

# City of Graham

## City Council Meeting Minutes

### April 11, 2023



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on April 11, 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**

Mayor Pro Tem Hall gave the invocation and all stood for the Pledge of Allegiance.

#### **PROCLAMATION: SMALL BUSINESS WEEK**

Mayor Talley proclaimed the first of May as Small Business Week in the City of Graham and encouraged all citizens to shop locally. Present to receive the proclamation were: Reagan Gural - Alamance Chamber President/CEO, David Putnam - Alamance Chamber Senior Economic Developer, Kevin Szostak - Alamance Chamber Director of Economic Development Projects, Stephanie Williams - Alamance Chamber Director of Small Business & Entrepreneurial Development, Kelly Roberts – Senior Director of Investor Engagement, and small business owner, Griffin McClure, Green & McClure Furniture.

#### **CONSENT AGENDA:**

- a. To approve March 14, 2023, City Council meeting minutes.
- b. To approve an audit contract with Stout, Stuart, McGowen & King, LLP, for \$22,500, to audit City of Graham accounts for Fiscal Year 2022-2023.
- c. To approve an agreement between the City of Burlington and the City of Graham to continue the partnership to maintain geographic data, develop GIS services, establish Regional Geographic Information System standards, and adopt a resolution amending the Regional Geographic Information System agreement.

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, TO AMEND THE REGIONAL GEOGRAPHIC INFORMATION SYSTEM (ReGIS) AGREEMENT**

**WHEREAS**, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute joint undertaking; and

**WHEREAS**, on August 14, 2001, the City of Burlington (hereinafter, “City”), and City of Graham, and Town of Elon (hereinafter, “Partners”) entered into a Regional Geographic Information System (ReGIS) Agreement; and

**WHEREAS**, the City and Partners have a continued compelling and mutual interest in developing and maintaining accurate and current electronically-retrievable geographic information about themselves and their extraterritorial planning jurisdictions; and

**WHEREAS**, the City and Partners recognize that at this time, neither Partner can afford to individually develop and maintain efficiently and effectively, a GIS for themselves; and

**WHEREAS**, the City and Partners recognize that the current regional GIS benefits their citizens by improving the efficiency and effectiveness of local government and enhancing the regional economic competitiveness of the individual municipal corporations; and

**WHEREAS**, the City and Partners want to ensure continued cooperation and mutual support for a successful and cost-effective implementation of GIS-related management information systems,

**WHEREAS**, the current ReGIS Agreement will expire at the end of the fiscal year 2022-2023.

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

**Section 1:**

Item 2 of the Regional Geographic Information System (ReGIS) Agreement — “Duration of Agreement”— be amended to extend the agreement through fiscal year 2026-2027.

**Section 2:**

This resolution will take effect upon the passage of identical resolutions by all ReGIS Partners.

Adopted this 11th day of April 2023, by the City Council of the City of Graham, North Carolina.

**STATE OF NORTH CAROLINA  
CITY OF BURLINGTON**

**REGIONAL GEOGRAPHIC INFORMATION SYSTEM (ReGIS) AGREEMENT**

THIS AGREEMENT made and entered into this 11<sup>th</sup> day of April 2023, by and between the CITY OF BURLINGTON, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter referred to as “City”), and the CITY OF GRAHAM and the TOWN OF ELON (hereinafter collectively referred to as “Partners”).

**WITNESSETH:**

**WHEREAS**, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute joint undertaking; and

**WHEREAS**, the City and Partners have a compelling and mutual interest in continuing to develop and maintain accurate and current electronically-retrievable geographic information; and

**WHEREAS**, the City and Partners recognize that the regional GIS will continue to benefit their citizens by improving the efficiency and effectiveness of local government and enhancing the economic competitiveness of the area; and

**WHEREAS**, the City and Partners recognize that at this time neither Partner can afford to individually develop and maintain an entire GIS for themselves; and

**WHEREAS**, the City has committed to maintaining a GIS for its incorporated and extraterritorial area; and

**WHEREAS**, the City and Partners want to continue to ensure cooperation and mutual support for successful and cost-effective GIS-related management information systems.

**NOW, THEREFORE**, be it understood and agreed by City and Partners as follows:

**1. PURPOSE:**

The purpose of this agreement is to continue with the partnership that will maintain geographic data, develop GIS services and establish regional GIS standards.

**2. DURATION OF AGREEMENT:**

This agreement shall be in effect from fiscal year 2023-2024 through fiscal year 2026-2027, providing for an annual cost-sharing arrangement. Any party may terminate its participation in this joint effort by giving six (6) months' written notice to all other parties of its intent to terminate, to take effect commencing with the following fiscal year.

**3. ESTABLISHMENT OF THE JOINT EFFORT:**

Pursuant to N.C.G.S. 160A-461, the governing body of each participating governmental unit must approve this agreement.

**4. APPOINTMENT OF PERSONNEL:**

All GIS personnel working on behalf of the City or the Partners will be hired and appointed by the City.

**5. DUTIES OF PERSONNEL:**

A GIS Administrator will oversee the collection and maintenance of all geographic data within the regional GIS, as well as oversee the development of all GIS-related management information systems. The GIS Administrator will also have primary responsibility for the completion of daily GIS tasks on behalf of the City.

A GIS Specialist will assist in the collection and maintenance of all geographic data with the regional GIS, as well as assisting in the development of GIS-related management information systems. The GIS Specialist will also have primary responsibility for the completion of daily GIS tasks on behalf of the Partners.

The Administrator and Specialist will work together with other appropriate area personnel to develop and enforce GIS standards required for the efficient operation of the regional GIS.

**6. FINANCING:**

(a) A GIS Administrator’s salary and benefits will be funded wholly by the City.

(b) Capital improvement costs necessary to the GIS Administrator will be funded wholly by the City.

(c) A GIS Specialist’s salary and benefits will be wholly reimbursed to the City by the Partners according to the following percentages which are based upon the estimated number of parcels within each jurisdiction's corporate limits:

City of Graham	72%	(6,741 parcels)
Town of Elon	28%	(2,367 parcels)

(d) Capital improvement costs necessary to the GIS Specialist will be wholly reimbursed to the City by the Partners according to the percentages outlined in section 6(c).

(e) Capital improvement costs necessary for the maintenance or collection of geographic data and the development of GIS services will be funded by the City or reimbursed to the City by the Partners according to the following percentages which are based on the estimated parcels within their respective corporate limits:

City of Burlington	71%	(22,276 parcels)
City of Graham	21%	(6,741 parcels)
Town of Elon	8%	(2,367 parcels)

(f) Miscellaneous costs (e.g. supplies, travel, memberships) will be divided according to the percentages outlined in section 6(e).

(g) All apportionment percentages listed in sections 6(c) and 6(e) will be reviewed in March of each year and adjusted annually for the following fiscal year budgetary purposes based on actual parcel numbers.

(h) The City will bill on a quarterly basis and the partners will make payment on a quarterly basis for their pro rata share of the services covered in this agreement.

**7. PERSONAL PROPERTY:**

All personal property purchased under this agreement shall be owned by the City and shall be retained by the City upon the expiration or termination of this agreement.

**8. METHOD OF AMENDING THE AGREEMENT:**

This agreement may be amended with the mutual agreement of all parties hereto.

**9. METHOD OF TERMINATING THE AGREEMENT:**

This agreement may be terminated by any party giving six (6) months’ written notice to all other parties of such intent, to take effect commencing with the following fiscal year.

**d.** To set a date of public hearing for May 9, 2023, to consider extending the corporate limits of the City of Graham for a tract of land totaling 53.90 acres and to direct the City Clerk to investigate the sufficiency of the petition.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED**  
**UNDER G.S. 60A-31 OFF MAYFIELD DRIVE**  
**(GPIN: 8882178503) (AN2301)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on April 11, 2023, by the Graham City Council; and

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

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

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

**RESOLUTION FIXING DATE OF MAY 9, 2023, FOR A PUBLIC HEARING ON THE**  
**QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 53.90 +/-**  
**ACRES OFF MAYFIELD DRIVE (AN2301)**

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

**WHEREAS**, certification by the City Clerk as to the sufficiency of the petition has been made.

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

Section 1. A **public hearing** on the question of the annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on **May 9, 2023**.

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

**Legal Description** GPIN#: 8882178503

BEGINNING AT AN IRON PIPE FOUND LOCATED AT THE MOST SOUTH-EASTERLY CORNER OF THE PARCEL DESCRIBED HEREON, BEING THE TRUE POINT OF BEGINNING, AND HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE COORDINATES: NC NAD 83 N:82751.037 E:1882308.671

THENCE FOLLOWING TWENTY (20) COURSES:

1. SOUTH 66 DEGREES 09 MINUTES 09 SECONDS WEST FOR 433.73 FEET TO AN IRON PIPEFOUND; THENCE 2. SOUTH 65 DEGREES 56 MINUTES 09 SECONDS WEST FOR 29.97 FEET TO AN IRON REBAR SET; THENCE 3. NORTH 40 DEGREES 24 MINUTES 03 SECONDS WEST FOR 91.81 FEET TO AN IRON REBAR SET; THENCE 4. NORTH 83 DEGREES 47 MINUTES 39 SECONDS WEST FOR 107.81 FEET TO AN IRON REBAR SET; THENCE 5. SOUTH 70 DEGREES 33 MINUTES 04 SECONDS WEST FOR 162.59 FEET TO AN IRON REBAR SET; THENCE 6. SOUTH 57 DEGREES 50 MINUTES 40 SECONDS WEST FOR 524.65 FEET TO AN IRON REBAT SET; THENCE 7. SOUTH

40 DEGREES 20 MINUTES 32 SECONDS WEST FOR 281.27 FEET TO AN IRON REBAR SET; THENCE 8. SOUTH 33 DEGREES 24 MINUTES 21 SECONDS WEST FOR 183.51 FEET TO AN IRON REBAR SET; THENCE 9. NORTH 39 DEGREES 22 MINUTES 49 SECONDS WEST FOR 9.69 FEET TO AN IRON REBAR FOUND; THENCE 10. NORTH 39 DEGREES 15 MINUTES 35 SECONDS WEST FOR 199.75 FEET TO AN IRON REBAR FOUND; THENCE 11. NORTH 10 DEGREES 42 MINUTES 17 SECONDS WEST FOR 1838.54 FEET TO AN IRON PIPE FOUND; THENCE 12. SOUTH 88 DEGREES 53 MINUTES 02 SECONDS EAST FOR 131.73 FEET TO AN IRON PIPE FOUND; THENCE 13. SOUTH 01 DEGREES 41 MINUTES 25 SECONDS WEST FOR 131.72 FEET TO A STONE MONUMENT FOUND; THENCE 14. SOUTH 89 DEGREES 23 MINUTES 52 SECONDS EAST FOR 626.58 FEET TO AN IRON PIPE FOUND; THENCE 15. SOUTH 89 DEGREES 31 MINUTES 11 SECONDS EAST FOR 393.59 FEET TO AN IRON REBAR SET; THENCE 16. SOUTH 89 DEGREES 34 MINUTES 18 SECONDS EAST FOR 300.27 FEET TO AN IRON REBAR SET; THENCE 17. SOUTH 89 DEGREES 35 MINUTES 26 SECONDS EAST FOR 199.76 FEET TO AN IRON REBAR SET; THENCE 18. SOUTH 89 DEGREES 31 MINUTES 09 SECONDS EAST FOR 115.39 FEET TO AN IRON PIPE FOUND; THENCE 19. SOUTH 17 DEGREES 02 MINUTES 26 SECONDS EAST FOR 714.51 FEET TO AN IRON PIPE FOUND; THENCE 20. SOUTH 04 DEGREES 44 MINUTES 07 SECONDS WEST FOR 330.98 FEET TO SAID POINT OF BEGINNING. SAID PARCEL CONTAINS 2,348,038 SQUARE FEET OR 53.90 ACRES OF LAND, MORE OR LESS.

- e. To set a date of public hearing for May 9, 2023, to consider extending the corporate limits of the City of Graham for a tract of land totaling 14.717 acres located on Luther Drive and to direct the City Clerk to investigate the sufficiency of the petition.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED  
UNDER G.S. 60A-31 LOCATED OFF MEADOWVIEW DRIVE  
(GPIN: 8873901240) (AN2302)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on April 11, 2023, by the Graham City Council; and

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

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

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

**RESOLUTION FIXING DATE OF MAY 9, 2023, FOR A PUBLIC HEARING ON QUESTION OF  
CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 14.717 +/- ACRES OFF  
MEADOWVIEW DRIVE (AN2302)**

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

**WHEREAS**, certification by the City Clerk as to the sufficiency of the petition has been made.

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on May 9, 2023.

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

**Legal Description GPIN#: 8873901240**

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

BEGINNING at an existing iron pipe in the northwest terminus of Luther Drive, a 50' public right-of-way, said point being the southwest corner of common area of South Meadows Owners Association, Inc, either now or formerly as described in instrument recorded in Deed Book 659, Page 639 and shown on Plat Book 32, Page 144, in the Alamance County Registry, said point also being the following two (2) courses and distances from an existing iron pipe-control point, having NAD 83\2011 coordinates of, Northing = 831,664.2968 and Easting = 1,879,211.0027: (i) South 09 deg. 28 min. 07 sec. West 155.36 feet to an existing iron pipe; (ii) South 07 deg. 19 min. 14 sec. East 325.00 feet; and running thence from the Point of Beginning, along the western terminus of Luther Drive, South 20 deg. 08 min. 20 sec. West 56.36 feet to an existing iron pipe in the southwest terminus of Luther Drive and being the northwest corner of Lot 44, Section Three A of Little Creek Subdivision, either now or formerly as described in instrument recorded in Plat Book 62, Page 114; thence along the western line of Lots 44 and 45 of Section Three A of Little Creek Subdivision and Lots 46-50 and common area of Section Three B of Little Creek Subdivision, either now or formerly as described in instrument recorded in Plat Book 63, Page 102, in the Alamance County Registry, the following five (5) courses and distances: (i) South 34 deg. 18 min. 28 sec. West 385.49 feet to an existing iron pipe; (ii) North 78 deg. 52 min. 53 sec. West 77.92 feet to an existing iron pipe; (iii) South 10 deg. 49 min. 16 sec. East 62.67 feet to an existing iron pipe; (iv) South 79 deg. 00 min. 52 sec. East 29.71 feet to an existing iron pipe; (v) South 01 deg. 09 min. 12 sec. East 120.43 feet to an existing iron pipe in the northwest corner of the common area of Section Three B of Little Creek Subdivision; thence continuing with the western line of the common area of Section Three B of Little Creek Subdivision and the western line of Peter Murphy and Joylynn K. Murphy, either now or formerly as described in instrument recorded in Deed Book 3750, Page 654, in the Alamance County Registry, and having parcel pin. 131642 ("The Murphy Property"), the following three (3) courses and distances: (i) South 00 deg. 52 min. 03 sec. East 42.14 feet to an existing iron pipe; (ii) South 10 deg. 51 min. 03 sec. East 119.08 feet to an existing iron pipe; (iii) South 11 deg. 08 min. 00 sec. East 13.24 feet to an existing iron pipe in the northwest corner of Land Acquisition and Development Services, LLC, either now or formerly as described in instrument recorded in Deed Book 4296, Page 890, in the Alamance County Registry, and having parcel pin. 177785 ("The Land Acquisition and Development Property"); thence with the western and southern lines of The Land Acquisition and Development Property, parcel pin. 177785, the following two (2) courses and distances: (i) South 11 deg. 08 min. 00 sec. East 85.14 feet to a point; (ii) North 83 deg. 03 min. 58 sec. East 210.51 feet to an existing iron pipe in the southwest corner of Lot 10, Section Five of Horseshoe Bend Subdivision, either now or formerly as described in the instrument recorded in Plat Book 66, Page 15 in the Alamance County Registry; thence with the southern line of Lot 10 and Lots 1-3 of Section Five of Horseshoe Bend Subdivision, North 83 deg. 06 min. 22 sec. East 310.46 feet to an existing iron pipe in the northwest corner of Land Acquisition and Development Services, LLC, either now or formerly as described in the instrument recorded in Deed Book 4230, Page 478, in the Alamance County Registry, and having parcel pin. 143795 ("The Land Acquisition and Development Property, parcel pin 143795"); thence with the western and southern lines of The Land Acquisition and Development Property, parcel pin. 143795, the following three (3) courses and distances: (i) South 07 deg. 25 min. 43 sec. East 48.54 feet to a point; (ii) North 79 deg. 21 min. 13 sec. East 74.95 feet

to a point; (iii) South 36 deg. 51 min. 38 sec. East 125.55 feet to a point in the northern line of Clayton Properties Group, Inc., either now or formerly as described in the instrument recorded in Deed Book 3892, Page 251, in the Alamance County Registry, and having parcel pin. 175777 (“The Clayton Properties Group Property, parcel pin 175777”); thence with the northern line of The Clayton Properties Group Property, parcel pin 175777, the following seven (7) courses and distances: (i) North 84 deg. 43 min. 47 sec. West 46.59 feet to a point; (ii) South 35 deg. 02 min. 20 sec. West 85.64 feet to a point; (iii) South 12 deg. 31 min. 58 sec. East 256.88 feet to a point; (iv) South 17 deg. 51 min. 19 sec. East 154.72 feet to a point; (v) South 40 deg. 35 min. 19 sec. West 115.52 feet to a point; (vi) South 85 deg. 34 min. 40 sec. West 148.60 feet to a point; (vii) South 55 deg. 34 min. 38 sec. West 51.18 feet to a point in the northern line of Clayton Properties Group, Inc., either now or formerly as described in the instrument recorded in Deed Book 3892, Page 251, in the Alamance County Registry, and having parcel pin. 177516 (“The Clayton Properties Group Property, parcel pin 177516”); thence with the northern line of The Clayton Properties Group Property, parcel pin 177516 and The Clayton Properties Group Property, parcel pin 130476, North 63 deg. 52 min. 08 sec. West 357.06 feet to a point in the southeast corner of Douglas S. Kimrey and Summer D. Kimrey, either now or formerly as described in the instrument recorded in Deed Book 4007, Page 875, in the Alamance County Registry, and having parcel pin. 131489 (“The Kimrey Property”); thence with the eastern line of The Kimrey Property, the following eight (8) courses and distances: (i) North 21 deg. 09 min. 08 sec. West 215.00 feet to a point; (ii) North 15 deg. 47 min. 08 sec. West 300.00 feet to a point; (iii) North 09 deg. 09 min. 08 sec. West 266.00 feet to a point; (iv) North 11 deg. 07 min. 08 sec. West 220.00 feet to a point; (v) North 75 deg. 49 min. 08 sec. West 200.00 feet to a point; (vi) North 37 deg. 09 min. 08 sec. West 58.00 feet to a point; (vii) North 02 deg. 20 min. 52 sec. East 142.92 feet to a point; (viii) North 44 deg. 50 min. 52 sec. East 529.41 feet to a point in the northwest corner of Shoffner Land and Timber, LLC, either now or formerly as described in the instrument recorded in Deed Book 2512, Page 695, in the Alamance County Registry, and having parcel pin. 131641 (“The Shoffner Land and Timber Property”); thence with the western and southern line of The Shoffner Land and Timber Property, the following five (5) courses and distances: (i) South 17 deg. 55 min. 26 sec. East 79.13 feet to a new iron pipe; (ii) South 07 deg. 19 min. 14 sec. East 223.43 feet to a new iron pipe; (iii) North 82 deg. 45 min. 52 sec. East 50.00 feet to a new iron pipe; (iv) North 07 deg. 19 min. 14 sec. West 164.75 feet to a new iron pipe; (v) North 82 deg. 40 min. 46 sec. East 126.00 feet to a new iron pipe in the western line of Lot 6, Section One-B, South Meadows Subdivision, either now or formerly as described in Plat Book 32, Page 144, in the Alamance County Registry; thence with the western line of Lots 6-9 and common area South 07 deg. 19 min. 14 sec. East 164.94 feet to the Point and Place of Beginning and containing 14.717 acres, more or less, as shown on that certain survey entitled “Meadow Glen” prepared by Borum, Wade and Associates, P.A. dated March 23, 2023.

- f. To approve tax releases in the amount of \$8,229.94.

CITY OF GRAHAM REFUNDS				
APRIL				
<u>ACCT#</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
665817	2022	LIDL US OPERATIONS LLC	CLERICAL ENTRY ERROR BY ALAMANCE CO.	1391.32
665817	2022	LIDL US OPERATIONS LLC	THERE WERE ASSETS DUPLICATED ON FILE	6838.62

Motion by Mayor Pro Tem Hall to approve the foregoing Consent Agenda, seconded by Councilmember Chin. The motion passed unanimously.



## **PUBLIC HEARING:**

### **ITEM 1: REZONING – 1952 EAST WEBB AVENUE – 48-UNIT MULTI-FAMILY**

City Council held a public hearing to consider a request to rezone 1.52 acres located at 1952 East Webb Avenue from R-7, High-Density Residential, to C-R, Conditional Residential, to construct a 48-unit multi-family structure. (Planning Board Recommended Approval)

Assistant City Manager Aaron Holland stated this was a request to rezone 1.52 acres at 1952 E Webb Avenue (GPIN: 8874766479) from R-7, High-Density Residential, to C-R, Conditional Residential, to construct a 48-unit multi-family structure. This rezoning request only encompasses the region that falls within the Graham zoning jurisdiction and City limits. The proposed density is nearly ten units per acre of the total site. The future land use plan states appropriate density in the Downtown Residential zone is 3-6 dwelling units per acre. He stated the developer was proposing one parking space per unit condition on the site. Of the 48 units, 16 will be one bedroom and 32 will be two bedrooms. He stated this property was listed on the Future Land Use Map as Downtown Residential, which are primarily settings for existing and future single-family detached housing but also mentions a desired pattern of a variety of housing choices. He stated the Planning Board recommended approval with the conditions of adding 18 extra parking spaces and providing opaque screening of the building.

Mayor Talley opened the public hearing for comments. The following spoke:

Mr. Steven Brock, applicant, 893 Holly Drive, Annapolis, MD, stated the proposed project would be age-restricted, 55 and older, and income restricted. He stated that he had made an error in the planning meeting stating the siding would be brick and Hardiplank, but because of the expense, the siding would need to be brick and vinyl shake. He stated the parcel covers both Graham and Burlington City limits and the building would be constructed on the Graham side with the entrance on the Burlington side. He stated the planning board asked that a fence be installed along the back border of the building and he asked that this condition be removed due to the cost.

Mayor Talley asked if there were plans for development at the back of the property.

Mr. Brian Wagoner, property owner, 2937 Lowell Drive, Burlington, stated that he has had no contact with the owners of the property located behind his and there were no known plans for development.

Mayor Talley asked about plans for lighting.

Mr. Brock stated it would meet the requirements in the ordinance and Duke Energy would install all lights.

Mayor Talley suggested a fence to prevent cut-throughs and to add motion sensors.

Mayor Talley questioned the vinyl shake and what that would look like.

Mr. Brock stated the vinyl shake looks very similar to Hardiplank and presented a picture of vinyl shake.

Mayor Talley asked about parking spaces required by City ordinance.

Assistant City Manager Holland stated for one-and two-bedroom units, it was required to have 1.5 spaces and the ordinance also addresses federal or government based multi-family, which only required one space. He stated the petitioner was actually providing more parking than was required.

Mayor Talley asked about amenities planned for on-site.

Mr. Brock stated there would be a playground, a gazebo by the pond, raised vegetable garden planters, and benches scattered throughout the site. He stated inside the building there would be a community room with a kitchenette, restrooms, computer room, fitness room, laundry room on two floors, and dedicated storage bins.

Mayor Talley asked Dean Ward, Chair of the Planning and Zoning Board, if the members had any concerns with the project.

Chair Dean Ward stated there were questions about the age 55 and older, which did not restrict pre-teen kids from living there, it just restricted anyone under the age of 55 from being able to rent a unit. He stated the Board had issues with only 48 parking spaces but the applicant was willing to increase the number of spaces. He stated it was a good project for the City.

Mayor Talley asked Mr. Ward what he thought of the vinyl shake siding versus the Hardiplank.

Mr. Ward stated it was just a preference and that the vinyl shake looked really good. He stated either siding would achieve the same thing aesthetically.

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

Council Member Whitaker inquired about having only one elevator. She stated overall it was a good project and that the age limit should be restricted to 55 and older and that no one under the age of 55 should live there.

Mr. Brock stated no one under the age of 55 could lease but if more than two people were on the lease, only one of them had to be 55 or older.

Council Member Chin stated it would be a good project for seniors. He agreed with the additional parking spaces, fencing, and lighting and stated if the siding became a concern of Hardiplank versus vinyl, he suggested prioritizing the conditions based on the Planning Board's recommended conditions. He stated his priority would be additional parking, screening, lighting, and then the siding.

Mayor Pro Tem Hall stated he agreed with Council Member Chin regarding parking, lighting, fencing, and whatever siding they work out.

Council Member Parsons stated he did not have a preference for the lighting as long as it met the City code. He stated he did like having a fence and the additional parking spaces.

Motion by Mayor Talley to approve the rezoning for the reason that this action was reasonable and in the public interest and was consistent with Graham's 2035 Comprehensive Plan and the action supported Policy 4.3.1: Land Use Patterns, Policy 5.1.2: Variety of ownership opportunities, and Policy 5.2.1: Diverse Neighborhood, and to include the Planning Boards recommendation of 18 additional parking spaces, fence

screening along the rear of the property and along the sides to the front side of the building, lighting in the rear area to include motion lights and if Hardiplank was not used to use something similar to the vinyl shake siding as presented. She also asked that the picture of the vinyl shake siding that was presented, be included in the minutes and as a conditional use. Mayor Pro Tem Hall seconded the motion. The motion passed unanimously.

Mayor Talley stated Council preferred the Hardiplank, which was approved in the conditional uses but in the event, they could not use the Hardiplank, Council would allow the vinyl shake siding as presented.

Mr. Brock stated he agreed with the conditions.



### **NEW BUSINESS:**

#### **ITEM 2: SPECIAL EVENT APPLICATION – STREET CLOSING REQUEST – MAY 13, 2023:**

City Council considered approval of a special events application to hold a concert on May 13, 2023, and to close the 100 block of East Elm Street from 12:00 pm to 10:00 pm.

Mr. Jackie Fortner asked if Council had any questions and if there was anything he needed to do.

Mayor Talley stated this was to approve the Big C concert located in downtown Graham with the idea of closing the street due to a lot of pedestrian traffic would be safest.

Motion by Council Member Whitaker to approve the special event application and street closure on May 13, 2023, closing the 100 block of East Elm Street from 12:00 pm to 10:00 pm, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **ITEM 3: APPOINT VOTING DELEGATE – NCLM BOARD ELECTIONS AND BYLAWS:**

City Council considered a delegate to vote in the electronic voting process for the North Carolina League of Municipalities Board elections and to vote on the League’s Bylaws on behalf of the City of Graham.

City Manager Megan Garner stated the voting would be electronic similar to the goal-setting session earlier this year, and whoever was appointed, could electronically cast those ballots between the date of April 14 and April 19, 2023. She stated Council would be voting on the slate of the board of directors of the League of Municipalities and any proposed bylaw changes.

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

**ITEM 4: AUTHORIZE CONVEYANCE – VEHICLES – ALAMANCE COMMUNITY COLLEGE:**

City Council considered adopting a resolution authorizing the conveyance of a 2008 Chevy Impala and two 2010 Crown Victoria vehicles to Alamance Community College (ACC) pursuant to G.S. 160A-274.

Captain Duane Flood stated these three vehicles were no longer in use and it would be more cost-effective to donate the vehicles to ACC instead of incurring the expense of stripping all the cars of equipment inside and lights and striping outside. He stated after the cost of stripping the vehicles and selling them, you would be losing money. He stated two of the vehicles had 110,000 miles and the other had 112,000 miles and donating them to ACC would help the automotive program where students learn to work on the cars and then they would go to the BLET program for driver training.

Motion by Mayor Pro Tem Hall to adopt a resolution authorizing the conveyance of a 2008 Chevy Impala and two 2010 Crown Victoria's to Alamance Community College pursuant to G.S. 160A-274, seconded by Council Member Whitaker. The motion passed unanimously.

**RESOLUTION AUTHORIZING CONVEYANCE OF A 2005 CHEVY IMPALA AND 2008 FORD CROWN VICTORIA TO ALAMANCE COMMUNITY COLLEGE PURSUANT TO G.S. 160A-274**

**WHEREAS**, the City of Graham owns:

- 2008 Chevy Impala, Inventory #173, VIN# 2G1WB55K881266273
- 2010 Ford Crown Vic, Inventory #153, VIN# 2FABP7BVXAX102260
- 2010 Ford Crown Vic, Inventory #155, VIN# 2FABP7BV5AX114526

**WHEREAS**, the above-referenced vehicles have been declared surplus due to age and mechanical condition; and

**WHEREAS**, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

**WHEREAS**, the City of Graham has determined that it is in the best interest of the City to convey both 2010 Ford Crown Victoria vehicles and a 2008 Chevy Impala to Alamance Community College, and deems it wise to do so for no consideration; and

**WHEREAS**, the City of Graham has determined the donation of said vehicles to Alamance Community College will continue to provide a public benefit.

**THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:**

1. The City of Graham hereby conveys to Alamance Community College the following property:
  - 2008 Chevy Impala, Inventory # 173, VIN# 2G1WB55K881266273
  - 2010 Ford Crown Vic, Inventory #153, VIN# 2FABP7BVXAX102260
  - 2010 Ford Crown Victoria, Inventory #155, VIN# 2FABP7BV5AX114526
2. The property herein described shall be conveyed for consideration of continued public benefit.
3. The City Manager, Finance Officer, and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 11<sup>th</sup> day of April 2023.

**PUBLIC COMMENT PERIOD**

Ms. Sue Amos, Cheeks Lane, Graham, voiced concerns about trucks, delivery trucks, etc., causing excessive dust from a City-maintained gravel road.

Assistant City Manager Holland stated he would need to consult Public Works Director Burke Robertson to address the issue.

City Manager Garner stated Public Works Director Robertson runs the grader down the road in the spring and adds rock every couple of years. She stated he would go out and check the road as soon as they finished the Climax Street project.

**CITY STAFF COMMENTS**

Assistant City Manager Holland stated there was a request from the Police Department that currently requires a 24-hour records clerk presence, and due to the change in technology and the coverage being handled, you would not need the ordinance that forces them to have more personnel than what was needed. He stated he would like Council's okay to bring back an amendment at next month's meeting for Council to consider.

The Council consensus was to consider an amendment at the next Council meeting, on May 9, 2023.

Assistant City Manager Holland stated Mayor Pro Tem Hall had submitted a request for an ordinance amendment addressing grass clippings that are being blown into the street and possibly going into the storm drains. He stated that it may be covered under the illicit discharge code but after staff researches further and finds it's necessary to bring something back for consideration he would like to have Council's permission to do so.

Councilmember Chin asked that staff look at enforcement conditions.

The Council consensus was to consider an amendment if it's not covered under the illicit discharge code. Mayor Pro Tem Hall recused himself.

## CITY COUNCIL COMMENTS

Mayor Pro Tem Hall asked if the property located at 140 East Elm Street could come back before the Historic Resources Commission (HRC) so the building could be demolished.

Assistant City Manager Holland stated the Inspections Director had reached out to the owner and would be resubmitting to HRC to have it torn down.

Mayor Talley stated she continued to get complaints about noise on Melville Street.

Council Member Chin stated he had submitted language addressing a noise ordinance and would like for Council to consider it. He stated it was based upon State Statute but measuring the level of noise was a challenge. He would like the City Manager to look at the language and then have legal review it.

City Attorney Ward stated he would review it.

Mayor Talley stated she had talked with neighbors on Albright Street to see how the water enhancement plan was going in an effort to upgrade the lines. She stated they all gave rave reviews.

Mayor Talley asked what was the update on the Community Development Block Grant.

City Manager Garner stated the City was denied funding.

Mayor Talley asked if meetings could be scheduled with Council, one-on-one, or two-on-one, to discuss items and concerns in the upcoming budget process.

City Manager Garner stated the budget presentation was scheduled for May 9, 2023. Council would receive budget books that night and the budget would be posted on the website. She welcomed any individual meetings with Council regarding the budget.

Mayor Talley asked Council if they had any comments or concerns they would like to share regarding the Downtown Master Plan to get those to Assistant City Manager Holland. She stated she had been working on it for a couple of weeks.

Council Member Whitaker shared the Appearance/Tree Board met last night and proposed a committee code of conduct guidelines for boards and commissions. She stated she would share the information with the City Manager to review and have it placed on the agenda for discussion.

## ADJOURN

Council Member Chin motioned to adjourn, seconded by Council Member Whitaker. The motion passed unanimously. The meeting was adjourned at 7:38 pm.

*Renee M. Ward, CMC*  
City Clerk

April 11, 2023  
City Council Meeting