

City of Graham City Council
Regular Meeting Agenda
October 11, 2022
6:00 p.m.



CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

STAFF REPORTS: Historic Museum Commission Façade Projects Update

CONSENT AGENDA:

- a. To approve September 13, 2022, City Council meeting minutes and the September 27, 2022, special meeting minutes.
- b. To authorize the City Manager and City Attorney to execute the scope of services with Piedmont Triad Regional Council to update the 2035 Comprehensive Plan in the amount of \$40,000, and to approve the associated budget amendment.
- c. To approve a contract amendment with Alley, Williams, Carmen & King to provide dedicated office hours for city-related engineering services.
- d. To approve closing streets for Graham High School's Homecoming Parade on October 21, 2022, from 4:45 pm to 5:30 pm. The procession will begin at Albright Avenue, down Main Street, around Court Square, down Pine Street, and ending at Graham Middle School.
- e. To approve a request from Alamance County Veterans Organization for the City of Graham to provide public safety during the Veterans Day Festival/Parade on November 12, 2022, from 9:00 am to 11:30 am.
- f. To approve a request by ALCOVETS to close East Elm Street from 10:00 am to 7:00 pm to honor veterans.
- g. To approve the following tax releases in the amount of \$2,086.59.

CITY OF GRAHAM RELEASE ACCOUNTS				
SEPTEMBER RELEASES				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
714105	2022	MICHAEL V SPENCE HEIRS	PROPERTY BILLED TO THIS ACCT IN ERROR AFTERLIST DISCOVERY TO CORRECT ACCOUNT	\$6,490.52
137281	2022	WILKERSON, WILLIE M JR	VEHICLE TAGGED, NOT PERSONAL PROPERTY	\$6.01
169032	2022	BAKER, RAYMOND WILSON	SOLD 2021	\$3.87
180763	2022	PUTNAM, RICKY LEE	DID NOT OWN JAN 2021	\$6.93
491475	2022	FOOD LION LLC 591	WRONG SCHEDULE USED IN ASSESSING	\$140.34
502660	2022	OSBORN, ROBERTA CHRISTINE	BOAT NOT IN CITY OF GRAHAM SINCE 2020	\$93.87
597522	2022	KELLY, JOSHUA ALLEN	SOLD BOAT NOV 2021	\$27.75
706551	2022	GIVENS, ROSE M	QUALIFIED FOR DISABLED VETERANS EXCLUSION	\$204.75
623976	2022	B & B LOGISTICS LLC	42 BUSINESS PERSONAL PROPERTY ACCTS NOW LOCATED IN BURLINGTON (LEASED FREIGHT VEHICLE)	\$9,199.85
541812	2022	B & B LOGISTICS LLC	53 BUSINESS PERSONAL PROPERTY ACCTS NOW LOCATED IN BURLINGTON (LEASED TRAILERS)	\$2,086.59

PUBLIC HEARINGS:

1. REZONING: 0.25 ARES - 300 E ELM STREET

City Council will consider rezoning 0.25 acres of property from R-7, High-Density Residential, to C-B, Conditional Business for the purpose of utilizing the existing home structure as a hair salon.

(Planning Board recommended approval)

2. RECLASSIFICATION: 0 EAST HARDEN STREET

City Council will consider reclassifying a portion of property located on 0 East Harden Street from CB, Conditional Business, to R-7, High-Density Residential, to allow the property owner to utilize the full extent of the lot. *(Planning Board recommended approval)*

OLD BUSINESS:

3. HISTORIC RESOURCES COMMISSION – FACADE GRANT PROGRAM

City Council will consider approving a budget amendment in the amount of \$10,583.00, for the Historic Resources Commission façade grant program.

NEW BUSINESS:

4. ORDINANCE AMENDMENT – CHAPTER 12, ARTICLE 3 – HEIGHT OF GRASS:

City Council will consider an amendment to Chapter 12, Article 3, to reduce the allowable height of grass, weeds, and noxious vegetation from 18 inches to 12 inches.

5. ARPA FUND REQUEST – RECREATION – BOAT RAMP RENOVATIONS:

City Council will consider ARPA funds in the amount of \$195,000.00, for the Graham-Mebane Lake boat ramps renovation project.

PUBLIC COMMENT PERIOD

CITY STAFF COMMENTS

CITY COUNCIL COMMENTS

ADJOURN

City of Graham

City Council Meeting Minutes

September 13, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on September 13, 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
Renee Ward, City Clerk - *Absent*

CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order at 6:10 p.m. and presided.

INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Parsons gave the invocation and all stood for the Pledge of Allegiance.

PROCLAMATION: Fire Prevention Week

Mayor Talley and City Council recognized Fire Prevention Week and presented a proclamation to Fire Chief Tommy Cole.

CONSENT AGENDA:

- a. To approve the August 9, 2022, City Council regular meeting minutes.
- b. To adopt a resolution authorizing the adoption and maintenance of portions of Palmer Drive, Alamanni Court, Loon Court, and Thompson Road located within Phases 1 and 2 of the West Hill Reserve Subdivision.

A RESOLUTION ORDERING ADOPTION OF THE PORTIONS OF PALMER DRIVE, ALAMANNI COURT, LOON COURT, AND THOMPSON ROAD LOCATED WITHIN PHASE 1 AND 2 OF THE WEST HILL RESERVE SUBDIVISION

WHEREAS, NCGS §160D-806 and Article VIII, Section 10.339(d)(5) of the City of Graham Development Ordinance provide that City Council may, by resolution, accept offers of public dedication made to the public of lands and facilities for streets, sidewalks, open spaces and public utilities after verification from the Technical Review Committee that such properties and improvements are in a manner acceptable for acceptance; and

WHEREAS, the City of Graham has been provided with an offer of public dedication of lands and improvements of the portions of Palmer Drive, Alamanni Court, Loon Court, and Thompson Road Located Within Phase 1 and 2 of the West Hill Reserve Subdivision, which are described on legally recorded final plats in Plat Book 81, Page 73 and Plat Book 79, Page 265 of the Alamance County Registry; and

WHEREAS, the City of Graham Technical Review Committee has reviewed the land and improvements placed upon them provided as part of the offer of public dedication, and such land and improvements have been found to be in compliance with standards in place for such land and improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Graham, North Carolina, that the offer of public dedication be accepted for those portions of Palmer Drive (47-foot public ROW), Alamanni Court (50-foot public ROW), Loon Court (50- foot public ROW), and Thompson Road(50-foot public ROW), as offered and recorded on the Final Plat for West Hill Reserve Phase 1 in Plat Book 81, Page 73, and on the Final Plat for West Hill Reserve Phase 2 in Plat Book 79, Page 265, of the Alamance County Registry.

SECTION 1. Terms and Conditions of Acceptance:

1. The developer shall guarantee all materials and workmanship for a period of 12 months from the date of official acceptance by the City Council, as specified under Section 10.339 (5)(c) of the City of Graham Development Ordinance;
2. The acceptance by the City Council shall not be interpreted in any way to relieve any developer, contractor, subcontractor, insurance company, owner, or other person of his individual or several obligations under any ordinance, policy, or contract or to otherwise reduce or eliminate the rights of the city, its agents and employees against any other party connected with or in any way related to the development of the subdivision and facilities. The acceptance shall not be interpreted as a waiver of any defense or immunities that the city, its agencies, or employees may assert or be entitled to;
3. All rights, privileges, and warranties of whatsoever nature and kind, for equipment, supplies, materials, goods, and services shall be assigned to the city, and any and all benefits derived there from shall inure to the city, its agents, and employees. The acceptance of the lands and facilities shall be conditioned upon the owners covenanting and warranting that they are lawfully seized and possessed of all the lands and facilities dedicated to the public; that they have good and lawful authority to dedicate the same to the public for the stated purpose; that the lands and facilities are free and clear of any deed of trust, mortgage, lien or assessments and that the dedicators for their heirs, successors, executors, administrators, and assigns, a covenant that they will warrant and defend the dedication of such land and facilities against any and all claims and demands whatsoever; and
4. Acceptance of dedication of lands and facilities shall not obligate the city to construct, install,

maintain, repair, replace, extend, improve, build or operate any public facilities or utilities which are not in existence as of the date of the acceptance of the lands and facilities. Such acceptance shall not obligate the city to construct any main, line, pipe, lateral, or other extension or permit connection to the city's water, sanitary sewer, storm sewer, drainage, or other public utility systems.

SECTION 2. This Resolution shall become effective immediately upon adoption.

This the 13th day of September 2022, at 6:00 p.m.

- c. To approve an amendment, in the amount of \$141,500, to the 2022-2023 School Resource Budget Ordinance.
- d. To approve closing a portion of Jimmie Kerr Road and Cherry Lane from 9:00 am to 10:00 am, on November 5, 2022, for the Alamance Community College Reinhartsen 5K Run/Walk.
- e. To approve the Veterans Day Parade on November 12, 2022, and the closure of McAden Street from 8:00 am to 1:00 pm.
- f. To approve an initial project budget ordinance, in the amount of \$400,000, from NCDEQ, Division of Water Infrastructure grant funds for a water line inventory and assessment project.

CAPITAL PROJECT ORDINANCE WWTP UPGRADES AND EXPANSION

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

Section 1. The Project authorized is the Water Line Inventory & Assessment.

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:

State Grant	\$400,000
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TOTAL	<hr/> \$400,000
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Section 4. The following amounts are appropriated for this project:

Professional Services	\$400,000
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TOTAL	<hr/> \$400,000
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- Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.
- Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.
- Section 7. This ordinance shall take effect upon passage.

This the 13th day of September 2022.

- g. To approve the following tax releases in the amount of \$2,921.78.

AUGUST RELEASES				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
15247	2022	STILLHOUSE FARM LLC	SHOULD NOT HAVE BEEN BILLED, VALUE ON OTHER PARCEL	\$1,639.56
18850	2022	MILLS, RICHARD E	QUALIFIED FOR HOMESTEAD EXEMPTION	\$394.78
173720	2022	POPLIN, RICKY LYNN	QUALIFIED FOR HOMESTEAD EXEMPTION	\$157.77
685692	2022	BUNTON, RONALD	QUALIFIED FOR HOMESTEAD EXEMPTION	\$147.45
701161	2022	HOLLAND, LINDA STINSON	QUALIFIED FOR HOMESTEAD EXEMPTION	\$163.54
274411	2022	HUFFINES, STEVEN LEE	PERSONAL PROPERTY NOT LOCATED IN CITY OF GRAH	\$2.51
483904	2022	COELHO MARCO FILIPE SANTI	BILLED TO WRONG DISTRICT	\$35.10
483904	2021	COELHO MARCO FILIPE SANTI	BILLED TO WRONG DISTRICT	\$31.91
483904	2020	COELHO MARCO FILIPE SANTI	BILLED TO WRONG DISTRICT	\$36.01
528485	2022	GREENE, JOHN DANIEL	DID NOT OWN BOAT JAN 2022	\$18.54
558965	2022	LOWDER, MELISSA DEE	ADJUST VALUE OF BOAT	\$27.66
558965	2022	LOWDER, MELISSA DEE	ADJUST VALUE OF BOAT MOTOR	\$51.99
566064	2022	MORRISON VIDEO PRODUCTION	BUSINESS MOVED TO BURLINGTON	\$63.59
566064	2021	MORRISON VIDEO PRODUCTION	BUSINESS MOVED TO BURLINGTON	\$38.07
663642	2022	YOHO, RONALD DALE JR	DID NOT OWN BOAT/MOTOR JAN 2022	\$66.13
678036	2022	ORK, KEVIN MAURICE	DID NOT OWN BOAT/MOTOR JAN 2022	\$6.62
706896	2022	SANCHEZ, ARMANDO AJUSTIN	NEVER OWNED VEHICLE	\$40.55

- h. To approve staff to accept the \$10 million allocation from the State budget to be applied to the 10" water main replacement project.
- i. To approve the Graham Historical Museum Board to apply for the Traveling Archivist Program administered by the State Archives of North Carolina that will assist with policies and procedures on artifact preservation.
- j. To adopt resolutions authorizing applications for State funding assistance for the following projects:
- Haw River Outfall Sewer Rehabilitation
 - Develop and Implement a New Stormwater Utility with Stormwater Enterprise Fund

Mayor Talley asked for Items h and i to be removed from the Consent Agenda for discussion.

Mayor Pro Tem Hall motioned to approve the Consent Agenda with the exception of items h and i, seconded by Council Member Chin. The motion passed unanimously.

Item h: Mayor Talley stated she had met with Senator Galey and Representative Riddell to request help with funding Graham's infrastructure projects and as a result of those conversations, the State awarded \$10 million to the City of Graham to be allocated for infrastructure improvement projects. She asked City Manager Garner where the proposed water line replacement was located. City Manager Garner stated the water line goes from the old water treatment plant to downtown. She stated the cost would be anywhere from \$15 million to \$20 million. She asked if Council would approve moving the awarded \$10 million toward the water line replacement, that amount in conjunction with \$3.5 million from ARPA Funds and \$3.75 million from a separate designation from the State last year, the City would be able to fund the water line replacement.

Item i: City Manager Garner stated that this request would be at no cost to the City, it would consist of an employee with the State who would offer assistance to the Museum Board with its policies and procedures as it pertains to archiving artifacts.

Mayor Talley motioned to approve Items h and i on the Consent Agenda, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

PUBLIC HEARINGS:

ITEM 1: VOLUNTARY CONTIGUOUS ANNEXATION – 1.31-ACRES – CHEEKS LANE (AN2205):

A public hearing had been scheduled to consider a voluntary contiguous annexation to extend the corporate limits of the City of Graham, NC, for approximately 1.31-acres located on Cheeks Lane.

Assistant City Manager stated this request was for a 1.13-acre area being considered for annexation. He stated the land being considered was contiguous and the homeowner was planning to connect to public water and sewer to the site as residential property.

The public hearing was opened and the following person spoke:

Ms. Sandy Kennedy, 906 Cheeks Lane, Graham, stated she had demolished the existing home and was building a new house. She stated they were living across the street in a rental house and was hoping to get the annexation approved in order to hook onto the City's water and sewer.

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

Motion by Mayor Pro Tem Hall to approve the annexation, seconded by Council Member Whitaker. The motion passed unanimously.

ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE

**CITY OF GRAHAM, NORTH CAROLINA
FOR A 1.31-ACRE TRACT OF LAND ON CHEEKS LANE (AN2205)**

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 September 13, 2022, after due notice by publication on August 30, 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 September 13, 2022:

Legal Description GPIN#: 8883941325

BEGINNING at a point in the center of a road known and referred to as Cheeks Lane and a corner with George Martin; thence from said point of beginning and with the line of George Martin, North 7 ° 30' East 165 feet to an iron stake, corner with Ben Martin, Sr., in the line of George Martin (iron stake set in this line 30 feet from center of Cheeks Lane); thence with the line of Ben Martin, Sr., South 70 ° 37' East 325.65 feet to an iron stake; thence again with the said Ben Martin, Sr., South 10° 31' East 93 feet to a point in the center of said Cheeks Lane (iron stake set in this line 30 feet from the corner of Cheeks Lane); thence with the center line of Cheeks Lane, South 83 ° 35' West 50 feet to a point; thence again with the center line of Cheeks Lane, North 87 ° 44' West 100 feet to a point; thence again with the center line of Cheeks Lane, North 81° 38' West 100 feet to a point; thence again with the center line of Cheeks Lane, North 76 ° 37' West 100 feet to the POINT OF BEGINNING, and containing 1.1 acres more or less.

BEING ALL OF LOT ONE (1), consisting of 1.31 Acres more or less, of that plat entitled "Final Plat Recombination of Property for Steven Terrell Kennedy and wife Sandra Kay Kennedy and Patricia Ann Martin Kennedy" as recorded in Plat Book 82, at Page 314 of the Alamance County Registry.

ITEM 2: REZONING – 14.03 ACRES – 1242 HANFORD ROAD:

A public hearing had been scheduled to consider a rezoning from R-12 and R-18, Medium and Low-Density Residential, to C-R, Conditional Residential, for the purpose of constructing up to 72 two-story townhomes located on 1242 Hanford Road. **(Recommended by Staff and Planning Board)**

Assistant City Manager Aaron Holland stated this was a request to rezone 14.03 acres of property from R-12 and R-18 (Medium and Low-Density Residential) to C-R (Conditional Residential) for the purpose of

constructing up to 72 two-story townhomes. Nearly all of the land nearby was zoned and used for single-family residential, with either R-12 or R-18 zoning. The proposed density with the 72 townhomes on 14 acres of land was nearly five units per acre of the total lot area. This property was listed on the Future Land Use Map as Suburban Residential, which according to the future land use plan suggest the appropriate density of the area was between 3-6 dwelling units per acre. Mr. Holland stated with the updates to the previous conditional request the applicant decreased the density of the lot by utilizing the full area of the property past the creek location. He stated the Planning Board recommended approval at its last meeting with a 5-1 vote.

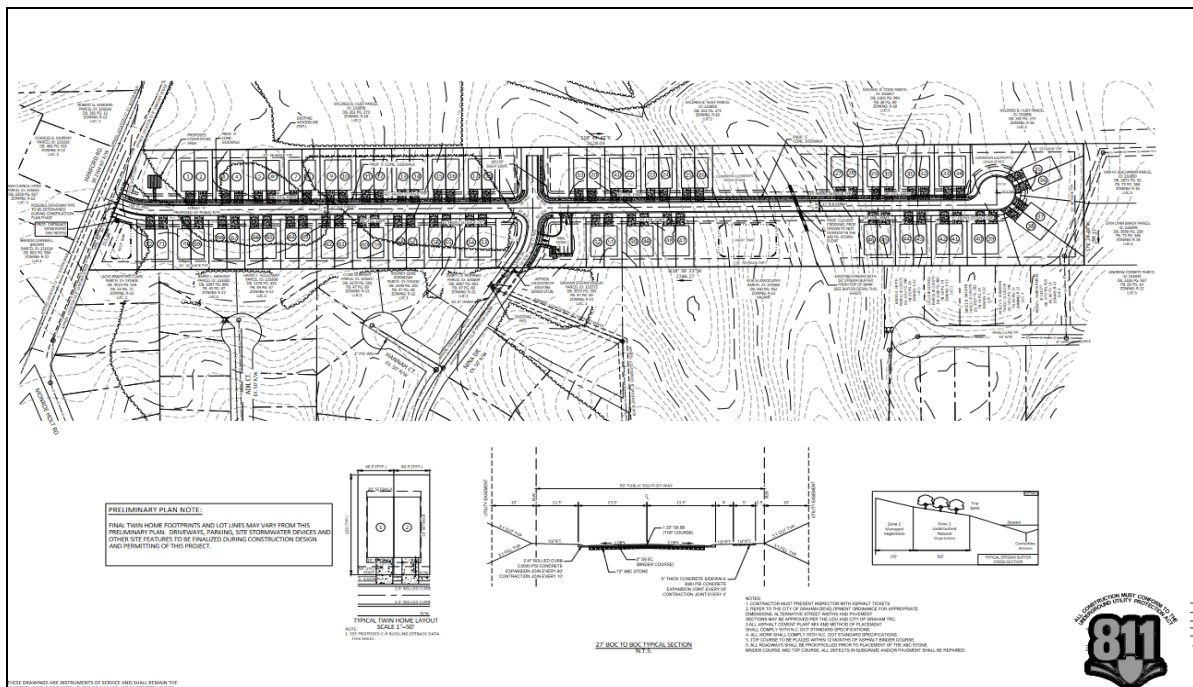
The public hearing was opened and the following persons spoke:

Amanda Hodierne, Attorney, Isaacson & Sheridan, 804 Green Valley Road, Greensboro, representing the applicant and property owner. Ms. Hodierne stated that since the last presentation to Council, the revised plan was now more compatible with the landform and the existing area all while accomplishing the goals of infusing new residential to the area and allowing more housing diversity.

Ms. Hodierne shared the following presentation:

- ▶ Began working with City staff in late summer of 2021
- ▶ Submitted and went through TRC process winter of 2021
- ▶ Received TRC approval in February 2021
- ▶ Planning Board reviewed and approved this request, with conditions, last March
- ▶ City Council denied the request with lots of discussion and feedback
- ▶ My client and his team have taken that feedback, worked it into a feasible revised plan and refiled
- ▶ Again, went through the TRC process and received approval in late July
- ▶ Planning Board recommended approval with no additional conditions at its August 2022 meeting

TRC reviewed and approved the site plan. Ms. Hodierne stated the plan met the rigors of the City's development ordinance.



Noteworthy plan elements:

- Dwelling unit type is a two-family home.
- All units are one-story.
- Dwellings spread throughout the entire property.
- Recreational space throughout and accessible.

Community Outreach:

- Sent out 146 letters stating the revisions and the intention of the project moving forward.
- Held an informational meeting on August 11, 2022, to discuss traffic issues.
- Four people attended.
- No calls or emails received regarding the rezoning.
- No calls or emails after Planning Board approval.

Visual rendering of the new proposed project:



Ms. Hodierne shared that located in the open space would be walking trails, gazebos for community recreation, and possibly a dog park or a tot lot. She also shared there would be 72 decorative twin townhomes with two-car garages and an HOA community that would take care of the landscaping, lighting, etc.

Ms. Hodierne introduced the civil engineer designer, Aden Stolztfus with Stolztfus Engineering, and the developer Will Yearn, Granville Homes, LLC.

Mayor Talley suggested a condition to have a buffer separating the development from the existing neighborhood.

Ms. Hodierne stated they had plans for a buffer that would be vetted through TRC, but would consider a condition by Council regarding the buffer.

Mayor Talley expressed concerns about the decorative garage doors and lighting.

Ms. Hodierne stated all the garage doors would be decorative. She stated the lighting would adhere to the City's lighting standards such as shoebox lighting that reflects downward and the height would be standard as well.

Mayor Talley expressed concerns about the width of the street being reduced from 31 feet to 27 feet. She expressed concerns about residents parking on both sides of the streets and if sanitation trucks could get through safely to pick up trash and recycling.

Ms. Hodierne stated parking could be part of the HOA but would not be necessary with four spaces at each house.

Mr. Stolztfus stated that the plans were originally set at 31 feet but TRC asked that they reduce the width to 27 feet as required by ordinance. He stated that it could be an HOA requirement to park only on one side.

City Manager Holland stated 27 feet was the residential medium as required by the City's ordinance.

Mr. Robert Sanders, 1225 Hanford Road, spoke in opposition to the rezoning due to the number of units.

Mr. Clint Albright, 1013 Hanna Court, spoke in opposition to the rezoning due to buffers, and the location of the mailbox kiosk.

Mr. Richard Pearl, 605 Monroe Holt Road, spoke in opposition to the rezoning due to increased traffic.

Mr. Alvis Webster, 364 W. Moore Street, spoke in opposition to the rezoning due to increased traffic.

Mr. Damian Miszuk, 500 Nina Drive, spoke in opposition to the rezoning due to increased traffic, multi-family dwelling, buffers, and the location of the kiosk.

Ms. Candy Plumley, 508 Monroe Holt Road, spoke in opposition to the rezoning due to the traffic. She shared the results of a traffic study she conducted herself on Monroe Holt Road.

Ms. Jan Murray, 1241 Hanford Road, spoke in opposition to the rezoning due to the possibility of light shining into her home and the number of homes.

Ms. Crystal Drury, 505 Monroe Holt Road, spoke in opposition to the rezoning due to increased traffic.

Ms. Brittany Hoffman, 513 Monroe Holt Road, spoke in opposition to the rezoning due to the disturbance of natural habitat and traffic.

Mr. Mike Cook, 1202 Hanford Road, spoke in opposition to the rezoning regarding buffers, run-offs, and the number of proposed homes.

Ms. Amanda Hodierne stated this project was not multi-family, which was a different standard than two-family homes, that were being proposed under the City's ordinance. She stated the City's Comprehensive Plan was the guidepost to go by, which the developer had followed, along with extra conditions the Planning Board and Council asked to be included. She shared that the location of the kiosk was maintained within the property and residents would not have to come through Nina Drive and Canterbury to get in and out of the kiosk. She stated that regarding traffic studies, these roads were NCDOT roads and if the project were to get approved, and we went back through the TRC process with site plans, NCDOT was a part of that team and that is when a traffic study would be conducted with trained qualified people who know how to conduct a study. After the study, it becomes a mandate for the developer that he would have to adhere to in order to move forward with the project. Ms. Hodierne addressed the concern about run-off, and that a retention pond was planned to catch and treat all run-off which was required by the City's ordinance.

Ms. Hodierne addressed the Council's condition on the buffer and road width. She stated they would offer a 20-foot buffer but not provide a buffer in the green natural areas. She stated if you look at the roads it could not be expanded where the driveways are because you cannot park in those areas so the road width would not gain any benefit by being widened, but it could be expanded everywhere else where there were no driveways. This would allow Nina Drive to be widened for future traffic.

After concerns about the kiosk, Ms. Hodierne suggested moving the kiosk to the opposite side so the residents would not have to go out onto Canterbury Road. She also recommended a height limit of 35 feet per one-story townhome.

Public Hearing Closed

After further discussions regarding density, traffic, and connectivity, the public hearing was closed.

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

Council Member Whitaker stated the development was better than what it was and efforts had been made to make it more amenable to everyone. She stated she did not think it fell in line with the current uses surrounding this project. She stated she thought this development should not be within an area of detached homes and should not be mixed uses. She stated you have to be careful when wanting diverse housing so you do not intrude on surrounding development.

Council Member Chin stated that people did not like the Villas on Hanford until they were built and now they wish everyone else would build like the Villas. He stated the proposed project were duplexes, they

were appealing, the density had been spread out, with greenspace between the complexes and this developer had the opportunity to set a standard for what is going to become a reality. He stated that you are not going to have houses built on one-acre lots anymore but more likely on quarter-acre lots. He thanked the developer for compromising by going to one-story houses and spreading out over the whole property.

Mayor Talley stated that if Council did not ask for conditions the applicant could develop the property as is with 54 houses with the same amount of traffic and the houses could be two stories. She stated she could not remember when the last time anyone developed at R-18. She stated it was not financially feasible so we as a community have to acknowledge that the regulations and environmental regulations had changed over time and developers could not do that type of development anymore.

Council Member Parsons stated that he disagreed with Council Member Whitaker on the townhomes because Rogers Road, Wildwood, and Meadowview all have existing townhomes within a mile or two of single-dwellings. He stated that Chandler Village on the corner of Moore Street and Rogers Road were townhomes abutting single dwellings. There were also homes behind Sheetz that tied into townhomes. He stated that he agreed with Mayor Talley that if you do not have conditions, the developer could develop as is and it would be a trade-off. He asked if the developer could offer buffers between the existing homes, address the entrance with less light pollution on Hanford Road, and limit the intrusion.

Mayor Pro Tem Hall stated what was being proposed was a nice subdivision compared to what it could be with minimal buffering. He stated the connectivity would be there regardless and the density had been improved.

Mayor Talley stated Council needed to decide what was more important. She stated the plan had gone to one-story and used the entire property which cost them more money to develop curb, road, guttering, etc.,. She stated they were willing to go to a 31 foot road if the City was willing to work with them on sidewalk buffers. She stated she was happy the developer added sheltered recreation center areas including the back of the subdivision, added decorative garage doors, moved the mail kiosk across the street, placed the connectivity of the road on Nina Drive but not necessarily connecting so the access would only be through the main entrance off Hanford Road. Mayor Talley stated the only concern she had was the Council's issue with density. She stated the developers were willing to do buffers, moved the lots off of Hanford Road, and were willing to comply with the lighting ordinances so it would not affect neighbors.

Council continued discussing density, connectivity, and buffers and added the following conditions:

- 31-foot roads
- Work with city staff on sidewalk buffers
- Decorative garage doors
- Mail kiosk to be moved to the east side of Nina Drive
- All one-story – no taller than 35 feet
- No paved open connection on Nina Drive
- Type C buffers (plants that provide screening at maturity) on all lots that join existing residential units in Canterbury
- No parking in the cul-de-sac
- Reduce unit count to 70

Motion:

Mayor Talley motioned to approve the rezoning to C-R, Conditional Residential, for the purpose of constructing up to 66 two-family units, one-story townhomes located on 1242 Hanford Road and that this was consistent with the Graham 2035 Comprehensive Plan, the City of Graham Development Ordinance and Policies 4.3.1, Land Use Patterns, Policy 5.1.2. Variety of Ownership Opportunities, Policy 5.2.1. Diverse Neighborhoods with the following conditions:

- 31-foot roads
- Work with city staff on sidewalk buffers
- Architectural garage doors
- Mail kiosk to be moved to the east side of Nina Drive
- All one-story – to be no taller than 35 feet
- Nina Drive would not be connected and to work with TRC for emergency services only and not be open to the existing neighborhood
- 20-foot buffers (plants that provide screening at maturity) on all lots that join existing residential units on Canterbury and the back lots of the new development
- Lighting requirements as proposed by TRC to ensure no lighting pollution in the existing neighborhood
- No parking in the cul-de-sac

Council asked the developer if they were willing to accept the added conditions before they took a vote.

Ms. Hodierne stated that her team spent five months on the direction of the Council in good faith and now Council had redesigned the whole project and was asking in a matter of five minutes if this would work. She stated that the project took five months to redesign and diligently gave Council what they wanted. She stated that not only was Council deviating from the Comprehensive Plan but Council was deviating from its own code of ordinances. She stated she could not give Council an answer in two minutes.

The Council suggested taking a recess to allow the developers to discuss the added conditions.

Mayor Pro Tem Hall motioned to take a 10-minute recess, seconded by Council Member Chin. The motion passed unanimously. (10:06 p.m.)

Council reconvened at 10:26 p.m.

Ms. Hodierne stated they had a concern about deviating from defined items in the ordinance and when none of us are here in the future, no one is going to know what was meant or what it was supposed to be. She stated that what they are prepared to agree to a standard type C buffer adjacent to existing single-family homes. Ms. Hodierne agreed to the following conditions:

- 31 feet width for the entire road
- Type D buffer as defined in the City's code of ordinance on adjacent existing single-family homes
- Move the kiosk to the southeast corner of Nina Drive
- Reduce the unit count to 70 total dwelling units
- Asked for flexibility for TRC to make the changes because it would require changes in lot-lines and road layout to reduce the units, flip the kiosk, and widen the road without having to go back through

the initial TRC and Planning Board to be able to implement Council's changes at the subsequent TRC that come in the development process. This would include no parking in the cul-de-sac and controlled access for emergency vehicles only on Nina Drive.

- Limit the building height to 35 feet.

Mayor Talley stated the 70 units were a deal killer. She stated that the big win for the community was not having a connection to the existing community.

Amended Motion:

Mayor Talley amended her motion to 70 two-family homes, one-story units not to exceed 35 feet, the road width would be 31 feet for the entirety of the road, sidewalks to be worked out through TRC, architectural garage doors, mail kiosk moved to the southeast side of Nina Drive, Nina Drive to have a Knox box with access for emergency services but not for the general public, type D landscaping plan adjacent to single-family dwellings, comply with the lighting ordinance, no parking in the cul-de-sac, developer to work with TRC to ensure these changes would be implemented, seconded by Council Member Chin. The motion passed by a 3-2 vote. Mayor Pro Tem Hall and Council Member Whitaker voted no.

Mayor Pro Tem Hall stated that the reason he voted against the rezoning was that Council would be setting a precedence by not allowing the connectivity between the two subdivisions. He stated that others would want connectivity with some type of controlled gate.

ITEM 3: REZONING – 1.15 ACRES – 302 N. MAPLE STREET AND W. MARKET STREET

A public hearing had been scheduled to consider a rezoning from R-7, High-Density Residential, to C-R, Conditional Residential for 1.15 acres of property located at 302 N. Maple Street and 203, 207, and 213 W. Market Street. **(Recommended by Staff and Planning Board)**

Assistant City Manager Holland stated this was a request to rezone approximately 1.15 acres of property at 302 N. Maple Street and 203, 207, and 213 W. Market Street from R-7 (high-density residential) to C-R (Conditional Residential.) He stated the general area, subject to this potential rezoning, was comprised of numerous older homes, mostly in poor to fair condition, as well as a mixture of vacant buildings and vacant lots. He stated the applicant had proposed 38 units with ten units being two-bedroom units and 28 one-bedroom units. The applicant had proposed 38 parking spaces with four handicap spaces on site. The planning board recommended approval by a 5-1 vote with the following condition:

- The applicant must provide enough parking spaces to satisfy a 9/10 parking space per bedroom.

Mayor Talley asked about the planting buffers.

Public hearing was opened and the following spoke:

Mayor Talley motioned to open the public hearing, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Amanda Hodierne, Attorney, Isaacson & Sheridan, 804 Green Valley Road, Greensboro, representing the applicant, developer and property owner. Ms. Hodierne gave the following presentation:

Ms. Hodierne submitted a revised site plan showing the parking condition imposed by the Planning Board and shared the following:

- Initial Filing in June 2021, for B1 General Use
- Ultimately denied by City Council due to concerns for potential historic properties
- Decreased subject area of the project to exclude potential historic properties
- Project required to wait 6 months to refile
- Reapplied with smaller subject property
- Ultimately denied due to concerns about broad possibilities under the requested B-1 zoning, but liked the idea of mixed-use
- Re-filed again as a conditional, mixed-use request
- Ultimately denied due to concerns over the allowance of any non-residential uses in this location
- Re-filed as a purely residential request
- Approved by the Planning Board on August 2022, upon meeting the 9/10 parking spaces per bedroom.

Mayor Talley stated the primary reason it was denied was that no site plan had been submitted.

Ms. Hodierne stated that the revised site plan showed revised parking to meet the Planning Board's condition to increase the parking to 46 spaces. She stated the project was meant to attract pedestrian activity, live, work, play, and viability. The units were designed to attract single occupancy or a young couple before home ownership and built for someone who wants the downtown urban form.

Ms. Hodierne shared there would be on-street parking available that was not currently being utilized but with no overnight parking already enforced by city ordinance and the police department. There was also ample overflow parking in the adjacent city lot. These pictures depict the illustrious rendering of the revised site plan resulting in a great downtown project.





<p>IMPROVED LAND USE REDUCES COSTS AND PROTECTS OUR NATURAL ENVIRONMENT</p> <table> <tr> <td> <p>CITY GOALS</p> <ul style="list-style-type: none"> • Increase travel choice • Compact, focused pattern of growth • Reduce emissions • Making places • Low impact development </td> <td> <p>BENEFITS</p> <ul style="list-style-type: none"> • increased access and mobility for all • improved public realm • reduced demand on public services • more green space • improved natural environment </td> </tr> </table>	<p>CITY GOALS</p> <ul style="list-style-type: none"> • Increase travel choice • Compact, focused pattern of growth • Reduce emissions • Making places • Low impact development 	<p>BENEFITS</p> <ul style="list-style-type: none"> • increased access and mobility for all • improved public realm • reduced demand on public services • more green space • improved natural environment 	<p>DIVERSE HOUSING, COMPLETE NEIGHBORHOODS</p> <table> <tr> <td> <p>CITY GOALS</p> <ul style="list-style-type: none"> • Promote private investment • Housing Variety (5.1.1) • Diverse Neighborhoods (5.2.1) • Multigenerational Housing (5.2.2) </td> <td> <p>BENEFITS</p> <ul style="list-style-type: none"> • increased housing choices • close proximity to needed services & job centers • reduced transportation costs </td> </tr> </table> <p>REDUCES COSTS AND PROTECTS OUR NATURAL ENVIRONMENT</p>	<p>CITY GOALS</p> <ul style="list-style-type: none"> • Promote private investment • Housing Variety (5.1.1) • Diverse Neighborhoods (5.2.1) • Multigenerational Housing (5.2.2) 	<p>BENEFITS</p> <ul style="list-style-type: none"> • increased housing choices • close proximity to needed services & job centers • reduced transportation costs
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<p>WALKABILITY PRETTIER, SAFER STREETS BENEFITS EVERYONE.</p> <table> <tr> <td> <p>CITY GOALS</p> <ul style="list-style-type: none"> • Safe Access (3.1.2) • Connectivity (3.2.1) • Street Design (3.3) • More Sidewalks (3.3.4) • Street Trees (3.3.1) • Increase Safety (3.3.5) </td> <td> <p>BENEFITS</p> <ul style="list-style-type: none"> • increases property values • furthers economic development • improves personal health • improved public realm with wider sidewalks, addition of street trees </td> </tr> </table> <p>FUTURE OPPORTUNITIES</p> <p><i>Policy 3.3.1: Complete Streets - provide access to all users, including pedestrians, cyclists & automobiles.</i></p> <p><i>Policy 3.3.2: Limit Street Width - reduce roadway lane widths in order to slow down vehicular traffic in areas where bicycle and pedestrian traffic is encouraged</i></p>	<p>CITY GOALS</p> <ul style="list-style-type: none"> • Safe Access (3.1.2) • Connectivity (3.2.1) • Street Design (3.3) • More Sidewalks (3.3.4) • Street Trees (3.3.1) • Increase Safety (3.3.5) 	<p>BENEFITS</p> <ul style="list-style-type: none"> • increases property values • furthers economic development • improves personal health • improved public realm with wider sidewalks, addition of street trees 	<p>RESILIENT ECONOMY FOCUSED, COMPACT DEVELOPMENT PROVIDES ECONOMIC BENEFITS</p> <table> <tr> <td> <p>CITY GOALS</p> <ul style="list-style-type: none"> • Maximize land use efficiency • Attractive compact built form • Growing sustainably • Create vibrant centers, especially downtown • Locally owned businesses (2.1.6) • Focused Development (2.2.1) </td> <td> <p>BENEFITS</p> <ul style="list-style-type: none"> • avoids sprawl • reduces traffic • increases tax base • no added infrastructure • increased revenue to local businesses </td> </tr> </table>	<p>CITY GOALS</p> <ul style="list-style-type: none"> • Maximize land use efficiency • Attractive compact built form • Growing sustainably • Create vibrant centers, especially downtown • Locally owned businesses (2.1.6) • Focused Development (2.2.1) 	<p>BENEFITS</p> <ul style="list-style-type: none"> • avoids sprawl • reduces traffic • increases tax base • no added infrastructure • increased revenue to local businesses
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Mayor Talley stated the City did not need to get into the practice of providing parking for development.

Ms. Hodierne stated they would absolutely cover the lease tenants' parking but more for tenants' visitors.

Mayor Talley expressed concern with most units having two people living there and the need for two parking spaces.

Council Member Whitaker stated the only sticky part tonight was the issue of parking and that Council loved the project. She stated the parking was an issue because tenants would be telling visitors to park in a City-owned parking lot.

Ms. Hodierne asked if one space to one bedroom would work, which would be 48 spaces.

Council Member Whitaker stated you could have two people in one bedroom therefore, needing two spaces.

Ms. Hodierne asked that based on the location, urban form, and the goals and objections this project was investing in, would it be reasonable to say one space per bedroom to try and create viability, which is what this project is all about?

Council Member Parsons suggested lifting the no parking overnight on Market Street.

Captain Flood with the Graham Police Department stated there were no restrictions on Market Street. It was the same as any other residential street.

Public hearing closed:

Mayor Talley motioned to close the public hearing, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Motion:

Mayor Talley motioned to approve the rezoning for 1.15 acres of property located at 302 N. Maple Street and 203, 207, and 213 W. Market Street, and that it was consistent with the Graham 2035 Comprehensive Plan and Policies 4.3.1, Land Use Patterns, 5.1.2, Variety of Ownership Opportunities, and 5.2.1, Diverse Neighborhoods, and to approve the site plan as presented, the buildings would be consistent with what was submitted, and the number of parking spaces would be 1.26 spaces per unit, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

NEW BUSINESS:

ITEM 4: HISTORIC RESOURCES COMMISSION (HRC) FAÇADE GRANTS

City Council considered additional funding in the amount of \$10,583.00 for the Historic Resources Commission's Façade Grant applications.

Mayor Talley motioned to be recused from consideration of this item, seconded by Council Member Whitaker. The motion passed unanimously.

Ms. Zipporah Clark-Baldwin, Chair of the Historic Resources Commission, stated with the additional applications being submitted and the overlapping of projects, the HRC was requesting an additional \$10,583.00, to fill all requested grants.

City Manager Garner stated during budget discussions, there were two projects carried forward from last fiscal year to this fiscal year and Council said if HRC had a lot of applications, they could come before the Council and request additional funding. She stated the \$10,000 unspent last year rolled to the fund balance and was never spent, but Council approved a \$15,000 allocation for this year, \$10,000 of which was earmarked for last year's projects.

Council Member Parsons asked for a clarification and expected timeline of completion for the two projects that had been carried forward at the next HRC board meeting.

City Manager Garner stated if the projects were not completed this year, they would roll to fund balance.

Council Member Whitaker asked why the projects were not completed last year.

City Manager Garner stated they had until June 2022, and both had requested extensions. She stated it was discussed during the budget process and the Council consensus was to allow HRC \$10,000 of \$15,000 for this year and if HRC wanted to allocate more money then they could come before Council to request extra funds.

Council Member Parson asked if anyone had reached out to McClure Furniture and Maricle Metals to see when their projects would be complete.

Ms. Baldwin stated that each applicant had requested extensions.

City Manager Garner stated staff could touch base with the applicants to confirm if they intend to move forward with their projects in this fiscal year.

Council Member Whitaker asked why the extension was needed.

Ms. Baldwin stated that with the metal company it was an issue with getting materials and was not sure about Graham Furniture's extension.

City Manager Holland stated that it was due to another project on Harden Street that delayed the project for Main Street.

Council Member Whitaker expressed concerns about setting a precedence of delaying projects.

Ms. Baldwin stated that it did not happen under her watch and agreed they did not want to encourage delaying projects.

Council Member Whitaker stated that if putting off a project for something else, maybe they needed to come back and put in another application.

Council Member Parsons stated that would be addressed in the next HRC meeting. He stated that the issue today was the remaining funds needed to proceed with additional projects.

Council Member Whitaker stated there needed to be some type of time limit and if projects were not completed use that money for someone else's project.

Council Member Parsons stated the time limit was May 1st with an extension of June 1st and they had passed their original extension.

Ms. Baldwin stated that once she had the opportunity to speak with those two applicants between now and the next meeting, she could give a report.

Council Member Parsons stated that between now and next month's HRC, he wanted to get clarification on where the two applicants were in completing their projects.

Mayor Pro Tem Hall stated he wanted a report on the two extended applications at the next Council meeting.

Motion:

Motion by Council Member Parsons to approve \$10,582.22 as proposed by HRC.

Mayor Pro Tem Hall asked that if the two applicants did not move forward with their projects in the next 30 days, the money needed to move back to the general fund.

Ms. Baldwin asked to give her the opportunity to speak to the applicants between now and the next City Council meeting.

Mayor Pro Tem Hall asked to add a report to the next City Council meeting agenda.

Council Member Parsons stated a timeline needed to be set on the number of extensions.

City Manager Holland expressed concern about the extension given had not stated a completion date other than being subject to the timeline of the year. He stated that May 1st would be the deadline. He stated we needed to find out the applicant's intentions first and then address whether to roll that money back into the fund balance.

City Manager Garner asked that the motion be amended using whole dollars, \$10,583.

Amended Motion:

Motion by Council Member Parsons to approve \$10,583 as proposed by HRC, seconded by Mayor Pro Tem Hall. The motion passed unanimously (4-0). Mayor Talley did not vote.

Mayor Pro Tem Hall motioned to bring Mayor Talley back to open session, seconded by Council Member Whitaker. The motion passed unanimously.

ITEM 5: BOARDS AND COMMISSION APPOINTMENTS:

City Council considered appointments and recommendations to the following boards and commissions:

- Graham Historical Museum Board – 1 Appointment
- Recreation Commission – 2 Appointments (*due to recent resignations*)
- **Alamance County Library Committee – 2 Recommendations to Alamance County Commissioners**

Council Member Whitaker motioned to be recused from appointing members to the Library Committee since she was being considered for that board, seconded by Mayor Pro Tem Hall. Motion passed unanimously.

Motion by Mayor Talley to recommend Bonnie Whitaker and Kim DiMuro to the Library Board, seconded by Mayor Pro Tem Hall. Motion passed unanimously (4-0). Council Member Whitaker did not vote.

Motion by Mayor Pro Tem Hall to allow Council Member Whitaker back to open session, seconded by Council Member Parsons. Motion passed unanimously.

Motion by Mayor Talley to table appointments to the Graham Historical Museum Board and Recreation Commission to allow more time to re-advertise those openings, seconded by Mayor Pro Tem Hall. Motion passed unanimously.

ITEM 6: PROJECT ORDINANCE – ARPA PROJECTS:

City Council considered approving an amendment to the Project Ordinance adding two additional identified American Rescue Plan Act projects:

City Manager Garner stated in the course of several discussions, Council wished to completely repair the Civic Center roof. She stated the two additional items were the Civic Center roof and floor repairs at a cost of \$58,788 and cameras at park entrances at a cost of \$11,128. This brings the total encumbered ARPA funds at \$3,854,050, leaving a balance of \$1,132,290 unencumbered.

Mayor Pro Tem Hall motioned to approve the ARPA Project additions, seconded by Mayor Talley. The motion passed unanimously.

ARPA Projects		
Project	Department	Total
10" Water Line Replacement	Utilities	\$ 3,500,000.00
GPD Positions Equipment	PD	\$ 62,101.00
Vehicles	PD	\$ 204,033.00
Fuel Master System Upgrade	IT	\$ 18,000.00
Civic Center Repairs – Floor and Roof	Rec	\$ 58,788

Cameras at Parks - Entrances	Rec	\$ 11,128
Subtotal		\$ 3,854,050.00
Total ARPA Funds		\$ 4,986,340.00
Balance Unencumbered		\$ 1,132,290.00

RESOLUTION ESTABLISHING THE BUDGET FOR ARPA FUNDS GRANT ORDINANCE

WHEREAS, On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President;

WHEREAS, Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Fund (together, the Fiscal Recovery Funds);

WHEREAS, On June 8, 2021, the City Council of the City of Graham hereby created an American Rescue Plan Act (ARPA) Local Fiscal Recovery Fund.

WHEREAS, On August 9, 2022, the City Council of the City of Graham approved \$3,784,134 in projects for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$1,202,206.

NOW, THEREFORE, 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 Project Ordinance is hereby revised to include additional projects:

Section 1. The Project authorizes the use of ARPA Funds.

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:

ARPA Revenue	\$3,854,050
TOTAL	<u>\$3,854,050</u>

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

10" Water Line Replacement	\$3,500,000
GPD Positions Equipment	\$62,101
Vehicles	\$204,033
Fuel Master System Upgrade	\$18,000
Civic Center Repairs – Roof & Floor	\$58,788
Camera at Parks - Entrances	\$11,128
TOTAL	<u>\$3,854,050</u>

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

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

Section 7. This ordinance shall take effect upon passage.

This the 13th day of September 2022.

ITEM 7: AMEND CODE OF ORDINANCES – CHAPTER 12, ARTICLE 3 – HEIGHT OF GRASS:

City Council considered amending the Code of Ordinances Chapter 12, Article 3, to reduce the height of grass, weeds, and noxious vegetation.

Assistant City Manager Holland stated that Mayor Pro Tem Hall had requested staff look at reducing the allowed height of high grass from 18 inches to 12 inches.

Council consensus was to allow staff to bring back to Council an ordinance amendment changing the allowable height of grass from 18 inches to 12 inches.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY STAFF COMMENTS

There were no staff comments.

CITY COUNCIL COMMENTS

Mayor Talley shared that the balloon festival was a big success and commended Council Member Chin for all his work.

Thursday's at Seven concert series – September 22

Hispanic Heritage Festival – September 25

Jeepers-Creepers – Grahamtoberfest – Pumpkin Bash – October 28

Mayor Talley inquired about the plans to redo the Downtown Master Plan. Assistant City Manager Holland stated it was discussed that the most immediate item to be addressed would be the Comprehensive Plan and had received a quote from the Council of Governments to update that plan. He stated they would also update the Master Plan but that the comprehensive plan update was more pressing and needed to be addressed.

Mayor Talley also inquired about the employee handbook rewrite. City Manager Garner stated she had spoken to Council Member Chin through email regarding the progress of where we were and the plan to move forward.

Mayor Talley asked about the new recycling service and trash downtown. City Manager Garner stated the Public Works department had made visits to some of the businesses that had expressed concerns. She stated the frequency had not changed when the city changed providers from GFL to Republic. She shared that employees with Public Works had spent most of a morning cleaning up trash and had identified property and business owners and talked to them about the excessive trash issues. She commended the department for cleaning up and would continue monitoring the situation going forward.

Mayor Talley shared that she was getting complaints about panhandling downtown and asked staff to monitor this issue or have more of a police presence downtown. Mayor Pro Tem Hall shared that there were panhandlers at the exit ramps.

ADJOURN

Mayor Talley motioned to adjourn, seconded by Council Member Chin. Motion passed unanimously. (12:14 am)

Renee M. Ward
City Clerk

City of Graham City Council

Special Meeting Minutes of

September 27, 2022



The City Council of the City of Graham held a Special Meeting on September 27, 2022, at noon 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, City Clerk
Josh Johnson, City Engineer

CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order and presided at 12:00 noon.

CDBG – WATERLINE REPLACEMENT:

City Council considered applying for Fiscal Year 22-23 Community Development Block Grant funding under Title 1 of the Housing and Community Development for the replacement of over forty-year-old water lines.

Mayor Talley recognized City Engineer Josh Johnson.

City Engineer Johnson stated that the City Council for the City of Graham held a public hearing on Tuesday, September 27, 2022, for providing an explanation and description of the 2022-2023 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I).

Members present were Mayor Jennifer Talley, Mayor Pro Tem Ricky Hall, Council Member Bobby Chin, Council Member Joey Parsons, Council Member Bonnie Whitaker, City Manager Megan Garner, Assistant City Manager Aaron Holland and City Clerk Renee Ward.

Mr. Josh Johnson, P.E. of Alley, Williams, Carmen, & King, Inc, and the City of Graham's Contracted City Engineer was present to discuss the purpose of the public hearing for the City of Graham's CDBG-I funding application. Josh Johnson stated that the purpose of the public hearing was to obtain citizens' views, respond to funding proposals, and answer any questions posed by citizens. Josh also stated that the public hearing must cover the City of Graham's community development needs, the development of the proposed activities, and a review of program compliance before the submission of the City of Graham's CDBG-I funding application to the state of North Carolina.

Mr. Johnson stated the City of Graham proposes requesting funding from NCDEQ'S CDBG-I program for the Small Waterline Replacement project. The proposed project will meet the following community and housing needs of the City by providing a new ductile iron waterline that will replace old cast iron waterlines. These waterline replacements will improve water quality and improve fire protection for the citizens of northwest Graham.

He stated the purpose of the CDBG-I grant program was to improve the quality of life for low to moderate-income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of 2022-2023, the CDBG-I funding available is expected to be \$20 million. The maximum available grant is \$2.0 million over a 3-year period. Applications for funding will be received by September 30, 2022, at the Archdale Building in Raleigh.

He stated the CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19-related projects, and economic development projects that lead to job creation or retention. The infrastructure program or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitates or replaces a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pump stations and manholes.
- Projects that extend public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

Mr. Johnson stated the City of Graham is seeking an amount in CDBG-I funds not to exceed \$2 million for the Small Waterline Replacement project. The purpose of the City's request is for the small waterline replacement project to replace approximately 8,000 linear feet of existing 6" cast iron waterlines in the northwest part of Graham with new ductile iron waterlines. These older cast iron waterlines are known to

have bad tuberculation which reduces the volume of water that can be flowed through the waterlines. This has resulted in water not circulating properly in the northwest part of Graham and leading to poor water quality. This project would also install 20 new fire hydrants and connect every existing service to the new waterline so the existing cast iron line can be abandoned. The project proposed by the City of Graham was identified in 2018, included in the capital projects request, and added to the capital improvement plan in 2019. Informal community meetings were held in the project area to inform citizens of the potential project and get feedback from the residents.

He stated a total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the City of Graham has been determined to have an income survey area of 51 % or greater. The project area includes Providence Rd, Climax St, W. Whitsett St, Oakley St from Providence Rd to Climax St, North St from Climax St to W Whitsett St, and Washington St from Providence Rd to Climax St. If material prices are lower than projected, the City would also expand the project on Oakley from Climax St to W Whitsett St or Washington St from Climax St to W Whitsett St. The range of activities covered by the CDBG-I funds for the Small Waterline Replacement project includes:

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If the City of Graham is awarded a CDBG-I grant, the town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that if the City of Graham receives CDBG grant funding the City will certify that it will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate-income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. If no displacement and relocation will occur as a result of the proposed CDBG grant activity, then the City of Graham confirms that during this public hearing.

In the past, the City of Graham has not applied for CDBG-I funding.

The City of Graham will submit its CDBG-I application for the Small Waterline Replacement project on September 30, 2022. The CDBG-I application will be available for review during normal business hours at 201 S Main St, Graham NC 27253. Additional information is available from Aaron Holland, Assistant City Manager; at 336-570-6700.

Mr. Johnson stated should there be any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within fifteen (15) business days or by October 18, 2022, and a written response to the written complaints and/or grievances will be sent by the City within fifteen (15) business days, where practicable.

Conflict of Interest Reported:

Mayor Talley motioned to be recused due to owning property in the future water line replacement area, seconded by Mayor Pro Tem Hall. Motion passed unanimously to allow Mayor Talley to be recused.

The public hearing was opened and there were no comments.

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

Motion by Council Member Whitaker to adopt a resolution authorizing the filing of an application with the State of North Carolina to request grant funding from the Community Development Block Grant Program for a small water line replacement project to install new 6-inch water lines along Providence Street, Climax Street, Whitsett Street, North Street, and Washington Street, seconded by Council Member Chin. Motion passed unanimously by 4-0 vote. Mayor Talley did not vote.

ADJOURN

A motion was made by Mayor Pro Tem Hall to adjourn, seconded by Council Member Chin. Motion passed unanimously.

City Clerk, Renee M. Ward



STAFF REPORT

SUBJECT:	2035 COMPREHENSIVE PLAN UPDATE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve the scope of services with the Piedmont Triad Regional Council to update the 2035 Comprehensive Plan.

BACKGROUND/SUMMARY:

The 2035 City of Graham Comprehensive Plan was adopted on 9/5/2015 with reviews periodically for potential amendments. In an effort to address the changing landscape of the city due to increased residential and industrial development, City Council has directed staff to work with a consultant for a comprehensive update. Attached is the scope of services from the Piedmont Triad Regional Council for Council approval.

FISCAL IMPACT:

According to the attached scope of services, the budget for this update is not to exceed \$40,000. The City has not budgeted for this project. Therefore, a budget amendment is also included with this agenda item for approval.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we authorize the City Manager and City Attorney to effectuate the scope of services with the Piedmont Triad Regional Council to update the 2035 Comprehensive Plan and approve the associated budget amendment for \$40,000.

CITY OF GRAHAM

**BUDGET AMENDMENT ORDINANCE
2022-2023**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2022 - 2023 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

Section 1.

GENERAL FUND

DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Admin	653,900.00	693,900.00	40,000.00		
	653,900.00	693,900.00	40,000.00	-	40,000.00

Section 2.

GENERAL FUND

REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance	1,209,983.00	1,249,983.00	40,000.00		
	1,209,983.00	1,249,983.00	40,000.00	-	40,000.00

Adopted this 11th day of October 2022.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk



STAFF REPORT

SUBJECT:	AMENDMENT TO CONTRACT WITH ALLEY, WILLIAMS, CARMEN & KING
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve the amendment to the contract with Alley, Williams, Carmen & King to provide dedicated office hours.

BACKGROUND/SUMMARY:

The Graham City Council approved to move forward into this budget year with an amendment to our current engineering arrangement which would have dedicated hours for an engineer to be in the office. The following document is an amendment to the existing contract with Alley, Williams, Carmen & King to provide a framework for dedicated office hours in addition to the existing structure.

FISCAL IMPACT:

The approved 2022-23 budget included funding for this arrangement.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we authorize the City Manager and City Attorney to effectuate the amendment to the contract with Alley, Williams, Carmen & King to provide dedicated office hours.

**STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE**

**CONTRACT FOR ON-CALL CITY
ENGINEERING SERVICES OF
THE CITY OF GRAHAM
ENGINEERING DEPARTMENT**

THIS AGREEMENT, made and entered into this _____ day of _____, 2022, by and between the City of Graham, a North Carolina Municipal Corporation (hereinafter called "the City") and Alley, Williams, Carmen & King, Inc., a North Carolina Corporation located in Burlington, North Carolina (hereinafter called "the City Engineering Firm (CEF)").

WITNESSETH:

WHEREAS, the City is actively implementing water, wastewater, street, stormwater and environmental engineering activities for the benefit of the community; and

WHEREAS, the CEF has expertise in the administrative management of city engineering activities, has a previous ongoing engineering contract with the City; and

WHEREAS, the City wishes to continue using the CEF for said services;

NOW THEREFORE, the City and the CEF agree as follows:

1. SCOPE OF SERVICES: The CEF agrees to provide and perform for and on behalf of the City all of those services stipulated in the Scope of Services attached to this contract as Exhibit "A", of which are hereby incorporated as a part of this contract as if fully set forth herein. The City agrees to perform in a timely manner all the necessary and usual obligations of a City that are required to support implementation of the City's Engineering activities and to support the CEF in the carrying out of the Scope of Services. The term of this agreement is for the period _____, 2022 through June 30, 2023, unless earlier terminated as herein provided. This agreement automatically renews for the upcoming fiscal year on July 1st of each year unless terminated as herein provided.

2. COMPENSATION FOR SERVICES: In the provision of the aforementioned services, all of which are described in Exhibit "A", the CEF shall receive compensation for an estimated fee of the City's budgeted amounts and subsequent budgeted amounts in following years for as long as the contract is in place. This fee shall be paid to the CEF in accordance with Section 3 below. It is specifically agreed that the cost of providing all the agreed upon services related to the administration by the CEF of the Graham Engineering Department shall not exceed the budgeted amounts unless specifically authorized by the City in advance. Any different or additional Scope of Services approved and authorized by the City in advance shall be compensated when authorized in accordance with the terms agreed to by both parties in a formally executed

Contract Addendum. The parties may adjust the rates by written amendment on an annual basis. In no event shall the compensation for a particular fiscal year exceed the City adopted or amended budget for the fiscal year.

3. METHOD OF PAYMENT: The CEF shall submit monthly invoices for services provided by the last day of each month. The invoice shall include a description of actual services performed, hours of service rendered, the rate for each service (discounted from the CEF's then usual and customary rates by 10% for the designated City Engineer and by 5% for all other employees of the CEF for the described services listed in Exhibit A), the monthly total for service and the cumulative total to date in comparison with the annual estimated fee. The City shall compensate the CEF for services satisfactorily performed within Thirty (30) days of receipt of said invoice statement. Fees for services outside the scope of this agreement shall be billed and paid in accordance with the Schedule of Fees included in Exhibit "B" which is attached hereto.

4. AMENDMENT OR TERMINATION OF CONTRACT: This agreement may be amended at any time by mutual consent of the parties. If the CEF shall fail to fulfill in a timely, professional and proper manner all obligations under this contract, or should the CEF violate any of the covenants, agreements, or stipulations of this contract, the City shall have the right to terminate this contract immediately by giving written notice to the CEF of such termination and specifying the effective date thereof at least twenty-one (21) days before the effective date of such termination. In a like manner, if the City shall fail to fulfill in a timely, professional and proper manner all obligations under this contract, or should the City violate any of the covenants, agreements, or stipulations of this contract, the CEF shall have the right to terminate this contract immediately by giving written notice to the City of such termination and specifying the effective date thereof at least twenty-one (21) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the CEF under this contract shall, at the option of the City, become the property of the City and the CEF shall be entitled to receive just and equitable compensation for any work satisfactorily completed pursuant to this contract. However, the City shall not be obligated to pay any remaining charges for work satisfactorily completed where there exists a right in favor of the City for refund, reimbursement or offset in connection with any obligations arising from the CEF to the City.

5. INSURANCE AND INDEMNITY REQUIREMENTS: To the extent permitted by law the CEF shall indemnify and save harmless the City, its agents and employees and assigns from and against all loss, cost damages, expense and liability caused by sickness and disease to any person; or damage or destruction to property, real or personal; arising from the negligent acts, errors, or omissions of the CEF in the performance of professional services provided to the City. The City shall provide reciprocal indemnification to the extent permitted by law.

A blanket waiver of subrogation shall apply in favor of the City and all additional insureds as required by contract for Workers Compensation and General Liability in accordance with the City's policy. The CEF further agrees to purchase and maintain during the life of any contracts entered into with the City the following insurance with

an insurance company acceptable to the City and authorized to do business in the State of North Carolina:

- (a) Automobile: Bodily injury and property damage liability covering all owned, non-owned, and hired automobiles for limits of not less than \$1,000,000 each person/ \$1,000,000 each occurrence.
- (b) Comprehensive General Liability: Bodily injury and property damage liability insurance shall protect the PEF from claim of bodily injury or property damage which arises from operations of this contract. The amounts of such insurance shall not be less than \$1,000,000 bodily injury and property damage liability each occurrence/ \$3,000,000 aggregate. This insurance shall include coverage for product/completed operations and contractual liability assumed.
- (c) Excess Liability \$5,000,000.
- (d) under the indemnity provision of this contract The City shall be listed as an "Additional Insured".
- (e) Consultant's Professional Liability: In a limit of not less than \$1,000,000.
- (f) Workers' Compensation and Occupational Disease Insurance: Worker's Compensation: \$500,000, meeting the statutory requirements of the State of North Carolina.

Certificates of such insurance will be furnished to the City and shall contain the provision that the City be given thirty (30) days written notice of any intent to amend or terminate by either the Consultant or the insuring company.

6. LEGAL REMEDIES: Either party can seek all legal remedies available to them under the laws of the State of North Carolina including mediation, arbitration, and other remedies allowed by law.

7. CHANGES: The City may, from time to time, request changes in the Scope of Services of the PEF to be performed hereunder. Such changes, including any increase or decrease in the amount of the CEF's compensation which may be mutually agreed upon between the City and the CEF, shall be incorporated in written amendments to this contract after appropriate authorization as called for in Section 2 of this contract.

8. EQUAL EMPLOYMENT OPPORTUNITY: The CEF shall not discriminate against any employee or applicant for employment on account of race, color, religion, sex or national origin or because of handicapping condition or Vietnam Era Veteran status. The CEF shall take affirmative action to ensure equal employment opportunity with respect to all of its employment practices and those of subcontractors is any.

9. ENTIRE AGREEMENT: This is the entire agreement between the parties and there are no terms, conditions, representations or warranties relating to the work to be performed hereunder which are not specifically set forth herein.

10. REPORTS AND INFORMATION: The CEF, at such times and in such manner as the City may require, shall furnish the City such periodic reports as it may request pertaining to the work or services undertaken pursuant to this contract, the cost and obligations incurred or to be incurred in connection therewith, and any other matters covered by this contract.

11. CONFLICT OF INTEREST: The CEF covenants and agrees that during the term of this agreement, the CEF shall not provide any new professional engineering, land development design and/or surveying services to any client on any parcel of property located within the territorial and extraterritorial jurisdiction of the City. Upon execution of this contract, the CEF shall provide the City with a list of projects within the territorial and extraterritorial jurisdiction of the City of Graham upon which a signed services contract has been executed between the CEF and the client of said projects. Notwithstanding the prohibition described above, the CEF shall be allowed to proceed with the fulfillment of the firm's contractual obligations to the extent that those obligations existed prior to the execution of this agreement provided such services do not conflict directly with City ordinance or policies. Furthermore, during the term of this agreement, the CEF shall be responsible for immediately revealing to the City any and all potential conflicts of interest that might arise.

12. LIMITATIONS OF LIABILITY: The CEF will be reviewing the plans and work of other engineers, architects, surveyors, and contractors during the normal course of administering the engineering department. As a result of such reviews, inspections, and administrative activities, the consultant is not liable for any errors, omissions, construction deficiencies or construction repairs for work done by such other engineers, architects, surveyors, and contractors.

13. E-VERIFY: The CEF will comply with the requirements of Article 2 of Chapter 64 of the General Statutes. Further, if subcontractors are utilized, the Firm shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

14. IRAN DIVESTMENT ACT: The CEF will comply with the Iran Divestment Act. The firm must certify it is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 143-6A-4.

15. ISRAEL BOYCOTT ACT: The CEF will comply with the Israel Boycott Divestment Policy according to N.C.G.S. 147-86.80.

16. CITY ADMINISTRATION: The CEF shall report to the City Manager for all directives in fulfillment of the services under this agreement and the City Manager shall be the contact for any complaints, disputes, or other issues that may arise as a result of the duties provided by the CEF.

17. FEDERAL FUNDS: If the source of funds for a project is federal, the following federal provisions apply pursuant to 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix

II (as applicable):

Equal Employment Opportunity (41 C.F.R. Part 60); Davis-Bacon Act (40 U.S.C. 3141-3148); Copeland “Anti-Kickback” Act (40 U.S.C. 3145); Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708); Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387); Debarment and Suspension (Executive Orders 12549 and 12689); Byrd Anti-Lobbying Amendment (31 U.S.C. 1352); Procurement of Recovered Materials (2 C.F.R. § 200.322); and Record Retention Requirements (2 CFR § 200.324)

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

CITY OF GRAHAM

BY: _____
Megan Garner, City Manager

ATTEST:

Renee Ward, City Clerk

(SEAL)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Julianne Cordon, Finance Officer

Approved as to form and Legal sufficiency.

Bob Ward, City Attorney

**ALLEY, WILLIAMS, CARMEN, &
KING, INC.**

BY: _____
Franz Holt, President

ATTEST:

Josh Johnson, Vice President

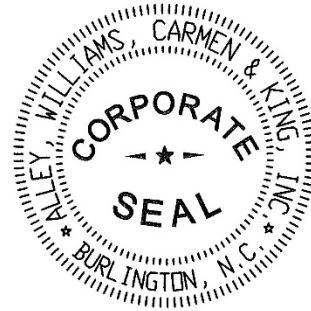


EXHIBIT “A”
SCOPE OF SERVICES
City Engineering Administration Services

GENERAL SERVICES

The CEF will perform professional, technical, and administrative work as the City Engineer. Generally, the Engineer will aid in administering land development construction activities within the City. The CEF will serve under the general supervision of the City Manager.

More specifically, the CEF will:

1. Provide a person to officially serve as the City Engineer. At a minimum, this person must hold a Bachelor’s Degree in Civil Engineering, must be registered as a Professional Engineer (P.E.) in the State of North Carolina and must have at least 15 years civil engineering experience. The City shall approve such appointment and any future reappointments. The CEF should provide a City Engineer and a secondary engineer who meets this requirement. Provide adequate professional and non-professional staff to carry out the duties described herein under the direction of the City Engineer. A flexible selection of support staff of engineers, technicians, inspectors and administrators with a wide range of duties, responsibilities and initiatives are to be provided to carry out these activities. The initial City Engineer is designated as Josh Johnson, P.E. with Troy King, P.E. as the secondary engineer.
2. Assist in the Development, implementation and management of Engineering Administration Services annual operating budget, the Stormwater Program Budget, and other budgets as requested.
3. Advise the City of known compliance issues relating to compliance with applicable local, state and federal environmental laws and regulations.
4. Provide engineering review of all development plans submitted to the City and provide written comments in regard to engineering issues. This will include review of stormwater plans for which a N.C. DEQ Certified Stormwater Reviewer is required.
5. Coordinate local, state and federal permitting for land development projects (site plans and subdivisions) to be obtained by others.
6. Inspect land development projects for compliance with submitted plans and city standards. Inspection services frequency will be based on the projects under construction. Provide final signoffs to the City Manager on site development projects.
7. Participate in the development of short- and long-range plans and programs for infrastructure and facilities improvements including, but not limited to, Capital Improvements (CIP), Street Resurfacing, Sidewalks and Trails,

Transportation, Drinking Water Distribution, Stormwater, and Sanitary Sewer Collection.

8. Assist the City with application of the City's Flood Damage Prevention Program, Riparian Buffer, and Stormwater Ordinances.
9. Assist the City with annual reporting on streets and street maintenance, annexations, construction projects and other federal and State reporting.
10. Attend regularly scheduled staff level Technical Review Committee meetings.
11. Attend the monthly meetings of the City Council (as needed) and provide a monthly activity report (when requested).
12. Attend and make presentations to various boards and citizen groups as necessary and provide visual aids when requested.
13. Attend City Staff meetings when requested.
14. Provide technical assistance to any City departments when requested.
15. Prepare feasibility and cost estimates for large and small projects at the request of City staff.
16. Perform computer-aided drafting, mapping, plotting, printing and archiving as needed to carry out the duties described herein.
17. Prepares plans, specifications, and estimates for smaller scale projects not requiring publicly advertised request for qualifications (when requested).
18. Maintain effective working relationships with City officials, consultants, contractors, land developers and the residents and business owners.
19. Receive and act upon citizen complaints that are of an engineering nature and establish a complaint record of such when requested, the cost of which is outside the scope of the estimated annual fee.
20. Research and provide funding application services when requested by City staff.
21. Assist the City with economic development proposals and requests.
22. Oversee other City consultants, including other engineers, architects, landscape architects, or others at the request of the City.
23. Assist the City with updates of GIS data related to water, sewer, stormwater, streets and other layers.
24. City Engineer should plan to be onsite at City Hall at least 3 days per week for 4 hours per day, but typically Monday and Tuesdays with an additional floating 4 hour period.

EXCLUDED SERVICES

Items not included in this scope of services include published document printing (e.g., manuals, plans, newsletters), City Engineering Department sign construction and installation, City stationary, property posting signs, newspaper notices, postage on behalf of the City, and legal services necessary for the implementation of the services provided.

SUPPLEMENTAL SERVICES

In the event that special projects or supplemental services are undertaken which are mutually determined to fall outside the scope of services for the operation and routine activities of the department, the hourly rates on the rate schedule included in this scope of services will become the basis upon which any special project would be compensated.

Furthermore, engineering design, construction plan preparation and contract administration related to specific water, wastewater, stormwater, street, sidewalk, or similar projects will be excluded from this contract but may be approved under separate agreements.

'EXHIBIT B'
HOURLY CHARGE RATE SCHEDULE – JULY 1, 2022

This information is confidential and is intended for use by the recipient only.

1. Engineers:

a.	EI – Engineering Intern	\$ 80.00	-	\$130.00/Hr.
b.	Registered Professional Engineer	100.00	-	160.00/Hr.
c.	Associate/Registered Professional Engineer	125.00	-	175.00/Hr.
d.	Principal/Registered Professional Engineer	190.00	-	240.00/Hr.

2. Architects:

a.	Architects in Training	\$ 80.00	-	\$100.00/Hr.
b.	Registered Architect	90.00	-	130.00/Hr.
c.	Associate/Registered Architect	145.00	-	175.00/Hr.
d.	Principal/Registered Architect	160.00	-	175.00/Hr.

3. Surveyors:

a.	Surveyor in Training	\$ 75.00	-	\$ 90.00/Hr.
b.	Registered Land Surveyor	85.00	-	115.00/Hr.
c.	Associate/Registered Land Surveyor	95.00	-	135.00/Hr.

4. Technical Staff:

a.	Project Manager	\$ 90.00	-	\$130.00/Hr.
b.	CADD Designer/Technician	75.00	-	110.00/Hr.
c.	Stormwater Program Coordinator	75.00	-	105.00/Hr.

5. Survey Parties:

a.	2-Man Party	\$140.00	-	\$160.00/Hr.
b.	3-Man Party	190.00	-	225.00/Hr.

6. Construction Observer

		\$ 75.00	-	\$110.00/Hr.
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7. Clerical

		\$ 55.00	-	\$ 70.00/Hr.
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8. Other:
 - a. Employees' overtime (when authorized in advance): 1.50 times Hourly Charge Rate.
 - b. Professional Consultants: 1.10 times the amount billed to AWCK, Inc.
 - c. Printing and Mailing: 1.10 times the amount billed to AWCK, Inc.
 - d. Mileage: Travel to job site No Charge, but time is included from our office to job site and return.
 - e. Overnight or extended travel: 1.10 times the amount billed to AWCK, Inc.
 - f. The above rates are subject to adjustment in accordance with normal salary and rate review practices on an annual basis.
 - g. Where ranges of hourly charge rates are listed, the rate charged will be the actual charge rate associated with the individual performing the services.
 - h. Payment will be made monthly based on invoices submitted by Alley, Williams, Carmen & King, Inc.



STAFF REPORT

SUBJECT:	STREET CLOSURE FOR GRAHAM HIGH SCHOOL HOMECOMING PARADE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve the Graham High School Homecoming Parade request and street closures submitted by Graham High School for October 21, 2022 from 4:45pm to 5:30pm.

BACKGROUND/SUMMARY:

Graham High School requests the approval of the Graham High School Homecoming Parade as described in the attached application and the following parade route. The route would include the procession beginning at Albright Avenue, down Main Street, around Court Square, down Pine Street, and ending at Graham Middle School. The requested closure of these streets would be from 4:45pm to 5:30pm.

FISCAL IMPACT:

There is no fiscal impact to the City of Graham in order to close the street.

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 street closure request from Graham High School for the Graham High School Homecoming Parade on October 21, 2022 from 4:45pm to 5:30pm.



1. Your email: kyle_ward@abss.k12.nc.us
2. Event name (if applicable): Graham High School Homecoming Parade
3. Reason for the event (be specific): To Celebrate Homecoming
4. Event date(s): October 21st, 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):

Start Lining Up at 4:15pm Parade Start Time 4:45pm Parade Ending Time 5:30pm

6. Event category

Please check all that apply appropriate category for your event.

☐ Concert/Performance

☐ Exhibit

☐ Farmer's Market

☐ Festival/Fair

☒ Parade/Procession

☐ Run/Walk

☐ Food Truck Rodeo

☐ Other: _____

7. Where are you requesting for your event to occur?

Be specific identifying street names or City facilities being requested for use?

Start On Albright Ave down Main Street Half way around Court Square Down Pine Street to GMS.

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.

Main @ Albright, Market Street, East and West Elm Streets, East and West Pine Streets
Marshall Street @ Pine and Melville Street @ Pine

10. Identify your street closure time(s) and will you anticipate when they will return to normal traffic flow.

Closed at 4:45pm Reopened by 5:15pm



11. What is your anticipated event attendance total? 500 People

12. Does your event include musical entertainment?

☐ Yes ☒ No

13. Where will your musical entertainment be located?

14. Will sound amplification be used? ☐ Yes ☒ No

If yes, provide the start time and end time.

15. Will inflatables or similar devices be used at your event? ☐ Yes ☒ 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?

☐ Yes ☒ No

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



18. Describe your security plan to ensure the safe sale and or distribution of alcohol at your event.

19. Does your event include food concession and/or food preparation areas?

Yes ☐ No ☒

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 ☒

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.

There should be no trash to clean up

Does your event require additional trash receptacles?

Yes ☐ No ☒

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 ☒



24. Applicant name and affiliated agency if applicable

Mrs. Kelly Fogelman and Mr. Paul Michaelson Graham High School

25. Applicant's Address

903 Trollinger Road Graham NC 27253

26. Applicant's phone number

Paul Michaelson (252)-341-6010 Kelly Fogelman (336)-214-7263

27. Applicant's email address

paul_michaelson@abss.k12.nc.us kelly_fogelman@abss.k12.nc.us

28. Provide the event's point of contact if different from the applicant. (First & Last name, Phone number, & Email Address)

Kyle Ward (336)-380-7876

kyle_ward@abss.k12.nc.us

29. How many years has this event taken place? 50+



STAFF REPORT

SUBJECT:	VETERANS DAY FESTIVAL
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

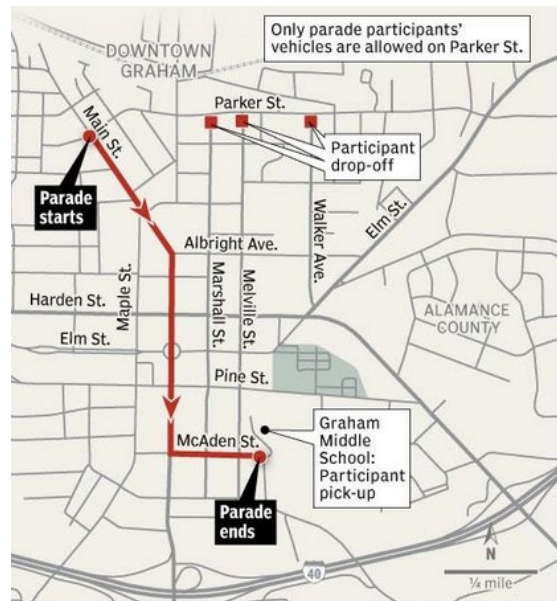
Approve for the City of Graham to partner with Alamance County for the Veterans Day Festival on November 12, 2022.

BACKGROUND/SUMMARY:

The City Council approved the request of the Alamance County Veterans Organization for the Veterans Day Festival and Parade as described in the attached application. Alamance County has requested that the City of Graham participate with public safety for the event.

FISCAL IMPACT:

Expenses for the City would be related to the hours needed for any additional personnel.



STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move we approve the request from the Alamance County Veterans Organization to have the City of Graham provide public safety for the Veterans Day Festival/Parade on November 12, 2022.



1. Your email: john@mcclurefuneralservice.com
2. Event name (if applicable): Alamance Co. Veteran's Parade
3. Reason for the event (be specific): Celebrate the vets of Ala. Co.
4. Event date(s): Nov - 12, 2022 - SATURDAY
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):
Lineup @ 9:00AM Start @ 10:00AM End @ 11:30AM Cleanup done by 1:00pm
6. Event category

Please check all that apply appropriate category for your event.

☐ Concert/Performance

☐ Exhibit

☐ Farmer's Market

☐ Festival/Fair

☒ Parade/Procession

☐ Run/Walk

☐ Food Truck Rodeo

☐ Other: _____

7. Where are you requesting for your event to occur?

Be specific identifying street names or City facilities being requested for use?

Downtown Graham - route same as Christmas Parade.

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.

Parker, N + S Main St, Main to 6th St Back Lot.

10. Identify your street closure time(s) and will you anticipate when they will return to normal traffic flow.

close @ 9:30 - open by 11:30 AM



11. What is your anticipated event attendance total? 5,000 +

12. Does your event include musical entertainment?

☒ Yes ☐ No

13. Where will your musical entertainment be located?

In Parade itself

14. Will sound amplification be used? ☒ Yes ☐ No

If yes, provide the start time and end time.

10:00 - 11:30 AM

15. Will inflatables or similar devices be used at your event? ☐ Yes ☒ 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?

☐ Yes ☒ No

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



18. Describe your security plan to ensure the safe sale and or distribution of alcohol at your event.

This being A county supported event, All County Police Agencies donate time + officers to give back

19. Does your event include food concession and/or food preparation areas?

Yes ☐ No ☒

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 ☐

If yes, list the total number of portable toilets: 2-3

21. Portable toilet company name: Lloy's

If no, please explain _____

22. Explain your plan for cleanup and removal of trash, waste, and garbage during & after your event.

PARADE EVENT com. + volunteers + police

Does your event require additional trash receptacles?

Yes ☒ No ☐

If yes, what is the requested number of additional trash receptacles? 5-8

23. Will there be any tents, canopies or temporary structures at your event?

Yes ☐ No ☒



24. Applicant name and affiliated agency if applicable

John B. Harrington / Mcclure Funeral Service / AIA. Co vet
+ Purple comm.

25. Applicant's Address

1030 South Main St. Graham, NC

26. Applicant's phone number

336-227-2711

27. Applicant's email address

john@mcclurefuneralservice.com

28. Provide the event's point of contact if different from the applicant. (First & Last name, Phone number, & Email Address)

Brenda Perry (Event Chair)
336-380-1131 / bperry23@triad.rr.com

29. How many years has this event taken place? 7th



STAFF REPORT

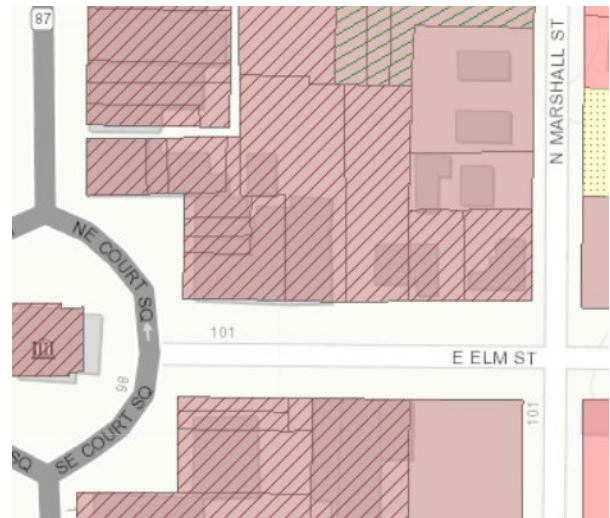
SUBJECT:	STREET CLOSURE FOR ALCOVETS VETERANS DAY FESTIVAL
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve the Veterans Day Festival request and closure of the 100 block of E. Elm Street submitted by the ALCOVETS for November 12, 2022.

BACKGROUND/SUMMARY:

ALCOVETS requests the approval of the Veterans Day Festival as described in the attached application. The requested closure would be from 10am to 7pm. The applicant is also requesting to partner with the City for Public Safety.



FISCAL IMPACT:

There is no fiscal impact to the City of Graham unless additional personnel is needed.

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 the ALCOVEETS for the Veterans Day Festival on November 12, 2022 which includes the closure of the 100 block of E. Elm Street from 10am to 7pm and for the City to partner with Pubic Safety.



1. Your email: Chucktalley21@hotmail.com
2. Event name (if applicable): AICovets Veteran Festival
3. Reason for the event (be specific): _____
4. Event date(s): Nov 12, 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 - 8 AM event starts 10 - 7 (cleanup)

6. Event category

Please check all that apply appropriate category for your event.

☐ Concert/Performance

☐ Exhibit

☐ Farmer's Market

☒ Festival/Fair

☐ Parade/Procession

☐ Run/Walk

☐ Food Truck Rodeo

☐ Other: _____

7. Where are you requesting for your event to occur?

Be specific identifying street names or City facilities being requested for use?

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.

100 Block East 1st St. Graham

10. Identify your street closure time(s) and will you anticipate when they will return to normal traffic flow.

8 AM - 7 PM



11. What is your anticipated event attendance total? 1000

12. Does your event include musical entertainment?

☒ Yes ☐ No

13. Where will your musical entertainment be located?

Col. Hardware Pkg Amp & Leather

14. Will sound amplification be used? ☒ Yes ☐ No

If yes, provide the start time and end time.

1 pm - 7 pm

15. Will inflatables or similar devices be used at your event? ☐ Yes ☒ 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?

☐ Yes ☒ No

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



18. Describe your security plan to ensure the safe sale and or distribution of alcohol at your event.

19. Does your event include food concession and/or food preparation areas?

Yes ☒ No ☐

If yes, please select the method of cooking that pertains to your event.

☐ Gas

☐ Electric

☐ Charcoal

☐ Other: Food trucks

20. Do you plan to provide portable toilets at your event?

Yes ☒ No ☐

If yes, list the total number of portable toilets: ~~00000~~ 2-4

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.

Garbage Containers

Does your event require additional trash receptacles?

Yes ☐ No ☒

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 ☐



24. Applicant name and affiliated agency if applicable

Richard Sherlin

25. Applicant's Address

510 Wildwood Ln Graham

26. Applicant's phone number

336-516-6369

27. Applicant's email address

RichardSherlin66@gmail.com

28. Provide the event's point of contact if different from the applicant. (First & Last name, Phone number, & Email Address)

Chuck Talley
chucktalley@hotmail.com

29. How many years has this event taken place?

5 years

**CITY OF GRAHAM
RELEASE ACCOUNTS**

SEPTEMBER RELEASES

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
714105	2022	MICHAEL V SPENCE HEIRS	PROPERTY BILLED TO THIS ACCT IN ERROR AFTERLIST DISCOVERY TO CORRECT ACCOUNT	\$6,490.52
137281	2022	WILKERSON, WILLIE M JR	VEHICLE TAGGED, NOT PERSONAL PROPERTY	\$6.01
169032	2022	BAKER, RAYMOND WILSON	SOLD 2021	\$3.87
180763	2022	PUTNAM, RICKY LEE	DID NOT OWN JAN 2021	\$6.93
491475	2022	FOOD LION LLC 591	WRONG SCHEDULE USED IN ASSESSING	\$140.34
502660	2022	OSBORN, ROBERTA CHRISTINE	BOAT NOT IN CITY OF GRAHAM SINCE 2020	\$93.87
597522	2022	KELLY, JOSHUA ALLEN	SOLD BOAT NOV 2021	\$27.75
706551	2022	GIVENS, ROSE M	QUALIFIED FOR DISABLED VETERANS EXCLUSION	\$204.75
623976	2022	B & B LOGISTICS LLC	42 BUSINESS PERSONAL PROPERTY ACCTS NOW LOCATED IN BURLINGTON (LEASED FREIGHT VEHICLE:	\$9,199.85
541812	2022	B & B LOGISTICS LLC	53 BUSINESS PERSONAL PROPERTY ACCTS NOW LOCATED IN BURLINGTON (LEASED TRAILERS)	\$2,086.59

TOTAL RELEASES \$18,260.48



STAFF REPORT

Prepared by Cameron West, Planner

300 E Elm B-2 (RZ2206)

Type of Request: Rezoning

Meeting Dates

Planning Board: September 20, 2022

City Council: October 11, 2022

Contact Information

James Norris

P.O. Box 800

Graham, NC 27253

Summary

This is a request to rezone 0.25 acres of property from R-7 (High-Density Residential) to C-B (Conditional Business) for the purpose of utilizing the existing home structure as a hair salon. The entirety of this block is zoned R-7, and this request would allow for all B-3 permitted uses to utilize this property minus the ones omitted in the proposed conditions on the lot. The future land use plan notes that supporting uses in the Downtown Residential zone supports the uses of neighborhood-oriented commercial facilities. So the request as presented coincides with both the FLU plan and our Development Ordinance.



Location

300 E Elm St

GPIN:

8884247433

Current Zoning

R-7 (High Density Residential)

Proposed Zoning

C-B (Conditional Business)

Overlay District

N/A

Surrounding Zoning

B-2, R-7, O-I

Surrounding Land Uses

General business uses,
Single-Family, Office

Size

0.25 acres

Public Water & Sewer

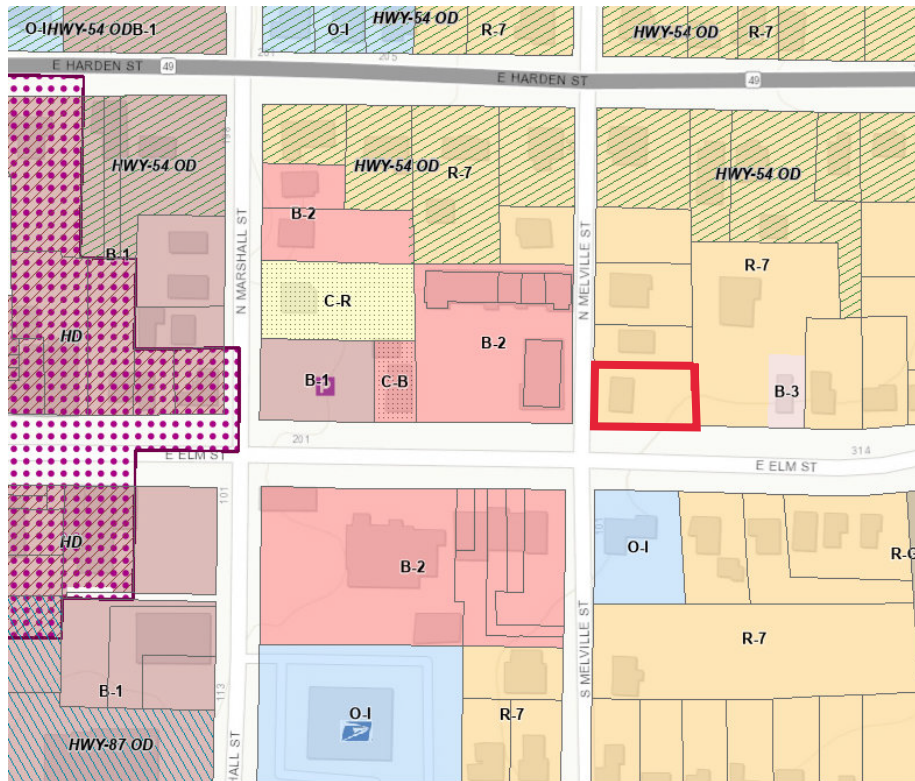
Yes

Floodplain

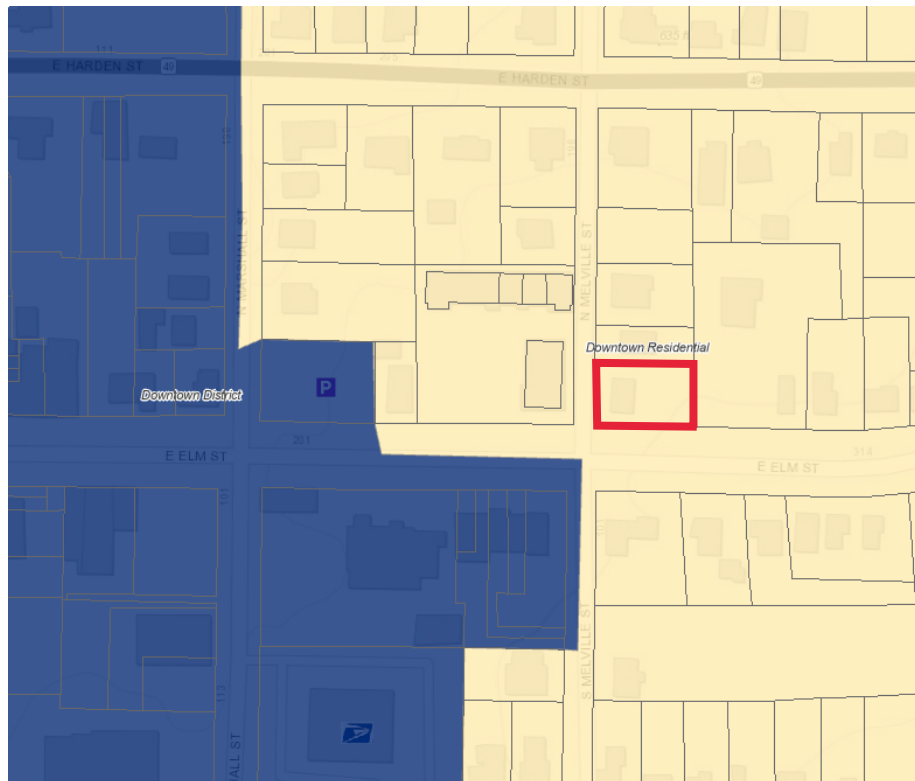
No

Staff Recommendation

Approval



Zoning Map



Future Land Use Map

Conformity to the *Graham 2035 Comprehensive Plan (GCP)* and Other Adopted Plans

Applicable Policies:

- **2.2.1: Focused development.** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use, built environments. *This amendment creates an opportunity for focused infill development that ties in with the downtown.*
- **2.3.2: Innovative spaces, spaces of innovation.** Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry. *This parcel is located in an area ripe for infill commercial development. The proposed zoning category lends itself to these types of uses.*

Staff Recommendation:

Based on the *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends **approval** of the rezoning. The following supports this recommendation:

- The proposed zoning is consistent with surrounding zoning and future land use of supporting neighborhood-oriented commercial practices.

Planning Board Recommendation:

Planning Board has recommended approval for the Conditional Rezoning Request with a vote of 5 to 0

Planning Type

Neighborhoods

Development Type

Downtown Residential

Neighborhoods include compact, walkable, diverse, and connected community. As the building blocks of City urban fabric, neighborhoods should be organized around small scale activity centers that provide civic and commercial functions within a five to ten minute walk for residents to meet their daily needs.

Appropriate Form

3-6 Dwelling Units per acre

Graham Zoning



City of Graham

Legend

Downtown Historic District

Zoning Districts

- R-18
- R-15
- R-12
- R-9
- R-7
- C-R
- R-MF
- R-G
- O-I
- C-O-I
- B-3
- B-2
- B-1
- C-B
- I-1
- I-2
- C-I
- C-MXR
- C-MXC

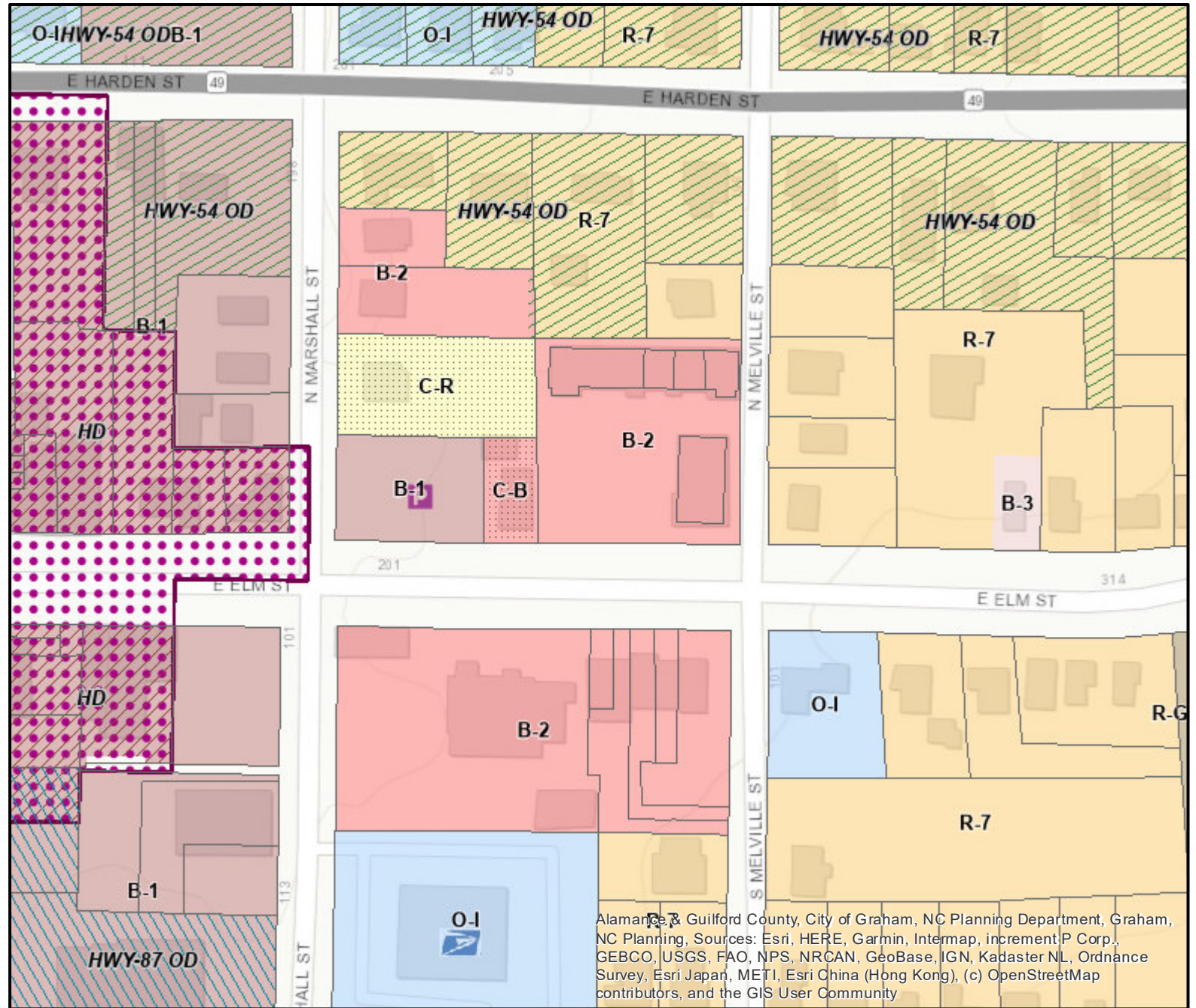
Zoning Overlay Districts

- HD
- PUD
- HWY-87 OD
- HWY-54 OD



1 inch = 188 feet

Print Date: 7/26/2022



Alamance & Guilford County, City of Graham, NC Planning Department, Graham, NC Planning, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Disclaimer:

This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Graham nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.



Application for REZONING or CONDITIONAL REZONING

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6700
Fax (336) 570-6703
www.cityofgraham.com

This application is for both general district rezonings and conditional rezonings. Complete applications are due on the 25th of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

Site and Ownership Data

Street Address: 300 E Elm St

Tax Map#: 146254 1432-5005-332 GPIN: 8884247433

Current Zoning District(s):

- ☒ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☐ R-18
☐ R-MF ☐ R-G ☐ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☐ C-B ☐ C-MXC
☐ O-I ☐ C-O-I ☐ I-1 ☐ I-2 ☐ C-I

Overlay District, if applicable:

- ☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54

Current Use: Rental Property

Total Site Acres: .25

Property Owner: James D Norris Jr.

Mailing Address: PO Box 800

City, State, Zip: Graham NC 27253

Applicant Information

☒ Property Owner ☐ Other: _____

** Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.*

Name: James D Norris Jr

Mailing Address: PO Box 800

City, State, Zip: Graham NC 27253

Phone # (336) 214-2806

Email: Jnorris395@gmail.com

I have completed this application truthfully and to the best of my ability.

Signature of Applicant

Date

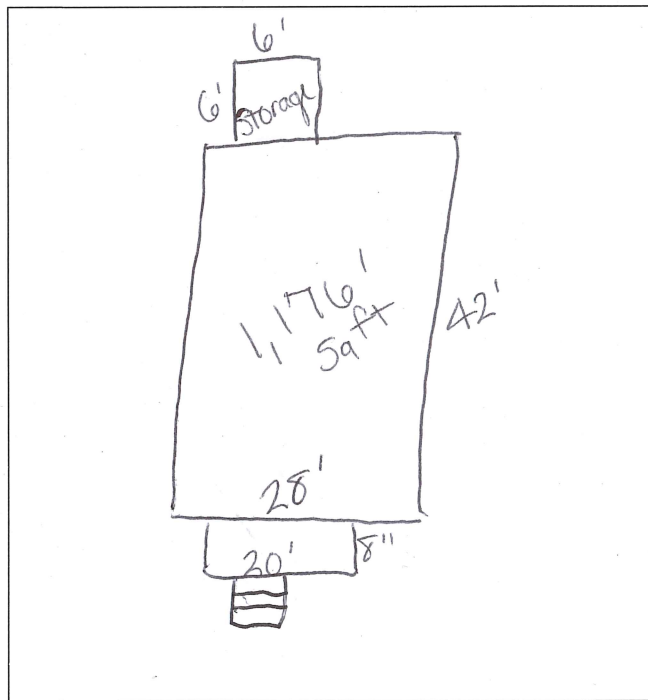
Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

- ☐ R-7 ☐ R-9 ☐ R-12 ☐ R-15 ☐ R-18
☐ R-MF ☐ R-G ☐ C-R ☐ C-MXR
☐ B-1 ☐ B-2 ☐ B-3 ☒ C-B ☐ C-MXC
☐ O-I ☐ C-O-I ☐ I-1 ☐ I-2 ☐ C-I

Describe the purpose of this rezoning request.

For Conditional Rezoning, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:



For Conditional Rezoning, this application must be accompanied by a Preliminary Site Plan meeting the requirements of the site plan checklist as well as supporting information from Section 10.85 specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

☐ Site Plan Review Application **must be attached to this application for Conditional Rezoning** (see Sheet 2)

Office Use Only. DEVID#



STAFF REPORT

Prepared by Cameron West, Planner

0 E Harden Street (146819/146790)

Type of Request: C-B Reclassification

Meeting Dates

Planning Board: September 20, 2022

City Council: October 11, 2022

Contact Information

Kerry Richmond

P.O. Box 3453

Burlington, NC 27216

Summary

This is a request to reclassify portions of parcel number 146819 and 146790 to an applicable zoning classification. The current land owner is seeking to build homes on the back portion of the lots shown below. With the Conditional Business zoning classification on the front of the lot, the owner is unable to run a driveway into the proposed housing development due to the site specific plan that runs with the land. The original purpose was to build a center for Mt. Zion Church (the previous owners), but after its approval in 2012, nothing has come to fruition. According to Section 10.45(f) of our zoning ordinance no sooner than three years after the date of approval of the petition, the Planning board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning board determines that progress has not been made in accordance with the approved petition and conditions, the Planning board shall forward to the City council a report, which may recommend that the property be classified to another district. With no development occurring in this time frame, Planning Board is asking that City Council reclassify the property to R-7 or another district to allow the owner to utilize the full extent of their lot. Please find the report from Planning Board below.

Location

0 E Harden Street

GPIN:

8884441801/8884451190

Current Zoning R-7 (High Density Residential) C-B (Conditional Business

Proposed Zoning

Applicable

Overlay District

N/A

Surrounding Zoning

B-3, B-2, R-7, I-1

Surrounding Land Uses

General business uses,
Single-Family,
Industrial

Size

1.67 acres

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval



B-2

R-7

B-3

C-B

HWY-54 OD

HWY-54 OD

I-1

City of Graham Planning Board



September 23, 2022

RE: Zoning Reclassification of 0 E Harden Street Property (GPIN:8884441801/8884451190)

Dear City Council,

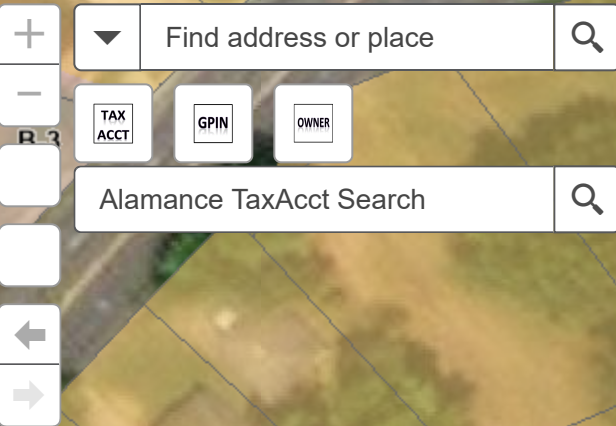
At its September 20, 2022 meeting, the Planning Board heard a request from staff to reclassify an elder Conditional Rezoning request at the property located at 0 E Harden Street (GPIN:8884441801/8884451190) based on the facts that no significant progress has been made to the site since its approval on February 5th, 2013. Since the approval, the property has been sold to Kerry Richmond who is looking to erect a single-family home structure on two lots that are affected by the current C-B zoning at the front of the lots. Mr. Richmond is unable to provide driveway access into his home due to the site-specific plan showing a building and other parking areas designated in that portion of the land. The Planning Board listened to the request and made a recommendation for the land zoned C-B (Conditional Business) to be reclassified to the R-7 Zoning District the majority of the lot is already zoned for. Planning Board made the motion for the staff liaison to draft this memo to forward along as their recommendation for you, City Council, to reclassify the property located at 0 E Harden Street (GPIN:8884441801/8884451190) to R-7.

Sincerely,

A handwritten signature in black ink, reading "Cameron West", is positioned below the "Sincerely," text.

Cameron West, Planner, Planning Board Liaison

P.O. Drawer 357
201 South Main Street
Graham, North Carolina 27253
www.cityofgraham.com



1-1

-79.39210 36.07103 Degrees

1/1

City of Graham Planning Board



September 23, 2022

RE: Zoning Reclassification of 0 E Harden Street Property (GPIN:8884441801/8884451190)

Dear City Council,

At its September 20, 2022 meeting, the Planning Board heard a request from staff to reclassify an elder Conditional Rezoning request at the property located at 0 E Harden Street (GPIN:8884441801/8884451190) based on the facts that no significant progress has been made to the site since its approval on February 5th, 2013. Since the approval, the property has been sold to Kerry Richmond who is looking to erect a single-family home structure on two lots that are affected by the current C-B zoning at the front of the lots. Mr. Richmond is unable to provide driveway access into his home due to the site-specific plan showing a building and other parking areas designated in that portion of the land. The Planning Board listened to the request and made a recommendation for the land zoned C-B (Conditional Business) to be reclassified to the R-7 Zoning District the majority of the lot is already zoned for. Planning Board made the motion for the staff liaison to draft this memo to forward along as their recommendation for you, City Council, to reclassify the property located at 0 E Harden Street (GPIN:8884441801/8884451190) to R-7.

Sincerely,

A handwritten signature in black ink, reading "Cameron West", is positioned below the "Sincerely," text.

Cameron West, Planner, Planning Board Liaison

P.O. Drawer 357
201 South Main Street
Graham, North Carolina 27253
www.cityofgraham.com

CITY OF GRAHAM
BUDGET AMENDMENT ORDINANCE
2022-2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2022 - 2023 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

Section 1.

GENERAL FUND					INCREASE
DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Non-Departmental	1,123,100.00	1,133,683.00	10,583.00		
	1,123,100.00	1,133,683.00	10,583.00	-	10,583.00

Section 2.

GENERAL FUND					INCREASE
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Fund Balance	1,199,400.00	1,209,983.00	10,583.00		
	1,199,400.00	1,209,983.00	10,583.00	-	10,583.00

Adopted this 11th day of October 2022.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk



GRAHAM
NORTH CAROLINA

STAFF REPORT

SUBJECT:	AMENDMENT REQUEST FOR GRASS, WEEDS, AND NOXIOUS VEGETATION HEIGHT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Amend the Code of Ordinances Chapter 12, Article 3 to reduce height of grass, weeds, and noxious vegetation from 18 inches to 12 inches.

BACKGROUND/SUMMARY:

The City of Graham received an application from Mayor Pro Tem Ricky Hall to amend the Code of Ordinances that establishes the threshold of enforcement for dense growth of grass, weed, or other noxious vegetation. City Council discussed this item at their meeting on September 13, 2022 and directed staff to provide amended language for the October 11, 2022 City Council meeting. The current threshold is 18 inches and Mayor Pro Tem Hall is requesting that the height be reduced to 12 inches. The current height thresholds of neighboring municipalities are:

Graham	18 inches
Mebane	18 inches
Burlington	12 inches
Elon	8 inches
Gibsonville	12 inches

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. NUISANCES of the Code of Ordinances to amend the regulations and requirements to reduce height of grass, weeds, and noxious vegetation from 18 inches to 12 inches.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 12,
ARTICLE III, SEC. 12-70 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH
CAROLINA**

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

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by amending section(s) 12-70, which said sections read as follows:

Chapter 12 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE III. – NUISANCES

Sec. 12-70. - Conditions declared a nuisance.

The following enumerated and described conditions are deemed and declared to constitute a detriment, damage and hazard to the health, safety, and general welfare of the inhabitants within the city and are found, deemed and declared to be public nuisances wherever the same may exist, and the creation, maintenance or failure to abate any such nuisance is hereby declared to be unlawful. For purposes of this article, the term "open spaces" shall be defined as areas of properties or portions thereof that are open to the exterior, including building openings of residential dwelling units such as carports or porches and any other exterior portions of properties ordinarily exposed to the outside and/or public including front, side and rear yards. Said conditions are as follows:

- (1) Any condition which constitutes a breeding ground or harbor for rats, snakes, mosquitoes, harmful insects or other pests.
 - (2) Bones, fertilizers, rags, hides, dried or green or any other material offensive in odor or prejudicial to health, which are within 100 feet of any dwelling or business location.
 - (3) Stagnant water located in any open spaces, including, but not limited to, pool, pond, sink, boat, cellar, basement, or open container.
 - (4) Machinery, equipment or business operations which emit excessive smoke, dust, debris, noise or odors so as to adversely affect the health of any citizens and general welfare of the community.
 - (5) Any open space for collection of garbage, animal waste or any rotten or putrescible matter of any kind.
 - (6) A place of dense growth of grass, weeds or other noxious vegetation in excess of ~~18 inches~~ 12 inches high which threatens to cause a breeding ground for mice, snakes, rats, vermin of any kind or which is detrimental to the public health, except this shall not apply to planted or cultivated flowers, shrubbery, vegetables or crops.
-

Sec. 2. That this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law and all ordinances in conflict herewith are hereby repealed.

This the ____ day of _____ 2022.

Jennifer Talley, Mayor

ATTEST:

Renee M. Ward, City Clerk



STAFF REPORT

SUBJECT:	AMERICAN RESCUE PLAN ACT PROJECTS
PREPARED BY:	JULIANNE CORDON, FINANCE DIRECTOR

REQUESTED ACTION:

Approve the Project Ordinance for the identified American Rescue Plan Act projects.

BACKGROUND/SUMMARY:

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law. This bill includes direct financial assistance to local governments that have faced revenue losses and added safety expenses in dealing with the COVID-19 pandemic as well as making investments in water, sewer, and broadband infrastructure. The bill includes over \$1.3 billion for cities and towns in North Carolina. On June 8th, 2021, the Graham City Council approved a resolution to create an ARPA Local Fiscal Recovery Fund to receive the allocation of approximately \$4.9 million. The Graham City Council met on August 6, 2022, and September 13, 2022, approving projects totaling \$3,854,050.00.

ARPA Projects		
Project	Department	Total
10" Water Line Replacement	Utilities	\$ 3,500,000.00
SROs & COPS Position Equipment	PD	\$ 62,101.00
3 Vehicles	PD	\$ 204,033.00
Fuel Master System Upgrade	IT	\$ 18,000.00
Civic Center Repairs - Roof & Floor	REC	\$ 58,788.00
Cameras at Parks - Entrances	IT	\$ 11,128.00
GM Lake - Ramp Renovation	REC	\$ 195,000.00
Subtotal		\$ 4,049,050.00
ARPA Funding Allocation		\$ 4,986,340.00
Balance Unencumbered		\$ 937,290.00

An additional project being considered for the unencumbered balance during the October 11, 2022 meeting: Graham-Mebane Lake Ramp Renovation at \$195,000.

FISCAL IMPACT:

The City of Graham received a total of \$4,986,340 in ARPA funds. Approval of the newly identified projects would leave an unencumbered balance of \$937,290. This budget ordinance will be amended as additional projects are identified for the unencumbered amount.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we update the Project Ordinance for the additional identified American Rescue Plan Act projects.

RESOLUTION ESTABLISHING THE BUDGET FOR ARPA FUNDS GRANT ORDINANCE

WHEREAS, On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President;

WHEREAS, Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Fund (together, the Fiscal Recovery Funds);

WHEREAS, On June 8, 2021, the City Council of the City of Graham hereby created an American Rescue Plan Act (ARPA) Local Fiscal Recovery Fund.

WHEREAS, On August 9, 2022, the City Council of the City of Graham approved \$3,784,134 in projects for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$1,202,206.

WHEREAS, On September 13, 2022, the City Council of the City of Graham approved additional projects amounting to \$69,916 for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$1,132,290.

NOW, THEREFORE, 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 Project Ordinance is hereby revised to include additional projects:

Section 1. The Project authorizes the use of ARPA Funds.

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:

ARPA Revenue	\$4,049,050
TOTAL	<u>\$4,049,050</u>

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

10" Water Line Replacement	\$3,500,000
GPD Positions Equipment	\$62,101
Vehicles	\$204,033
Fuel Master System Upgrade	\$18,000
Civic Center Repairs – Roof & Floor	\$58,788
Camera at Parks - Entrances	\$11,128
GM Lake – Ramp Renovation	\$195,000
TOTAL	<u>\$4,049,050</u>

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

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

Section 7. This ordinance shall take effect upon passage.

This the 13th day of September 2022.

Jennifer Talley – Mayor

ATTEST:

Renee Ward – City Clerk

Graham-Mebane Lake- Concept Ramp Renovation
Preliminary Cost Estimate

<u>Item</u>	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Item Cost</u>
Excess Cut (Existing Debris Removed Offsite)	400.00	CY	\$ 10.00	\$ 4,000.00
Concrete - Ramp / Abutment	150.00	CY	\$ 170.00	\$ 25,500.00
# 57 Stone - Ramp / Abutment	200.00	TNS	\$ 40.00	\$ 8,000.00
Class B - Rip Rap - Ramp	350.00	TNS	\$ 55.00	\$ 19,250.00
Rebar (#7 & #4) - Ramp / Abutment	1.00	LS	\$ 4,000.00	\$ 4,000.00
Class B Rip Rap - Armor for Erosion Protection	100.00	TNS	\$ 55.00	\$ 5,500.00
Floating Docks (8' Wide) w/ Hardware & Hinges	3.00	EA	\$ 9,352.04	\$ 28,056.12
Signage (NCWRC Kiosk, Entrance & Information Signage)	1.00	LS	\$ 1,603.37	\$ 1,603.37
Seeding / Mulching	0.25	AC	\$ 10,000.00	\$ 2,500.00
Construction Labor - Rhodes Pond	14.00	WK	\$ 4,500.00	\$ 63,000.00
CONSTRUCTION SUBTOTAL				\$ 161,409.49
General Conditions/Mobilization (15%)				\$ 24,211.42
CONSTRUCTION TOTAL				\$ 185,620.91
CONTINGENCY (5%-Renovation)				\$ 9,281.05
TOTAL PROJECT COST ESTIMATE				\$ 194,901.96

PRELIMINARY
DO NOT USE
FOR
CONSTRUCTION



SITE INFORMATION:
PROJECT NAME: GRAHAM-MEBANE LAKE BOAT RAMP
DISTURBED AREA: <9,000 SF (< 0.20 ACRES)
SCOPE: 4 CONCRETE RAMPS EACH 15' WIDE AND 2 FLOATING DOCKS EACH 8' WIDE. NO MODIFICATION TO EXISTING PARKING AREA OR ROADS

SITE NOTES:
1. PRELIMINARY CONCEPT ONLY. NO BOUNDARY, TOPOGRAPHICAL SURVEY, GEOTECHNICAL, OR ENVIRONMENTAL EVALUATION HAS BEEN PERFORMED ONSITE.
2. FEASIBILITY OF CONCEPT WILL BE DETERMINED AFTER SURVEY AND FINAL CONSTRUCTION PLANS ARE DEVELOPED.
3. DEVELOPMENT WHICH WILL TAKE PLACE WITHIN THE LIMITS OF THE FLOODZONE AE (100 YEAR FLOODPLAIN) PER PANEL 9806, MAP# 3710980600K (VIA NCFRIS).

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION
DIVISION OF ENGINEERING SERVICES
1720 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699
Phone: 919.707.0150
Fax: 919.707.0162
www.ncwildlife.org



GRAHAM-MEBANE LAKE RAMP
PRELIMINARY CONCEPT

Date: 9/15/2022
File Name: graham.dwg
Surveyed:
Designed: MWL
Drawn: MWL
Approved: MWL