

City of Graham

City Council Meeting Minutes

May 9, 2023



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on May 9, 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

CALL TO ORDER:

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA:

- a. To approve April 11, 2023, City Council meeting minutes.
- b. To set a date of public hearing for June 13, 2023, to consider extending the corporate limits of the City of Graham for a tract of land totaling 68.791 acres located off Kimrey Road and to direct the City Clerk to investigate the sufficiency of the petition. (AN2302)

RESOLUTION FIXING DATE OF JUNE 13, 2023, FOR A PUBLIC HEARING ON THE QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 68.791 +/- ACRES OFF KIMREY ROAD (AN2303)

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

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

Section 1. A **public hearing** on the question of 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 **June 13, 2023**.

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

Legal Description GPIN#: 9803172212

Beginning at a 1" existing iron pipe (eip) located within the right-of-way of Kimery Road, S.R. #2125 (a 60' public right-of-way per Plat Book 65, Page 177 and subsequent plats), being in a westerly line of the "249.01 Acres" plot as shown on "Final Plat Property of William C. Scott and Jane M. Scott" as recorded in Plat Book 65, Page 177, said beginning point lying N 26°37'55" E, a horizontal ground distance of 1,279.42' from a North Carolina Geodetic Survey Monument "Kimrey" and beginning point having North American Datum 83(2011) coordinates of N: 836,469.14' and East : 1,900,430.64'; Thence running within the public right-of-way the following two (2) courses and distances: (1) N 63°41'50" E, 42.81' to a non-monumented point, and (2) N 25°46'34" W, 15.73' to an existing magnetic (mag) nail located in the approximate centerline intersection of Kimery Road and Governor Scott Farm Road, S.R. #2124 (a 60' public right-of-way per Plat Book 65, Page 177 and subsequent plats); thence running within the public right-of-way of said Kimery Road and with the approximate centerline of Kimery Road as shown on "Subdivision for Scott/Mayo Properties II, LLC" and recorded in Plat Book 82, Page 99, the following six (6) courses and distances: (1) N 67°26'34" E, 94.24' to an existing "hole" in asphalt, (2) N 70°25'31" E, 200.03' to an existing mag nail, (3) N 70°24'50" E, 300.09' to an existing cut "x" in asphalt, (4) N 70°24'13" E, 299.93' to an existing mag nail, (5) N 70°40'53" E, 300.01' to an existing mag nail, and (6) N 70°26'15" E, 19.59' to a non-monumented point being the westerly most corner of Lot 1 of "Final Plat James Earl Covington, Jr. and Wife Mary Shaw Covington" as recorded in Plat Book 75, Page 345, thence leaving Kimery Road and running with the westerly line of said Lot 1, S 23°36'55" E, crossing a 1" eip at 30.14' located at the southerly margin of the right-of-way of Kimery Road, and continuing 709.12' for a total distance of 739.26' to a 3/4" eip falling in the northern line of Tract Two of "Final Plat Mary Shaw Covington" as recorded in Plat Book 80, Page 174, thence running with northern and western lines of Tract Two, S 60°46'05" E, 39.98' to a 3/4" eip and S 30°38'54" E, 570.58' to a 3/4" pinched top eip at the northwestern corner of Tract One of Plat Book 80, Page 174; thence running with the western line of Tract One, S 30°41'55" E, crossing an existing stone (at a loose concrete monument) at 733.32' and continuing 20.97' for a total distance of 754.29' to a non-monumented point located within the right-of-way of North Carolina Highway # 119 (a 60' public right-of-way Per Plat Book 65, Page 117); thence running with the approximate center of North Carolina Highway # 119, S 36°52'40" W, 933.84' to a non-monumented point located near the centerline intersection of North Carolina Highway # 119 and Jim Minor Road, S.R. #2135 (a 60' public right-of-way per Plat Book 65, Page 177); thence running within right-of-way for Jim Minor Road the following two (2) courses and distances: (1) N 66°31'51" W 408.84' to a non-monumented point, and (2) N 66°59'51" W, 281.90' to a non-monumented point; thence leaving the right-of-way of Jim Minor Road and running with the easterly lines of now or formerly Tax Parcel Id: 159467, the Anderson H, Scott, II property as recorded in Deed Book 1369, Page 292: (1) N 06°55'30" W, crossing a 1" eip (pinched top) at 34.70' (being on the northern margin of the right-of way) and continuing 246.80' for a total distance of 281.50' to a 1" eip (pinched top), (2) N 36°48'58" W, 178.20' to a 1" eip (pinched top), (3) N 55°38'03" W, 250.25' to a 1" eip (bent), (4) N 60°44'51" W, 461.70' to a 1" eip (pinched top), (5) N 19°25'52" E, 373.80' to a 1" eip (pinched top) and (6) N 21°48'54" W, 781.52' to the point and place of beginning, containing a total of 68.791 acres more or less, as surveyed by Triad Land Surveying, P.C., on October 5th, 2017, and having job #17136-4.

Being a southerly portion of the same land conveyed to Scott/Mayo Properties III, LLC by instrument recorded in Deed Book 3866, Page 553 and all of the same land conveyed to Scott/Mayo Properties III, LLC by instrument recorded in Deed Book 3953, Page 21. ALL Deed Book, Plat Book, and Page references are to the Alamance County Register of Deeds.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED

UNDER G.S. 60A-31

(GPIN: 9803172212) (AN2303)

WHEREAS, a petition requesting annexation of an area described in the said petition was received on May 9, 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.

- c. To set a date of public hearing for June 13, 2023, to consider extending the corporate limits of the City of Graham for a tract of land totaling 38.93 acres off Cherry Lane and to direct the City Clerk to investigate the sufficiency of the petition. (AN2304)

**RESOLUTION FIXING DATE OF JUNE 13, 2023, FOR A PUBLIC HEARING ON THE QUESTION
OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 38.93 +/- ACRES OFF
CHERRY LANE (AN2304)**

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

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

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

Section 1. A **public hearing** on the question of 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 **June 13, 2023**.

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

Legal Description GPIN#: 8893686572

Lying and being in Melville Township, Alamance County, North Carolina and adjoining the lands of Intersect Greensboro II, LLC., Carl A. Westman, Mill Creek, Meritage Homes of the Carolinas, Inc., and the southern margin of Cherry Lane (S.R. 2123) and more particularly described;

Beginning at an existing iron pipe located on a curve on the southern margin of Cherry Lane, a corner with Intersect Greensboro II, LLC. and being S 68°20'17" W, 7.20 feet from an existing iron on the southern margin of Cherry Lane marking the end of the curve of the southern margin of Cherry Lane, thence from the beginning along and with the property of Intersect Greensboro II, LLC., S 59°34'52" E, 394.99 feet to an existing iron pipe, a corner with Intersect Greensboro II, LLC., thence along and with the property of Intersect Greensboro II, LLC., N 62°09'17" E, 312.09 feet to an existing iron pipe, a common corner with Intersect Greensboro II, LLC. and Carl A. Westman, thence along and with the property of Carl A. Westman S 12°51'22" E, 1113.79 feet to a point in the centerline of Mill Creek, thence along the centerline of Mill Creek the following courses and distances; N 44°46'03" W, 20.56 feet; N 72°01'11" W, 13.16 feet; S 85°54'03" W, 16.36 feet; S 59°02'44" W, 30.85 feet; S 85°26'22" W, 19.93 feet; N 69°54'55" W, 36.19 feet; S 88°54'44" W, 18.85 feet; S 73°37'07" W, 25.52 feet; S 80°51'08" W, 18.55 feet; S 59°22'45" W, 13.40 feet; S 78°06'13" W, 21.71 feet; S 61°25'55" W, 36.57 feet; S 77°03'28" W, 56.09 feet; S 72°57'14" W, 124.21 feet, S 63°48'37" W, 24.32 feet; S 41°50'47" W, 15.97 feet; S 78°10'56" W, 25.76 feet; S 73°50'26" W, 89.94 feet; S 79°45'04" W, 15.92 feet; S 87°57'22" W, 34.51 feet; S 73°22'57" W, 50.53 feet; S 58°21'29" W, 39.69 feet; S 79°35'55" W, 18.83 feet; N 89°47'54" W, 28.12 feet; S 73°37'34" W, 112.62 feet; N 89°02'23" W, 24.17 feet; N 71°59'21" W, 26.58 feet; S 87°03'31" W, 80.32 feet; N 61°20'49" W, 8.96 feet; N 83°39'23" W, 70.86 feet; N 86°40'48" W, 62.40 feet to a point in Mill Creek in the line of Meritage Homes of the Carolinas, Inc., thence along and with the property line of Meritage Homes of the Carolinas, Inc., N 09°39'43" W, 1200.51 feet to an existing iron pipe located on a curve of the southern margin of Cherry Lane, thence along the curve of the southern margin of Cherry Lane, a chord bearing N 73°12'04" E, a chord distance of 482.66 feet, with a radius of 2848.41 feet to the point and place of beginning containing 29.83

Acres more or less and being the northern portion from Mill Creek to Cherry Lane of Alamance County Tax Parcel ID: 152443 to be annexed into the City of Graham Corporate Limits, with 10.28 Acres more or less south of Mill Creek of said Parcel remaining outside the City of Graham Corporate Limits.

Legal Description GPIN#: 8893796670

Lying and being in Melville Township, Alamance County, North Carolina and adjoining the lands of Intersect Greensboro II, LLC., Cherry Lane (S.R. 2123), Metrolina Retail, LLC., Governor Scott Farm Road (S.R. 2124), and Carl A. Westman and more particularly described;

Beginning at an existing iron pipe located on a curve of the southern margin of Cherry Lane, a corner with Intersect Greensboro II, LLC., and being N 73°12'04" E, 482.66 feet from an existing iron pipe, a corner between Intersect Greensboro II, LLC. and Meritage Homes of the Carolinas, Inc., thence from the beginning and along the southern margin of Cherry Lane the following courses and distances, along a curve, chord bearing N 68°20'17" E, chord distance 7.20 feet, with a radius of 2848.41 feet to an existing iron pipe, marking the end of curve, thence N 68°12'49" E, 401.73 feet to an existing iron pipe, thence N 68°13'35" E, 208.09 feet to an existing iron pipe, thence N 68°17'44" E, 398.12 feet to an existing iron pipe, marking the intersection of the southern margin of Cherry Lane and the western margin of Governor Scott Farm Road, thence crossing Governor Scott Farm Road, N 75°59'26" E, 69.95 feet to an existing iron pipe, marking the intersection of the eastern margin of Governor Scott Farm Road and the southern margin of Cherry Lane, thence continuing along the southern margin of Cherry Lane N 60°13'03" E, 66.66 feet to an existing iron pipe, thence N 68°17'44" E, 190.78 feet to an existing iron pipe, marking the beginning of a curve, thence along the curve a chord bearing N 63°03'23" E, a chord distance of 247.01 feet, with a radius of 1406.10 feet to an existing iron pipe located on the southern margin of Cherry Lane and a corner with Metrolina Retail, LLC., thence along and with the property of Metrolina Retail, Inc., S 18°57'54" E, 294.85 feet to an existing iron pipe, a corner with Metrolina Retail, Inc., thence with Metrolina Retail, Inc., S 67°51'28" W, 373.34 feet to an existing iron pipe located on the eastern margin of Governor Scott Farm Road, and a corner with Metrolina Retail, Inc., thence crossing Governor Scott Farm Road S 67°42'23" W 59.79 feet to an iron stake marking the beginning of the 55 foot right of way of Governor Scott Farm Road, as shown in Plat Book 77, Pages 344-346, and marking the property of Carl A. Westman, thence S 67°55'35" W, 5.33 feet to an existing iron pipe, marking the 60 foot right of way of Governor Scott Farm Road as shown in said Plat, in the line of Carl A. Westman, thence along and with the property line of Carl A. Westman S 67°55'35" W, 581.89 feet to an existing iron pipe, a common corner with Carl A. Westman and Intersect Greensboro II, LLC., thence along and with the property of Intersect Greensboro II, LLC., S 62°09'17" W, 312.09 feet to an existing iron pipe, a corner with Intersect Greensboro II, LLC., thence N 59°34'52" W, 394.99 feet to the point and place of beginning, Save and except that portion of the 60 foot right of way of Governor Scott Farm Road, as described; Beginning at an existing iron pipe located at the intersection of the southern margin of Cherry Lane and the western margin of Governor Scott Farm Road, thence N 75°59'26" E, 69.95 feet to an existing iron pipe located on the southern margin of Cherry Lane and the eastern margin of Governor Scott Farm Road, thence along the eastern margin of Governor Scott Road, S 45°11'21" E, 289.42 feet to an existing iron stake, a corner with Metrolina Retail, LLC., thence crossing Governor Scott Farm Road, S 67°42'23" W, 59.79 feet, to an existing iron pipe marking the beginning of the 55 foot right of way of Governor Scott Farm Road, as shown in Plat Book 77, Pages 344-346, and marking the property of Carl A. Westman, thence S 67°55'35" W, 5.33 feet to an existing iron pipe, marking the 60 foot right of way of Governor Scott Farm Road as shown in said Plat, and in the line of Carl A. Westman, thence along the western margin of Governor Scott Farm Road, N 45°09'49" W, 300.28 feet to the point and place of beginning, Giving Parcel ID: 152460, a total of 9.10 Acres more or less.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED

UNDER G.S. 60A-31

(GPIN: 8893686572 & 8893796670) (AN2304)

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 9, 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.

- d. To approve a Budget Amendment in the amount of \$665,000, for supplies and materials for the Water Treatment Plant and the Waste Water Treatment Plant due to rising costs of chemicals.

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.					
WATER AND SEWER FUND					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Water Treatment Plant - Supplies and Materials	675,000.00	1,205,000.00	530,000.00		530,000.00
Wastewater Treatment Plant - Supplies and Materials	220,000.00	355,000.00	135,000.00		135,000.00
	895,000.00	1,560,000.00	665,000.00	-	665,000.00
Section 2.					
WATER AND SEWER FUND					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance	-	665,000.00	665,000.00		
	-	665,000.00	665,000.00	-	665,000.00
Adopted this 14th day of March 2023.					

- e. To approve a Budget Amendment in the amount of \$209,896, in insurance proceeds for Recreation capital outlay improvements and property maintenance and repair due to damages caused by a fire at Shelter #2 and the picnic shelter.

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/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Recreation - Capital Outlay Other Improvements	162,070.00	366,766.00	204,696.00		204,696.00
Property Maintenance - Maint & Repair Grounds	15,000.00	20,200.00	5,200.00		5,200.00
	177,070.00	386,966.00	209,896.00	-	209,896.00
Section 2.					
GENERAL FUND					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
General Fund - Insurance Proceeds	1,000.00	210,896.00	209,896.00		209,896.00
	1,000.00	210,896.00	209,896.00	-	209,896.00
Adopted this 14th day of March 2023.					

- f. To approve a special events application for Dino Day on June 3, 2023, and to close the 100 block of West Elm Street from 10:00 am to 9:00 pm.

- g. To approve a special events application to hold the Grahamtoberfest on September 23, 2023, and to close the 100 block of West Elm Street from 1:00 pm to 11:00 pm.
- h. To approve a special events application to hold Downtown Graham DockDogs event on May 26-28, 2023, and to close East Elm Street from Court Square to Marshall Street, from 5:00 pm on Friday, May 26 to 6:00 pm on Sunday, May 28.
- i. To approve tax releases in the amount of \$40.63.

CITY OF GRAHAM RELEASE ACCOUNTS				
MAY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
552895	2022	CRUZ, JAVIER & GEORGIA	SOLD MOBILE HOME IN 2018 TO DEWEY BROWN	\$5.23
552895	2021	CRUZ, JAVIER & GEORGIA	SOLD MOBILE HOME IN 2018 TO DEWEY BROWN	\$6.11
552895	2020	CRUZ, JAVIER & GEORGIA	SOLD MOBILE HOME IN 2018 TO DEWEY BROWN	\$6.59
552895	2019	CRUZ, JAVIER & GEORGIA	SOLD MOBILE HOME IN 2018 TO DEWEY BROWN	\$6.67
552895	2018	CRUZ, JAVIER & GEORGIA	SOLD MOBILE HOME IN 2018 TO DEWEY BROWN	\$7.15
579762	2021	PARKS, ROBERT D	SOLD BOAT & MOTOR 2020	4.44
579762	2022	PARKS, ROBERT D	SOLD BOAT & MOTOR 2020	4.44

Mayor Talley asked if there were any items that Council would like to have pulled from the Consent Agenda to discuss separately.

Mayor Talley asked if there was anyone present to speak on any of the consent agenda items.

Mr. Richard Shevlin, 510 Wildwood Lane, Graham, spoke in reference to the DockDogs upcoming event, which greatly benefits the veterans of North Carolina and mainly Alamance County.

Mr. Keith Westbrook, 604 Trockwater Court, inquired about Item e, and if this funding was for the completely destroyed shelter.

Mayor Talley stated the funding was proceeds from the insurance carrier for the two damaged shelters.

City Manager Garner stated that one shelter was completely burned so this money would take care of that shelter and fund repairs to the other shelter that had damage.

Mayor Talley asked to pull Item c, the proposed annexation of 38.93 acres off Cherry Lane to ask a question.

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

Consent Agenda Item c:

Mayor Talley inquired about the location of the proposed annexation located off Cherry Lane.

Mayor Pro Tem Hall motioned to approve Item c, seconded by Council Member Chin. The motion passed unanimously.

PUBLIC HEARINGS:

ITEM 1: REZONING – 0 SOUTH NC 87 HWY – PHASE 4 – ROGERS SPRINGS HOMES

City Council considered a request to rezone 53.904 acres located at 0 South NC 87 Hwy from R-18, Low-Density Residential, to R-9, High-Density Residential, for the purpose of extending the fourth phase of Rogers Springs Homes. (Planning Board Recommended Denial of the rezoning – 4-1)

City Manager Garner stated for public hearing Items 1 and 2, the petitioner had requested these items be tabled to the June 13, 2023, Council meeting for consideration.

Mayor Pro Term Hall motioned to table Items 1 and 2 to the June 13, 2023, City Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

ITEM 2: ANNEXATION – 53.904 ACRES – LOCATED OFF MAYFIELD DRIVE

City Council considered approval of an Annexation Ordinance to extend the corporate limits of the City of Graham for a tract of land totaling 53.904 acres located off Mayfield Drive.

City Manager Garner stated for public hearing Items 1 and 2, the petitioner had requested the items be tabled to the June 13, 2023, Council meeting for consideration.

Mayor Pro Term Hall motioned to table Items 1 and 2 to the June 13, 2023, City Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

ITEM 3: ANNEXATION – 14.717 ACRES – LOCATED OFF MEADOWVIEW DRIVE

City Council considered approval of an Annexation Ordinance to extend the corporate limits of the City of Graham for a tract of land totaling 14.717 acres located off Meadowview Drive.

Assistant City Manager Aaron Holland stated the area being considered for annexation was located off Meadowview Drive and contained approximately 14.717 +/- acres total. Water and sewer are located adjacent to this property within Meadowview Drive right of way, and the applicants wished to tie onto the City's infrastructure. He stated that City Staff recommended approval.

The public hearing was opened and the following person spoke:

Ms. Preston Johnson, Windsor Homes, 1007 Battleground Avenue, Greensboro, thanked the Council for the prior planning approval and stated she was excited to be in Graham. She stated she was present along with David Michaels to answer any questions.

Council Member Whitaker inquired about the current zoning.

Assistant City Manager Holland stated it was zoned R-12, and this project had gone through the rezoning process about a year or two ago and was approved. He stated they were now seeking annexation to tie into the City's utilities.

Public Hearing Closed:

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

Council Member Whitaker motioned to approve the annexation ordinance for 14.717 acres located off Meadowview Drive, seconded by Council Member Chin.

Mayor Talley asked what the vote was on the original zoning.

Assistant City Manager Holland stated he did not remember.

Council Member Parsons stated the vote was 3-2.

Mayor Pro Tem Hall stated he was the reason it was zoned R-12 and he had fought hard for that.

Mayor Talley stated that she liked transparency and it had nothing to do with Windsor or the product but when zoning was R-12, she expected 12,000 square foot lots. She stated there were lots of things you could do to make them less than 12,000-square-foot lots. She asked the developer if plans had been drawn and what was the smallest lot size.

Mr. David Michaels, Windsor Investments, 1007 Battleground Avenue, Greensboro, stated they had a number of different sites come before this board in the past five to six years. Forks of Alamance was zoned to R-9 classification, the Valor Ridge neighborhood where they originally asked for an R-9, and was finally approved as an R-12 open space community. The Oakmount community was a special use permit for townhomes and was zoned as R-9. He stated this particular site, Meadowview Glen, was already zoned as an R-12 development and did not have to seek rezoning on this property. He stated they went through the site plan approval process so that all the lots in this neighborhood were at least 12,000 square feet. He stated as an addition to the site plan approval process, they agreed to dedicate all the open space along the perimeter of this site that was not contained to the City of Graham for future trail purposes to be constructed around the perimeter of the property and the City would control that open space. He stated these lots were a minimum of 12,000 square feet and did not think it had a reduced lot size. He stated she may be thinking of the Valor Ridge community, which was located close to this site.

Mayor Talley asked what the setbacks were for the houses.

Mr. Michaels stated he would have to refer to staff but believed it was a 30-foot front, 10-foot side yard, and 20-foot off the side street and rear yard.

Mayor Talley asked if the property abutted currently developed property was residential.

Mr. Michaels stated it did and there were existing street stubs into this site and two cul-de-sacs that were being completed as part of the site plan. He stated the site plan had been approved and all permits were in place other than having the annexation to finalize the water and sewer permits. He stated there were 28 lots in total.

Mayor Talley inquired about buffer areas and whether they intended to strip the natural buffers and put up landscaping buffers or would they leave what was already there.

Mr. Michaels stated it was preferred to leave existing vegetation where possible because it was more economical. He stated that every site was unique in terms of its topography and what the site plan would require to make things work in conjunction with the ordinance. He stated because of grading issues, you may not always get to leave existing buffers.

Mayor Talley stated she appreciated taking these things into account because Council tries to represent what the citizens want and tries to make sure developers know what the expectations are.

Mr. Michaels stated they tried to create neighborhoods they are proud of and folks living there would be proud of as well as the City of Graham.

Mayor Talley thanked him and stated she appreciated him keeping 12,000 square foot lots.

Motion on the floor by Council Member Whitaker to approve the annexation ordinance for 14.717 acres located off Meadowview Drive, seconded by Council Member Chin. The motion passed unanimously.

**EXTEND ANNEXATION ORDINANCE
TO THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA
FOR A 14.717-ACRE TRACT OF LAND OFF MEADOWVIEW DRIVE (AN2301)**

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 May 9, 2023, after due notice by publication on April 27, 2023; 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 May 9, 2023:

Legal Description GPIN#: 8873901240

Legal Description:

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 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 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 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 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 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 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.

Adopted this 9th day of May 2023.

NEW BUSINESS:

ITEM 4: AMENDMENT – CODE OF ORDINANCES – RECORDS CLERK – POLICE DEPARTMENT

City Council considered amending the Code of Ordinances, Chapter 20 – Traffic and Vehicles, Article I – In General, Section 20-3, Records Clerk, pertaining to the number of hours required for an on-duty records clerk at the Police Department.

Assistant City Manager Aaron Holland stated staff was seeking to amend the Code of Ordinances pertaining to the hours required for a records clerk to be on duty at the Police Department. He stated this ordinance served a purpose before technology and new procedures were enacted, but has proven to be antiquated and inefficient in today’s operations. Staff is proposing requiring an employee to be present only during normal business hours. He stated Staff recommended approval.

Mayor Talley stated at the last meeting, Council was asking about the hours the doors would be open at the police department and to place signage by the phone directing people to pick up the phone to get communications.

Mayor Talley stated the ordinance previously stated there needed to be a person 24/7 which was not ideal now but she wanted to make sure that when someone comes in and expects a person there would be a sign directing them to use the phone.

Captain Velez stated that was what they were doing now and they have had problems with staffing after regular business hours.

City Manager Garner stated the intent was for individuals to go in to access the phone, which would connect them to Communications. She stated the ordinance would read during regular business hours, or from 9:00 am to 6:00 pm to catch that extra hour for when people get off at 5:00 pm and needed to go over and handle business at the Police Department with a live person.

Motion by Mayor Talley to approve an Ordinance amendment to Chapter 20 - TRAFFIC AND VEHICLES, ARTICLE I- IN GENERAL of the Code of Ordinances to amend Sec. 20-3- Records Clerks- Appointment to change hours to normal business hours from 9:00 am to 6:00 pm, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 20, ARTICLE I, SEC. 20-3 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) 20-3 which said sections read as follows:

Chapter 20 – TRAFFIC AND VEHICLES

ARTICLE I. – IN GENERAL

Sec. 20-3. - Records clerks—Appointment.

The chief of police shall designate or appoint a sufficient number of records clerks so that there shall be on duty at the police station one records clerk **during normal business hours from 9:00 am to 6:00 pm**. The records clerk on duty at the time, when any violator of a section of this chapter appears before him, shall deal with the violator and his citation in accordance with the provisions of this chapter, being careful to make it appear to said violator that the procedure under this chapter is wholly for the convenience of the violator, that he is at perfect liberty to decline to be dealt with under this chapter and to have his matter presented to the district court, and that his case will, in no manner whatsoever, be prejudiced by reason of his unwillingness to have the matter dealt with hereunder.

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.

Adopted this 9th day of May 2023.

ITEM 5: ADOPT – ADVISORY BOARD OF CONDUCT:

City Council considered adopting an Advisory Board of Conduct as guidance for all Advisory Boards and Commissions.

City Manager Megan Garner stated at the meeting last month, Council Member Whitaker proposed staff work on a draft code of conduct for advisory boards appointed by the City Council. She stated they took Council Member Whitaker's draft and merged it with changes from the Town of Knightdale, which had a

policy specifically for advisory boards. She stated it had been reviewed by the legal team and the draft before Council was the final draft after everyone's input.

Mayor Talley stated she had submitted something several months ago and wanted to hear what other Council Members thought about some of these things that were not addressed in the draft. She stated one of the things that she had noticed in the past was members being biased and not understanding how to be impartial decision-makers. She stated comments were being made about decisions prior to hearing evidence about a particular subject and asked if that was addressed in the draft.

Council Member Whitaker stated that listed under Relationship with Fellow Committee Members advisory board members must respect an individual viewpoint even though it may be different from their own. Allow other members adequate time to present their views before making comments. Be open and honest, welcome new members, and help them become acquainted with their board and act responsibly, voice opinions and be fair and factual. She stated that this summed up what the Mayor was asking to be included.

Council Member Chin stated it was further elaborated when you look at General Guidelines for Appointed Members. He stated this included even more concrete responsibilities.

Mayor Talley stated it was inappropriate to discuss projects with other board members without the applicant being present. She stated board members were discussing how they were going to vote prior to that applicant being there in order to give their version of the project. She stated that was biased. She stated she appreciated Council Member Whitaker putting together the code of conduct and maybe it could be shared until training members on what bias is and why they could not be meeting with people about special use permits and discussing those matters outside. She stated if they do discuss those matters outside that they should disclose those conversations in the meeting.

Council Member Chin asked if there were guidelines for commissions in regards to someone submitting an application are they notified their application would be coming before the board so they could be present.

City Manager Garner stated yes, if an applicant had submitted a request for rezoning they are aware of when it goes to the Planning Board and when it comes to City Council.

Assistant City Manager Holland also stated yes that anytime an application is received, the applicant immediately asks when will this go before the board and they are also made aware of when it goes to Council or HRC. He said he could not recall a time when an applicant did not know when their item was going before a particular board.

Council Member Chin said it was a matter of code of conduct and a courtesy to the citizens who were making an application that they know their application was being considered. He stated it would be disingenuous if you conduct business and the applicant had not been notified. He stated when he served on the Planning Board, it was made abundantly clear what you could and could not discuss and the applicant would have the opportunity to speak to the Board.

Mayor Talley stated she was mainly concerned about a particular meeting that was recorded and when that person comes up to present their case and the board votes against, that person that they would have legal liability against the Board and the City because they clearly discussed it ex parte.

Council Member Chin stated that takes you back to the Open Meetings laws and how you are not permitted to do that.

Mayor Talley stated there was another issue where staff had a fixed opinion about something and they were advocating their opinion, which really needed to be acknowledged. She stated it states in the Special Use Permitting handbook that a board member or staff could not advocate a particular position but give facts and information only. She stated that she appreciated Council Member Whitaker putting the draft together and this was happening at the Historic Commission meetings with some board members. She stated she wanted to make sure new board members were being trained correctly so they understood factual testimony and someone stating opinions.

Council Member Whitaker stated that should be covered in training.

Tom Boney, Alamance News, stated that most of the examples that the Mayor gave were either special use permits or other quasi-judicial considerations. He stated the limits on board conduct and interactions are much stricter in those cases than in just other policies. He asked if any of the advisory boards had been advised of this proposed change or institution of a code of conduct.

Council Member Whitaker stated the actual idea and the original document that was presented was given to her by the Tree/Appearance Commission.

Mr. Boney asked if other boards had access to this document and was surprised that this was not a public hearing.

Mayor Talley stated that she would argue that it was not anything new and was simply putting it in writing to make sure everyone was on the same page and there was nothing in the document that a board member should have issues with.

City Manager Garner stated it was included in the agenda packet that was available on the public website since Wednesday of last week. She stated that advertising for vacancies had started, and it was important for potential applicants to know that this code of conduct exists prior to applying.

Council Member Chin stated that the attorneys reviewed the code of conduct.

City Attorney Bob Ward stated that was correct and a few changes were made that board members had to comply with the public records law and put in a due process in the event that a board member was to be removed, they would have an opportunity to be heard and come before Council before they could be removed. He agreed with what was being proposed and had been complied with but it had never been put in writing.

Motion by Mayor Pro Tem Hall to approve the Advisory Board Code of Conduct as presented, seconded by Council Member Chin. The motion passed unanimously.

City of Graham Advisory Board Code of Conduct

This Code of Conduct aims to establish guidelines for ethical standards of conduct for Board Members and help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or a member's best judgment.

Without the dedication of the many volunteers who serve and contribute countless hours as board, commission, and committee members, the City would be unable to function. These volunteers help to make the City of Graham a great place to live, work, and play. Citizen knowledge, interest, and action are important ingredients to the delivery of top-quality public services. More than ever, citizen participation is playing an important role in local government. The richness that comes from citizens serving on a City board, commission, or committee is one of the things that makes Graham exceptional.

Being a member of a City board, commission, or committee (herein "Board") requires work and commitment, and it is intended to be a very rewarding experience. It also offers a means to participate in community affairs and to work with new people.

Relationship with City Staff

The staff liaisons to the Council-appointed bodies are valuable resources. They conduct research and provide relevant information that enhances a body's ability to accomplish business before the board. Staff is available to answer questions and follow up on items brought before the board. Appointed members should be aware of the time involved on the part of staff in preparing studies and reports, and should make sure that all staff requests are consistent with the board's approved work program. Individual board members cannot direct the work of staff liaisons.

Relationship with Fellow Committee Members

Cooperation among fellow board members plays an important role in the successful efforts of City boards. In order to build consensus around common goals and objectives, board members should first show a willingness to objectively define the issues at hand and then work to reconcile opposing viewpoints. When appointed members interact positively, the group as a whole will be more effective. Important points to keep in mind in working with other appointed members are:

- 1) Respect an individual's viewpoint, even though it may be different from your own.
- 2) Allow other members adequate time to present their views before making comments.
- 3) Be open and honest.
- 4) Welcome new members and help them become acquainted with their board.
- 5) Accept responsibility, voice opinions, and be fair and factual.

Relationship with the Public

Good relations with the public are vital for all City boards. In many cases, each body serves as a link between the City Council and the public, helping to inform the public, reconcile opposing viewpoints, and explain City programs and policies. Appointed members should welcome citizen input at meetings and be considerate of all interests, attitudes, and differences of opinion. Each board provides a channel for citizen expression by listening to comments, opinions, and concerns from the public; therefore, it is important to be responsive and in tune with the community.

Training for Appointed members

Continuing education to further one's knowledge of the various issues that face the City of Graham is essential to serving the public interest. Appointed members are encouraged to attend conferences and workshops, read relevant publications, and utilize other opportunities for personal and professional training that will bring new ideas into the community.

General Guidelines for Appointed Members

- 1) Understand the role and responsibility of the board and be informed of its functions, work programs, and relationships with other bodies.
 - 2) Represent the overall public good, not the exclusive point of view of a sole group or interest.
 - 3) Keep all lines of communication open. Each appointed member serves as a communication link between the community, the Council, and staff.
 - 4) Do your homework and be prepared. Appointed members should become familiar with items under consideration prior to meetings in order to be fully prepared to discuss, evaluate, and act on matters scheduled for consideration. Feel free to seek staff's advice and assistance in advance of a meeting.
 - 5) Establish a good working relationship with fellow appointed members, the City Council, and your staff liaison.
 - 6) Understand the scope and authority of your board's responsibility and strive to work within that scope.
 - 7) Follow the chain of command by contacting the Chairman and Staff Liaison for questions, concerns, and issues. All communication should be focused on work product and not personal character assessments.
 - 8) Be a participant, an active representative, and enthusiastic.
 - 9) Conduct yourself with politeness and courtesy with City staff and fellow committee members in public and by electronic communication.
 - 10) Act with integrity and independence from improper influence as they exercise the duties of their offices.
- Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- Treating other Board Members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly

Expectations of Board Members

Board members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board Members should meet attendance expectations and be prepared for all meetings.

Board Members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

Compliance with Open Meetings Law

Board Members should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business.

They should also remember that local government records belong to the public and not to them or City employees.

Board Members, who act in a quasi-judicial capacity, should disclose contacts and information about issues that they receive outside of public meetings about quasi-judicial matters outside of the quasi-judicial proceedings themselves. In order to ensure strict compliance with the laws concerning openness, the Mayor and City Council have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit.

Sanctions

Following the review of an allegation against a Board Member pursuant to a violation of this Code of Conduct, the City Council retains the right to remove a member in its sole discretion after written notice and opportunity to be heard and address concerns raised about a Board Member's conduct.

ACKNOWLEDGEMENT OF RECEIPT Code of Ethics for Citizen Advisory Board Members of the City of Graham, North Carolina

On the date written below, I received the " Advisory Board Code of Conduct for the City of Graham, North Carolina". I acknowledge this policy contains basic information related to serving as a volunteer on a City board, commission, or committee.

I understand that I am responsible for reviewing the contents of this policy and asking questions if I do not understand any part of it.

By signing below, I agree to abide by the policy listed above and hereby acknowledge my responsibilities as a Board Member.

ITEM 6: FY2023-24 PROPOSED BUDGET PRESENTATION:

City Manager Megan Garner introduced the recommended Fiscal Year 2023-2024 Budget Proposal. She stated that each Council Member received a binder with various tabs that detailed all the aspects of the budget and would be available in the City Clerk's office for public inspection and posted tomorrow, in its entirety, on the City's website.

City Manager Garner gave the following presentation:

<h2>Budget Process</h2> <hr/> <ul style="list-style-type: none"><input type="checkbox"/> February - Departments budget kickoff<input type="checkbox"/> Individual departmental review<input type="checkbox"/> Cost of goods and materials have increased resulting in higher cost of service delivery<input type="checkbox"/> No reduction to services

Tax Value & Revaluation

Value as of:		% change
2017-2018	\$1,140,317,018	
2018-2019	\$1,182,874,745	3.73%
2019-2020	\$1,256,161,975	6.20%
2020-2021	\$1,298,654,622	3.38%
2021-2022	\$1,336,885,234	2.94%
2022-2023	\$1,400,147,535	4.73%
2023-2024	\$2,314,754,893	65.32%

City Manager Garner shared that the last revaluation the County conducted was in 2017-18 and \$1.14 billion was the City's value at that time. In 2023-24 the City's value increased to \$2.3 billion. A 65% jump in value since the last fiscal year.

Mayor Talley asked what does that tell you.

City Manager Garner stated it could tell you that the City has been undervalued for a number of years. She stated this large of a jump was atypical and you usually would not see a 65% jump from one year to the next.

Mayor Talley asked if any other surrounding county had a 65% increase in value.

City Manager Garner stated she had not talked to all of them but said since this was not common, there probably had not been many 65% jumps in value in one year.

Mayor Talley asked if the argument was all the property in Alamance County was so much more valuable than all the property that is in Wake and Guilford.

City Manager Garner stated that was certainly not her argument and was glad she was not the one who does the revaluation and assigns the property assessment to the different homes. She stated that with her own personal property and talking with citizens, there had been a number of appeals submitted to the County tax office where people had contested their value. She stated citizens had until May 5, 2023 to submit their appeal and the message that came back was it could take up to 90 days to process. So, the City could be well into the next fiscal year before the final value for the City of Graham is established.

Tom Boney, Alamance News, questioned the tax value, revaluation numbers, and the 65.32% increase.

City Manager Garner stated these estimates came directly from the County tax office and it was a pre-billing report dated March 31, 2023. She stated she did not know what the tax office was calculating as far as the percentages that were referenced if they were referring to the last revaluation in 2017 and 2018 to present but these are the numbers they provided us in a prebilling report.

Revenue-Neutral

N.C.G.S. 159-11(e) defines the revenue-neutral rate as the rate that is estimated to produce revenue for the next fiscal year equal to the revenue that would have been produced for the next fiscal year by the current tax rate if no revaluation had occurred.

Fund 10 capital – equivalent to \$0.05644

Given the historic jump in Graham values, the difference between revenue-neutral and the proposed rate is used to fund capital improvement items.

Current	Proposed	Revenue Neutral
\$0.4550	\$0.3500	\$0.2899

City Manager Garner stated the current tax rate today was \$0.455 and the revenue neutral rate is \$0.2899. She stated the proposed budget has a proposed tax rate of \$0.350. She stated that was a 10.5 cent reduction to our existing tax rate but was higher than the revenue neutral, which was based on a much higher value as we stand today.

City Manager Garner stated Fund 10 was the General Fund, which was where the ad valorem property taxes go. She stated the tax rate of roughly 5.5 cents was enough to cover the capital that had been budgeted within Fund 10. She shared that was not all the capital requests that were made but those are the ones that are proposed to be funded in General Fund 10.

Mayor Talley asked what was the total number of what we expected to come in without the reassessment versus the proposed new rate.

City Manager Garner stated if you averaged the five years between the revaluations we are at 3.71% growth each year, which is significantly lower than the 65% we gained in one year.

Mayor Talley stated in the past, not having a revaluation, how much had that grown.

City Manager Garner asked if she was talking about how much the levy had grown.

Mayor Talley stated no, how much had it grown from one year to the next on average over the last five years.

City Manager Garner stated not having been the one to have prepared those budgets, she would say they probably would have looked at historical trends and guessed somewhere in the 2 to 3% growth, pure speculation on her part.

General Fund (10)

General Fund (Fund 10)			
Department	Budget FY 2022-2023 (as adopted)	MANAGER'S RECOMMENDATION	Difference
City Council	\$63,000	\$73,000	\$10,000
Admin	\$653,900	\$723,870	\$69,970
Information Technology	\$320,100	\$522,150	\$202,050
Finance	\$403,400	\$417,800	\$14,400
Public Bldgs	\$176,000	\$210,700	\$34,700
Police	\$5,661,200	\$6,630,615	\$969,415
Fire	\$1,637,700	\$1,825,375	\$187,675
Inspections	\$566,900	\$773,200	\$206,300
Traffic Engineering	\$28,300	\$28,800	\$500
Warehouse	\$105,700	\$119,850	\$14,150
Streets & Highways	\$1,616,100	\$2,055,045	\$438,945
Street Lights	\$125,000	\$150,000	\$25,000
Garage (previously fund 40)	\$1,064,500	\$1,266,300	\$201,800
Sanitation	\$1,406,800	\$1,476,400	\$69,600
Recreation	\$1,030,100	\$1,085,465	\$55,365
Lake	\$240,600	\$259,200	\$18,600
Athletic Facilities	\$429,000	\$464,250	\$35,250
Property Maintenance	\$769,700	\$934,400	\$164,700
Non-Departmental	\$1,123,100	\$1,175,500	\$52,400
	\$17,421,100	\$20,191,920	\$2,770,820

City Manager Garner stated on the above slide, the second column reflects the 2022-2023 budget as it was originally adopted. There had been budget amendments that had been approved and would probably be more in June. She stated the next column was the manager's recommendation and the last column showed the difference between the two. She pointed out the Garage Fund used to be housed separately as an internal service fund, Fund 40, but due to the rising cost of parts and materials, that fund had been moved into Fund 10 for the upcoming fiscal year. She stated the City would continue to do work for other municipalities and bill them accordingly and would no longer have to increase the labor rate to try to make the fund break even.

General Fund (10)

- ☐ One penny on the tax rate is estimated to generate \$228,084 in the upcoming year based on a 97% collection rate.
- ☐ The Garage Fund (40) has been absorbed into the General Fund
- ☐ Expenditures for public safety (\$8,455,990) are expected to exceed all of the ad valorem tax levy (\$7,652,300) by over \$803,690
- ☐ Lieutenants funded in PD as a part of a restructuring effort with no increase to FTEs
- ☐ Two new full-time positions funded: Planner I and Human Resources Assistant
 - ☐ Currently have intern and part-time in these roles respectively

City Manager Garner covered the above quick facts.

New Proposed Fees (General Fund)

- ☐ Site development/re-inspection fee
 - ☐ 1st \$250, 2nd \$500, 3rd \$750
- ☐ Inspections Technology Fee of 3% for credit/debit purchases for new residential and commercial construction

Highlights of Fee Changes (General Fund)

- ☐ Garbage and recycling – Increase by \$1.00 from \$10.50 to \$11.50
 - ☐ Republic 3% CPI and proposed \$2/ton increase in Alamance County tipping fees
- ☐ Inspections minimum permit fees increase from \$50 to \$60

Water and Sewer (Fund 31)

- ☐ Proposed rate increase of 7%

- ☐ Increase for 1,000 gallons ~\$1.36/month

- ☐ Increase for 5,000 gallons ~ \$5.06/month

1,000 gallons		5,000 gallons	
Current water	\$8.50	Current water	\$23.33
Proposed water	\$9.09	Proposed water	\$24.96
Current sewer	\$11.02	Current sewer	\$49.01
Proposed sewer	\$11.79	Proposed sewer	\$52.44

City Manager Garner stated there was a proposed rate increase for water and sewer of 7%.

Upcoming Dates

- ☐ Budget work session ~ Tuesday, May 23rd at 10am
- ☐ Public Hearing ~ Tuesday, June 13th at 6pm

Budget Availability

- ☐ Available in the office of the City Clerk
- ☐ Will be available on our website (www.cityofgraham.com) Wednesday, May 10th

PUBLIC COMMENT PERIOD

Mr. Keith Westbrooks, 604 Trock Wilder Court, Graham, inquired about Arts Around the Square coming back to Graham.

Mayor Talley shared that it was being considered.

CITY STAFF COMMENTS

There were no City Staff comments.

CITY COUNCIL COMMENTS

Council Member Whitaker shared it would be nice to consider Arts Around the Square.

Mayor Talley shared the following upcoming events:

- DockDogs – May 27 and 28, 2023, in downtown Graham.
- Bank Fishing Catfish Tournaments – May 20, June 17, August 12 – 8 pm to midnight
- Big C Concert – May 13, 2023 – 4 – 8 pm
- Family Day at the Lake – June 3, 2023 – 3 – 6pm – Graham-Mebane Lake
- Thursdays at Seven Concert Series – May 25th – The Holiday Band and June 22nd, The Main Event Band

Mayor Talley further shared issues with Link Transit drop-offs. She asked if Council would direct staff to investigate how to address some of the issues that seemed to start after there was no longer a charge to ride. She stated there was an incident this past week and it seemed to be reoccurring frequently. She suggested having a meeting with two Council Members, Assistant Chief, and a representative from Link Transit to meet and discuss issues. All Council Members agreed.

CLOSED SESSION:

City Council considered going into a closed session pursuant to G.S. 143-318.11(a)(6).

Motion by Mayor Talley to go into closed session pursuant to G.S. 143-318.11(a)(6), seconded by Mayor Pro Tem Hall. The motion passed unanimously. (7:34 pm)

OPEN SESSION:

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

Mayor Talley stated the Council went into a closed session to discuss the review of the City Manager's performance. The Council met with City Manager Garner and give her expectations. She stated after her annual review it was decided to increase her salary by 8%. She stated that in comparison with other cities, she was in the lowest tier. She stated they were happy to have Megan Garner with the City and she had done a fantastic job.

Mayor Talley motioned to increase City Manager Megan Garner's salary by 8%, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Mayor Talley stated in regards to our City Attorneys, they had not received an increase in the last four years. She stated that the combined cost for two attorneys was \$78,000 and Council proposed a 12% increase based on those COLA adjustments that had not been made in the last four years. She stated the cost would go from \$78,000 to \$87,360.

Mayor Pro Tem Hall motioned to approve the 12% increase for the City Attorneys, seconded by Council Member Chin. The motion passed unanimously.

ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting was adjourned at 9:57 pm.

Renee M. Ward, CMC
City Clerk