor Talley said there would be times when Council Members would have meetings with constituents when trying to work through issues. She said if there are three or more Council Members having a meeting then the public would be notified. She said it was not her intention to leave anyone out but wanted to simply get information.

Assistant City Manager Holland shared that all the proposals were still on the table for Council to digest and determine which table they wanted to move forward with. He shared that nothing was decided at the meeting, just brainstorming options to be presented for the entire Council to consider.

Mr. Boney expressed his concern to Council about having meetings with selected people and that such activity could lead people to believe that special operations were going on behind the scenes where certain people get special consideration which was alarming. Mr. Boney said that if Council continued down this path, Council could be courting many problems in terms of violations of the open meetings law, losing the public's trust and raising the appearance of conflicts of interest.

<u>Mr. Chris Foust</u>, 1851 South Main Street, Graham, spoke in opposition to the proposed increased developer fee schedule.

Mr. Nathan Sawyer, Heritage Homes of the Carolinas, LLC, and President Alamance/Caswell Homebuilders Association spoke in opposition to the proposed increased developer fee schedule. He asked Council to not vote on a rate increase for January 2023, and asked the Council to vote on that after receiving a revised flow reduction.

Mayor Talley inquired about approaching the Department of Environmental Quality to request a flow reduction.

City Engineer Johnson said that the numbers were based on 120 gallons per day per bedroom. He said that if the City received a flow reduction before January 1, 2023, Council could amend the fee schedule.

Council Member Whitaker shared that it was quoted that the City of Graham was losing money on these water meters and water taps.

Mayor Talley said that the water meter fees were handled as part of the budget.

City Engineer Johnson said that was correct.

Council Member Whitaker said that she sympathized with builders because the prices for everything had increased. She said that the City could not be expected to absorb costs for developers. She said that residential development had exploded and the need to adjust fees with more and more people using the City's water and sewer system.

Mayor Talley said she thought it was the intent of the Council to readdress fees in January and asked for fees to be placed visibly in the planning department so people knew what to expect so it would not be a shock. She said our promise to constituents would be to have another meeting before January to look at fees again if the City was granted a new flow reduction.

<u>Mr. Tom Hall</u>, Windsor Homes, Windsor Commercial, spoke in opposition to the proposed increased development fees.

Mr. Keith Westbrooks, 604 Trock Wilder Court, spoke in favor of the proposed development fees.

Council Member Whitaker said that she understood the builders and citizens and was in favor of raising the prices some now and recessing after a water flow reduction. She said in the meantime there could be discussions with the building community. She suggested July 1, 2022, chart and then assess in six months.

Council Member Chin said he agreed and through discussions with builders, it was determined to be a big step from \$1700 to \$4500 which was asking a lot. He said that the incremental approach was reasonable and to reexamine the schedule within six months. He suggested having an open public meeting to discuss what was infill development and what would be an appropriate fee.

Mayor Talley read an email from Amanda Hodierne, an attorney who represents several developers in the community. The letter referenced concerns with the magnitude of increases and its impact on affordable housing.

Council Member Parson said Council should pump the breaks and that he did not receive the new proposed fees until just now and has not had time to review it. He agreed that a fee needed to be adopted with a marginal increase and wait until we get a flow test and readdress in a few months.

Mayor Pro Tem Hall agreed with other Council Members and Council needed to adopt an incremental fee schedule.

Mayor Talley asked if was the consensus of the Council to come back before January 1, 2023, after receiving the flow analysis and discussion. Council agreed. She also asked for discussions to address infill development within the Land Use Plan.

Motion by Council Member Whitaker to adopt the Water and Sewer System Development Fees schedule titled July 1, 2022, with the understanding that Council would revisit after the revised flow reduction rate, meet with builders in the community to reassess and determine if Council would move forward with an additional rate increase, fees will not automatically increase on January 1, 2023, and to add projects that have an active building, water or sewer permit, had 30 days from July 1, 2022, to pay the rates under the former fee schedule, and to adopt the 2022-23 Rate and Fee Schedule, seconded by Council Member Chin. The motion passed unanimously.

# **ADJOURN**

Mayor Pro Tem Hall motioned to adjourn at 7:55 p.m., seconded by Council Member Whitaker. The motion passed unanimously.

Renee M. Ward, CMC Interim City Clerk

# City of Graham 2022-2023 Rates and Fee Schedule



July 1, 2022

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# **Assessments**

Curb and Gutter	Set by City Council based on individual project cost
Paving	Set by City Council based on individual project cost
Water and Sewer	Set by City Council based on individual project
	City will assume 50% of total construction and engineering



# **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 <sup>nd</sup> Right to Interment (When Available)	\$200/grave	\$500/grave	
Cremation-Subdividing of Graves	\$200	\$400	
Deed Transfers			
Transfer from Resident to Resident	\$5 admin	strative fee	
Transfer from Resident to Non-resident	\$1,700 per grave + administration fee		
Interment Costs			
Monday – Friday (prior to 2:00pm) <sup>2**</sup>	\$500		
Monday – Friday (2:00 pm and after) <sup>2**</sup>	\$650		
Saturdays <sup>1,2</sup>	\$1,000		
Sundays <sup>2</sup> and Holidays <sup>2,3</sup>			
Cremation, Infant and 2 <sup>nd</sup> Right Intermen	t Costs		
Monday – Friday (prior to 2:00pm) <sup>2**</sup>	2:00pm) <sup>2**</sup> \$250		
Monday – Friday (2:00 pm and after) <sup>2**</sup>	\$400		
Saturdays <sup>1,2</sup>	\$750		
Sundays <sup>2</sup> and Holidays <sup>2,3</sup>	\$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 \$50 for reputable companies approved by the City of Graham

<sup>\*</sup>Installation Fee is waived for Veterans with an approved government-supplied marker.

<sup>\*\*</sup> Based upon arrival time at the cemetery

<sup>&</sup>lt;sup>1</sup>Satruday rate begins at 4:00pm on Friday and ends at 7:00am on Sunday.

<sup>&</sup>lt;sup>2</sup>\$50.00 per half-hour surcharge after one hour of arrival time or any time after 3:30pm.

<sup>&</sup>lt;sup>3</sup>The holiday rate applies to any holiday observed by the City.

# **Laboratory Testing Fees**

BOD	\$25
Suspended solids	\$15
Phosphate (total)	\$20
Ammonia	\$20
Turbidity	\$10
Temperature and pH	\$10
Alkalinity	\$10
Fecal Coliform	\$30
Coliform Bacteria	\$30
Heterotrophic Plate Count	\$35
TSS Surcharge Fees	\$0.32/lb > 250 mg/l
BOD Surcharge Fees	\$0.32/lb > 300mg/l
Application for New Significant Industrial User (SIU) Permit	\$200
Application for New Non-SIU (Local) Sewer Use Permit	\$100
Renewal of any existing permit	\$100
Fats, Oils, and Grease Annual Inspection	\$30

Analysis performed by outside commercial laboratory will be the cost of analysis plus 20%. Sampling Fee (setup/use/pick-up of sampler) - \$140 per event.

# **Development Fees**

Development Ordinance Book (printed or flash drive)	\$20 flat fee
Major Subdivision Preliminary Plat Review Fee (5 or more lots)	\$10 per lot (\$200 min).
Planned Unit Development Rezoning Request	\$5 per acre (\$200 min, \$500 max)
General Rezoning Request	\$200 flat fee
Conditional Rezoning Request	\$300 flat fee
Special Use Permit	\$300 flat fee
Final Plat Major Subdivision (more than 5 lots)	\$50 flat fee
Final Plat Minor or Exempt Subdivision (up to 5 lots)	\$25 flat fee
Variance Request	\$300 flat fee
Non-Residential Site Plan TRC Review Fee (excluding subdivision)	\$250 (1st and 2nd included), \$100 per review after 2nd review.
Annexations	\$250 per request
Administrative Amendment to Council Approved Plans	\$100 flat fee
Wireless Telecommunications Facility	\$500 legal review fee in addition to other applicable fees

# **Engineering, Construction Plan Review, and Inspection Fees**

Street Plan Review and Inspection Fee	For all streets, the fee includes construction plan review and permitting, and record drawings and mapping review. In addition, the plan includes limited inspection of subgrade, base courses, asphalt, and curb and gutter: \$2.00 per linear foot of public street and \$1.00 per linear foot of private streets.
Waterline Plan Review and Inspection Fee	For all water lines, the fee includes construction plan review, permitting, and record drawings review and mapping. In addition, the fee includes limited inspection of backfill and trench compaction and coordinating pressure testing and line disinfection: \$1.50 per linear foot of water line.
Sanitary Sewer Line Plan Review and Inspection Fee	For all sanitary sewer lines, the fee includes construction plan review and permitting and record drawings review and mapping. In addition, the fee includes limited inspection of backfill and trench compaction and coordinating sewer line and manhole testing, and line video review inspections: \$1.50 per linear foot of sanitary sewer line.
Storm Sewer Line Plan Review and Inspection Fee	For all storm sewer lines, the fee includes construction plan review and permitting and record drawings review and mapping. In addition, the fee includes limited inspection of backfill and trench compaction and line video review inspection: \$1.00 per linear foot of storm sewer line.
Water and Sewer Services	For all water and sewer services, from the mainline tap to the property line, including limited inspection of backfill and trench compaction: \$100.00 per lot or \$50.00 for each service residential service or \$200 for each water service larger than 1 inch or sewer service larger than 4 inches.
Backflow Prevention Device Plan Review and Inspection Fee	For all water services other than a standard water tap a \$200 plan review and inspection fee will be charged for services requiring a backflow prevention device (domestic, fire, and lawn irrigation).

High-Density Stormwater Management Review and Inspection Fee	For all High-Density Stormwater Management plans and devices, including construction plan review and permitting. In addition, the fee includes limited inspection of constructed stormwater devices: \$1,000 per device with one-half payable at the time of plan submittal.
Low-Density Stormwater Management Review and Inspection Fee	For all Low-Density Stormwater Management plans and devices, including construction plan review and permitting. \$150 flat fee.
Sewer Pump Stations Requiring Permit Fee	For all sewer pump stations requiring a permit. The fee includes plan review, permitting, record drawings review, and limited construction inspection: \$5,000.
Buffer Authorization Permit Fee	Exempt Buffer Disturbance - \$25.  Non-Exempt Buffer Disturbance - \$250.
Floodplain Development Permit Fee	\$50 permit flat fee. Impacts to floodway required FEMA permitting – additional \$250.
Water System Hydraulic Modeling	Water modeling for extensive offsite waterlines (over 1,000 linear feet of offsite extension) is to be completed by the City's chosen outside contractor. The cost of modeling is to be the City's cost.

Non-routine or excessive inspections will include holidays, weekend inspections, and after-hours work. Non-routine or excessive inspection may include repeat inspections due to contractor failure or lack of coordination by the contractor. Non-routine or excessive inspections will be charged a rate of \$100/hour per person after the second inspection, re-inspections, holidays, and weekends with inspections that require multiple people present to be charged at multiples of this rate.

Construction Plan Review and Inspection Fees are to be fully paid prior to the approval of construction drawings.

# **Inspection Fees**

# **Building Permit**

Minimum Permit Fee	\$50
Residential (total structural square feet)	\$0.25 per sf
Commercial	\$5 per \$1,000 of value
Re-inspection Fee <sup>1</sup>	\$50
Building Plan Review, Commercial	\$200 buildings up to 10,000 sf \$200 + \$0.01 per sf for buildings >10,000 sf
Building Plan Review, Commercial Upfit	\$100
Building Plan Review, Residential	\$50
Sprinkler System (review and permit)	\$100
Swimming Pool	\$75
Sign	\$50

# **Electrical Permit**

Minimum Permit Fee	\$50
Extra Trip	\$25 each trip
Re-Inspection Fee <sup>1</sup>	\$50
Mobile Home Park Spaces (1-5)	\$50
Mobile Home Park Spaces (above 5)	\$6 per space
Billboards	based on service size
Saw Service	\$50
<b>Temporary Service for Construction Site</b>	\$50
Temporary Power for Sec. 10.8 N.C.E.C	\$50
Residential and Commercial Service	\$0.10 per sf
Low Voltage Wiring	\$50
Security System	\$50
Wiring Swimming Pool	\$110

# **Heating and Air Conditioning Permit**

Minimum Permit Fee	\$50 plus \$5 per additional thousand
Re-Inspection Fee <sup>1</sup>	\$50
Ansul Test on Hoods	\$100
Duct Test (smoke)	\$50
New Gas Line	\$50

# **Insulation Permit**

Single Family Dwellings	\$50
Multi-Family Dwellings	\$20 per unit
Re-Inspection Fee <sup>1</sup>	\$50

# **Plumbing Permit**

First Fixture <sup>3</sup>	\$50
Each Additional Fixture <sup>3</sup>	\$8
Water Tap Non-Sewer Use	\$50
Re-Inspection Fee <sup>1</sup>	\$50

# **Mobile Homes**

On-Site Inspection for HUD Labeled	\$100 all-inclusive	
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# **Miscellaneous Building**

ABC Inspection	\$100
Demolition of Building	\$60 plus \$1,000 cash bond
Driveway Permit <sup>2</sup>	\$50
Moving of Building	\$60 plus \$1,000 cash bond
New Business Building & Fire Inspection	\$50
Fire Re-Inspection Fee <sup>1</sup> (routine inspections)	\$50-3 <sup>rd</sup> , \$100-4 <sup>th</sup> , \$150-5 <sup>th</sup> , etc.
On-Site Consultations (all trades)	\$50
Tanks (50-10,000 gallons)	\$50
Tanks (over 10,000 gallons)	\$2 per additional thousand gallon

# **Inspection Fee Notes**

- 1. A re-inspection fee may be assessed when the permitted work is not ready at the time of the requested inspection or when recurring deficiencies exist.
- 2. Before any person shall cut or construct a driveway, such person shall apply to and secure from the City Building Inspector a permit to do so, and pay the applicable fee.
- 3. For multi-family developments, each unit shall be calculated individually for plumbing permits.

# **Labor and Equipment Fees**

Superintendent	\$ actual
<b>Equipment Operator or Labor Supervisor</b>	\$ actual
All Other Labor	\$ actual
Motor Grader	\$45
Track Loader	\$125
Rubber Tired Loader	\$40
Tandem Dump Truck	\$67
Dump Truck	\$53
Dumpster	\$400
Roller	\$30
Tractor	\$22
Tack Distributor	\$18
Backhoe	\$44
Air Compressor	\$12
Snowplow	\$23
Pickup Truck	\$12
Sweeper	\$100
Flusher	\$33
Low Boy Trailer	\$20
Chipper	\$32
Chainsaw, Concrete Saw and Tamp	\$5
Grinder and Line Remover	\$15
Paint Gun	\$10
Bush Hog	\$10
Sewer Roder	\$15
CL12 Taping Machine	\$12
Pumps, Other Taping and Other Small Equipment	\$5
Bucket Truck	\$45

Paver	\$67
Cement Mixer	\$8
Straw Blower	\$8
Utility Trailer	\$10
Sewer Jet Machine	\$15
Welding/Generator Trailer	\$15
TV Inspection Camera	\$15
Skid Steer Loader	\$25
Hydraulic Breaker	\$15
Message Board	\$5
Dozer	\$55
UTV	\$14
Excavator	\$82
Mini Excavator	\$21
Leaf Picker	\$75
Tracked Skid Steer	\$36
Boom Mower	\$30
Crew Cab Service Truck	\$20

# **Labor and Equipment Notes**

- All rates are per hour.
- ❖ Any Labor performed after hours, on weekends, or on holidays will be billed at time plus ½ hour.
- ❖ Any other equipment is based on current contractual rental rates.

# **Miscellaneous Fees**

Auto Mileage Reimbursement	Current USGA rate for POV mileage reimbursement (www.gsa.gov)	
Bad Check Penalty	\$25	
Print Copy (11x17)	\$1.50 per page	
Print Copy (18x24)	\$5.00 per page	
Print Copy (34x44)	\$10.00 per page	

Cement Catch Basin Cover	\$400	
Copy Fee	\$0.25 per page	
Faulty Burglar Alarm (Sec. 2-222(c))	\$50 after 2 faulty alarms during a calendar months	
Faulty Fire Alarms (Sec. 2-246(d))	\$50 after 2 faulty alarms during 2 consecutive months	
Fingerprinting for Public	\$3 for identification only; no charge for children 12 years old and younger	
Lot Mowing Administrative Fee	\$50 per mowing	
Notice of Attachment and Garnishment	\$5 per GS-105-368	
Sign Damage Fees		
City Limit Sign	\$75 plus pole, plus labor	
Stop Sign, 30x30	\$40 plus pole, plus labor	
Stop Sign, 36x36	\$60 plus pole, plus labor	
Stop Sign, 48x48	\$120 plus two poles, plus labor	
City-Wide Speed Limit Sign, 42x30	\$85 plus two poles, plus labor	
City-Wide Speed Limit Sign, 60x36	\$150 plus two poles, plus labor	
Warning Signs (e.g. curve, dead-end)	\$55 plus pole, plus labor	
Regulatory Signs (e.g. speed limit, weight limit, do not enter, yield)	\$45 plus pole, plus labor	
One-Way Arrows	\$30 plus pole, plus labor	
Street Name Sign	\$150 plus labor	
All Parking Regulation Signs	\$20 plus pole, plus labor	
School/Pedestrian Crossing Sign	\$110 plus pole, plus labor	
Downtown Residential Parking Permit	\$20 per year	
Pole	\$35	
Labor	\$19.80 per maintenance worker, per hour, there is a minimum charge of two maintenance workers	
Solicitors/Canvassers Permit	\$25 per Sec. 6-70	
Solicitation Fee	\$50	

Street Signs (City Style for Private Streets)	\$150 complete set with 2 blade poles, bracket, cap and		
Street Signs (City Style for Private Streets)	\$85 sign set only, no pole or installation		
Street Cuts (up to 4'x5' or 20 sf) Street Cuts (over 4'x5' or 20 sf)	\$40 minimum \$40 minimum plus \$2 per additional		
Taxi Driver Permit	\$1 per Sec. 6-162		
Temporary Encroachment Permit	\$40 plus labor		
Temporary Parking Permit	\$5 per day \$25 per month \$150/year Sec. 20-161		
Topographic Diskette with One Sheet	\$25 per map		
Topographic Map Blueprint	\$10 per map		
Topographic Maps Disk (of Graham & Burlington)	\$150 plus labor		
Trimming City Owned Trees Bond	\$50,000 Property Damage		
Trimming City Owned Trees Bond	\$50 Personal Injury		
Trimming City Owned Trees	\$15 per Sec. 10-63		

# **Miscellaneous Compensation**

Mayor	\$771.86 per month			
City Council Member	\$473.84 per month			
Cell Phone Allowance	\$35 per month			
Firemen's Compensation	\$10 per call/meeting/training			
	Plus \$1 to Graham FD Supplemental			
	Retirement			

# **Recreation and Parks Department Fees**

# **Athletics/Camps**

	Resident	General Public	Commercial
Athletics <sup>1</sup>	\$25	\$40	N/A

<sup>1</sup>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		
Summer Day Camp			N/A
10 Weeks	\$575/1st child	\$745/1 <sup>st</sup> child	14/73
6 weeks	\$350/1st child	\$450/1 <sup>st</sup> child	
Weekly <sup>2</sup>	\$70/child	\$86/child	
Daily <sup>2</sup>	\$21/child	\$26/child	
Multiple Child Discount <sup>3</sup>	\$30/child	\$30/child	
<sup>2</sup> Limited based on availability			

<sup>&</sup>lt;sup>3</sup>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			
Ages 16-54	\$1/visit	\$1/visit	
Ages 15 & U; 55+	FREE	FREE	
Weight Room			
Ages 16-54	\$1/visit	\$1/visit	N/A
Ages 16-54	\$40/six-month	\$55/six-month	
	pass	pass	
Ages 16-54	\$25/three-month	\$40/three-month	
	pass	pass	
Ages 55+	Free	Free	

# **Graham-Mebane Lake**

	Fees for All Customers	Commercial
Boat Launching <sup>2</sup>	\$9/vessel	
Boat Launching-Seniors <sup>2,4</sup>	\$4/vessel	
Non-motorized Vessel Launching <sup>3</sup>	\$6/vessel or \$45/year	
Non-motorized Vessel Launching- Seniors <sup>3,4</sup>	\$3/vessel or \$30/year	
Bank Fishing	\$3/person or \$35/year	N/A
Bank Fishing-Seniors <sup>4</sup> & Persons w/100% Disability	\$1/person or \$15/year	
Annual User Fee Permit <sup>5</sup>	\$70/year	
Annual User Fee Permit-Seniors <sup>4,5</sup>	\$50/year	
Annual User Fee Permit-Group	\$125/year	
Boat Launching-Maintenance & Demonstrations <sup>6</sup>	\$4/vessel	\$4/vessel or \$300/annual

	Fees for All Customers	Commercial
Jon Boats	\$10/4 hrs.	
	\$16/8hrs	
Canoe Rental	\$15/4hrs	
	\$20/8hrs	N/A
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.

<sup>&</sup>lt;sup>2</sup> All motorized boats including jet skis

# **Facility Rental Fees**

# Bill Cooke Park

Field/Room/Equipment	Resident/Non- Profit <sup>1</sup> *	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.

<sup>&</sup>lt;sup>3</sup> All non-motorized vessels including kayaks, canoes & paddleboards

<sup>&</sup>lt;sup>4</sup> Senior fee begins at age 65

<sup>&</sup>lt;sup>5</sup> Includes boat launching and daily fees for a single individual and covers a maximum of two boats

<sup>&</sup>lt;sup>6</sup> 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

	Resident/Non- Profit <sup>1</sup> *	General Public	Commercial*
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 <sup>2</sup>	\$20/hr.	\$20/hr.	\$20/hr.

<sup>&</sup>lt;sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

# **Graham Recreation Center**

	Resident/Non- Profit <sup>1*</sup>	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 <sup>3</sup> (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
Staff Supervision <sup>2</sup>	\$20/hr.	\$20/hr.	\$20/hr.
Cleaning Deposit <sup>5</sup>	\$50	\$50	\$50

<sup>&</sup>lt;sup>2</sup>Supervision Fee may be waived for City of Graham employees upon approval of the GRPD Director or Athletic Supervisor

<sup>\*</sup>All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

<sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

<sup>2</sup>Supervision Fee may be waived for City of Graham employees upon approval of the GRPD Director or Athletic Supervisor

<sup>3</sup>Each rental will be charged a \$50 refundable security deposit

### **Graham Civic Center**

	Resident/Non- Profit <sup>1*</sup>	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.
Staff Supervision <sup>2</sup>	\$20/hr.	\$20/hr.	\$20.hr.
Cleaning Deposit <sup>5</sup>	\$50	\$50	\$50

<sup>&</sup>lt;sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

# **South Graham Park**

	Resident/Non- Profit <sup>1*</sup>	General Public	Commercial*
Sand Volleyball Court	\$15/hr.	\$20/hr.	\$30/hr.

<sup>&</sup>lt;sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

<sup>&</sup>lt;sup>5</sup>Refundable and included in all rentals

<sup>\*</sup>All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

<sup>&</sup>lt;sup>2</sup>Supervision Fee may be waived for City of Graham employees upon approval of the GRPD Director or Athletic Supervisor

<sup>&</sup>lt;sup>5</sup>Refundable and included in all rentals

<sup>\*</sup>All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

<sup>\*</sup>All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

## Maple St. Center

	Resident/Non- Profit <sup>1*</sup>	General Public	Commercial*
Full Center, Does Not Include Kitchen	\$15/hr. + staff fee	\$30/hr. + staff fee	\$60/hr. + staff fee
Supervisory Staff Fee <sup>4</sup>	\$20/hr.	\$20/hr.	\$20/hr.
Cleaning Deposit <sup>5</sup>	\$50	\$50	\$50

<sup>&</sup>lt;sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

### **Shelters**

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

<sup>&</sup>lt;sup>4</sup>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

<sup>&</sup>lt;sup>5</sup>Refundable and included in all rentals

<sup>\*</sup>All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

# **User Fees**

# **Refuse Fees**

*Recycling	\$6 per unit, per month
*Garbage Land Fill Tipping Fee	\$4.50 per unit, per month
New Home Garbage & Recycling Container	\$65 per container
***Bulk Waste (in excess of 2 clamshell bites)	\$18 per clamshell bite in excess of 2
***Tree Trimmings (in excess of 2 clamshell bites)	\$12 per clamshell bite in excess of 2

<sup>\*</sup>All water customers inside the City Limits without containerized disposal systems (dumpsters) per customer or dwelling unit

# **Stormwater Fee**

Stormwater Charge	\$2 per month per utility account

# **Water Rates**

Water Nates	
Water Base Rate (per month)	\$5.03
Water Rates per 1,000 gallons (inside city limits)	
0-2,500	\$3.47
2,500-10,000	\$3.85
10,001-100,000	\$3.91
100,001-1,000,000	\$3.96
1,000,001-2,000,000	\$4.02
2,000,000+	\$4.07
Water Rate (Outside City Limits)	Double inside rates
Water Base Rate (Outside City Limits)	\$10.06
Municipal Customers (per 1,000 gallons)	Inside rates
Delinquent Fee	2% (Minimum of \$5)

<sup>\*\*\*</sup>One (1) clamshell bite is approximately 1.5 cubic yards

Non-payment Fee	\$40
*Water Deposit (Inside Residential)	\$80
*Water Deposit (Outside Residential)	\$160
*Water Deposit (Inside Non-residential)	\$100
*Water Deposit (Outside Residential)	\$200
Meter Tampering Fee	\$100
**Meter Testing Fee (Inside)	\$10
**Meter Testing Fee (Outside)	\$20
Service Initiation Fee	\$10
Backflow Annual Testing (For Irrigation Accounts)	\$10.42 per month

<sup>\*</sup>No deposit required for property owners. Deposits required for rental or leased property and refundable when final bills are paid.

### **Sewer Rates**

Sewer Base Rate (per month)	\$5.03
Sewer Rates per 1,000 gallons:	
0-2,500	\$5.99
2,500-10,000	\$11.60
10,001-100,000	\$11.67
100,001-1,000,000	\$11.75
1,000,001-2,000,000	\$11.82
2,000,000+	\$11.91
Unmetered Sewer Charge (per month)	\$67.17
Outside User Sewer Surcharge (per	\$29.67

<sup>\*\*</sup>During testing, if meter checks out of limits estimated by AWWA, money shall be refunded and adjustment made to water bill. If meter tests are within AWWA Standards, the fee shall remain with the City.

# **Water and Sewer Tap and System Development Fees**

•					
Water & Sewer Tap & Meter Fees					
	Water Meter Fee	Water Tap Fee (Inside City Iimits)	Water Tap Fee (Outside City limits)	Sewer Tap Fee (Inside City limits)	Sewer Tap Fee (Inside City limits)
Residential Dwelling Unit (3/4" Meter - 2 BR)*	\$300	\$1,000	\$2,000	\$1,000	\$2,000
Residential Dwelling Unit (3/4" Meter - 3 BR)*	\$300	\$1,000	\$2,000	\$1,000	\$2,000
Residential Dwelling Unit (3/4" Meter - 4 BR)*	\$300	\$1,000	\$2,000	\$1,000	\$2,000
Residential Dwelling Unit (3/4" Meter - 5 BR)*	\$300	\$1,000	\$2,000	\$1,000	\$2,000
All Other Zoning Categories/Uses - 3/4" Meter	\$300				
All Other Zoning Categories/Uses - 1" Meter	er is iding y or and	Owner or Developer is responsible for providing taps for all other types, sizes and zoning classifications except for fire suppression taps in the #1 fire district when taps will be provided by the City.		ible for	
All Zoning Categories/Uses - 1.5" Meter	or Developer is ble for providin meeting City or n Standards and				
All Zoning Categories/Uses - 2" Meter	or Develope le for prov neeting Cit Standards				
All Zoning Categories/Uses - 3" Meter	or C ible mee n Sta				
All Zoning Categories/Uses - 4" Meter	Owner or Developer is responsible for providing meters meeting City or Graham Standards and			Jily.	
All Zoning Categories/Uses - 6" Meter	Ov resp me Gra				

# **July 1, 2022 Fees**

Water & Sewer System Development Fees - July 1, 2022				
Customer Type	Equivalent Residential Unit‡	Water Fee	Sewer Fee	Total Fee
Residential Dwelling Unit (3/4" Meter - 2 BR)	1	\$1,100	\$1,100	\$2,200
Residential Dwelling Unit (3/4" Meter - 3 BR)	1.5	\$1,650	\$1,650	\$3,300
Residential Dwelling Unit (3/4" Meter - 4 BR)	2	\$2,200	\$2,200	\$4,400
Residential Dwelling Unit (3/4" Meter - 5 BR)	2.5	\$2,750	\$2,750	\$5,500
All Other Zoning Categories/Uses - 3/4" Meter	1	\$1,100	\$1,100	\$2,200
All Other Zoning Categories/Uses - 1" Meter	1.67	\$1,837	\$1,837	\$3,674
All Zoning Categories/Uses - 1.5" Meter	3.33	\$3,663	\$3,663	\$7,326
All Zoning Categories/Uses - 2" Meter	5.33	\$5,863	\$5,863	\$11,726
All Zoning Categories/Uses - 3" Meter	11.67	\$12,837	\$12,837	\$25,674
All Zoning Categories/Uses - 4" Meter	21	\$23,100	\$23,100	\$46,200
All Zoning Categories/Uses - 6" Meter	43.33	\$47,663	\$47,663	\$95,326

<sup>†</sup>Applicable System Development Fee(s) for development requiring smaller or larger water meters will be calculated on a project specific basis using rates and methodology identified in the City's System Development Fee Analysis.

<sup>‡</sup>Equivalent Residential Unit is approximate multiplier adapted from AWWA Manual of Water Supply Practices-M1, Principles of Water Rates, Fees, and Charges.

<sup>\*120</sup> gallons per day per bedroom (min. 2-BR)

### Notes:

- (1) Water and Sewer Development Fees are based upon the number of bedrooms proposed for standard residential meter connections. Water and Sewer Development Fees for other metered connections are based upon the meter size of the connection.
- (2) Any item not included in the above schedule shall be referred to the City Manager for a specific price determination.
- (3) Except for development involving the subdivision of land, the above fees are payable at the time of application for connection. For development involving the subdivision of land, System Development Fees shall be paid at the time of plat recordation or when water or sewer service is committed by the City, whichever comes first.
- (4) Projects may pre-pay water and sewer development fees after construction plan approval or after water and sewer permit issuance. Prepayment will be based upon the applicable the fees at that point in time. Prepayment of fees will not be impacted by future changes in fees in that no fees will be returned due to reduced fees nor additional fees charged due to increases in fees.
- (5) Projects that have active building permits but have not paid System Development fees have 30 days from July 1, 2022, to pay rates under the former water and sewer connection fee schedule.
- (6) Owner or Developer is responsible for providing taps for all nonstandard types, sizes and zoning classifications except for fire suppression taps in the #1 fire district where taps will be provided by the City and for standard residential taps as noted above.
- (7) Owner or Developer is responsible for providing meters meeting City of Graham Standards and Specifications for all other types, sizes and zoning classifications for all meters above 3/4" in size.
- (8) Owner or Developer of a residential subdivision, as defined *Section* 10.336 of the City of Graham Development Ordinance, is responsible for furnishing water and sewer taps in which tap fees will not be charged.

# RESOLUTION AUTHORIZING THE EXCHANGE OF PERSONAL PROPERTY BETWEEN THE CITY OF GRAHAM AND PRESERVATION BURLINGTON

WHEREAS, North Carolina General Statute NCGS 160A-271 grants the Graham City Council the authority to exchange any real or personal property belonging to the city for other real or personal property by private negotiation if the city receives full and fair consideration in exchange for its property. Property shall be exchanged only pursuant to a resolution authorizing the exchange adopted at the next regular meeting of the City Council upon 10 days of public notice; and

**WHEREAS**, the City of Graham owns one wooden mantle used in the Graham Historical Museum as a display, purchased for \$150 in 2018; and

WHEREAS, Preservation Burlington owns a mantle attributed to the Frances Ann Holt Williamson and John Lea Williamson House that once stood at the current site of Graham City Hall with a current retail value of \$1,500; and

WHEREAS, Preservation Burlington and the City of Graham desire to exchange the above-mentioned mantles and deem the exchange as full and fair consideration; and,

WHEREAS, the Graham City Council on June 14, 2022, stated its intention to consider authorizing the exchange of certain City-owned property for certain property currently owned by Preservation Burlington; and

**WHEREAS**, the City of Graham City Council caused to be published a notice of this transfer/exchange in the Alamance News on June 30, 2022, pursuant to General Statute NCGS 160A-271.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the City of Graham City Council authorizes the exchange of a wooden mantle owned by the City of Graham for a wooden mantle attributed to the Frances Ann Holt Williamson and John Lea Williams House owned by Preservation Burlington pursuant to North Carolina General Statutes 160A-271.

	ATTEST:	
Jennifer Talley, Mayor		Renee M. Ward, Interim City Clerk

Authorized on this the 12<sup>th</sup> day of July 2022.



SUBJECT:	ANNEXATION OF 94.474 +/- ACRES ON CHERRY LANE
PREPARED BY:	CAMERON WEST, PLANNER

# **REQUESTED ACTION:**

Approve the resolution fixing a date of August 9, 2022, for a public hearing on the question of contiguous annexation pursuant to G.S. 160A-31 for multiple tracts of land totaling 94.474-acres located on Cherry Lane.



### **BACKGROUND/SUMMARY:**

The 94.474-acre area being considered for annexation is contiguous. Developer is planning to extend public water and sewer to this site for an industrial property.

Approval of this resolution does not finalize the annexation as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance. Following a public hearing, approval of an Annexation Ordinance is the final step for Council.

### FISCAL IMPACT:

Industrial property generally creates positive tax revenue for the City, and because the public services are being extended to the site, the cost to the City is minimal.

### STAFF RECOMMENDATION:

Approval.

### SUGGESTED MOTION(S):

- 1. I move we approve the resolution directing the City clerk to investigate a petition received under G.S. 160A-31 for potential contiguous annexation of GPINs 8894934551, 8894923597, 8894921459, 8894912932,8894916547, and 9804012943 on Cherry Lane
- 2. I move we approve the resolution fixing date of August 9, 2022, for a public hearing on the question of annexation pursuant to G.S. 160A-31 for 94.474 (+/-) acres on Cherry Lane.

# RESOLUTION FIXING DATE OF AUGUST 9, 2022, FOR A PUBLIC HEARING ON QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 94.474 +/- ACRES ON CHERRY LANE (AN2204)

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 August 9, 2022.
- Section 2. The area proposed for annexation is described as follows:

Legal Description GPIN#: 8894934551

#### **Legal Description:**

Beginning at an iron pipe found in the southerly right of way of Interstate 40 East/Interstate 85 North, said iron pipe having North Carolina State Grid Coordinates of North 843,913.53 and East 1,900,592.41; running thence S 03°12'13" W 300.01' to a point, running thence S 31°19'20" E 716.30' to an iron pipe found; running thence S 68°26'40" W 330.67' to an iron pipe found; running thence S 68°56'49" W 60.98' to an iron pipe found, running thence N 48°49'51" W 105.43' to an iron pipe found; running thence N 78°04'29" W 530.55' to an iron pipe found; running thence N 16°04'12" W 276.91' to an iron rod found; running thence S 72°16'08" W 401.55' to an iron found; running thence S 02°18'57" W 179.28' to an iron found; running thence N 82°10'24" W 953.49' to an iron pipe found; running thence S 17°46'38" W 388.86' to an iron pipe found; running thence N 42°27'29" W 619.33' to a point; running thence N 02° 45' 41" E 46.03' to a point in the centerline of Back Creek, running thence along the centerline of Back Creek the following eleven courses and distances: N 58° 32'34" E 21.10" N 42°13'10" E 54.19', N 08°07'21" E 54.29', N 04°41'35" E 134.95', N 09°30'57" E 87.42', N 03°15'41" E 82.66', N 03°02'54" E 126.93', N 28°18'03" W 11.07', N 09°05'25" W 18.99', N 09°45'15" E 34.51', and N 01°06'26" E a distance of 100.04' to a point in the southerly right of way of Interstate 40 East/ Interstate 85 North; running thence along said southerly right of way N 89°26'54" E 1631.90' to an iron pipe found, S 87°45'06" E 422.43' to an iron pipe found and S 83°32'50" E 425.99' to the point of beginning, having an area of 2,397,653 square feet or 55.043 acres.

Being the same property as described in Deed Book 377 at Page 805 and being Alamance County GPIN 8894934551 (PIN 153027).

Legal Description GPIN#:8894923597, 8894921459, 8894912932, 8894916547, and 9804012943

#### **Legal Description:**

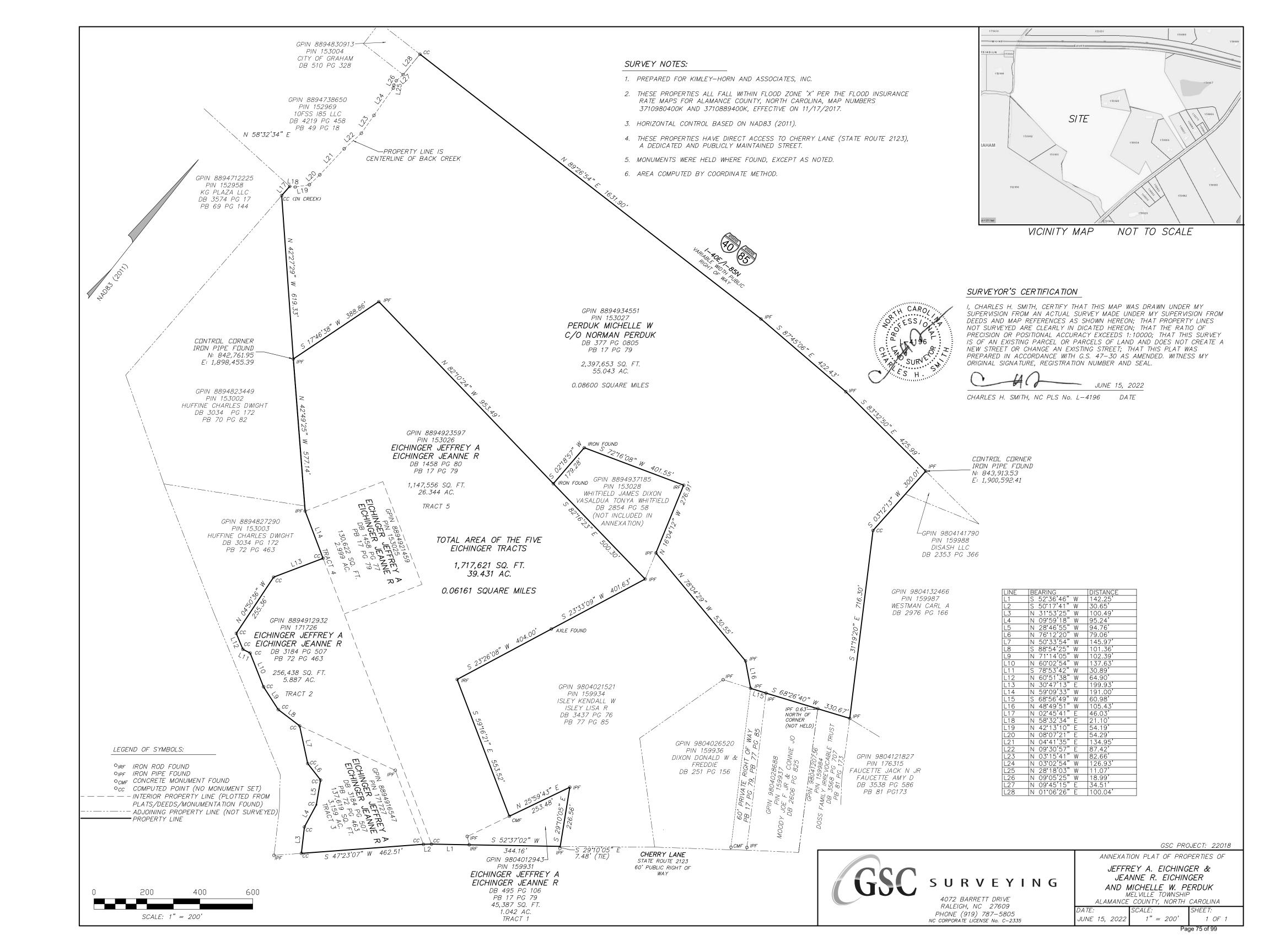
Beginning at an iron pipe found at a corner of lands of Jeffrey A. Eichinger and Jeanne R. Eichinger and Michelle W. Perduk, said iron pipe having North Carolina State Grid Coordinates of North 842,761.95 and East 1,898,455.39; running thence N 17°46'38" E 388.86' to an iron pipe found; running thence S 82°10'24" E 953.49' to an iron found; running thence S 82°16'23" E 500.30' to an iron pipe found; running thence 23° 33'09" W 401.63' to an axle found; running thence S 23°26'08" W 404.00' to an iron rod found; running thence S 59°16'21" E 553.52' to a concrete monument found; running thence N 25°59'43" E 253.48' to an iron pipe found; running thence S 29°10'05" E 226.56' toa point in the northerly right of way of Cherry Lane; running thence along the northerly right of way of Cherry Lane the following four courses and distances: S 52°37'02" W 344.16' to an iron rod found, S 52°36'46" W 142.25' to a point, S 50°17'41" W 30.65' to a point and S 47° 23'07" W 462.51' to a point; running thence N 31°53'25" W 100.49' to a point; running thence N 09°59'18"

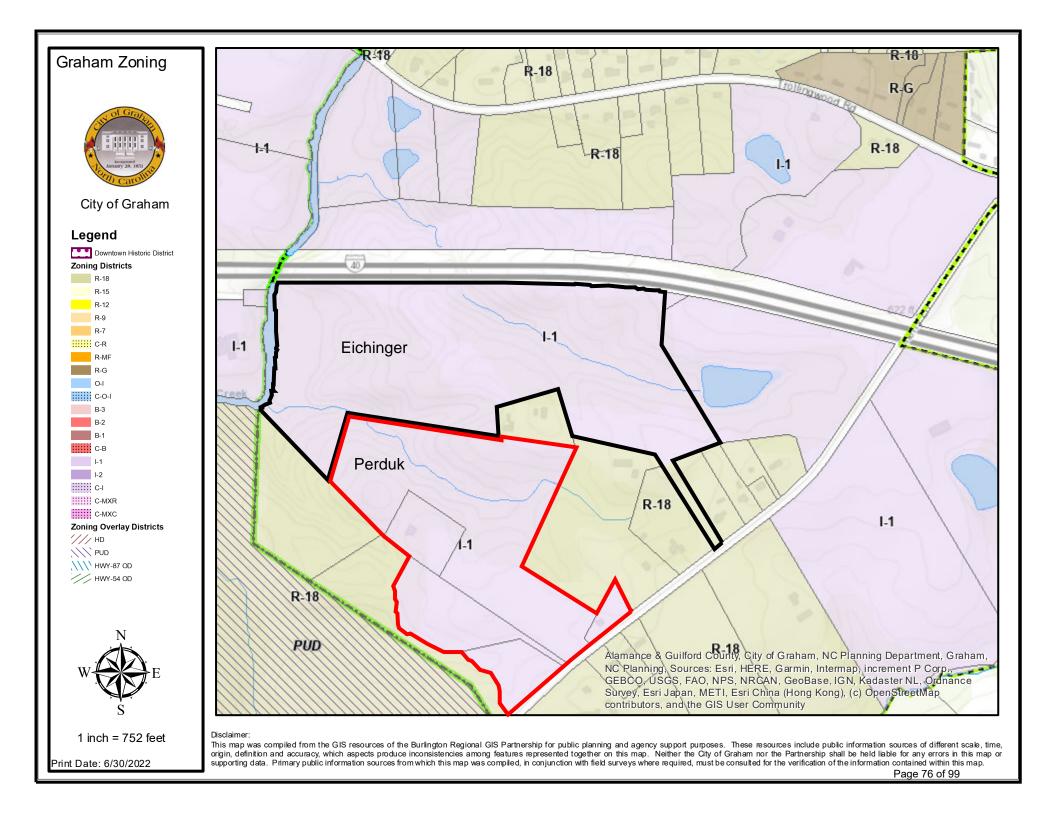
W 95.24' to a point; running thence N 28°46'55" W 94.76' to a point; running thence N 76°12'20" W 79.06' to a point; running thence N 50°33'54" W 145.97' to a point; running thence S 88°54'25" W 101.36' to a point; running thence N 71°14'05" W 102.39' to a point; running thence N 60°02'54" W 137.63 'to a point; running thence S 78°53'42" W 30.89' to a point; running thence N 60°51'38" W 64.90' to a point; running thence N 04°50'36" W 255.36' to a point; running thence N 30°47'13" E 199.93' to a point; running thence N 59°09'33" W 191.00' to an iron pipe found; running thence N 42°49'25" W 577.14' to the point of beginning, having an area of 1,717,621 square feet or 39.431 acres.

Being the same properties as described in Deed Book 495 at Page 106 (Tract 1) (GPIN 9804012943, PIN 159931), Deed Book 3184 at Page 507 (Tract 2) (GPIN 8894912932, PIN 171726), Deed Book 3184 at Page 507 (Tract 3) (GPIN 8894916547, PIN 171727), Deed Book 1458 at Page 77 (Tract 4) (GPIN 8894921459, PIN 153025) and Deed Book 1458 at Page 80 (GPIN 8894923597, PIN 153026). These five tracts are all contiguous and are being combined into one parcel for this annexation.

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 12 <sup>th</sup> day of July, 2022.	
ATTEST:	Jennifer Talley, Mayor
TITLST.	001111101 1011119, 11219 01
Renee M. Ward, Interim City Clerk	





## RESOLUTION DIRECTING THE CLERK TO INVESTIGATE

#### A PETITION RECEIVED UNDER G.S. 160A-31

## <u>FOR PROPERTY ON CHERRY LANE (GPIN: 8894934551, 8894923597, 8894921459, 8894912932, 8894916547, AND 9804012943) (AN2204)</u>

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 12, 2022, 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.

	Jennifer Talley, Mayor	
ATTEST:		
Renee M. Ward, Interim City Clerk		

## VOLUNTEER BOARD & COMMISSION APPLICATION



The following application is used by the Graham City Council to identify individuals interested in serving on a City board or commission. To ensure that your application will receive full consideration, please answer all questions completely. For more information and details about each board, please visit cityofgraham.com/boards-commissions

Name: Noelle Purcell	Email Address: auntkno@gmail.com
	Mailing Address; same
Crohom NC 27252	City, State, Zip:
Home Phone: 336-263-6101	Alternate Phone:
Please list the board(s) and/or commissions on Historical Museum Advisory Board	which you are currently serving:
Please select up to, two (2) boards and/or commodition which you would like to be considered and indicated selection (1 = first choice and 2 = second choice	eate your preference for each
Alcohol Beverage Control Board	Historical Museum Advisory Board
2 Appearance/Tree Commission	Historic Resources Commission
Canine Review Board	Planning Board/Board of Adjustment
Graham Housing Authority	Recreation Commission
Library Committee (Alamance County)	Economic Development & Marketing Committee
Note: If you wish to change your selections for desire will need to file a new application with the City Clerk. C will be presented to City Council.	d board(s) and/or commission(s) you Only the most recent application on file
RELEVANT EXPERIENCE Current employer/retired: Ameris Bank	
Employer address: 1901 Hillandale Road  Job title and description of responsibilities:	City, State, Zip: Durham NC 27253
Mortgage loan processor. Analywith underwriter, borrower, loan loan approved and closed.	

Which of the following relevant knowledge, skills, abilities, interest, and/or experiences would you bring to the board(s) or commission(s) to which you are applying (select all that apply):			
History	or commission(s) to which you Legal		
Architecture	Graphic Design	Critical Thinking	
Research		☐ Data Analysis	
	Creativity	Active-Listening	
Program Development	☐ Marketing/Social Media	Effective Communication	
Historical Preservation	Economic Development	Education & Outreach	
Event Planning	Community Organizing	Conflict Resolution	
Landscape Design	Athletics/Sports	Time Management	
☐ Gardener/Arborist	Problem Solving	Other:	
Adaptability	Interpersonal Skills		
Why do you believe you wo commission(s) to which you	uld be an asset to the board are applying?	(s) and/or	
Advisory Board and have worked with the other members of the board to promote/update the museum along with working as a docent.  Regarding the Appearance Board, I would like to get more involved with the appearance of the city.			
Have you attended a meeting of the board(s) and/or commission(s) for which			
you are applying?  X Yes X No			
Have you met with the chairperson or Staff Liaison of the board(s) and/or commission(s) for which you are applying?			
		× Yes × No	
Additional relevant information: Historical Museum yes" above howeve Commission is "no	Advisory Board is " er Appearance	For City Clerk Use Only Date Received:	
Thank you for your interest in the City of Graham's boards and commissions. Submit this application by email to: dterrell@cityofgraham.com, in person to: City Clerk's Office at 201 South Main Street, or by mail to: City Clerk P.O. Drawer 357, Graham, NC 27253.			

## STAFF REPORT

SUBJECT:	AMEND 2022-23 INSPECTION FEE SCHEDULE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

#### **REQUESTED ACTION:**

Amend 2022-23 Fee Schedule for omitted Inspection Fees.

#### **BACKGROUND/SUMMARY:**

The following existing Inspection Department fees were inadvertently removed from the recently approved fee schedule and will need to be added back for the City to charge:

- Change of Contractor- \$50
- Building Fee Misc.- \$50
- Temporary Gas- \$50
- Fireplace Fee- \$50
- Daycare Inspections \$100
- Home Recovery \$10

#### FISCAL IMPACT:

These fees are currently in our system and are being charged.

#### **STAFF RECOMMENDATION:**

Approval. The City can only charge fees that are reflected in the fee schedule.

#### **SUGGESTED MOTION(S):**

I move we approve the amendment to the 2022-23 Fee Schedule to include the omitted fees listed.

## **Inspection Fees**

## **Building Permit**

Minimum Permit Fee	\$50
Residential (total structural square	\$0.25 per sf
Commercial	\$5 per \$1,000 of value
Re-inspection Fee <sup>1</sup>	\$50
Building Plan Review, Commercial	\$200 buildings up to 10,000 sf \$200 + \$0.01 per sf for buildings >10,000 sf
Building Plan Review, Commercial	\$100
Building Plan Review, Residential	\$50
Sprinkler System (review and permit)	\$100
Swimming Pool	\$75
Sign	\$50
Home Recovery	<b>\$10</b>

### **Electrical Permit**

Minimum Permit Fee	\$50
Extra Trip	\$25 each trip
Re-Inspection Fee <sup>1</sup>	\$50
Mobile Home Park Spaces (1-5)	\$50
Mobile Home Park Spaces (above 5)	\$6 per space
Billboards	based on service size
Saw Service	\$50
Temporary Service for Construction	\$50
Temporary Power for Sec. 10.8 N.C.E.C	\$50
Residential and Commercial Service	\$0.10 per sf
Low Voltage Wiring	\$50
Security System	\$50
Wiring Swimming Pool	\$110

### **Heating and Air Conditioning Permit**

Minimum Permit Fee	\$50 plus \$5 per additional thousand
Re-Inspection Fee <sup>1</sup>	\$50
Ansul Test on Hoods	\$100
Duct Test (smoke)	\$50
New Gas Line	\$50
Temporary Gas	<mark>\$50</mark>
Fireplace	\$50

#### **Insulation Permit**

Single Family Dwellings	\$50
Multi-Family Dwellings	\$20 per unit
Re-Inspection Fee <sup>1</sup>	\$50

#### **Plumbing Permit**

First Fixture <sup>3</sup>	\$50
Each Additional Fixture <sup>3</sup>	\$8
Water Tap Non-Sewer Use	\$50
Re-Inspection Fee <sup>1</sup>	\$50

#### **Mobile Homes**

On-Site Inspection for HUD Labeled	\$100 all-inclusive
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#### **Miscellaneous Building**

ABC Inspection	\$100
Demolition of Building	\$60 plus \$1,000 cash bond
Driveway Permit <sup>2</sup>	\$50
Moving of Building	\$60 plus \$1,000 cash bond
New Business Building & Fire Inspection	\$50
Fire Re-Inspection Fee <sup>1</sup> (routine inspections)	\$50-3 <sup>rd</sup> , \$100-4 <sup>th</sup> , \$150-5 <sup>th</sup> , etc.
On-Site Consultations (all trades)	\$50
Tanks (50-10,000 gallons)	\$50
Tanks (over 10,000 gallons)	\$2 per additional thousand gallon
Daycare	<mark>\$100</mark>

#### **Inspection Fee Notes**

- 1. A re-inspection fee may be assessed when the permitted work is not ready at the time of the requested inspection or when recurring deficiencies exist.
- 2. Before any person shall cut or construct a driveway, such person shall apply to and secure from the City Building Inspector a permit to do so, and pay the applicable fee.
- 3. For multi-family developments, each unit shall be calculated individually for plumbing permits.
- 4. Any change of contractor will incur a \$50 fee.

## CITY OF GRAHAM RELEASE ACCOUNTS

#### **JULY RELEASES**

AMOUNT
ACCT# YEAR NAME
REASON FOR RELEASE

702640 2021 JOSE B SOSA DIMAS
BILLED IN ERROR, SHOULD HAVE BEEN BILLED TO SOJ. \$20.57

648047 2021 SALEM LEASING CORP
TWENTY-NINE LEASED IRP VEHICLES NOT LOCATED IN \$7,477.50

THE CITY LIMITS

TOTAL RELEASES \$7,498.07

### STAFF REPORT

SUBJECT:	APPROVE COST-SHARING AGREEMENT FOR TRUBY DRIVE IMPROVEMENT PROJECT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

#### **REQUESTED ACTION:**

Approve cost-sharing agreement between the City of Graham and Truby Drive Industrial I, LLC.

#### **BACKGROUND/SUMMARY:**

Truby Drive is a concrete, City-maintained road that currently serves as the only entrance to the Flying-J truck stop. The road currently has an average traffic volume of approximately 80 trucks per hour which has exacerbated the deterioration of the 20+ year old road. The City has identified the repairs in the Capital Improvement Plan for the past several years and has begun engineering and design for repairs in this current budget year.

The City has been reviewing a proposed project over recent months that has provided an opportunity to participate with



a developer to make the necessary repairs. Truby Drive Industrial I, LLC is proposing to construct a 575k square foot building on vacant property off Truby Drive. The City is proposing to contribute \$200k from Powell Bill funds to participate with this improvement.

#### **FISCAL IMPACT:**

The funds for the City's portion was approved to be placed in a Capital Project Ordinance at the June 14<sup>th</sup> City Council meeting.

#### **STAFF RECOMMENDATION:**

Approval. Truby Drive is a high-volume road and the City is currently responsible for any repairs.

#### **SUGGESTED MOTION(S):**

I move we authorize the City Manager and City Attorney to effectuate the cost-sharing agreement between the City of Graham and Truby Drive Industrial I, LLC.

#### NORTH CAROLINA ALAMANCE COUNTY

#### COST-SHARING DEVELOPMENT AGREEMENT

This Cost Sharing Agreement ("Agreement") is entered into this the 12<sup>th</sup> day of July 2022, by and between the CITY OF GRAHAM, a North Carolina Municipal Corporation ("City"), and Truby Drive Industrial I LLC, an Ohio limited liability company registered to do business in North Carolina (hereinafter referred to as "Truby.")

#### WITNESSETH:

WHEREAS, Truby currently has under contract to purchase, approximately 55 acres of real property located on Truby Drive in Graham County, North Carolina, bearing Parcel Number 152813 ("Property") and Truby intends to develop the Property for industrial use; and

WHEREAS, it has been determined that there are certain improvements which will be needed to Truby Drive in connection with said development including, but not limited to, ("Improvements"); and

WHEREAS, Truby has requested that the City participate in the costs associated with said Improvements; and

**WHEREAS**, the City pursuant to NCGS 160D-1001 et seq. has agreed to participate in the cost of said Improvements in an amount not to exceed Two Hundred Thousand and 00/100 Dollars (\$200,000.00).

**NOW, THEREFORE, FOR MUTUAL CONSIDERATIONS** as hereinafter stated, the City and Truby hereby agree as follows:

- 1. Truby and the City agree that when Truby develops the Property (Parcel ID# 152813), the Improvements will commence at that time and in conjunction with Truby's overall development of the Property.
- 2. The City in accordance with NCGS 160D-1001 et seq. hereby agrees to participate in the cost of the Improvements not to exceed Two Hundred Thousand and 00/100 Dollars (\$200,000.00).
- 3. Upon completion of said Improvements to Truby Drive as certified by the City's Engineer, Truby shall invoice the City for its portion of the cost of the Improvements and the City shall pay said invoice within ten (10) business days of receipt.
- 4. Truby agrees to pay any and all costs exceeding Two Hundred Thousand and 00/100 Dollars (\$200,000.00) for the Improvements in accordance with engineering drawings and specifications as approved by the City.
- 5. Notwithstanding anything to the contrary contained in this Agreement, all terms, and conditions contained in this Agreement are subject to Truby's acquisition of the Property. If Truby does not close on the purchase of the Property, this Agreement shall be deemed null and void and neither party shall have any obligation to the other.
- 6. Any amendments or changes to this agreement shall be in writing executed by both the City and Truby and appended hereto.

- 7. Notice of public hearing as required by G.S. 160D-1005 to consider approving this Agreement was authorized by the City Council on June 14, 2022.
- 8. This Agreement was approved by the City Council on July 12, 2022.

This the 12 <sup>th</sup>	day o	f July	2022.
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Truby Drive Industrial I LLC	City of Graham
By: Al. Neyer, LLC, an Ohio Limited Liability Company, its Manager	
Justin Parker, Market Leader	Jennifer Talley, Mayor City of Graham
	Renee M. Ward, Interim City Clerk City of Graham
PRE-AUDIT STATEMENT:	



SUBJECT:	STREET CLOSURE REQUEST BY COMMUNITY BAPTIST CHURCH
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

#### **REQUESTED ACTION:**

Consider request to close the 100 block of W. Elm Street for Faith & Family Night Concert.

#### **BACKGROUND/SUMMARY:**

Pastor Nicholas Holloway of Community Baptist Church has submitted an application requesting to close the 100 block of W. Elm Street for a Faith & Family Night Concert.

#### **FISCAL IMPACT:**

According to the application, the event is being requested for October 21, 2022 from 5pm to 9pm (includes setup) with normal traffic returning around 9:30 pm.



N/A

#### STAFF RECOMMENDATION:

Approval. The various City departments that may be involved have reviewed the request and have provided the organizer with pertinent information that will need to be satisfied.

#### **SUGGESTED MOTION(S):**

I move we approve the request from Pastor Nicholas Holloway of Community Baptist Church to close the 100 block of W. Elm Street on October 21, 2022 from 5pm to 9pm for the Faith && Family Night Concert.



#### **CITY OF GRAHAM SPECIAL EVENT APPLICATION**

Thank you for considering Graham to host your Special Event, we're glad you see our City as a great place to hang out!

All requests for parade and street events under the City of Graham's ordinance Chapter 20, Article V, Section 171 - 174 and 183 - 185 will be reviewed by the Graham Special Events Committee (SEC). Any Street closures or use of public spaces will need City Council approval.

SEC\* - Public Works Director, Fire Chief, Police Captain, Recreation Director, and Assistant City Manager

Next Steps\*\* - Depending on the location of the event and the request(s), applicants may be required to provide event insurance which names the City as an additional insured, schedule public safety through Extra Duty Solutions, provide an event map, give detail for sanitation purposes, and other similar logistical information.

Applicants are encouraged to reach out to the Assistant City Manager prior to completing this form if they have any questions pertaining to the City's requirements, event locations, event logistics, etc.

City of Graham Aaron Holland, Assistant City Manager 201 South Main Street Graham, NC 27253 336.570.6700 aholland@cityofgraham.com

Attention: Agrow Holland
From: Nicholas Holloway
(Community Baptist Church)



1. Your email: <u>CbC. Grahan NC Q grail. Con</u>
2. Event name (if applicable): Faith & FAMELY Night / Hosted By: Community Baptis Church
3 Reason for the event (he specific): Yeaviely Come Music Last the Community, and a South to
4. Event date(s): October 21, 2022
5. Provide your event's setup, start, end, and cleanup times. (Ex: Name of Event 6:30 a.m 8 a.m. setup   8 a.m. event start   2 p.m. event ends   2 p.m 4 p.m. cleanup):
Setup 5-630 pm, Event 6:30-8:30, Cleanup 8:30-9:30 pm
6. Event category
Please check all that apply appropriate category for your event.
Exhibit
Farmer's Market
Festival/Fair
Parade/Procession
Run/Walk
Food Truck Rodeo
Other:
7. Where are you requesting for your event to occur? W. Elm 5+ in Graham.
Be specific identifying street names or City facilities being requested for use?
We would like to have the concert where most are in Gretam on U. Elm St.
8. Does your event include the request to close streets?
Yes No
9. Identify the street(s) you are requesting to have closed for your event.
W. Flan St. that is closest to the Court house
10. Identify your street closure time(s) and will you anticipate when they will return to normal traffic flow.
5 pm - 9 pm / Return to Normal flow around 9:30 pm-



11. What is your anticipated event attendance total?
12. Does your event include musical entertainment?
<u> </u>
13. Where will your musical entertainment be located?
W. Elm st by courthouse facing toward N. Maple St.
14. Will sound amplification be used?  Yes No
If yes, provide the start time and end time.
6:30pm 8:30 pm
15. Will inflatables or similar devices be used at your event?YesY No
If yes, please describe. *Please note, Insurance requirements must be met in order to offer this activity.
16. Does your event include the use of fireworks, rockets, lasers, or other pyrotechnics?  Yes No  If yes, please describe. ***Note: These requests will be subject to the approval of the City of Graham Police & Fire Departments in conjunction with State Laws governing this type of activity.
17. Will alcohol be served, sold or consumed at your event? YesXNo
If you answered yes to the question above, please check all that apply to your event.
Alcohol will be available free of charge
Alcohol will be by purchase only
Alcohol being served and or sold at my event includes
Beer only
Wine only
Beer & Wine



There will be no alchoul at the event
19. Does your event include food concession and/or food preparation areas?
Yes No_ <u>X</u>
If yes, please select the method of cooking that pertains to your event.
Gas
Electric
Charcoal
Other:
20. Do you plan to provide portable toilets at your event?
Yes No <u>X</u>
If yes, list the total number of portable toilets:
21. Portable toilet company name:
If no, please explain
22. Explain your plan for cleanup and removal of trash, waste, and garbage during & after your event.
We are not anticipating A lot of waste, but the Church will provide  Does your event require additional trash recentacles?  A fear to pick up any thing After
Does your event require additional trash receptacles?  A fear to pick up anything Affective the event.
Yes No K
If yes, what is the requested number of additional trash receptacles?
23. Will there be any tents, canopies or temporary structures at your event?
Yes No (A Stage)



24. Applicant name and affiliated agency if applicable
Nicholas Holloway (Pastor of Community Baptist Graham
25. Applicant's Address
1124 Hanford RD, Graham, N.C. 27253
26. Applicant's phone number (919) 698 - 2794
27. Applicant's email address  Cbc. Grahan nc @ gmail. Con
28. Provide the event's point of contact if different from the applicant. (First & Last name, Phone number, & Email Address)
29. How many years has this event taken place?



SUBJECT:	ORDINANCE TO AMEND CANVASSERS' AND SOLICITORS' PERMIT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

#### REQUESTED ACTION:

Amend regulations and requirements in Code of Ordinances for Canvassers' and Solicitors' Permit.

#### BACKGROUND/SUMMARY:

At the conclusion of the May 10<sup>th</sup> City Council meeting, staff was directed by Council at the request of Councilwoman Whitaker to review our current ordinances pertaining to Chapter 8, Article IV, Canvassers' and Solicitors' Permit. The following language addresses regulatory changes in accordance with legal review.

#### FISCAL IMPACT:

N/A

#### STAFF RECOMMENDATION:

Approval.

#### **SUGGESTED MOTION(S):**

I move to approve the Ordinance amendment to CHAPTER 8- BUSINESSES, ARTICLE IV- CANVASSERS' AND SOLICITORS' PERMIT of the Code of Ordinances to amend the regulations and requirements.

# AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 8, ARTICLE IV, SEC. 8-104, 107, 109, 113 AND ADD SEC. 8-114 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 sections 8-104, 107, 109, 113 and Add Sec. 8-114, which said sections read as follows:

#### Chapter 8 – BUSINESSES

#### ARTICLE IV. - CANVASSERS' AND SOLICITORS' PERMIT

Sec. 8-104. - Required.

It shall be unlawful for any solicitor or canvasser to engage in such business within the corporate limits of the city without first obtaining a permit therefor in compliance with the provisions of this article.

#### That 8-104 Required be amended to now read:

- (a) It shall be unlawful for a solicitor or canvasser to enter upon any private premises when such premises are posted with a sign stating "No Solicitors or No Solicitations allowed".
- (b) If, at the entrances to a neighborhood with a property owners association, a visible sign that says "no soliciting" or that has comparable language indicating that solicitation is unwelcome has been posted by the association pursuant to authority granted to it, it shall be a violation of this section for a solicitor to go onto or into any private premises in that neighborhood, regardless of whether that particular residence has a "no soliciting" or comparable sign posted, for the purpose of soliciting orders for the sale of, disposing of, or peddling or hawking of goods, wares and merchandise.
- (c) Regardless of whether a private premise has a "no soliciting" sign or comparable sign posted, it shall be a violation of this section if a solicitor does not immediately leave a private premise after being told to do so by any owner or occupant of the residence.

(Code 1978, ch. K, art. I, § 12; Code 1983, § 6-67)

#### Sec. 8-105. - Application; fee.

- (a) An applicant for a permit under this article shall file with the city tax collector a sworn application in writing on a form to be furnished by the city tax collector, which shall give the following information:
  - (1) The name and description of the applicant.
  - (2) The permanent home address and full local address of the applicant.
  - (3) A brief description of the nature of the business and the goods or services to be sold.
  - (4) If employed, or acting as agent, the name and address of the employer or principal, together with credentials establishing the exact relationship.
  - (5) The length of time for which the permit is desired.
  - (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced; where such goods or products are located at the time such application is filed; and the proposed method of delivery.

- (7) Two photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) The fingerprints of the applicant.
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- (10) A statement by a reputable physician of the city dated not more than ten days prior to submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease.
- (b) At the time of filing the application, a fee fixed by the city council and kept on file in the office of the city clerk shall be paid to the city tax collector to cover the cost of issuing the permit.

(Code 1978, ch. K, art. I, § 13; Code 1983, § 6-68)

#### Sec. 8-106. - Bond.

Before a permit is issued under this article, every applicant not a resident of the city or who, being a resident of the city, represents a firm which does not have assets within the state which are subject to attachment, whose principal place of business is located outside of the state, shall file with the city tax collector a surety bond running to the city in the amount of \$1,000.00, with surety acceptable to and approved by the city manager, conditioned that the applicant shall comply fully with all provisions of this Code and other ordinances of the city and the statutes of the state regulating and concerning the business of solicitor and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representation of the solicitor, and further guaranteeing to any citizen of the city doing business with the solicitor that the property purchased will be delivered according to the representations of the solicitor. Such bond shall provide that action thereon may be brought in the name of the city to the use or benefit of the aggrieved person. A surety bond issued by any surety company licensed to do business by the department of insurance of the state shall constitute a valid bond under this section.

(Code 1978, ch. K, art. I, § 14; Code 1983, § 6-69)

#### Sec. 8-107. - Police rulings on applications; appeal.

(a)If any applicant for a permit has been convicted of any felony, misdemeanor or violation of this Code or other city ordinance, the tax collector shall submit the application to the chief of police for his approval.

Section (a) shall be amended to read: If any applicant for a permit has been convicted of any felony, misdemeanor or violation of this Code or other city ordinance, the tax collector shall submit the application to the chief of police for approval.

(b)If the chief of police shall find the previous criminal record of the applicant justifies the conclusion that the health and safety of occupants of homes solicited might be menaced by commission of a breach of the peace or some form of assault, he shall not approve the issuance of a permit.

Section (b) of this section shall be amended to read: If the chief of police shall find the previous criminal record of the applicant justifies the conclusion that the health and safety of occupants of homes solicited might be menaced by commission of a breach of the peace or some form of assault, the issuance of a permit shall not be approved.

- (c) Whenever an application for a permit is disapproved on this ground, the applicant shall have the right to appeal from the decision of the chief of police by filing with the council, within 14 days after the applicant receives notice that the application has been disapproved, a written statement setting forth fully the grounds for the appeal.
- (d) The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant by mailing the notice, postage paid, to the licensee at his last known address at least five days prior to the date set for the hearing.
- (e) The decision of the council on such appeal shall be final and conclusive.

(Code 1978, ch. K, art. I, § 21; Code 1983, § 6-70)

#### Sec. 8-108. - Issuance; contents; badge; copy of article.

Upon receipt of an application for a permit under this article and payment of the prescribed fee therefor, the city tax collector or other city official charged with regulation of solicitors shall deliver to the applicant:

- (1) A permit containing: a. The signature of the issuing officer; the name, address and photograph of the licensee; b. The class of permit issued and the kind of goods to be sold thereunder; c. The date of issuance of the permit; the length of time the permit shall be in effect; d. The permit number; and e. An identifying description of any vehicles used in such soliciting.
- (2) A badge, which shall contain the words, "licensed solicitor." The badge shall also show the period for which the permit is issued and the number of the permit.
- (3) A copy of this article.

(Code 1978, ch. K, art. I, § 15; Code 1983, § 6-71)

#### Sec. 8-109. - Display—Badge.

The badge issued under the provisions of section 8-108(2) shall, during the time the solicitor is engaged in soliciting, be worn constantly by him on the front of his outer garment in such a way as to be conspicuous.

This section shall be amended to read: The badge issued under the provision of Section 8-108(2) shall, during the time of solicitor is engaged in soliciting, be worn continuously by the solicitor on the front of the outer garment in such a way as to be conspicuous.

(Code 1978, ch. K, art. I, §§ 16, 18; Code 1983, § 6-72)

#### Sec. 8-110. - Same—Permit.

It shall be the duty of any police officer in the city or any tax collection official of the city to require any person seen soliciting or canvassing to produce his solicitor's or canvasser's permit and to enforce the provisions of this article against any person found to be violating the same.

(Code 1978, ch. K, art. I, § 18; Code 1983, § 6-73)

#### Sec. 8-111. - Revocation—Grounds; notice.

(a) A permit issued under the provisions of this article may be revoked by the city tax collector, after notice and hearing, for any of the following causes: (1) Fraud, misrepresentation or false statement made in the course of carrying on a business as solicitor or canvasser, or such statement made in the application for a permit. (2) Any violation of this article. (3) Conducting the business of soliciting or of canvassing in an unlawful or abusive manner or in such a manner as to constitute a breach of the peace or menace to the health and enjoyment of the privacy of the home of any individual called upon

- or solicited. (4) Conviction, during the permit year, of any crime or misdemeanor involving moral turpitude.
- (b) A notice of the hearing for revocation of the license shall be given in writing, setting forth specifically the grounds for complaint and the time and place of hearing. Such notice shall be mailed, postage paid, to the licensee at his last known address at least five days prior to the date set for the hearing.

(Code 1978, ch. K, art. I, § 19; Code 1983, § 6-74)

#### Sec. 8-112. - Same—Appeal.

- (a) Any person aggrieved by the action of the city tax collector in the revocation of a permit shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal.
- (b) The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided for notice of hearing on revocation.
- (c) The decision of the council on such appeal shall be final and conclusive.

(Code 1978, ch. K, art. I, § 20; Code 1983, § 6-75)

#### Sec. 8-113. - Duration.

A permit issued under the provisions of this article shall be effective during the fiscal year, beginning July 1 and ending on the last day of the succeeding June 30, unless the application requests permission to do business for a lesser period, in which case the permit shall be valid for such period.

This section shall be amended to read: A permit issued under the provisions of this article shall be effective 180 days from the issuance date, unless the application requests permission to do business for a lesser period, in which case the permit shall be valid for such period.

#### ADD:

#### Add a new Sec. 8-114 entitled Penalty to read:

Any violation of this article shall subject violators to a civil penalty in the amount of fifty dollars (\$50). Violators shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violators to pay the civil penalty within the specified time shall subject such violators to a civil action to collect all penalties and costs for said violation, and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00). Continued violations or continuing violations shall subject violators to separate, distinct and successive civil penalties.

	violations shall	subject violators to sepa	arate, distinct and successive civil penalties.
	That this Ordination, as provide		e and effect from and after its passage, approval and
This the	e day of	2022.	
ATTEST	Γ:		Jennifer Talley, Mayor



SUBJECT:	REPLACEMENT OF FIRE DEPARTMENT TOWER LADDER TRUCK (TRUCK 10)
PREPARED BY:	CHIEF TOMMY COLE

#### **REQUESTED ACTION:**

Approve an Intent to Purchase – Replacement of 1975/2005 Tower Ladder Aerial Fire Truck

#### **BACKGROUND/SUMMARY:**

In 2005, the City of Graham purchased a 2005 Sutphen 85' Aerial Platform (Remount). This apparatus was not utilized on a daily basis with staff only operating the two front line engines. The hope was that off-duty or volunteer firefighters would come to the station and respond with the apparatus as needed. In 2019, the approach to staffing apparatus was changed because our city had changed. Rapid growth was beginning and the need to staff an aerial apparatus was needed as we began seeing more and more multi-story apartments and buildings popping up in our city. When we began responding our aerial apparatus to fires and alarms, we began to see the safety concerns and deficiencies of a 45-year-old ladder (assembly) truck. To help overcome this issue, we conducted more and more training classes to teach our staff and members the in-depth operations of an aerial that has NO safety devices to prevent damaging the apparatus or creating a safety issue for the users. Our aerial ladder is used on a regular basis and requested from time to time from our neighboring departments as their communities continue to grow as well.

#### **FISCAL IMPACT:**

The estimated cost of an Aerial Platform Ladder truck is \$1,400,000 to \$1,800,000. This investment should serve the city for another 20 years. With current build times for fire apparatus being 18-24 months, we would like to order the apparatus as soon as possible and prepare to take delivery in the FY23 budget year. By not replacing the apparatus at this time, we will continue to have multiple apparatus that will need to be replaced at one time instead of staggering our replacements.

#### STAFF RECOMMENDATION:

Over the past 17 to 47 years, our current Platform Aerial Ladder (Truck-10) has proudly served our community and others. This apparatus is a 2005 body with a 1975 remounted aerial ladder. Because of its age and remount status, we have seen increased maintenance issues over the years with it being a 17-year-old body and 47-year-old aerial ladder. This is one of, if not the oldest, staffed operational aerial platform apparatus in North Carolina. Being the only aerial platform Graham Fire Department has, it is extremely important that it functions and operates at 100%. With its age, size, operational limitations, aerial length, setup, and maintenance issues, it currently does not operate at 100% of its capabilities and the cost of repairs and updates would far exceed the value of the apparatus. Our community is growing at a rapid pace and with that, we have seen an increase in residential and commercial properties. These large multi-story structures require an elevated water tower in the event of a large fire and pose increased challenges in reach capabilities to affect potential victim rescues and fire ground operations. Without a fully functioning aerial apparatus that fits the needs and demands of our community, we are unable to effectively and safely manage or provide these capabilities, not only to our community but our neighboring communities who frequently call for our assistance.

Our current Apparatus replacement plan has our current Aerial apparatus to be replaced in 2025. This is based on a 20-year replacement plan for Engines and Aerials. However, in 2025, the aerial assembly will be 50 years old and far exceeds any recommended replacement standards. As previously stated, we are confident that this is the oldest aerial in daily operation in NC. This apparatus was part of the ARPA request presented by the fire department. The reason this was not part of the FY22 budget is the extended build time for the apparatus. Most manufacturers are reporting 18-24 month build times for all apparatus. This would require us to create specifications and order in one budget year and pay for the apparatus in the following budget year when it is delivered.

As previously mentioned, our current aerial ladder has many shortcomings and one noted deficiency in the annual aerial certification indicates that "During rotation ladder momentarily loses power" and "Defect affects the certification of the aerial unit". During a recent meeting with VFIS insurance, we were requesting a quote for insurance coverage and the VFIS representative said they would require an aerial certification to provide coverage. While we have a complete aerial inspection annually, we cannot get certification until the repairs are completed. The verbal estimate to correct this issue was quoted at \$100,000 plus to remove the aerial device from the chassis and replace the entire turntable. In 2020, the city spent roughly \$73,000 because of damage resulting from a hydraulic line rupture. The age of the aerial required the manufacturer to rebuild more than just the damaged parts because replacement parts were not available.

The specification and purchase of a new aerial platform apparatus would give the City of Graham Fire Department the capability to provide our community with the safest and most up-to-date operational apparatus in the industry that meets the needs and demands of our rapidly growing community. This investment acknowledges and affirms that we understand the demands of our community, we value the lives and property within our city, and that we will continue to provide the highest quality of emergency services to the citizens and our visitors.

#### **SUGGESTED MOTION(S):**

I move we approve the Intent to Purchase Agreement for a new aerial platform fire apparatus and authorize the City Manager, and Fire Chief to execute the agreement on behalf of the City.