

City of Graham

City Council Meeting Minutes

January 10, 2023



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on January 10, 2023, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

Council Members Present:

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

Staff Present:

Megan Garner, City Manager
Aaron Holland, Assistant City Manager
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Renee Ward, City Clerk
Josh Johnson, City Engineer

CALL TO ORDER:

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

2022 AUDIT PRESENTATION – STOUT, STUART, MCGOWEN & KING, LLP

Patricia Rhodes, Stout Stuart McGowen & King, LLP, stated to Council that her firm works for the City Council but works with the City staff on the audit. She stated that this was the eighth year of the arrangement with Becky Loy of Cobb Ezekiel and Loy, who has worked with City Finance staff to streamline the year-end process and financial statement preparation.

Ms. Rhodes shared an audit had been completed for June 30, 2022. The Audit Opinion Letter stated the preparation of the financial statement was the responsibility of management, the expression of an opinion on the financial statement based on the audit is the responsibility of the auditor, the financial statement was prepared in accordance with GAAP, the audit was performed in accordance with GAAS, Unmodified Opinion, the best and cleanest opinion that can be received.

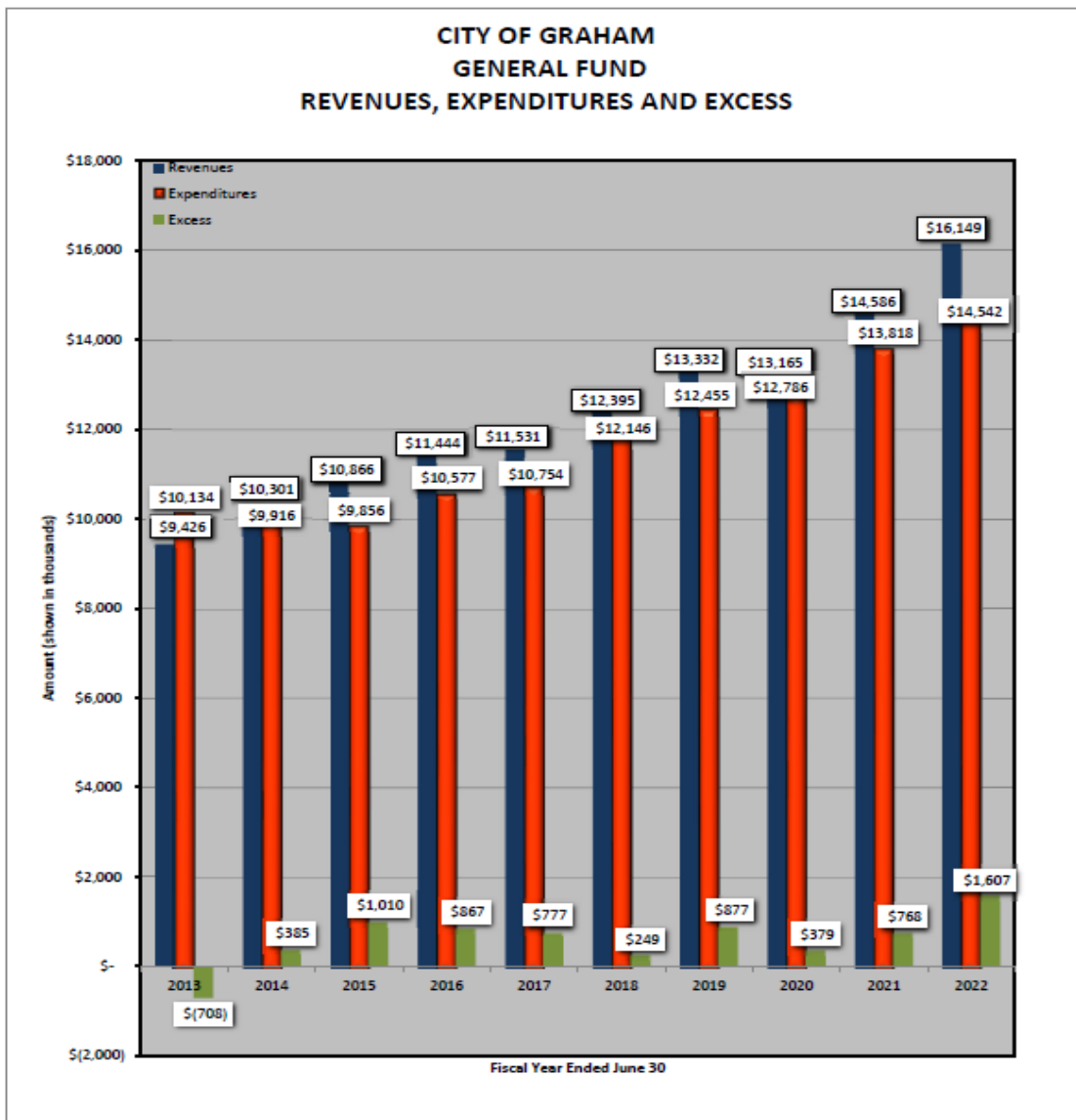
Ms. Rhodes stated that they consider internal control in the audit and were required to report to the Council any material weaknesses or significant deficiencies that come to their attention. She stated nothing came to their attention that they are required to report to Council.

Financial Highlights:

- The assets and deferred outflows of resources of the City of Graham exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$76,310,277 (net position).
- The government's total net position increased by \$4,819,449, due to an increase in the business-type

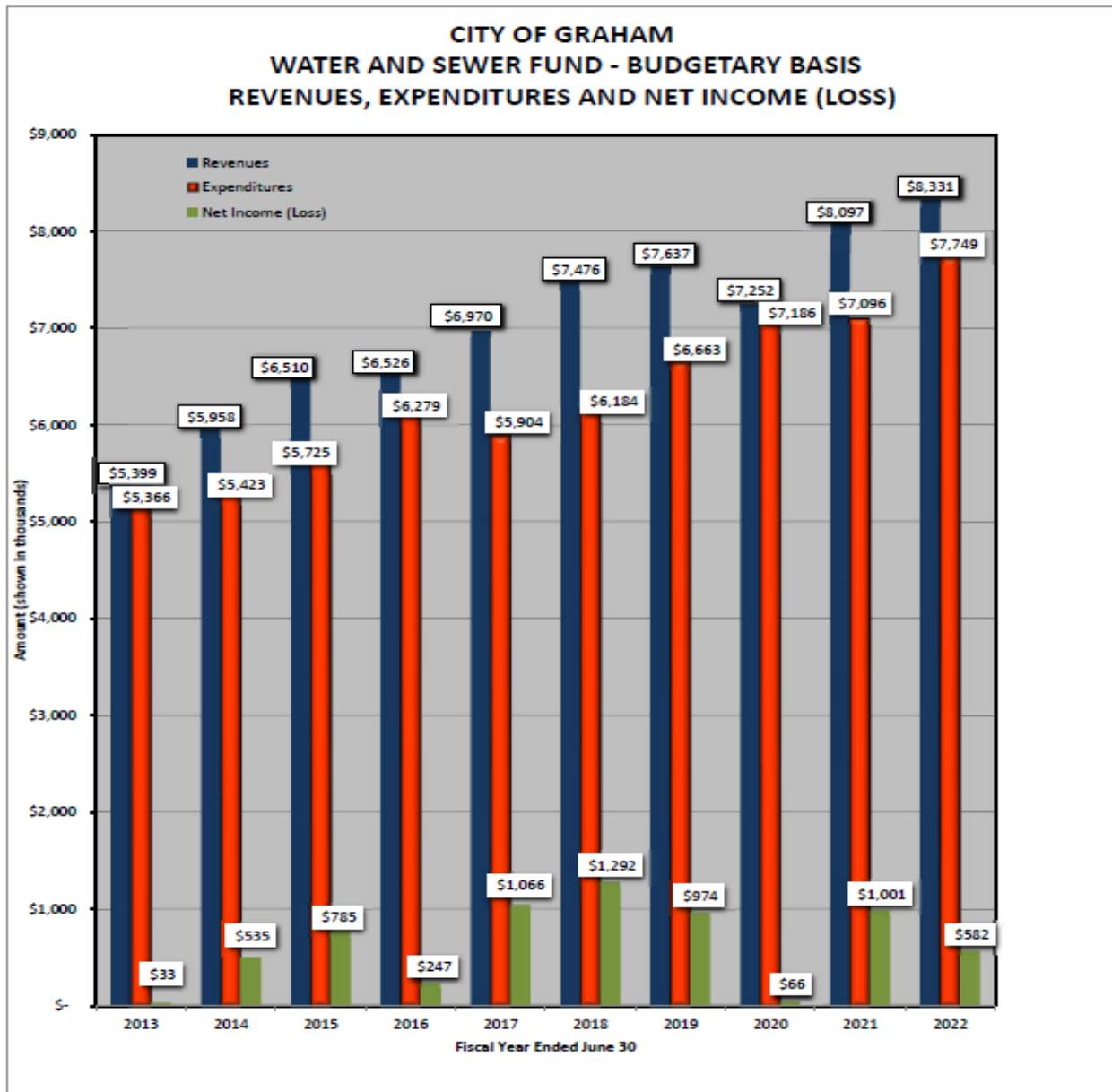
activities' net position of \$3,313,178 and an increase in the government-type activities' net position of \$1,506,271.

- As of the close of the prior year, the City of Graham's governmental funds reported combined ending fund balances of \$16,447,824, an increase of \$1,629,640. Approximately 31% of this total amount, or \$5,166,365, or 69% of total general fund expenditures for the fiscal year.
- At the end of the prior fiscal year, the available fund balance for the General Fund was \$10,083,559, or 69% of total general fund expenditures for the fiscal year. The state average is 50%, the minimum required is 8%, well above 30% the City has determined that the fund balance be maintained.
- The City of Graham's total debt decreased by \$432,297, or 8% during the current fiscal year.
- The water and sewer fund produced an excess of revenue over expenditures in the amount of \$131,621 under budgetary reporting.



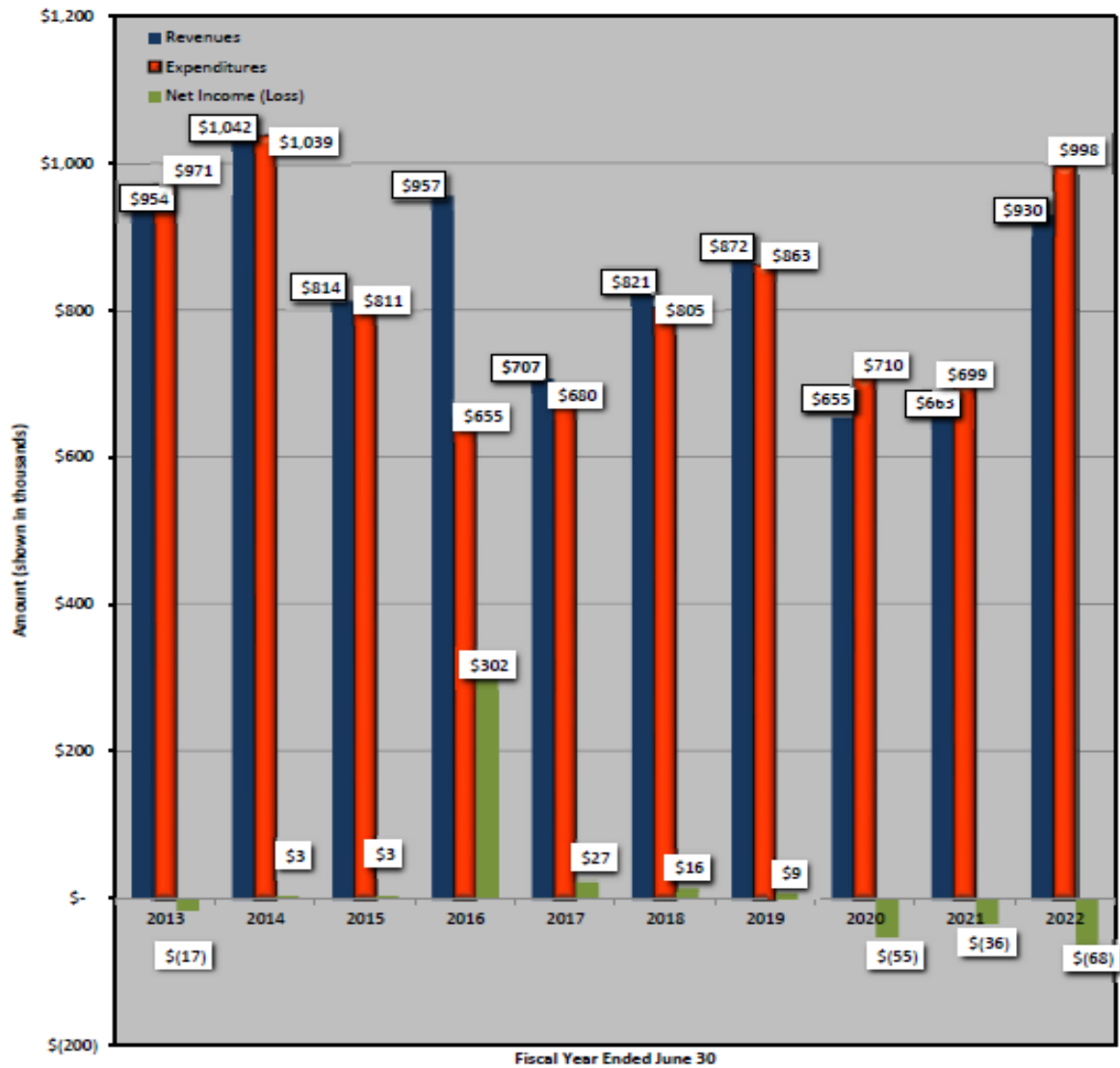
- Revenues exceeded expenditures by \$1,607,000
- Ad Valorem tax revenue up over \$136,000
- Tax Collection remains high at 98.48%
- Local option sales tax up over \$960,000 for the prior year

- Increase in revenue/expenditures of \$839,000
- Overall increase in total revenues of over \$1,500,000 from the prior year
- Overall increase in expenditures of over \$720,000 from the prior year
- City remained within budget for the year



- Revenues exceeded expenditures by almost \$582,000 before transfers
- Overall increase in total revenue of over \$230,000 from the prior year
- Increase in charges for services of over \$690,000 from the prior year
- Connection fees were down over \$380,000 from the prior year
- Increase in total expenditures of over \$650,000 from the prior year
- Decrease in net income of \$419,000

**CITY OF GRAHAM
GARAGE FUND - BUDGETARY BASIS
REVENUES, EXPENDITURES AND NET INCOME (LOSS)**



- Expenditures exceeded revenues by almost \$680,000
- Increase in revenues of over \$260,000 from the prior year
- Also, an increase in expenditures of almost \$300,000 from the prior year
- Goal of the Internal Service Fund is breakeven
- Increase in loss of \$32,000

CITY OF GRAHAM JUNE 30, 2022					
	2022	2021	2020	Increase/ Decrease	Percentage (%)
General Fund					
Cash and Investments	12,233	10,874	10,833	1,359	12%
Accounts Receivable	2,575	2,607	2,098	(32)	-1%
Accounts Payable	743	757	929	(14)	-2%
Deferred Inflows (Revenues)	234	244	251	(10)	-4%
Unearned Revenue	203	260	298	(57)	-22%
Fund Balance	13,627	12,220	11,452	1,407	12%
Operating Expenses Per Day (Actual)	39,840	37,858	35,031	1,982	5%
Number of Days Available in Cash and Investments Less Current Liabilities	288	267	283	21	8%
Water and Sewer					
Cash and Investments	8,376	10,195	11,246	(1,819)	-18%
Restricted Assets	926	1,391	796	(465)	-33%
Accounts Receivable	1,754	1,119	1,002	635	57%
Fixed Assets	47,270	43,883	44,265	3,387	8%
Liabilities	9,750	11,099	8,287	(1,349)	-12%
Net Position	54,973	51,660	49,122	3,313	6%
Operating Expenses Per Day (Actual)	20,815	19,338	19,374	1,477	8%
Number of Days Available in Cash and Investments Less Current Liabilities	357	466	528	(109)	-23%
Garage Fund					
Cash and Investments	21	138	206	(117)	-85%
Fixed Assets	46	45	52	1	2%
Liabilities	269	328	260	(59)	-18%
Net Position	(96)	(25)	40	(71)	284%
Operating Expenses Per Day (Actual)	2,742	1,994	2,040	748	37%
Number of Days Available in Cash and Investments Current Liabilities	5	61	90	(56)	-92%
Graham Memorial Park					
Cash and Investments	2,617	2,592	2,568	25	1%
Accounts Receivable	4	7	2	(3)	-43%
Fund Balance	2,621	2,599	2,570	22	1%
City-Wide Net Assets - Full Accrual Basis					
Cash and Investments	23,231	23,525	24,145	(294)	-1%
Restricted Cash	3,635	1,665	1,130	1,970	118%
Other Assets and Deferred Outflows	16,851	14,957	9,680	1,894	13%
Capital Assets	66,710	62,994	59,395	3,716	6%
Less - Total Liabilities and Deferred Inflows	34,117	31,650	25,220	2,467	8%
Net Position	76,310	71,491	69,130	4,819	7%

The above shows three years' worth of data including assets, liabilities, fund balance, and useful ratios.

Ms. Rhodes thanked Council for allowing Stout Stuart McGowen & King, LLP to continue as the audit firm for the City of Graham and thanked City staff for their cooperation during the audit.

CONSENT AGENDA:

City Manager Megan Garner requested that Item g be removed from the Consent Agenda due to DEQ needing to provide appropriate documentation needed for Council to consider this item.

Motion by Mayor Pro Tem Hall to move Item g to the February 14, 2023, City Council meeting agenda for consideration, seconded by Council Member Chin. The motion passed unanimously.

- a. To approve December 13, 2022, regular meeting minutes and December 19, 2022, special meeting minutes.
- b. To approve a street closing request from Together Community Events to close the 100 block of W. Elm Street from 1:00 p.m. to 9:00 p.m. on May 7, 2023, for the Graham Food Truck Rodeo.
- c. To adopt a Resolution of Acceptance of Funds and to approve the Capital Project Ordinance in the amount of \$17,250,000.00, for the 10” water main replacement project.
- d. To approve an amendment to the American Rescue Plan Act (ARPA) Fund Grant Ordinance in the amount of \$7,555.00 for the Graham Civic Center roof and floor repairs.
- e. To approve a Budget Amendment in the amount of \$10,000, for professional services by Cobb Ezekiel Loy & Company, P.A.
- f. To approve a resolution authorizing a funding match in the amount of \$10,000, for the Hawfields Area Corridor Study in conjunction with Burlington-Graham Metropolitan Planning Organization and the North Carolina Department of Transportation.
- g. **Removed from the agenda.** *(To approve an engineering contract with Alley, Williams, Carmen & King for the City’s Asset Inventory and Assessments Grant from NCDEQ-Division of Water Infrastructure and to authorize the City Manager and City Attorney to effectuate the engineering contract.)*

Motion by Mayor Pro Tem Hall, seconded by Council Member Parsons to approve the consent agenda excluding item g. The motion passed unanimously.

PUBLIC HEARINGS:

ITEM 1: ANNEXATION – 35.43 ACRES – EAST GILBREATH STREET

City Council considered approving an Annexation Ordinance to extend the corporate limits of the City of Graham for a tract of land totaling 35.43 acres located on East Gilbreath Street.

Assistant City Manager Aaron Holland stated a petition had been received requesting the Council’s approval for an extension of the corporate limits to include the subject properties. He stated the area being considered for annexation was located on East Gilbreath Street and contained approximately 35.43+- acres total. He stated water and sewer were located adjacent to the property within the East Gilbreath Street right of way, and the applicants wished to tie onto the City’s infrastructure.

The public hearing was opened and there were no comments.

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

Motion by Council Member Whitaker, seconded by Mayor Pro Tem Hall to approve the annexation ordinance to extend the corporate limits of the City of Graham for a tract of land totaling 35.43 acres located on East Gilbreath Street. The motion passed unanimously.

**ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE
LIMITS OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR a 35.43 -ACRE TRACT OF LAND ON E GILBREATH STREET (AN2206)**

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 January 10, 2023, after due notice by publication on December 29, 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 January 10, 2023:

Legal Description GPIN#: 8883885270 & 8883872722

Beginning at an existing iron pipe, the southeast corner of AG EHC II (LEN) MULTI-STATE 1, LLC property described in Deed Book 4383, Page 116 as Tract I, and having a North Carolina State Plane Coordinate (NAD 1983/2011) value of North 837569.38 feet, East 1888462.56 feet. Thence N88° 54' 44"W, 268.23' to a nail set in the centerline of East Gilbreath Street (S.R. 2100); thence with the centerline of the aforesaid street N30° 31' 17"W, 464.09' to a nail set; thence N30° 31' 17"W, 405.01' to a nail set; thence leaving East Gilbreath Street N38° 27' 46"E, 360.46' to an existing iron rod; thence N29° 30' 42"W, 98.91' to an existing iron pipe; thence S69° 41' 36"W, 139.66' to an existing iron pipe; thence N31° 14' 30"W, 163.24' to a 5/8" capped iron rod set; thence N54° 00' 20"E, 64.79' to an existing iron rod; thence S89° 44' 19"E, 590.86' to an existing iron pipe; thence S85° 43' 14"E, 570.21' to a 5/8" capped iron rod set; thence continuing S85° 43' 14"E, 75.00' to a point in the centerline of Murphy Branch; thence with the centerline of Murphy Branch the following bearings and distances: S39° 27' 38"E, 6.10'; S16° 47' 10"E, 26.11'; S1° 48' 12"E, 29.66'; S17° 55' 08"W, 32.97'; S9° 39' 11"E, 34.69'; S30° 48' 02"E, 30.89'; S41° 09' 21"E, 32.14'; S45° 15' 25"E, 35.22'; S56° 45' 51"E, 18.28'; N74° 42' 12"E, 18.54'; S36° 37' 10"E, 21.01'; S13° 46' 15"E, 15.38'; S8° 18' 16"W, 24.31'; S1° 23' 01"E, 36.06'; S10° 01' 16"E, 20.63'; S15° 54' 15"E, 19.23'; S38° 01' 16"W, 25.73'; S24° 50' 48"W, 38.07'; S23° 55' 27"W, 31.61'; S16° 36' 41"W, 31.62'; S5° 33' 58"W, 21.44'; S22°

23' 36"E, 13.84'; S56° 53' 58"E, 40.37'; S45° 46' 25"E, 33.15'; S38° 22' 29"E, 35.27'; S25° 03' 47"E, 89.85'; S27° 00' 56"E, 50.46'; S14° 49' 46"E, 46.65'; S20° 40' 37"E, 58.44'; S36° 48' 05"E, 43.36'; S23° 27' 57"E, 28.05'; S6° 02' 25"W, 37.76'; S3° 51' 15"E, 27.86'; S9° 38' 29"W, 34.31'; S1° 18' 05"E, 36.14'; S7° 04' 51"E, 27.64'; S21° 56' 54"E, 25.37'; S48° 25' 16"E, 24.80'; S43° 45' 32"E, 24.42'; S37° 00' 03"E, 19.19'; S0° 39' 05"E, 16.65'; S23° 20' 52"W, 30.16'; S30° 01' 34"W, 25.35'; S50° 41' 06"W, 23.04'; S83° 53' 18"W, 15.99'; N76° 13' 37"W, 30.99'; N84° 23' 10"W, 23.21'; S84° 03' 39"W, 27.65'; S68° 03' 40"W, 30.09'; S50° 48' 27"W, 25.30'; S29° 59' 51"W, 25.43'; S22° 30' 47"W, 24.44'; thence leaving Murphy Branch N87° 42' 17"W, 667.16' to the Beginning, containing 35.43 acres, or 0.0554 square miles more or, less.

ITEM 2: PERMANENT ROAD CLOSURE – LEONARD DRIVE

City Council considered adopting a resolution authorizing the permanent road closure of Leonard Drive.

Assistant City Manager Aaron Holland stated Tony and Michelle Martin were requesting the removal of a proposed roadway that abuts their land on the southern right-of-way of Edgewood Drive. He stated this right-of-way existed only on a plat and had not been constructed.

The public hearing was opened and there were no comments.

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

Motion by Mayor Pro Tem Hall, seconded by Council Member Whitaker to approve a resolution authorizing the permanent road closure of Leonard Drive.

A RESOLUTION ORDERING THE CLOSING OF LEONARD DRIVE

WHEREAS, on the 13th day of December 2022, the City Council of the City of Graham directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing Leonard Drive, a public street right-of-way as described in Exhibit A, in the Alamance News once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Chambers of the Graham City Hall on January 10, 2023; and

WHEREAS, the City Council on the 13th day of December 2022, ordered the City Clerk to notify all persons owning property abutting Leonard Drive by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the Graham City Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on January 10, 2023; and

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

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

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

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

A public street beginning at a point on the southern right of way of Edgewood Drive, at a bearing and distance of S 42° 25' 30" W and 130.02' from the northernmost corner of Lot 21, thence along with Lot 21, S 47° 34' 03" 125.85' to a 3/4" pipe, then continuing with Lot 21, N 76°03'37" E 155.79' to a 3/4" pipe, thence leaving Lot 21, S 35°30'56" E 63.91' to a 3/4" pipe, corner of Lot 13, thence along lot 13, S 75°08'57" W 109.77' to a 3/4" pipe, thence along Lot 12, S 76°52'36" E 101.18' to a 1" pipe, shared corner between Lots 11 and 12, thence along lot 11, N47°44'43"W 157.99' to a 2" pipe, the northernmost corner of Lot 11, thence along the southern right of way of Edgewood Drive N 42°21'31" 59.92' to the point of beginning. In accordance with G.S. 160A-299(b) any person aggrieved by the closing of this street may appeal the Order to the General Court of Justice within thirty days of its adoption.

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

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

Upon motion duly made by Mayor Pro Tem Hall and duly seconded by Council Member Whitaker, the above resolution was duly adopted by the City Council at a meeting held on the 10th day of January 2023, at City Hall.

Upon the call for a vote, the following Council Members voted in the affirmative: Mayor Jennifer Talley, Mayor Pro Tem Ricky Hall, Council Member Joey Parsons, Council Member Bobby Chin and Council Member Bonnie Whitaker.

This the 10th day of January 2023, at 6:00 p.m.

NEW BUSINESS:

ITEM 3: VOTING DELEGATE – NCLM BIENNIUM LEGISLATIVE GOALS

City Council will consider assigning a City of Graham delegate to vote on the proposed North Carolina League of Municipalities 2023-24 Biennium Legislative Goals.

City Manager Megan Garner stated each member municipality was eligible to cast a single vote in the North Carolina League of Municipalities goal-setting process. Each member municipality shall designate one voting delegate who would be responsible for casting the municipality's vote.

She stated the voting delegate would receive voting credentials and instructions to vote on the proposed Legislative Goals package electronically. The Legislative Goals will be shared with the membership electronically following the voting period.

Motion by Council Member Chin, seconded by Council Member Parsons, to appoint Mayor Pro Tem Hall as the voting delegate. The motion passed unanimously.

Council reviewed the 16 NCLM proposed goals and chose the following ten goals:

- Expand federal and state resources for affordable housing.
 - Housing affordability is a growing problem across North Carolina, affecting cities and towns of all sizes and people across different income levels.
 - Increasingly, the lack of affordable housing acts as a major impediment to business and workforce recruitment.
 - Ongoing state and federal revenue streams to address housing affordability are extremely limited, with much of the burden for solutions left with cities and towns
- Create an adequate and permanent funding stream for local infrastructure.
 - Infrastructure – including roads, water, sewer, stormwater, parks and beaches – are critical to economic development and job creation.
 - Many cities in the state are growing, creating a constant need for investment to keep pace with population growth; many cities and towns also have aging infrastructure that must be replaced.
 - Creating more permanent funding streams for local infrastructure, such as a dedicated tax source, would allow for better planning to meet needs.
- Extend deadlines for completion of federal infrastructure projects.
 - Current deadlines for the allocation and expenditure of American Rescue Plan Act funding may make more complex infrastructure projects unrealistic.
 - High inflation and worker shortages are leading to higher project costs; extending ARPA and other funding deadlines will spread projects out and may help lower costs.
 - Cities and towns require flexible deadlines to get the best bang for their buck out of this funding.
- Expand state transportation funding streams for the construction and maintenance of municipal and state-owned secondary roads.
 - Current Powell Bill and other state funding are not adequate to address transportation needs, particularly as they affect municipal and state-owned secondary roads.
 - In many cities and towns, major commuting corridors are not receiving the level of investment needed to keep pace with traffic.
 - More investment is needed for these roads if existing residents are to embrace business and residential growth.

- Expand incentives and funding for local economic development.
 - Funding is simply inadequate in many cities and towns to encourage job growth.
 - State grants and incentives are often targeted in ways that fail to assist the areas in greatest need of job creation.
 - Maintaining or expanding funding for film tax credits, major industrial site development, downtown development and renewable energy tax credits helps cities and towns across the state.

- Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate.
 - A number of municipal water and sewer systems continue to financially struggle with deferred maintenance needs.
 - These challenges came about largely due to population and job losses in rural areas, leading to an erosion of taxpayer and ratepayer bases.
 - While legislators and municipalities have begun to address these issues with the creation of the Viable Utility Reserve and the use of ARPA funding, state estimates show needs still exceed expenditures by several billion dollars.

- Enhance state systems and resources for local law enforcement officer recruitment, training, and retention.
 - Municipalities across the state are facing law enforcement staffing shortages, in many cases severe shortages.
 - State training resources are limited, and the cost of local law enforcement agencies to send recruits and existing officers to NC Justice Academy locations can be prohibitive.
 - Grant writing assistance is one of several options that might provide better access to the large volume of federal law enforcement grant funding that is available.

- Revise state contracting laws to better protect public entities from the effects of inflation.
 - Labor and materials costs have been rising at a rapid rate, leaving municipalities with few options when project bids and costs exceed expectations.
 - Additional flexibility regarding the contracting process could assist municipalities in protecting taxpayers from inflation and escalating costs.
 - Without contracting law flexibility, projects can be delayed and costs can further increase.

- Update annexation petition thresholds to make voluntary annexations easier to initiate.
 - Voluntary annexation by petition currently requires 100 percent consent from all property owners, a threshold that can be impossible to meet even if a majority of property owners can benefit by utilizing their property for business or residential purposes.
 - Lowering the threshold from 100 percent represents a middle ground that would still reflect the will of property owners but not handicap communities' ability to economically thrive.
 - The ability of a city or town to grow and reflect its urban footprint is vital to its financial health; city services are relied on by residents whether they live in or near municipal boundaries.

- Provide authority to municipal water systems to recoup costs of clean-up from polluters.

- Local municipal water systems are increasingly being looked to for the clean-up of PFAS and other “forever” chemicals found in surface waters.
- State regulators plan to set surface water standards for these chemicals and propose Maximum Contaminant Levels for PFAS chemicals in drinking water.
- To date, cities’ only recourse to try to recoup the cost for utility ratepayers is through the courts.

ITEM 4: ALAMANCE CHAMBER ECONOMIC DEVELOPMENT COMMITTEE – ASSIGNMENT

City Council will consider assigning an advisor from Council to serve on the Alamance Chamber Economic Development Committee.

City Manager Megan Garner stated the Alamance Chamber was re-introducing the Economic Development Committee, an opportunity to collaborate with economic development partners across the County. She stated this group would be advisory in nature and offer a space for economic development trends, ideas, and happenings across Alamance County to be shared and discussed freely. The committee would also feature a blend of public, private, and non-profit economic development stakeholders.

City Manager Garner shared the public partners would be granted two seats for representation, one administrative, which would be Assistant City Manager Aaron Holland, and one elected official. She stated the meetings are proposed to take place quarterly on the 2nd Tuesday at the start of every quarter.

Motion by Council Member Whitaker, seconded by Council Member Chin, to appoint Mayor Talley as the City of Graham’s advisor to serve on the Alamance Chamber Economic Development Committee.

ITEM 5: TRAFFIC SCHEDULE AMENDMENT – RESTRICT PARKING – PEPPERSTONE DRIVE & PINECREST COURT CUL-DE-SACS

City Council considered amending the traffic schedule to restrict on-street parking along Pepperstone Drive and Pinecrest Court cul-de-sacs between the hours of 7:00 a.m. to 5:00 p.m. excluding weekends and holidays.

Assistant City Manager Aaron Holland stated the Valleyfield Subdivision originally expressed concern to staff and City Council at the March 2022, City Council meeting regarding vehicular passage difficulties due to excess parking along the cul-de-sac on Pepperstone Drive. He stated, as a result, City Council directed staff to monitor and address, when necessary, any parking issues that arose.

Mr. Holland shared that since that time, the Public Works Department had monitored the cul-de-sac for activity, and as a result, staff recommended restricting parking in the Pepperstone Court cul-de-sac and Pinecrest Court cul-de-sac Monday through Friday between the hours of 7:00 a.m. to 5:00 p.m., excluding holidays and weekends to minimize the traverse difficulties of sanitation vehicles, school buses, and other vehicles that may have a wide turn radius.

Mayor Talley asked Mr. Robertson to step forward and report what his findings were regarding the cul-de-sacs.

Public Works Director Burke Robertson stated that Sanitation workers monitored and recorded each time someone was parked in the cul-de-sac in a way that the trash containers could not be picked up or it was difficult to turn around within the cul-de-sac due to parked cars. He stated that out of six cul-de-sacs, there were three where rarely anyone was parked within the cul-de-sac. He stated staff was not recommending parking restrictions with those three cul-de-sacs.

Mayor Talley asked if there were issues with all cul-de-sacs.

Mr. Robertson stated that all cul-de-sacs were a problem when cars were present during trash pickup.

Mayor Talley stated she had received a letter from a resident, Brandy Moya, who lives at 2722 Pepperstone Drive and could not be present at the meeting and asked that the letter be read to Council. Mayor Talley asked the City Clerk to read Ms. Moya's letter.

Ms. Moya's letter stated this complaint was a citizen request from a lady who lived a half mile away from the Pepperstone cul-de-sac and was a personal attack. She asked Council to deny the request to restrict parking.

Tom Boney, Alamance News, asked of all the City of Graham streets if these two cul-de-sacs were the worst places for parking or were other places also reported.

Mayor Talley stated that was her next question and there may not be a problem now in other cul-de-sacs, but in six months, there could be a problem and for policy purposes, restricting parking in all cul-de-sacs may be fair. She asked Mr. Robertson if this was an issue with Public Works in providing services when cars are parked within the cul-de-sacs.

Public Works Director Robertson stated that a compromise of restricted parking during the day when school buses are coming in and out as well as Public Works would be better than saying no parking at all. He stated there were cul-de-sacs with no problems and you would not want to punish them just because there were problems with others.

Mayor Talley stated that Council Member Whitaker and Mayor Pro Tem Hall lived within this subdivision and that needed to be disclosed. She stated per the statute, Council members were obligated to vote except for matters involving the member's own financial interest. She stated that a member was certainly allowed not to vote on something if they felt they could not be unbiased and fair.

Council Member Whitaker stated that she could be objective and fair. She stated she did not want to have a broad rule on parking in all cul-de-sacs and when there was an issue in a particular area, it should be dealt with for that area. She stated she did not live near this area and could be unbiased.

Mayor Pro Tem Hall stated he also lived in the Valleyfield subdivision and had no interest or financial gain. He stated he lived far away from the cul-de-sacs and had no opinion on this issue.

Council Member Chin asked if Council put a restriction on parking, how would it be enforced and if someone was in violation could they be charged with some type of fee.

City Manager Garner stated she was not aware of any fee in the fee schedule that could be used if someone was in violation of blocking a can from being serviced.

Mr. Robertson stated that the Sanitation employees knew the owner's cars and if a different car was blocking a can, they would get out and move it because they did not want to punish the homeowner for a guest who was not aware they were blocking the can from being collected.

Council Member Parsons stated it was not fair to single out one or two areas and would like to see a poll of the neighborhood to get everyone's thoughts.

Mayor Talley stated she did not have a problem with limiting parking to just the cul-de-sacs on Pepperstone and Pinecrest between 7:00 am and 5:00 pm in order to provide services. She stated this would be complaint-driven enforcement.

Mr. Boney raised the issue of Council Members Whitaker and Hall voting on this issue even though they had no financial interest and both should be cautious and prudent to step aside from this vote if the majority of the other three could take action. He stated it did not look right that the first and only place this is being discussed is in the subdivision where two of the five live. He stated that Council should always be transparent and fair.

Mayor Talley stated that it was a coincidence that this issue has been raised and thanked Mr. Boney for his comments. She stated that it took a supermajority to pass anything tonight and if one person did not agree with the motion, it would not pass.

Council Member Whitaker gave an example of a store that she frequents regularly where she knows the owner personally and if that owner was to come before the Council with a request, would she be required to recuse herself because she knows the business owner and frequents that business? She stated it was a dangerous precedent to set and if she could not be unbiased and consider everything levelheaded then she would recuse herself. She stated that how she voted on this item would be the same as any other item and she would not recuse herself.

Mayor Pro Tem Hall stated he felt the same way and he had spoken to legal counsel.

City Attorney Bob Ward stated the statute was clear and if there was a conflict, the member would be prohibited from voting. He stated by not having any financial interest his role was to provide the statute for the Council to decide if any conflicts of interest existed.

Mr. Boney has asked about the supermajority vote on this item.

City Manager Garner stated this was a change in the City's Code of Ordinances, and because it was the first reading, there needed to be a supermajority or 80%, and if not, the item would need to be carried forward to the February meeting where typically three could approve it. She stated you would need four of the five to vote, and if two recused themselves, Council could not meet the supermajority.

Mayor Talley stated that since the notice had not been sent to the third identified cul-de-sac recommended by staff, she asked that staff give notice to all three identified cul-de-sac residents explaining why restrictions are being considered in order for City services to be provided. She stated this would give residents a chance to come to the February meeting and Council would address it at that time.

Motion by Mayor Talley to table Item 5 to the February 14, 2023, Council meeting and send notices to all three identified cul-de-sacs explaining Council would be considering restricting parking from 7:00 am to 5:00 pm, Monday through Friday except holidays and weekends, seconded by Council Member Chin. The motion passed unanimously.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY STAFF COMMENTS

Assistant City Manager Holland asked Council to appoint no more than two volunteers to serve on the steering committee for the Comprehensive Plan update. The consensus of the Council was to appoint Mayor Talley and Joey Parsons. Mayor Pro Tem Hall will fill in for Council Member Parsons if he was unable to attend a meeting.

CITY COUNCIL COMMENTS

Council Member Parsons shared that he had meetings with Fire Chief Cole about a potential fire truck which would need to be discussed at some point. City Manager Garner shared the truck currently in production had already been purchased but there was a used fire truck located in Maine that was a possibility.

Council Member Parsons also mentioned the Cherry Lane Overlay and how Council wanted to pursue directing the Planning Board.

Mayor Talley:

- Asked where we were on the pay plan study. City Manager Garner stated the consultant was scheduled to begin in mid-February.
- Asked about the Comprehensive Plan update. Assistant City Manager Holland stated as soon as the Steering Committee had its members appointed, they were ready to begin.
- Inquired as to the status of the NCDOT grant to update the Pedestrian Plan. Assistant City Manager Holland stated that NCDOT was in the process of beginning the update.
- Asked about having a pre-budget meeting to discuss items and give direction to staff to make sure we are operating as efficiently as we can. City Manager Garner will look at the budget mid-year to see where we are and what our expenditures look like. She suggested holding a budget retreat so Council could share priorities with staff.
- Asked staff to be creative in finding ways to retain employees and encouraging them to remain in employment with the City for an extended period of time.

ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting was adjourned at 8:16 pm.

Renee M. Ward, CMC
City Clerk