

# City of Graham

## City Council Meeting Minutes

### June 13, 2023



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on June 13, 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  
Renee Ward, City Clerk  
Melanie King, Finance Officer

#### CALL TO ORDER:

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

#### INVOCATION & PLEDGE OF ALLEGIANCE

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

#### SPECIAL PRESENTATIONS AND RECOGNITIONS:

Council recognized Graham Recreation and Parks 2022 9/11 Commemorative 5k Proceeds and First Responders Team Cup Trophy for the following:

- Donation to Children of Fallen Heroes
- Trophy Presentation to Graham Fire Department





### CONSENT AGENDA:

- a. To approve the minutes from May 9, 2023, City Council meeting and May 23, 2023, City Council Special meeting.
- b. To approve the updated contract with Ward & Coleman Attorneys at Law for City attorney services.
- c. To set a date of public hearing for July 11, 2023, to consider extending the corporate limits to the City of Graham for a tract of land totaling 57.106-acres off Little Creek Drive and to direct the City Clerk to investigate the sufficiency of the petition. (AN2305)

**RESOLUTION FIXING DATE OF JULY 11, 2023, FOR A PUBLIC HEARING ON  
QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR  
57.106 +/- ACRES OFF LITTLE CREEK DRIVE (AN2305)**

**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 July 11, 2023.

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

Legal Description GPIN#: 8883100157

All that certain piece, parcel or tract of land, lying and being 1n the Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pipe, the southeastern comer of now or formerly, Hayden A Garrison & Kensley B. Garrison (DB 3761, PG 735); thence South 19° 54' 27" West 666.26 feet to an existing iron pipe, at or near the eastern boundary of a 25 foot sanitary sewer easement recorded at Book 324, Page 413, Office of the Register of Deeds of Alamance County; thence South 51 ° 49' 09" East 50.13 feet to a computed point; thence South 61 ° 42' 36" East 93.11 feet to a computed point; thence along Little Alamance Creek the following 27 courses and distances, each to a computed point: 1) South 60° 06' 25" East 188.93 feet; 2) South 30° 00' 02" East 79.30 feet; 3) South 02° 21' 39" West 191.36 feet; 4) South 23° 40' 02" East 109.17 feet; 5) South 14° 12' 45" West 108.87 feet; 6) North 82° 26' 1 O" West 100.90 feet; 7) South 82° 30' 41" West 117.12 feet; 8) North 87° 46' 34" West 167.55 feet; 9) South 69° 21' 20" West 83.34 feet; 10) South 31° 36' 40" West 189.75 feet; 11) South 34° 39' 52" West 188.97 feet; 12) North 90° 00' 00" West 60.66 feet; 13)North 47° 01' 40" West 147.53 feet; 14)North 23° 22' 54" West 127.33 feet; 15)North 54° 46' 32"West 194.34feet; 16) N□rth 13° 11'45"West 193.8lfeet; 17) North 55° 33' 11" West 103.32 feet; 18) North 41 ° 53' 30" West 283.45 feet; 19) North 83° 44' 52" West 162.21 feet; 20) North 26° 50' 17" West 134.77 feet; 21) North 23° 55' 24" East 53.43 feet; 22) North 62° 54' 57" East 298.65 feet; 23) North 85° 02' 23" East 107.14 feet; 24) North 09° 55' 39" East 114.30 feet; 25) North 31° 28' 45" West 231.97 feet; 26) North 70° 03' 06" West 308.83 feet; and 27) North 84° 43' 47" West 401.49 feet; thence North 36° 51' 38" West 125.55 feet to a computed point; thence South 79° 21' 13" West 74.95 feet to a computed point; thence North 07° 25' 43" West 48.54 feet to an existing iron pipe; thence North 83° 21' 41" East 90.17 feet to an existing iron pipe; thence South 42° 49' 56" East 125.75 feet to an existing iron pipe (bent); thence South 84° 49' 14" East 482.12 feet to an existing iron pipe (bent); thence North 05° 17' 42" West 407 .29 feet to an existing iron rod at or near the northern margin of the right of way of Little Creek Drive; thence along the northern margin of the right-of-way of Little Creek Drive, a curve to the left, having a radius of 1,445.13 feet and arc length of 100.02 feet and a chord bearing and distance of South 86° 43' 19" West 100.00 feet to a nail; thence South 84° 45' 13" West 46.39 feet to an existing iron pipe; thence North 11 ° 06' 59" East 180.84 feet to an existing iron pipe; thence North 85° 34' 12" East 138.56 feet to an existing iron pipe at or near the western margin of the right of way of Hanson Lane; thence North 82° 48' 27" East 877.07 feet to an existing iron pipe (bent); thence North 30° 40' 55" East 189.44 feet to an existing iron rod; thence South 73° 55' 23" East 245.98 feet to an existing iron pipe; thence South 06° 57' 15" East 339.68 feet to an existing iron pipe; thence South 19° 33' 01" East 154.14 feet to an existing iron pipe; thence South 11 ° 30' 36" West 260.38 feet to an existing iron pipe; thence South 78° 24' 57" East 146.88 feet to the point and place of BEGINNING, having an area of 57.106 acres, more or less, as shown on that certain Boundary Survey for Windsor Investments, LLC, Shoffner Tract 2, dated March 24, 2021 and prepared by Borum, Wade & Associates, P.A.

Adopted this 13<sup>th</sup> day of June 2023.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED**  
**UNDER G.S. 60A-31 - (GPIN: 8883100157) (AN2305)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on

June 13<sup>th</sup>, 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 special events application for the 3<sup>rd</sup> Annual Esperanza Hispanic Festival on Saturday, September 30, 2023, and to close the 100 block of West Elm Street from 11:00 am to 8:00 pm. (Amended street closure request to change the time to 1:00 pm to 10:00 pm which includes set-up and clean-up)
- e. To approve a date change for the 9/11 Commemorative 5K event to be held on Saturday, September 16, 2023, and to approve the following street closures: northbound lane of Maple Street from McAden Street to Pine Street, McAden Street from South Main Street to Maple Street, a southbound lane of South Main Street from Pine Street to McAden Street, Pine Street from South Main Street to Maple Street from 6:00 a.m. to 12:00 p.m.
- f. To approve a budget project ordinance in the amount of \$500,000, for the Boyd Creek Watershed point repair.

**CAPITAL PROJECT ORDINANCE  
BOYD CREEK WATERSHED POINT REPAIR**

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

- Section 1. The Project authorized is Boyd Creek Watershed Point Repair.
- Section 2. The officials of the City of Graham are hereby directed to proceed with this project within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:
- |                                 |                   |
|---------------------------------|-------------------|
| Proceeds from Retained Earnings | \$ 500,000        |
| <b>TOTAL</b>                    | <b>\$ 500,000</b> |
- Section 4. The following amounts are appropriated for this project:
- |                       |                   |
|-----------------------|-------------------|
| Professional Services | \$ 500,000        |
| <b>TOTAL</b>          | <b>\$ 500,000</b> |
- Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.

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

Section 7. This ordinance shall take effect upon passage.

This the 13<sup>th</sup> day of June 2023.

- g.** To approve a budget project ordinance in the amount of \$904,860, for the Long & Albright Water and Sewer improvements.

**CAPITAL PROJECT ORDINANCE  
LONG & ALBRIGHT IMPROVEMENTS PROJECT**

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

Section 1. The Project authorized is Long & Albright Improvements Project.

Section 2. The officials of the City of Graham are hereby directed to proceed with this project within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Proceeds from Retained Earnings – Water/Sewer	\$ 749,340
Proceeds from Retained Earnings – General Fund	<u>\$ 155,520</u>
<b>TOTAL</b>	<b>\$ 904,860</b>

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

Professional Services	<u>\$ 904,860</u>
<b>TOTAL</b>	<b>\$ 904,860</b>

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

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

Section 7. This ordinance shall take effect upon passage.

- h.** To approve the following fiscal year-end 2022-2023 Budget Amendment Ordinance for the Garage, Water and Sewer, and General Funds:

**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.**

**GARAGE FUND**

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE ( DECREASE)
City Garage - Salaries	131,900.00	134,900.00	3,000.00		3,000.00
City Garage - Inventory Fuel Purchases	540,000.00	570,000.00	30,000.00		30,000.00
	<b>671,900.00</b>	<b>704,900.00</b>	<b>33,000.00</b>	<b>-</b>	<b>33,000.00</b>

**Section 2.**

**GARAGE FUND**

REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance	-	33,000.00	33,000.00		
	<b>-</b>	<b>33,000.00</b>	<b>33,000.00</b>	<b>-</b>	<b>33,000.00</b>

**Section 1.**

**WATER AND SEWER FUND**

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE ( DECREASE)
Non Dept Admin - Group Insurance	87,000.00	97,000.00	10,000.00		10,000.00
Water & Sewer Distribution - Salaries	458,300.00	448,300.00		(10,000.00)	(10,000.00)
	<b>545,300.00</b>	<b>545,300.00</b>	<b>10,000.00</b>	<b>(10,000.00)</b>	<b>-</b>

**Section 1.**

**GENERAL FUND**

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE ( DECREASE)
Inspections P/Z - Salaries	356,700.00	361,700.00	5,000.00		5,000.00
Warehouse - Salaries	61,200.00	63,200.00	2,000.00		2,000.00
Property Maintenance - Salaries	396,800.00	411,800.00	15,000.00		15,000.00
Property Maintenance - Fuel	25,000.00	45,000.00	20,000.00		20,000.00
Finance - Software Maintenance & Changes	40,000.00	55,000.00	15,000.00		15,000.00
Police - Salaries	3,391,000.00	3,334,000.00		(57,000.00)	(57,000.00)
	<b>3,431,000.00</b>	<b>3,389,000.00</b>	<b>57,000.00</b>	<b>(57,000.00)</b>	<b>-</b>

Adopted this 13th day of June 2023.

Mayor Pro Tem Hall motioned to approve the consent agenda, 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. (Continued from the May 9, 2023, City Council meeting) (Planning Board recommends denial of the rezoning by a vote of 4-1) (Petitioner request to table to July 11, 2023, City Council Meeting)

Mayor Pro Tem Hall motioned to table the rezoning to July 11, 2023, City Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

## **ITEM 2: ANNEXATION – 53.904 ACRES – LOCATED OFF MAYFIELD DRIVE – (AN2301)**

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. (Continued from the May 9, 2023, City Council meeting) (Planning Board recommends denial by a vote of 4-1) (Petitioner request to table to July 11, 2023, City Council Meeting)

Mayor Pro Tem Hall motioned to table the rezoning to July 11, 2023, City Council meeting, seconded by Council Member Parsons. The motion passed unanimously.

## **ITEM 3: SPECIAL USE PERMIT – 0 EAST INTERSTATE SERVICE ROAD**

City Council considered a request for a Special Use Permit for Trucking or Freight Terminal, Storage, Repair, Wash, or Stop for property located at 0 E Interstate Service Road. The site is approximately 5.547 acres.

Mr. Matt Wall, Attorney, 3453 Forestdale Drive, Burlington, stated there were potential conflicts realized today that meant some of the witnesses would not be available. He stated due to this being a quasi-judicial hearing, those witnesses would need to be present and available to answer questions. He asked Council to continue to the July 11, 2023, City Council meeting.

Mayor Pro Tem Hall motioned to table the special use permit request for July 11, 2023, City Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

## **ITEM 4: REZONING – 0 KIMREY ROAD – 68.791 ACRES – UN-ZONED TO I-1, LIGHT INDUSTRIAL**

City Council considered a request to rezone 68.791 acres located at 0 Kimrey Road from Un-zoned to I-1, Light Industrial for the purpose of developing an industrial site in the future. (Planning Board recommended denial of the rezoning 6-0) (Petitioner requests to table to July 11, 2023, City Council Meeting)

Mayor Pro Tem Hall motioned to table the rezoning to July 11, 2023, City Council meeting, seconded by Council Member Chin. The motion passed unanimously.

## **ITEM 5: ANNEXATION – 68.791 ACRES – OFF KIMREY ROAD – (AN2303)**

City Council considered approval of an Annexation Ordinance to extend the corporate limits to the City of Graham for a tract of land totaling 68.791 acres located off Kimrey Road. (Petitioner requests to table to July 11, 2023, City Council Meeting)

Mayor Pro Tem Hall motioned to table the rezoning to July 11, 2023, City Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

## **ITEM 6: ANNEXATION – 38.93 ACRES – OFF CHERRY LANE – (AN2304)**

City Council considered approval of an Annexation Ordinance to extend the corporate limits to the City of Graham for a tract of land totaling 38.93 acres located off Cherry Lane.

Assistant City Manager Aaron Holland stated the area being considered for annexation was located off Cherry Lane and contained approximately 38.93 acres. He stated water and sewer were located near the property along Cherry Lane, and the applicants wished to tie onto the City's infrastructure. He stated new industrial development generally creates positive tax revenue for the City, and because the public services are being connected at this site, the cost to the City would be minimal.

The public hearing was opened and the following spoke:

Amanda Hodierne, Attorney, 804 Green Valley Road, Suite 200, Greensboro, stated she was present to answer any questions, and this particular parcel had been zoned in Graham's jurisdiction for quite some time. She stated the development plan had come through the TRC process pursuant to the City's regulatory landscape and was seeking annexation as the final piece of the development proposal.

Tom Boney, Alamance News, 114 West Elm Street, inquired about the zoning on a portion of the property requesting to be annexed.

Assistant City Manager Holland stated it was zoned R-18.

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

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

**ANNEXATION ORDINANCE  
TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF GRAHAM, NORTH CAROLINA  
FOR 29.83 ACRES AND 9.10 ACRES TRACTS OF LAND OFF OF CHERRY LANE (AN2304)**

**WHEREAS**, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

**WHEREAS**, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, the City Clerk has certified the sufficiency of the petition, and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on June 13<sup>th</sup>, 2023, after due notice by publication on June 1<sup>st</sup>, 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 June 13<sup>th</sup>, 2023:

**Legal Description GPIN#: 8893686572**

Parcel ID: 152443

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**

Parcel ID: 152460

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.

Adopted this the 13<sup>th</sup> day of June 2023.

Mayor Talley asked Council to move the public comment section before the budget hearing due to several people present to speak.

Mayor Talley motioned to amend the agenda to allow public comments before the budget hearing, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

### **PUBLIC COMMENTS:**

Mr. Mike Farlow, Comtech, 1204 South Main Street, Graham, offered to conduct a cost analysis for the City at no charge to determine if consolidation of a multiple phone system could save the City money. He also requested to offer a free vulnerability scan of the City's network to make the defenses as good as they should be. He stated it was a \$3,000 scan free of charge to test the vulnerabilities of the system.

The Council consensus was to have Mr. Farlow look at the phone system and run a vulnerability assessment and have the City Manager report back the findings.

Mayor Talley asked if Mr. David Michaels would address the issue regarding a tract of land located on Meadowview Drive.

Mr. David Michaels, Windsor Investments, 1007 Battleground Avenue, Greensboro, apologized for misspeaking on lot sizing that was on an approved plan for the Meadowview Glen subdivision. He stated it was a mistake and Windsor Homes had developed a number of sites in the community and wanted to continue to do business in Graham. He stated the 28-lot site averaged 11,416 square feet and was slightly less than the 12,000 he had previously stated. He again apologized for his comments on lot sizes.

Mayor Talley stated there was also a comment about barriers and not taking down all the trees.

Mr. Michaels stated it was their preference to preserve buffers and leave extensive buffers around the site including a dedication of land for a future trail. He stated every site was different and topography had to be taken under consideration, as well as utilities, floodplain areas, and sites that had to be elevated to accommodate houses safely and effectively.

Mayor Talley stated they like developers who do not clear-cut properties but build with the property and with the existing natural habitats. She stated she understood having to cut down trees in order to build a development and no one was criticized for that, but the purpose of open spaces, the ordinance was being misused and misrepresented. She stated it appeared that developers are using the flood plains in areas that are unbuildable in order to get smaller lots. She stated the reason she did not vote for the development, in the beginning, was because she did not agree with misleading the public on lot sizes. She stated that Mr. Michaels assured her that all of the lots were 12,000 square feet lots. She stated that she hoped to get a consensus from Council to rewrite the ordinance for what it was intended.

Mr. Michaels again apologized for misspeaking and that it was not his intent to mislead the Council, Planning Board, or any other group about the intentions of a proposed development. He stated they work extensively with staff to design the site and ensure areas left were open spaces to be accessible from all parts of the cul-de-sacs and to be able to utilize any future trails and access to the stream. He stated this was a 16-acre site with six and a half acres of total open space.

Mayor Talley stated the majority of the open space that was being designated back to the City was in the flood plain and you could not have built on it without flood insurance.

Mr. Michaels stated they could have gone further than they did if we had made every lot 12,000 square feet and pushed the lots further back, closer to the stream, and still be in compliance with the rules, but it did not make sense to do that. He stated they wanted to leave as much of that buffer as possible and still create a site that would be a nice neighborhood, with generous lots, and trees behind the houses, and nothing was going to fall on a house.

Mayor Talley stated one of the provisions for having open space was because developers are under an enormous amount of pressure to take up as much land as they could possibly fit in a square foot, but it was upsetting when the intent of the ordinance was misused. She stated that moving forward, she wanted the City to clarify the ordinance so the intended use and purpose of exchanging lot size and going from R-12 to R-10 that we get something for that other than just floodplain property. She stated the intent was

to have open space located throughout the development and moving forward on future plans you will know what I am looking for.

Mr. Michaels stated that it is common in many different ordinances to try to consolidate development, density stays the same and it consolidates the development for more useable parts of the property and leaves those environmentally sensitive steep slopes and fragile areas out of play, which was a primary goal for every municipality. He apologized for misspeaking and being able to come back to clarify.

Mayor Talley said that even though this was not a public hearing there were people in the audience who would like to speak in regards to this development.

Mr. Peter Murphy, 1933 Meadowview Drive, Graham, resides adjacent to the property in question. He voiced disapproval with lot sizes zoned R-12, being mostly developed under 12,000 square feet. He shared trees were damaged on his property by digging right next to his trees and leaving large pine trees that are subject to fall. He stated that the annexation was the only time this property had come before Council, which was confusing because it was stated at the annexation these would be 12,000 square foot lots and Mr. Michaels had apologized for that misstatement but it was a huge misstatement. He stated the final thing said was that Council would hold him to that. He stated that since that meeting, the property had been developed exactly less than 12,000 square feet. He stated that out of 19 lots, there was only one more than 12,000 square feet, the other 18 was just over 10,000.

Mayor Talley asked if that was correct. She thought six of the 28 were 12,000.

Assistant City Manager Holland stated it was six of the 28 were 12,000 or more.

Mr. Murphy stated just speaking of the sixteen lots next to his house, only one was 12,000 and that was because the utility buffer created it at 12,000 square feet and the rest was 60 feet wide and a house was 40 feet wide. He stated you would only be able to park one car in the street and the streets were narrow. He stated the development ordinance had a requirement that you either have an HOA or a dedication to the City and the City needed to accept that dedication and asked if the City had accepted that dedication.

Mayor Talley stated she had asked the same question and part of the annexation would be accepting the property surrounding there that was the buffer and open space. She stated they did not in order for it to be a trail. She stated her concern was why would anyone want to buy a house with a public trail behind the house. She asked if the City of Graham wanted to accept that designation and the responsibility of maintenance.

Assistant City Manager Holland stated it was a greenway network and was part of the Mountain to the Sea Trail that was located in other subdivisions. He stated those dedications are in other areas, which are natural trails that coincide with the network in conjunction with the County.

Mayor Talley asked where the park was located.

Assistant City Manager Holland stated it was across Rogers Road.

Mayor Talley asked if it was rational for someone to go out trail hiking behind someone's home and why would they not want an HOA to maintain the open space.

Mayor Pro Tem Hall stated the HOA could bar anyone from walking on that trail except for homeowners.

Mayor Talley stated that if she were a homeowner, she would not prefer a public trail behind her house.

Assistant City Manager Holland stated the pedestrian plan identified projects like this and that was the reason for the Mountain to the Sea Trails arrangements in subdivisions adjacent to public facilities. He stated when Windsor was asked to work with the City did not argue when they gave this property to the City. He stated that it could be taken out, but then you would be going against the Pedestrian Plan which encourages these types of arrangements of greenway trails.

Mayor Talley said that she would not go to someone else's subdivision and walk behind their houses. She stated that people would wonder what she was doing in the middle of a natural area walking behind their houses.

Council Member Chin asked if the trails were removed if all the lots have the requisite of 12,000 square feet?

Assistant City Manager Holland stated we would not want to do that because you would then push those properties into floodplains and every single property would have to have floodplain insurance.

Mayor Talley stated that if you did not have it public, they would effectively have 12,000 square feet if it were owned by the HOA.

Assistant City Manager Holland stated it would look the same.

Council further discussed the trails and the location.

Council Member Whitaker asked that since all this was approved under misrepresentation, was this something that could be revoked.

Mayor Talley stated that part of the annexation on the table tonight includes the acceptance of the public area.

Council Member Whitaker stated but it was actually not on there tonight because it was pushed to the next meeting.

Assistant City Manager Holland stated it had been approved.

Council Member Whitaker asked if that approval was revocable due to the misrepresentation.

City Attorney Coleman stated it could not.

Mayor Talley stated there was never anything that came to Council and Council agreeing to smaller lots, it was already zoned R-12 and it was still R-12. She stated what changed was in the annexation and Mr. Michaels making untrue comments on the lot sizes, buffers, and trees. She stated she probably would not have voted for it had she known this designated area surrounded it. She stated there was no one here in opposition and she thought what he was saying was true. She stated that Council could only act on the information they had and if it was incorrect it was incorrect. She stated that she contacted Attorney Bob Ward and said that at a minimum, she wanted Mr. Michaels to address Council for a point of clarification in regards to the annexation. She stated that the Council should have the right whether they would want to accept that designation of open space.

Assistant City Manager Holland stated they agreed to dedicate the space but Council could say they did not want it to be dedicated and you would then need to have Windsor present an updated site plan for TRC to sign off on again but basically removing that dedication off the site plan to be approved without it on there. He stated that would be separate from the annexation and would be through the TRC process.

Mayor Talley asked if there were any other concerns that Mr. Michaels could address. She stated she had been inundated with calls about the trucks on Wildwood and the condition of the road. She stated that City had been working with Windsor about repairing the road.

Mr. Murphy further shared that back in March, he questioned the smaller lots and asked Council to look at the smaller lots. He stated there was no coordination of buffer zones, and the developer had damaged trees on his property by digging right next to his trees and leaving huge pine trees that are subject to falling instead of leaving good hardwoods. He stated he had asked what the homes would look like and they wrote back and said they were still coordinating what exact product they would implement in his neighborhood and how does that happen.

Mayor Talley stated that in strict zoning, they can build anything with any material that they want to build, which was consistent with any municipality. The City cannot decide what product they put up and the only way you can do that was if they came to the City and asked for a conditional rezoning and then the Council could implement stricter guidelines, such as lighting and fencing. She stated that they encouraged developers to do that because it does lend itself to the developer to work with existing neighborhoods. She stated this property was already zoned R-12 and had the right by use of that zoning but was using the open space ordinance in order to be able to reduce the lot sizes. She stated they were not allowed to reduce it to less than 10,000. She stated after this meeting she hoped to have a consensus for staff to look into rewriting that ordinance so it goes back to how it was intended.

Mr. Paul Smart, 556 Little Creek Drive, Graham, voiced displeasure with the subdivision, especially the retention ponds, and asked who would maintain those ponds.

Council Member Whitaker asked if there would be an HOA that would take care of the ponds.

Mr. Michaels shared that the retention ponds are all temporary and were required as erosion control devices by the State of North Carolina to accept all run-off from the site. He stated that dirt had already been brought in to fill those ponds. He shared that hauling was over as it related to this subdivision. He shared that he had been working with City staff to make repairs to the roads and all the retention ponds would be filled in and there would be no permanent structure that would have to be maintained by anyone.

Ms. Chris Ritz, 560 Little Creek Drive, Graham, inquired about how the creek would be maintained.

Mayor Talley shared that the State had very strict erosion control requirements, which was the reason for the retention ponds to prevent erosion.

Mr. Bill Bryant, 1904 Meadowview Drive, Graham, voiced concerns about the roads getting further damaged. He asked what assurance did the City have to guarantee the roads would be repaired.

Assistant City Manager Holland said the road would be repaired and staff would coordinate with Windsor to make certain of repairs.

Mr. Michaels shared they were working with staff and had examined the road and understood why failures occurred in certain places. He stated he would continue to work with staff until the road was put back in good shape.

Mr. Tom Boney stated he was under the impression that an item would be on the agenda through the Planning Department to request an extension on the submission of a façade grant. He said his business had been awarded a façade grant and he had completed the paperwork and would submit it before the end of the fiscal year.

City Manager Garner stated she was not aware of any grants going beyond June 30, with that being the end of the fiscal year that money would roll to fund balance and if Council desired, they could re-appropriate that in the new fiscal year with a budget amendment.

Mr. Boney said they hoped to have the paperwork completed in time for this fiscal year's budget.

#### **ITEM 7: ADOPTION - FY2023-2024 BUDGET**

A public hearing had been scheduled to consider the adoption of the Fiscal Year 2023-24 Budget Ordinance, 2023-24 Pay Plan, and the 2023-24 Rates and Fee Schedule.

Mayor Talley stated that regarding the 2023-24 Pay Plan we are not accepting that in this meeting and would have an opportunity to review the pay plan in detail in an upcoming meeting.

City Manager Megan Garner stated the pay plan before Council's consideration was the pay plan as it stands for this current fiscal year plus the proposed cost of living. She stated in the current fiscal year there were funds allocated for a pay plan study and those are not being incorporated at this time but would be brought to the Council as a separate agenda item for a possible mid-year implementation.

City Manager Megan Garner stated at the May 9, 2023, City Council meeting she introduced the Manager's proposed budget and a budget workshop was held on May 23, 2023. She stated that Council made revisions, the staff made more revisions, and tonight was the budget public hearing for any member of the public who would like to make comments.

Ms. Garner gave the following budget presentation:

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%

The above chart depicts the tax values as provided by Alamance County from the last revaluation in 2017-2018 to the present. She shared there was a huge jump between the current fiscal year and the upcoming fiscal year.

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.			
Current	Manager Proposed	Revised	Revenue Neutral
0.4550	0.3500	0.3278	0.2899

Ms. Garner stated this was a revaluation year and the City was required to publish its revenue-neutral rate which was 0.2899 and the current year tax rate was 0.4555. When Council received the budget in May the Manager's proposed budget included a tax rate of 0.35 which was a 10.5 cent reduction but above the revenue-neutral rate of 0.2899. She said that in addition to the revisions that Council made at the work session and staff-initiated changes, the revised budget had a proposed tax rate of 0.3278.

General Fund (10) Summary of Changes
Total expenditure reduction of \$414,015
10-4100 – City Council – Reduced the professional services budget by \$8,000. (Staff initiated)
10-4200 – Administrative – The new HR Assistant position has been reduced to grade 14, resulting in a savings of \$10,000.
10-4300 – Information Technologies – Removed the Civic Center fiber project from 10-4300-7400, saving \$60,000. The camera project, originally divided into two phases, has been divided into three, resulting in an additional savings of \$20,000 for FY2024.

10-5000 – Public Bldg & Grounds – Removed the Carpet in Council chamber saving \$10,000.

10-5100 – Police Department – Removed the flooring replacement project in the amount of \$23,400. This item will be funded through ARPA pending Council approval. (Staff initiated)

10-5300 – Fire Department – Reduced the uniforms budget by \$8,200, the small equipment purchases budget by \$8,800, and removed the kitchen remodel of \$15,000 for a total departmental reduction of \$32,000.

10-5600 – Streets and Highways – Reduced the paving budget by \$125,000 and removed \$20,000 for Public Works parking lot repairs. (Staff initiated)

10-6200 – Recreation – Removed the ADA entry door at the Recreation Center in the amount of \$42,115.

10-6210 – Graham Mebane Lake – The pontoon boat trailer budget has been reduced by \$3,500.

10-6220 – Athletic Facilities – Removed the budgeted playground at Marshall Street Park for a savings of \$60,000.

Ms. Garner reviewed the above-stated cuts and reductions totaling an expenditure reduction of \$414,015.

## General Fund (10)

- ☐ Exploratory arts around the square program
- ☐ Deferred maintenance/capital items after reductions equate to over \$1,500,000
- ☐ Mandatory employer retirement contribution increase
- ☐ Funding of two new School Resources Officers (partially offset by ABSS funding)

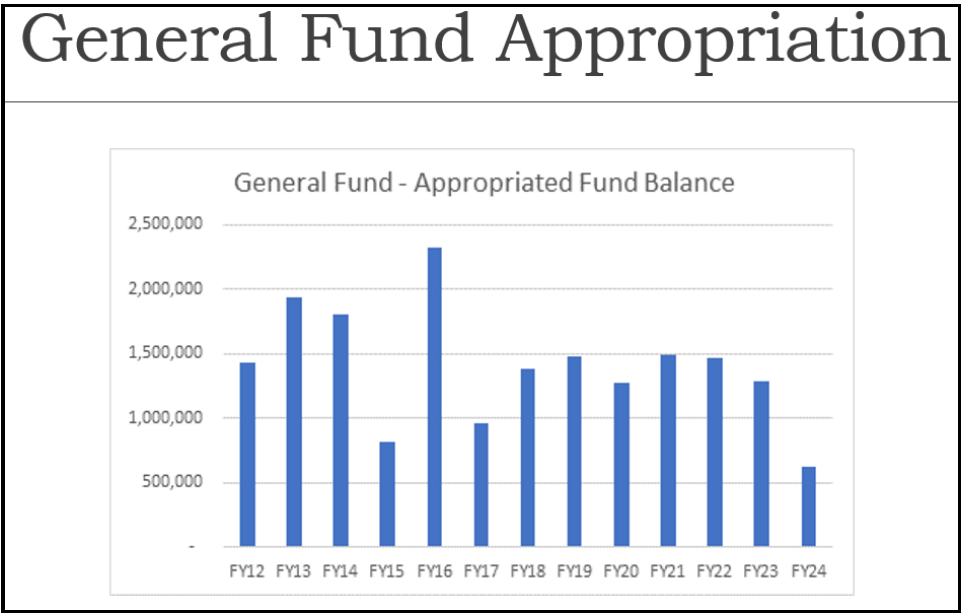
Ms. Garner stated the upcoming budget year funds had been allocated for an exploratory Arts Around the Square program to be funded at \$10,000.

## Fee Schedule Revisions (General Fund)

- ☐ Site development/re-inspection fee\*
  - ☐ 1<sup>st</sup> \$250, 2<sup>nd</sup> \$500, 3<sup>rd</sup> \$750
  - ☐ \*Re-inspection fees can be assessed for jobs not ready for inspection and/or items not corrected on subsequent re-inspections.
- ☐ All processing fees for credit/debit purchases to be passed to customer

Ms. Garner stated revisions to the fee schedule were reviewed at the budget presentation and the budget work session and noted one modification that came from Mayor Talley was to put a note under the site

development re-inspection fee. She shared the intent was not for a money grab but for items where the developer had contacted the City for a re-inspection and none of the items addressed at the initial inspection had been attempted. Also, all debit and credit card fees would be passed to the consumer.



Ms. Garner stated the fund balance appropriation was the amount of money that is moved from your fund balance to your operating fund to balance the budget. She stated they were able to significantly reduce the fund balance appropriation for the proposed fiscal year 2023-2024.

Mayor Talley stated that she felt the City had been dealt a bad hand in regard to this revaluation process. She stated the City of Graham had no input in the schedule of values and how it was determined. She stated that she had concerns when the County referred to changing values based on an aerial fly-by, Google street view, Zillow, and Realtor.com. Mayor Talley expressed concerns with the revaluation and stated never in the history of Graham was there ever this type of increase. She stated the unintended consequence of this revaluation would be gentrification, which means high mortgages, higher property values, and higher taxes. Those are the three things that cause gentrification and the City had all of those. Everyone’s property tax that is sent to escrow their mortgages would go up accordingly. Mayor Talley challenged Council to do what it could to keep the tax rate revenue-neutral. She suggested deferring any new cost items in order to bring down the budget further and using the fund balance in order to be able to bring it down. Mayor Talley stated the fund balance that we did not use this year would carry forward next year but the City Manager did not know what that number would be.

City Manager Garner stated that was correct since the current fiscal year had not been closed out and we would not know until the auditors come on-site and audit the accounts.

Mayor Talley asked if she had a ballpark number that it might be.

City Manager Garner said she did not.

Mayor Talley stated that the difference between where we are now and revenue-neutral was approximately \$800,000. She asked Council about the new positions in the budget and if they should be cut and questioned the COLA amounts in previous years.

Council Member Whitaker stated we were dealt a bad hand by the County and the process of the revaluations, but unfortunately, it is done, and nothing we can do about it now. She stated she thought City Staff had done a great job at trimming the budget and Council had cut as much as they could without cutting services.

Mayor Talley asked what was the difference in the fund balance of what was spent in 2023 and 2024.

City Manager Garner stated in the current fiscal year it was around \$1.6 million appropriated and for the proposed budget we are around \$600,000.

Mayor Talley asked if we left the fund balance where it was last year, which was on the downtrend, how Council felt about that.

Council Member Chin stated if we did that, it would be shortsighted. He stated he had heard comments that we should not be using the fund balance, which the balance used to be higher, and now the philosophy was to use it so we can get to a point to emotionally satisfy folks, but yet we would be doing something that in the long-term would be detrimental to our community.

Council Member Whitaker stated it was robbing Peter to pay Paul.

Mayor Talley said she did not see it like that, but rather it was savings that we did not use that had accumulated.

Council Member Chin commented on the \$84 million that Council was having to spend on the wastewater treatment plant, and had our predecessors not kicked the can down the road, we would not be carrying this \$84 million burden. He stated he thought Council would be failing in their responsibility and there were long-term projects that needed to be addressed such as another water reservoir, Fire Department, one or two substations, and the need to start planning for those. He stated that Council had brought the tax rate from 0.4555 down to less than .33.

Council continued discussions on an amount to be used from the fund balance, funding two new positions, engineer services, and a comparable tax rate.

### **The public hearing was opened.**

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

Tom Boney, Alamance News, questioned the current percentage of the fund balance and if we knew the answer.

City Manager Garner stated that would be from the last audit because the current year we are in obviously has not closed so that number is subject to change between now and when the audit occurs.

Mr. Boney spoke on the City's fund balance, proposed tax increase, two new positions, the COLA increase, and the City needed to come up with a revenue-neutral budget.

### **The public hearing was closed.**

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

**Council took a 10-minute recess.**

Motion by Mayor Pro Tem Hall to take a 10-minute recess, seconded by Council Member Chin. The motion passed unanimously.

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

City Finance Officer Melanie King stated according to the audit fiscal year ending June 30, 2022, the available fund balance for the general fund was 69% of total general fund expenditures. She stated the available fund balance for the general fund at the end of the fiscal year 2022 was \$10,083,559.

Council Member Chin asked how much of the budget's proposed fund balance was used.

Finance Officer King stated to the best of her knowledge for the last eleven years the City had an appropriated fund balance each year and had not used it.

Mayor Talley stated that if your City is healthy, it will grow normally as it had for the last ten years so we should be bringing in enough revenue to offset and not put the burden on the individual property tax owner. She asked if we could adopt something now and if we have any budget shortfalls, address it in October when we actually have a better number and all the appeals have been answered. She asked Council if they wanted to adjust the COLA.

Council Member Whitaker did not want to reduce the COLA and stated the City was already having difficulty staying competitive as it is, and if we cut it, we would be cutting off our nose to spite our face.

Mayor Talley asked about the additional planner and the additional HR position and if Council wanted to wait on a planner.

Council Member Whitaker asked how long would you want to wait on a planner, six months or three months.

Mayor Talley stated she believed there would be enough revenue to fund those two positions.

Council Member Chin suggested leaving the two positions unfunded until the results of the pay plan study were received.

Council Member Whitaker asked what could be funded with ARPA funds.

City Manager Garner stated we had about \$379,000, and one substantial capital item in the proposed budget was the garage addition at \$196,000, which would give you close to a penny on the tax rate.

The Council consensus was to leave the HR assistant and a Planner but not fund them until later in the year around September and after the pay plan study.

City Manager Garner asked that Council consider funding the two positions for the upcoming year

assuming the pay plan study which had the HR assistant at a higher pay grade than what Council recommended at a Level 14. She stated we would be asking for a fund balance appropriation to implement the pay plan and if this was the route the Council was taking, she asked Council to consider funding the positions on July 1<sup>st</sup> due to the workload on those departments.

City Manager Garner stated by moving \$200,000 to ARPA and increasing your fund balance appropriation you would be at .3178 if that was where Council wanted to be or if you wanted to be lower, the fund balance appropriation could increase to offset whatever difference you wanted to land.

After further discussions on how to get the budget revenue neutral, the following motion was made:

Mayor Talley motioned to approve the 2023-2024 Budget with the amendment of taking \$200,000 from ARPA funds and increasing the appropriation to fund balance by approximately \$664,000 to get to a revenue-neutral tax rate of .2899 and insure the Arts Around the Square fund of \$10,000 goes specifically for that purpose, and leave the two new positions in the budget, seconded by Council Member Parsons. The motion passed by a 3-2 vote. Council Members Whitaker and Chin voted no.

City Manager Garner asked that Council also approve the 2023-2024 Pay Plan and the 2023-2024 Rate and Fees Schedule.

Mayor Pro Tem Hall motioned to adopt the 2023-2024 Pay Plan and the 2023-2024 Rate and Fees Schedule, seconded by Mayor Talley. The motion passed unanimously.

## Budget Ordinance FY 2023-2024

---

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

**Section I.** The following amounts are hereby appropriated in the General Fund for the operation of City Government; its activities and capital improvements for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, in accordance with the Chart of Accounts heretofore established for the City:

Department	FY 2023-2024
City Council	65,000
Administration	713,870
Information Technology	442,150
Finance	417,800
Public Buildings	200,700
Police	6,607,215
Fire	1,793,375
Inspections	773,200
Traffic Engineering	28,800
Warehouse	119,850
Streets & Highways	1,910,045
Street Lights	150,000
City Garage	1,069,600
Sanitation	1,476,400
Recreation	1,043,350
Lake	255,700
Athletic Facilities	404,250
Property Maintenance	934,400
Non-Departmental	1,175,500
	<b>19,581,205</b>

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024.

Ad Valorem Taxes	6,387,660
Investment Earnings	105,000
Miscellaneous	674,800
Other Taxes/Licenses	500
Permits/Fees	710,000
Restricted Intergovernmental	892,000
Sales/Services	2,002,000
Unrestricted Intergovernmental	7,563,000
Fund Balance	1,246,245
<b>Grand Total</b>	<b>19,581,205</b>

**Section 3.** The following amounts are hereby appropriated in the Water & Sewer Fund for its operations, activities, and capital improvements for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, in accordance with the Chart of Accounts heretofore established for the City:

Water and Sewer Billing	724,900
Water and Sewer Distribution	2,650,700
Maintenance & Lift Station	242,350
Water Treatment Plant	3,370,150
Wastewater Treatment Plant	2,040,000
Non Departmental Admin	2,819,500
<b>FUND TOTAL</b>	<b>11,847,600</b>

**Section 4.** It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024.

Non-Operating	233,500
Operating	768,100
Other Financing Sources	866,925
Services	9,979,075
<b>FUND TOTAL</b>	<b>11,847,600</b>

**Section 5.** The following amounts are hereby anticipated and appropriated for the City's Special Funds:

	Revenues	Expenditures
<b>FEDERAL DRUG MONIES</b>	100	100
<b>STATE DRUG MONIES</b>	100	100
<b>ARPA LOCAL FISCAL RECOVERY FUND</b>	4,606,605	4,606,605
<b>TRUBY DRIVE REPAIR PROJECT</b>	200,000	200,000
<b>10" WATER MAIN REPLACEMENT</b>	17,250,000	17,250,000
<b>BOYD CREEK PUMP STATION</b>	3,962,000	3,962,000
<b>OLD FIELDS OUTFALL</b>	2,955,000	2,955,000

WWTP UPGRADE	84,649,290	84,649,290
WATER LINE INVENTORY & ASSESMENT	400,000	400,000
BOYD CREEK WATERSHED POINT REPAIR	500,000	500,000
LONG & ALBRIGHT IMPROVEMENTS PROJECT	904,860	904,860
<b>TOTALS:</b>	<b>115,427,955</b>	<b>115,427,955</b>

**Section 6.** There is hereby levied a tax at the rate of \$.2899 per one hundred dollars (\$100.00) of valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the Revenue listed as “Ad Valorem Taxes” in Section 2. Such rates are based on an estimated total valuation of property for the purposes of taxation of \$2,280,844,564 (100% valuation) with an anticipated collection rate of 95%.

**Section 7.** The City of Graham Capital Improvement Plan 2024-2033 for Water & Sewer Fund and 2024-2028 for all other funds is hereby approved and amended per the appropriations for improvements contained herein. For the purpose of tracking capital items, there shall be a threshold of \$5,000.

**Section 8.** Copies of this Ordinance shall be furnished to the City Manager and the Finance Officer to be kept on file by them for their direction in the disbursement of City Funds.

**Adopted this 13<sup>th</sup> day of June 2023.**

Mayor Talley asked for Council consensus to direct staff to revise the open space ordinance to be more in line with what was intended. All members agreed.

## **NEW BUSINESS:**

### **ITEM 8: AMENDMENT – CODE OF ORDINANCES – SECTION 12-9(c)(6) – UNNECESSARY AND DISTURBING NOISE**

City Council considered amending the Code of Ordinances, Section 12-9(c)(6) – Unnecessary and Disturbing Noise and add Section 12-9(d)(3) Enforcement and Penalties.

Assistant City Manager Holland stated that Council had requested the Attorneys to look into options available to address the noise issues with loud mufflers. He stated the Attorneys looked at it and adjusted the existing language to include Enforcement and Penalties Section 12-9(d)(3).

Council Member Whitaker motioned to approve the amendment of the Code of Ordinances, Section 12-9(c)(6) and adding Section 12-9(d)(3) Enforcement and Penalties, seconded by Council Member Parsons. The motion passed unanimously.

### **AMENDMENT TO GRAHAM CITY CODE SECTION 12-9**

**Section 1. Section 12-9(c)(6)** shall be amended to read:

The use of any automobile, motorcycle, ATV or other motor vehicle of any kind which may be so out of repair, so modified from factory setting or equipment, and/or so loaded or operated in such manner, as to create loud grating, grinding, rattling or other noise caused by and emanating from such vehicle or its operation or which otherwise shall be, create or cause an unreasonably loud or disturbing noise.

**Section 2:** Add a new section **12-9(d)(3)** Enforcement and penalties to read:

Infraction, Violations of Sec. 12-9( c) (6) shall subject the offender to a civil penalty of fifty dollars (\$50.00) and shall be paid within ten (10) days after being cited for violation of this ordinance.

**Section 3:** This amendment shall be effective upon adoption.

Adopted this the 13<sup>th</sup> day of June 2023.

#### **ITEM 9: SURPLUS – 2005 SUTPHEN 85’ TOWER LADDER FIRE TRUCK**

City Council considered approval of a 2005 Sutphen 85’ Tower Ladder Fire Truck as surplus equipment and authorize the City Manager and Fire Chief to advertise the surplus equipment in the appropriate markets.

Mayor Pro Tem Hall motioned to approve a 2005 Sutphen 85’ Tower Ladder Fire Truck as surplus property, seconded by Council Member Whitaker. The motion passed unanimously.

#### **RESOLUTION AUTHORIZING A 2005 SUTPHEN 85’ TOWER LADDER FIRE TRUCK AS SURPLUS PROPERTY IN ACCORDANCE WITH N.C.G.S. 160A-266**

**WHEREAS**, the City of Graham owns a 2005 Sutphen 85’ Tower Ladder Fire Truck; and

**WHEREAS**, North Carolina General Statute § 160A-266 provides that a city may dispose of real or personal property belonging to the city by:

- (1) Private negotiation and sale;
- (2) Advertisement for sealed bids;
- (3) Negotiated offer, advertisement, and upset bid;
- (4) Public auction; or
- (5) Exchange; and

**WHEREAS**, North Carolina General Statute § 160A-266 does not allow for private negotiation of personal property valued at \$30,000 or more for any one item or group of similar items to be exchanged as permitted by N.C.G.S. 160A-271, or to be sold by any method permitted in this article other than private negotiation and sale, except as permitted in G.S. 160A-277 and G.S. 160A-279;

**WHEREAS**, the City of Graham has determined that it is in the best interest of the City to declare its 2005 Sutphen 85’ Tower Ladder Fire Truck surplus.

**THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT** the City Manager, Finance Officer, and City Clerk are authorized to execute all documents necessary to advertise such surplus property in the appropriate markets.

**Adopted this 13<sup>th</sup> of June 2023**

#### **ITEM 10: BOARDS AND COMMISSION APPOINTMENTS**

City Council considered the following appointments to the City’s Boards and Commissions:

**ABC Board – Graham Appointee**

Robert Sykes – Request Reappointment

**Appearance Commission/Tree Board:**

Judy Hall – Request Reappointment

Cheryl Ray – Request Reappointment

**Graham Historical Museum Board**

Chuck Talley - Request Reappointment

Jeanette Beaudry - Request Reappointment

**Graham Housing Authority**

Evelyn Graves-Curtis - Request Reappointment

*Applicants: Robert Sykes, Lisa Kyle Moser*

**Historic Resources Commission**

Jeanette Beaudry – Request Reappointment

**Three Vacancies**

*Applicant: Eddie Mercer*

**Planning Board/Board of Adjustment**

John Wooten – Request Reappointment

Eric Crissman – Request Reappointment

Charles Huffine (Extra-Territorial) – Request Recommendation to Alamance County

*Applicants: Jeanette Beaudry*

**Recreation Commission**

Casey Johnson - Request Reappointment

Brian Cutlip - Request Reappointment

Carmen Larimore – Request Reappointment

*Applicant – Benjamin Beushausen*

Mayor Pro Tem Hall motioned to continue the appointments to the July 11, 2023, City Council meeting and open the application process for HRC and Planning Board, seconded by Mayor Talley. Council Member Whitaker suggested opening the application process for all boards. Council agreed and the motion passed unanimously.

**CITY STAFF COMMENTS**

There were no City Staff comments.

## CITY COUNCIL COMMENTS

Mayor Talley announced the following events:

- Thursday's at Seven was held on June 22nd with the Main Event Band.
- Matt Boswell and Hill Billy Blues Band – Saturday, June Graham Amphitheater.
- Taste of Summer was a huge success and thanked Graham Recreation and Parks.

## ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting was adjourned at 9:31 pm.

*Renee M. Ward, CMC*  
City Clerk