

**CITY OF GRAHAM  
CITY COUNCIL MEETING MINUTES  
TUESDAY, JANUARY 11, 2022**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on January 11, 2022, in the Council Chamber of the 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

**Staff Present:**

Megan Garner, City Manager  
Aaron Holland, Assistant City Manager  
Bryan Coleman, City Attorney  
Bob Ward, City Attorney  
Darby Terrell, City Clerk  
Justin Snyder, Planning Director

**CALL TO ORDER:**

Mayor Jennifer Talley called the meeting to order at 6:02 p.m. and presided. Mayor Talley asked Pastor Chris Howe, First Baptist Church of Graham, to give the invocation.

Mayor Talley thanked Pastor Howe on behalf of the City Council and City of Graham employees for his church's actions of providing a place to take donations and distributing the donations to the Embers Motor Lodge victims. Pastor Howe thanked Mayor Talley for her words.

Everyone then stood to recite the Pledge of Allegiance.

**SPECIAL PRESENTATIONS:**

Graham Recreation and Parks 2021 9/11 Commemorative 5k Check and First Responders Team Cup Trophy Presentation:

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

Mayor Talley stated the presenters were unable to attend tonight due to unexpected circumstances. The presentation will take place at next month's meeting on February 8, 2022.

**CONSENT AGENDA:**

- a. To approve the minutes of the December 13, 2021, Special Meeting and December 14, 2021, Regular Meeting sessions.
- b. To approve the following tax releases in the amount of \$503.08:

CITY OF GRAHAM RELEASE ACCOUNTS				
JANUARY				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
36779	2021	WHITESELL, CHARLES VICTOR	BOAT BILLED ON REAL ESTATE BILL AND SEPARATELY	\$227.80
384548	2021	WELLS FARGO FINANCIAL LEAS	VALUE CORRECTION	\$15.24
69068	2020	STATE FARM MUTUAL AUTO INS	ASSETS DOUBLE BILLED	\$98.68
69068	2021	STATE FARM MUTUAL AUTO INS	ASSETS DOUBLE BILLED	\$65.13
667366	2021	HABITAT FOR HUMANITY	EXEMPT PROPERTY	\$68.25
658671	2021	HUNTINGTON TECHNOLOGY FINANCE	ASSETS DOUBLE BILLED	\$27.98

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Chin. The motion passed unanimously.

### **PUBLIC HEARINGS:**

#### **ITEM 1: Voluntary Contiguous Annexation- 78.12 acres located on Cherry Lane (AN2103):**

A public hearing had been scheduled to consider a voluntary contiguous annexation containing 78.12 acres on Cherry Lane, GPIN 8893686572 & 8894906303. (Staff requests that this item be tabled to the March 8, 2022, Council meeting.)

Mayor Talley stated that staff had informed Council that the applicant had requested this item be tabled.

Mayor Talley asked for a motion to table items 1, 2, and 3.

Mayor Pro Tem Hall motioned to table items 1, 2, and 3 until the March 8, 2022 meeting, seconded by Council Member Parsons. The motion passed unanimously.

#### **ITEM 2: Voluntary Contiguous Annexation- 37.85 acres on Governor Scott Farm Road (AN2104):**

A public hearing had been scheduled to consider a voluntary contiguous annexation containing 37.85 acres on Governor Scott Farm Road, GPIN 8893886609. (Staff requests that this item be tabled to the March 8, 2022, Council meeting.)

Mayor Talley stated that staff had informed Council that the applicant had requested this item be tabled. Mayor Talley asked for a motion to table items 1, 2, and 3.

Mayor Pro Tem Hall motioned to table items 1, 2, and 3 until the March 8, 2022 meeting, seconded by Council Member Parsons. The motion passed unanimously.

#### **ITEM 3: Voluntary Contiguous Annexation- 9.10 acres on Cherry Lane (AN2105):**

A public hearing had been scheduled to consider a voluntary contiguous annexation containing 9.10 acres on Cherry Lane, GPIN 8893796670. (Staff requests that this item be tabled to the March 8, 2022, Council meeting.)

Mayor Talley stated that staff had informed Council that the applicant had requested this item be tabled. Mayor Talley asked for a motion to table items 1, 2, and 3.

Mayor Pro Tem Hall motioned to table items 1, 2, and 3 until the March 8, 2022 meeting, seconded by Council Member Parsons. The motion passed unanimously.

#### **ITEM 4: Rezoning- 200 S. Marshall Street (RZ2108):**

A public hearing had been scheduled to consider an application by Lee Kimrey, to rezone 0.50 acres of property, on 200 South Marshall Street, from Office Institutional (O-I) to Central Business (B-1). (GPIN 8884233706) **(Planning Board approved the rezoning at its December 21, 2021, regular meeting)**

Justin Snyder, Planning Director, stated this was a request from Lee Kimrey to rezone 0.50 acre from Office Institutional (O-I) to Central Business (B-1). He stated there were mixed zoning uses around the property on South Marshall Street, ranging from High-Density Residential (R-7) to Business District with Neighborhood Businesses (B-3) and General Business (B-2) zoning. Mr. Snyder also stated the property is in close proximity to the Downtown Central Business District, and if approved, the new zoning would not require a significant land-use change from its current zoning and would offer commercial flexibility to help the applicant's needs. He stated the landscape and buffering requirements would help protect adjacent land uses from any potential negative effects of the rezoning. Mr. Snyder stated within the Graham 2035 Comprehensive Plan, this area should be labeled as Downtown Residential, which would include uses such as "neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking." He stated residential use is likely not the best-suited use, and the current zoned office use is somewhat limiting. Mr. Snyder stated the requested zoning exempts the applicant from providing off-street parking, and there is no good on-street parking in this area. He also informed Council the Planning Board did approve, and staff is recommending approval and expressed concern about the lack of parking.

Mayor Talley opened the public hearing, and the following spoke:

**Lee Kimrey (104 West Elm Street) (applicant):** Mr. Kimrey informed Council the initial plan to rezone as a Central Business (B-1) for this property would allow them to build a two-story building that would provide space for multiple businesses for a neighborhood commercial site. Mr. Kimrey stated their beginning planning stages for this site included a mixed-use building that included both office building spaces and a commercial-residential option. Mr. Kimrey read from the Graham 2035 Comprehensive Plan sections that he believed supported this change. Mr. Kimrey read the passages below.

The Graham 2035 Comprehensive Plan, Introduction, Page 3, second paragraph.

#### **Grow Downtown**

Downtown is critical to the City's success and should be the focus of new investments and development, including adaptive reuse projects, public art installments, building restorations, use diversification, infrastructure upgrades, small business development, and more.

The Graham 2035 Comprehensive Plan, Section 2, Introduction, Page 9, third paragraph.

**Create vibrant centers, especially downtown**

Graham should grow employment and a mix of uses around downtown and focus areas. Vibrant centers create spillover effects and foster small business development and innovation. Create the next generation of employment sanctuaries by facilitating development through public-private partnerships.

Mr. Kimrey stated he had contacted all the neighbors to the property, excluding the Post Office. Mr. Kimrey stated he went through with each neighbor all the Central Business (B-1) uses, and the neighbors had approved all uses for the Central Business (B-1) zoning.

Multiple Council Members asked Mr. Kimrey questions such as what he believed would go in the building, how they would accommodate parking for those businesses, and the size of the building.

Mr. Kimrey informed that the plan was to use Pine Street for public parking and on-site parking to be rezoned. Mr. Kimrey stated they planned to have the building be at least 75 square feet or 75 by 100 feet. Mr. Kimrey explained to Council he could not give them an exact number of parking spots because the plan was for this building to hold multiple businesses. Mr. Kimrey repeatedly stated there would be parking provided on-site, and it would be adequate to the required spots per each business since they did not know what type of businesses would be going into the building.

**Kirk McVay (415 W Pine Street) (Neighboring Business Owner- Car Wash):** Mr. McVay disagreed with Mr. Kimrey about their conversation and stated that he was not for the expansion of the Central Business (B-1) zone or this rezoning in particular because it did not require the applicant to provide parking for a Central Business (B-1) zone use.

Mayor Talley asked for a motion to close the public hearing. Council Member Chin moved to close the public hearing, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Council discussed the rezoning, and all Council Members seemed to be concerned about the applicant not being required with the B-1 zoning to provide parking. Mayor Talley expressed she would like to see this as a conditional rezoning so the applicant would have additional requirements placed on them to ensure proper on-site parking.

Mayor Talley moved to deny the rezoning request because it was not fully consistent with the Graham 2035 Comprehensive Plan because B-1 zoning requires on-street parking, which does not meet Goal and Issue #3, which is Policy 3.1.3. She also stated that this was also not consistent with the wording: “designated neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking” also found in the Graham 2035 Comprehensive Plan, and there was nothing brought to Council that would suggest he would be required to provide for parking under B-1. Mayor Pro Tem Hall seconded, and it passed unanimously.



The Graham 2035 Comprehensive Plan, Goal 3.1, Issue 3.1.3 on page 16.

**Policy 3.1.3: Parking Behind Buildings**

Encourage off-street parking to be located in the rear of new commercial buildings with access provided by alleys.

The Graham 2035 Comprehensive Plan, Downtown Residential, Supporting Uses, Page 32.

**Supporting Uses:** Places of worship, daycares, park facilities, schools, civic spaces; designated neighborhood centers may include neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking

Mayor Talley stated she would like to see a revised plan for Council to consider and asked the applicant to bring that revised plan to the next Council meeting.

**ITEM 5: Special Uses Permit Amendment (AM2102):**

A public hearing had been continued to consider the process for Special Use Permits with the recommendation that special use permits will be referred to the Board of Adjustment for consideration. The City Council asked for this to be moved to January 11, 2021, a meeting for the new Council to review. (Continued from December 14, 2021, City Council meeting) (Planning Board approved the amendments at its October 12, 2021, regular meeting)

Mr. Snyder, Planning Director, explained to Council the text amendment request originated with the previous Council with the intent to streamline the Special Uses Permit process for the City. The current process has applicants and citizens go to two different boards, the Planning Board and City Council. Mr. Snyder stated in its final review of the proposed amendment; the Planning Board decided that it needed its own legal counsel on retainer to represent the Board in all quasi-judicial cases involving a special use permit.

Mayor Talley stated she believed that the City Council should still receive these and that the City Attorneys should be present and represent the City at these hearings since they do not receive many. Mayor Talley stated she would also like staff to send out an informational brochure explaining to citizens about quasi-judicial hearings.

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

Mayor Talley moved to deny the text amendment. He added the procedure change requesting that for quasi-judicial hearings, an informational brochure explaining quasi-judicial hearings be sent out to all affected residents during the mailing process with the notice of the quasi-judicial hearing, and that the City Attorneys are to be present in all quasi-judicial hearings, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **ITEM 6: Amendments to Development Ordinance for Table of Permitted Uses and Notes (AM2103):**

A public hearing had been continued to consider a text amendment to the Development Ordinance re-classifying existing permitted uses and changes in the Notes to the Table of Permitted Uses. (Sections 10.135 to 10.149) (Planning Board approved the amendments at its November 16, 2021, regular meeting)

Justin Snyder, Planning Director, stated that while looking into the Special Use Permit process, staff identified several uses in the permitted uses table that were improperly classified based on type and intensity. He stated that staff had made several adjustments to the existing permitted uses table to classify these uses better. Mr. Snyder stated that staff recommends approval to simplify things for residents and developers. He stated the changes included making specific uses by right in the appropriate places and certain uses not allowed in certain areas. Mr. Snyder stated that staff is open to any suggestions that Council had.

**Dean Ward (483 W Moore Street):** Planning Board Chair requested that Council remand agenda items six through ten back to the Planning Board for further discussion.

Mayor Talley moved to close the public hearing, seconded by Council Member Chin. The motion passed unanimously.

Mayor Talley moved to remand items six, seven, eight, nine, and ten and referred back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **ITEM 7: Amendment- Development Ordinance- Waiting Period on Denied Rezoning's (AM2105):**

A public hearing had been scheduled to consider a process for an applicant to re-apply for a rezoning following a denial from City Council. (Section 10.84, part b) (Planning Board approved the amendments at its December 21, 2021, regular meeting)

Mayor Talley moved to rescind items six, seven, eight, nine, and ten back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall, passed unanimously.

#### **ITEM 8: Administrative Modifications- Development Ordinance (AM2106):**

A public hearing had been scheduled to consider an amendment to the Development Ordinance as recommended by the UNC School of Government and under N.C.G.S. 160D-705(c), to allow staff to make administrative modifications to approved special use permits assuring all zoning requirements are met. (Planning Board approved the amendments at its December 21, 2021, regular meeting)

Mayor Talley moved to rescind items six, seven, eight, nine, and ten and refer back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **ITEM 9: Amendment- Development Ordinance- Article X (10) (AM2107):**

A public hearing had been scheduled to consider an amendment to Article X (10) Section 10.398 to 10.399, Signage, to allow larger entry signage for multifamily, multi-use developments containing residential units, and major subdivisions. (Planning Board approved the amendments at its December 21, 2021, regular meeting)

Mayor Talley moved to rescind items six, seven, eight, nine, and ten and refer back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **ITEM 10: Development Ordinance- Open Space Provisions (AM2108):**

A public hearing had been scheduled to consider an amendment to Sections 10.249.2 to 10.249.6 regarding open space provisions. (Planning board approved the amendments at its December 21, 2021, regular meeting)

Mayor Talley moved to rescind items six, seven, eight, nine, and ten and refer back to the Planning Board for further discussion and review, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **PUBLIC COMMENT PERIOD**

**Eric Crissman (208 Albright Avenue):** Mr. Crissman spoke in reference to the non-actions of the Council in appointing a Planning Board member at the last Council meeting. He stated there were valid applicants for Council to consider. Mr. Crissman voiced concern on making decisions privately. He used as an example how the Council recently approved the questionnaire application without any input from citizens and without discussion during a meeting for the public to hear. Mr. Crissman stated that the Council should have considered individuals on the ballot instead of the application process. Mr. Crissman expressed the need for Council to be transparent in their decisions.

**Keith Westbrook (604 Trock Wilder Court):** Mr. Westbrook spoke in reference to a crosswalk issue near the city schools and his conversation with the North Carolina Department of Transportation.

## CITY STAFF COMMENTS

**Assistant City Manager Aaron Holland:** Mr. Holland stated that staff had a meeting with a potential vendor who would provide COVID-19 tests and a person to administer those tests if the Supreme Court approved the vaccination mandate. Mr. Holland stated staff believed this vendor would be a good option.

## CITY COUNCIL COMMENTS

**Mayor Pro Tem Ricky Hall** stated he had noticed that one of the Graham Housing Authority facilities seemed very dilapidated, located on Hill Street, and some of the roofing had come off. He asked staff knew if they knew what had happened. Mayor Pro Tem Hall also stated that he would like to combine the Appearance Commission and the Tree Board and asked if staff would look into the correct wording for Council to consider at next month's meeting.

Fire Chief Tommy Cole answered the Graham Housing Authority facility was located on 105 Hill Street and that the reason for the dilapidation was that the roof had caught on fire.

Aaron Holland, Assistant City Manager, stated that staff could reach out to Graham Housing Authority on their plans for that building. Mr. Holland also stated he would provide Council the old language or wording for when the Appearance Commission and Tree Board were combined.

**Mayor Jennifer Talley** informed staff that there was no calendar on the City's website for the Graham Housing Authority's board meeting.

Megan Garner, City Manager, answered that staff would look into providing the calendar on the website.

**Council Member Bobby Chin** inquired if the City had considered re-establishing the Economic Development Committee or had there ever been one for the City. Council Member Chin also stated the potential benefits of having one for the City.

Aaron Holland, Assistant City Manager, stated he had researched to see if the City of Graham had an Economic Development Committee in the past. He did not find where there was ever a formal committee created.

Mayor Talley stated she remembered it being an informal committee.

Mr. Holland asked Council for direction on what composition they would like the committee to be, such as a volunteer board or neighboring jurisdictions. He asked for the difference in this committee versus what the Alamance Chamber of Commerce is already doing.

Mayor Talley and Council Member Chin answered they believe the purpose would be to compile data about Graham that potential businesses would be interested in and putting that information on the City's website. Council Members also stated they would like this committee to meet potential businesses and discuss moving to Graham and helping promote Graham in many different ways.

Mr. Holland suggested two members of the Council meet with the City Manager and himself to discuss what the committee should look like.

Mayor Talley stated the two members of the Council for the meeting should be her and Council Member Chin.

**Mayor Talley:**

- Asked Council to send her a list of prioritized goals they would like to accomplish via email.
- She stated that she would like to recognize the individual who helped evacuate the Embers Motor Lodge residents during the recent fire. She asked Fire Chief Cole to coordinate their attendance at the next Council meeting.
- She stated that she was interested in having city staff look into a pay plan study by looking at the neighboring municipalities to improve the pay for essential services jobs. Mayor Talley asked them to bring these ideas to next month's meeting or discuss them in a special meeting.
- She asked staff to look into activating the cemetery committee.
- She asked staff to arrange a tour of Amazon Warehouse.

Mr. Holland informed Council that staff had preliminary met to discuss certain departments' ability to successfully recruit and keep qualified employees with the current salaries, and they have started putting together ideas. Mr. Holland also said he would reach out to Amazon, with the permission of the Council, to schedule a tour for the first of February.

**ADJOURN:**

Upon motion, at 8:07 p.m., Mayor Pro Tem Hall, seconded by Council Member Chin, passed unanimously.

*Darby Terrell*  
Darby Terrell, City Clerk

**CITY OF GRAHAM  
CITY COUNCIL MEETING MINUTES  
TUESDAY, FEBRUARY 8, 2022**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on February 8, 2022, in the Council Chamber of the 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

**Staff Present:**

Megan Garner, City Manager  
Aaron Holland, Assistant City Manager  
Bryan Coleman, City Attorney  
Bob Ward, City Attorney  
Darby Terrell, City Clerk  
Justin Snyder, Planning Director

**CALL TO ORDER:**

Mayor Jennifer Talley called the meeting to order at 6:00 p.m. and presided. Mayor Talley asked Mayor Pro Tem Hall to recite the Pledge of Allegiance. Mayor Talley then recognized Reverend Ron Harris, Senior Pastor of Greater Love World Outreach, to give the invocation.

**SPECIAL PRESENTATIONS:**

**EMBERS MOTEL FIRE RESIDENT RECOGNITION:**

Embers Motel fire recognition of resident Crystal Porter. Due to unforeseen circumstances, Ms. Porter was unable to attend.

Fire Chief Tommy Cole made the below statement in place of Ms. Porter's recognition with the approval of Mayor Talley.

Fire Chief Cole said that a fire occurred on December 19, 2021, at 5:03 am. The fire was declared under control at 11:39 am, and all units cleared the scene at 5:22 pm, a little over 12 hours later. Chief Cole recognized the following Incident Command Team that managed the incident throughout the day; GFD Captain Jason Cook, Haw River Asst. Chief Marshall Lynch and GFD Captain Kevin Squires who could not attend due to a work commitment. Chief Cole said that these three fire officers did an outstanding job which allowed him to handle the behind the scene issues such as relocation of the residents and contacting supporting agencies to assist the residents. Chief Cole also recognized the Graham Recreation and Parks Director Brian Faucette for his assistance with opening and transporting the residents to the Recreation Center, which allowed agencies such as the Red Cross and the Alamance County Department of Social Services (DSS) to work with the displaced residents. Chief Cole also recognized additional members of the Graham Fire Department for their outstanding job performance during the Embers Fire. He said there were 15 fire apparatus and 49 personnel from eight different departments that helped battle the fire.

Fire Chief Cole thanked the following agencies for their assistance:

Graham Police Department

E.M Holt Fire Department

Swepsonville Fire Department	Burlington Fire Department
Haw River Fire Department	Mebane Fire Department
Faucette Fire Department	Alamance County Fire Marshal's Office
Eli Whitney Fire Department	Alamance County EMS
Graham Rec & Parks	Alamance County Rescue
American Red Cross	Alamance County DSS & Health Departments
NC State Bureau of Investigation	Alamance County Arson Task Force
NC Office of State Fire Marshal	
Alcohol, Tobacco, and Firearms (ATF)	

Fire Chief Cole stated that he had a very dedicated department, and he was proud to be their Chief.

### **RECOGNITION OF LOCAL EAGLE SCOUTS:**

Mayor Talley recognized the following scouts who obtained the rank of Eagle Scout:

**Nathan Philip Kreider:** for his project, Nathan built lightboxes to benefit the visually impaired for the Alamance-Burlington School System.

**Nicolas Burke Wolfe:** for his service project, Nicolas re-landscaped the grounds at the Grove Park Church.

**Zachary Michael Wolfe:** for his service project, Zachary built a retirement box for flags.

### **CITY OF GRAHAM RETIREES:**

Mayor Talley recognized, on behalf of the City Council and the City of Graham, Richard Allgood and Mark Manning. They retired from the City of Graham last month.

**Richard Allgood:** Waste Water Treatment Plant Operator, Public Utilities – 23 years

**Mark Manning:** Landscape Specialist, Public Works Department – 21 years

### **GRAHAM RECREATION AND PARKS - 2021 9/11 COMMEMORATIVE 5K AND FIRST RESPONDERS TEAM:**

The Graham Recreation and Parks Department thanked and recognized the 2021 9/11 Commemorative 5k First Responders Team winners for their accomplishments. Ms. Emma Griffin, the Program Supervisor, Graham Recreation and Parks, presented the trophy and check. Below is a summary of her speech.

The City of Graham NC Fire Department, Graham Police Department, and Graham Recreation & Parks Departments presented the first annual 9/11 Commemorative 5K Run/Walk Event on Saturday, September 11, 2021. The event was created to honor and remember those affected by the tragedies of 9/11/2001. The event's goal was to bring the community together and ultimately give back to the community. Special thanks to our sponsors, participants, and attendees for their support and donations. A check was presented for \$4,690 to the nonprofit organization, Children of Fallen Heroes, whose mission is to provide support and immediate needs for children of First Responders and Military fallen heroes through partnerships and



donations. Because of the community's help, money raised will make a positive difference in their lives and the surviving spouses.

### **CONSENT AGENDA:**

- a. To approve the minutes of January 11, 2022, Regular Meeting.
- b. To approve a non-competitive or "sole source" procurement of equipment for the City of Graham's Waste Water Treatment Plant Expansion project.
- c. To approve the donation of ten (10) surplus Self-Contained Breathing Apparatus (SCBA) Air Packs, thirteen (13) SCBA Masks, and twenty-two (22) SCBA Bottles to the Graham High School Fire Program per their request pursuant to G.S. 160-A-274.

### **RESOLUTION AUTHORIZING CONVEYANCE OF 10 SELF CONTAINED BREATHING APPARATUS (SCBA) AIR PACKS, 13 SCBA MASK, AND 22 SELF CONTAINED BREATHING APPARATUS (SCBA) BOTTLES TO GRAHAM HIGH SCHOOL FIRE PROGRAM PURSUANT TO G.S. 160A-274**

**WHEREAS**, the City of Graham owns 10 Self Contained Breathing Apparatus Air Packs, 13 SCBA Masks, and 22 Self Contained Breathing Apparatus Bottles

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


**WHEREAS**, the City of Graham has determined that it is in the best interest of the City to convey 10 Self Contained Breathing Apparatus Air Packs, 13 SCBA Masks and 22 Self Contained Breathing Apparatus Bottles to the Graham High School Fire Program, and deems it wise to do so for no consideration.

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

1. The City of Graham hereby conveys to the Graham High School Fire Program the following property: 10 Self Contained Breathing Apparatus Air packs, 13 SCBA Masks, and 22 Self Contained Breathing Apparatus Bottles.
2. The property herein described shall be conveyed for no consideration.
3. The City Manager, Finance Officer and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 8th day of February 2022.

- d. To approve the Tax Collector's Mid-Year Tax Report.

<p align="center"><b>City of Graham</b>  P. O. Drawer 357  201 South Main Street  Graham, North Carolina 27253  (336) 570-6700 / Fax: (336) 570-6703</p>			
<p align="center"><b>MID YEAR REPORT</b>  February 2, 2022</p>			
	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	1,185,231,620	0.455 %	5,392,805.37
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	2,820,386		12,832.77
<u>ANNEXATIONS:</u>	609,960		2,775.33
<u>ABATEMENTS:</u>	(1,583,022)		(7,199.03)
CURRENT LEVY	1,187,078,944		5,401,214.44
OUTSTANDING REAL PROPERTY TAXES:			224,199.24
OUTSTANDING PERSONAL PROPERTY TAXES:			57,885.24
TOTAL OUTSTANDING TAXES			282,084.48
CURRENT YEAR TAXES COLLECTED:			5,119,129.96
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			94.78 %
<p>I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 17, 2022 IN THE ALAMANCE NEWS. COST FOR ADVERTISING WILL BE \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.</p>			
<p>Submitted by Sandy P. Callahan, Tax Collector </p>			

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Parsons. The motion passed unanimously.

## NEW BUSINESS:

### ITEM 1: CITY COUNCIL VACANCY:

- |                         |                             |                           |
|-------------------------|-----------------------------|---------------------------|
| <b>a.</b> Daniel Alvis  | <b>e.</b> Alton E. Myrick   | <b>i.</b> Melody Wiggins  |
| <b>b.</b> Kyle Eckmann  | <b>f.</b> Richard Rohrer Sr | <b>j.</b> Bonnie Whitaker |
| <b>c.</b> Adam Miller   | <b>g.</b> Chip Turner       | <b>k.</b> Jim Young*      |
| <b>d.</b> Edith Montoya | <b>h.</b> Dean Ward         | <b>l.</b> George Graus*   |

Mayor Talley stated applicant, Jim Young, had asked to be removed from consideration. She stated Mr. George Graus sent in his application a day after the approved deadline. Mayor Talley asked the Council to discuss the applicants and if the Council would like to consider Mr. Graus' application in discussions. The Council agreed to consider Mr. Graus' application.

Mayor Talley stated that Council Members should nominate a candidate and then Council would vote on that person. Once a candidate receives a majority vote, that person would be selected to fill the Council seat vacancy.

Mayor Pro Tem Hall moved to nominate and appoint Bonnie Whitaker to fill the vacant Council seat, seconded by Council Member Chin. The motion was passed unanimously.

Mayor Talley informed Ms. Whitaker that she would be sworn in as a member of the Council at the next meeting on March 8, 2022, at 6:00 pm.

## **ITEM 2: CITIZEN APPEAL OF CIVIL PENALTIES NOTIFICATION:**

City Council considered an appeal for a Civil Penalties notification for property located at 319 Holt Avenue. The property was cited to be in violation of Article III Section 12-70 - Conditions Declared a Nuisance, and Article VII - Abandoned/Junk motor vehicles have been declared to be a public nuisance. **(County Tax Parcel ID #145412)**

**Wayne Brewer (319 Holt Avenue):** spoke in reference to the notice he received regarding junk vehicles on his property. He stated he only had trailers on the property with up-to-date tags. Two years ago, the tags in question became invalid due to hospitalization that lasted quite a while. Mr. Brewer stated the enforcement officer explained that the registration cards he produced was insufficient documentation to prove the violation issue had been resolved.

Mayor Talley asked staff what documentation was needed for the violation to be considered resolved. Mayor Talley also asked if sending pictures of the tags and plates would be sufficient documentation since it seemed that Mr. Brewer was not inclined to allow staff on his property.

Jennifer Bost, Code Enforcement Officer, stated that standard procedure requires her to physically see the valid plates on the trailer or camper.

Aaron Holland, Assistant City Manager, asked the City Attorneys' whether or not pictures can substitute from the staff member physically seeing the tags are on the vehicles.

Mr. Ward, City Attorney, stated the best action for Council would be to allow the attorneys and staff time to review the case. He stated this would allow them to review all vehicles and junk involved and recommended that the Council continue this item to the next meeting.

Ms. Bost stated she would also need to receive pictures of the front yard, side yards, and the back yard, which shows that the junk was being removed, cited in the letter under nuisance. She stated Mr. Brewer could email her those pictures or bring the documents in person while the attorney's review the required criteria for the violation to be resolved.

Mr. Ward asked Council to postpone this item for 60 days to give the City Attorneys and staff time to review.

Mayor Talley moved to postpone the enforcement until the April 12, 2022, Council meeting, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

## **ITEM 3: BOARDS AND COMMITTEES - DISCUSSION:**

City Council discussed the City of Graham's current and potential boards and committees. The main topics included an Economic Development and Marketing Committee Formation and the Appearance Commission and Tree Board Recombination.

#### **a. ECONOMIC DEVELOPMENT AND MARKETING COMMITTEE FORMATION**

Mr. Holland, Assistant City Manager, stated at the request of the Council, staff created a framework document outlining the bylaws for a committee to be formed titled Economic Development and Marketing Committee. He stated that staff recommended creating a board of five (5) members in the framework. Mr. Holland stated that the City Attorney's had reviewed the framework, and that staff needed direction from Council.

Council discussed the Economic Development and Marketing Committee framework presented to them by staff. Council Member Chin stated he would like to increase the board members to seven members. Council members agreed to Council Member Chin's suggestion.

Mayor Talley moved to form the Economic Development and Marketing Committee as provided to Council with the amendment of increasing the number of members from five to seven, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **b. APPEARANCE COMMISSION AND TREE BOARD RECOMBINATION**

Mr. Holland stated per the request of the Council, staff presented the structure to recombine the Appearance Commission and Tree Board. Per Council's direction and comments, the Tree Board would become a subcommittee. Mr. Holland stated he recommended the number of members on the new board stay at seven (7) members.

Mayor Pro Tem Hall moved to recombine the Tree Board into the Appearance Commission.

Mayor Pro Tem Hall moved to amend his original motion to recombine the Tree Board into the Appearance Commission and approve Megan Buckner-Hickman from the Tree Board to be appointed in the currently vacant seat on the Appearance Commission.

Council asked for the history of the two boards and staff recommendations on what actions they should take to recombine them. Mr. Holland suggested that Council wait to fill any vacancies to see who on the two boards currently would like to be a part of the new combined board. Ms. Garner, City Manager, suggested that the City Council give staff an effective date for the merger. Council decided to wait to fill any vacancies on the new recombined board and considered making the effective date in April.

Mayor Pro Tem Hall moved to recombine the Tree Board as written.

Mayor Pro Tem Hall moved to amend his motion to recombine the Tree Board as written and make this change effective on April 1, 2022, seconded by Council Member Chin. The motion was passed unanimously.

#### **ITEM 4: PLANNING AND BOARD OF ADJUSTMENT BOARD VACANCY:**

City Council considered filling the current vacancy on the Planning and Board of Adjustment with one of the following applicants:

- |                               |                        |
|-------------------------------|------------------------|
| <b>a.</b> Melissa Clay Barnes | <b>d.</b> Emily O'Dell |
| <b>b.</b> Shanelle Harvey     | <b>e.</b> John Wooten  |
| <b>c.</b> Keith Michaels      | <b>f.</b> Jim Young    |

Mayor Talley asked if any of the applicants present wished to speak. The following applicants spoke:

**Melissa “Clay” Barnes (602 Providence Road)**

**Keith Michaels (205 Ivey Road)**

**John Wooten (387 Carolina Circle)**

Council Member Chin moved to nominate and appoint John Wooten to the Planning and Board of Adjustment, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **PUBLIC HEARINGS:**

#### **ITEM 5: REZONING - 302 NORTH MAPLE STREET & 203, 207, AND 213 WEST MARKET STREET (RZ2201):**

A public hearing had been scheduled to consider an application by Jason Cox on behalf of NJA Properties, LLC, and NRS Properties, LLC, to rezone approximately 1.15 acres of property located at 302 N. Maple Street and properties at 203, 207, and 213 W. Market Street. The applicant is requesting these properties be rezoned from High-Density Residential (R-7) to a Central Business (B-1) zone (GPIN: 8884151515, 8884150571, 8884059566, and 8884058556). The Planning Board had tabled this item to the February 15, 2022, regular meeting. (Planning Board had requested City Council table this item to the March 8, 2022, regular meeting.)

Mayor Talley moved to table the rezoning of 302 North Maple Street and 203, 207, and 213 West Market Street until the March 8, 2022, City Council Regular Meeting, seconded by Council Member Chin. The motion passed unanimously.

#### **ITEM 6: AMENDMENT - DEVELOPMENT ORDINANCE - VISION CLEARANCE, FENCES, AND WALLS (AM2201):**

A public hearing had been scheduled to consider a text amendment to the Development Ordinance to create standards for fences and walls. This amendment defines fences and walls and sets types, heights, locations, and more without requiring a citizen to have a zoning permit. Staff recommended these changes to help stop the installation of incompatible fencing while allowing flexibility and providing the City with enforcement tools. (The Planning Board denied this text amendment at its January 18, 2022, regular meeting.)

Mr. Snyder, Planning Director, stated that this amendment was created to help staff address enforcement complaints regarding fences or walls, location, materials used to make barriers, and height. He stated the current ordinance was extremely vague and didn't allow staff to address concerns from citizens about fences with materials that would typically not be considered appropriate. Mr. Snyder gave an example of wood pallets being used as fencing. He stated the new language would not require a citizen to pull a permit when putting up a fence. Mr. Snyder stated that the language was primarily for staff to give citizens more direction on what would be deemed appropriate materials, heights for front and backyards, and visibility for motorists throughout the City.

Council discussed with staff amending the text amendment language to address opaque and transparent fencing to allow property owners to place fencing at the property line for those who have property at intersections while allowing motorists proper visibility. Mr. Snyder suggested using language that states if the front yard fencing is fifty-percent transparent or opaque and is located in the yard of a corner lot near a traffic intersection, it would be permissible for the fencing to come to the property line. Council discussed this suggestion and had Mr. Snyder read the current ordinance language and suggested text amendment.

Council Member Chin moved to deny the text amendment as currently written, to have the text amendment amended by staff with the comments and recommendations made in the discussion, and have staff present these changes to the Planning Board for their review.

Mayor Talley opened the Public Hearing.

**Mr. Tom Boney, Alamance New:** spoke in reference to the text amendment and asked where the language originated from and if the City Attorneys had reviewed the language.

Mr. Snyder answered that the purpose of this amendment was to define what fences and walls are and what materials are acceptable. He explained that the current ordinance language would allow fences and walls at any height and any type materials.

Bob Ward, City Attorney, stated that the attorneys had not reviewed this text amendment.

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

Mayor Pro Tem Hall moved to amend the text amendment with language allowing up to fifty percent of opaque or transparent fencing at the property line for those who have property at intersections and for the City Attorneys to review the text amendment changes to be presented to the Planning Board for consideration. Council Member Chin seconded this motion, and the motion was passed unanimously.

## **ITEM 7: AMENDMENT - DEVELOPMENT ORDINANCE - RECREATION AND AMENITIES (AM2202):**

A public hearing had been scheduled to consider a text amendment to the Development Ordinance to create standards for recreation and amenities with subdivisions that have five or more units. The proposed text

amendment includes a point system tied with listed amenities based on their desirability. The points are also based on the size of the development and the number of dwelling units. If considered and approved by both the Planning Board and City Council, it would be placed in the reserved section, Section 10.251, within the Development Ordinance. The Planning Board tabled this item to the February 15, 2022, regular meeting. (Planning Board requests City Council table this item to the March 8, 2022, City Council meeting.)

Mr. Snyder, Planning Director, stated that the Planning Board had tabled Items 7, 8, and 9 and that staff recommends tabling these items to the March 8, 2022, Council meeting.

Mayor Talley moved to table Items 7, 8, and 9 to the March 8, 2022, City Council Meeting, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **ITEM 8: AMENDMENT - DEVELOPMENT ORDINANCE - EXTERIOR LIGHTING (AM2203):**

A public hearing had been scheduled to consider a text amendment to the Development Ordinance to create standards for exterior lighting throughout the City. The purpose of the proposed text amendment is to provide lighting standards throughout the City and help prevent site over-illumination and excess lighting from becoming a nuisance for adjacent properties. If approved by the Planning Board and City Council, this would be placed in the reserved article and section, Article VI and Section 10.290. The Planning Board tabled this item to the February 15, 2022, regular meeting. (Planning Board requests City Council table this item to the March 8, 2022, City Council meeting.)

Mr. Snyder, Planning Director, stated that the Planning Board had tabled Items 7, 8, and 9 and that staff recommends tabling these items to the March 8, 2022, Council meeting.

Mayor Talley moved to table Items 7, 8, and 9 to the March 8, 2022, City Council Meeting, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **ITEM 9: AMENDMENT - DEVELOPMENT ORDINANCE - ACCESSORY DWELLINGS UNITS (ADUs) (AM2204):**

A public hearing had been scheduled to consider a text amendment to the Development Ordinance to create standards and ways to allow accessory dwellings units in single-family residential zoning districts. The Planning Board tabled this item to the February 15, 2022, regular meeting. (Planning Board requests City Council table this item to the March 8, 2022, City Council meeting.)

Mr. Snyder, Planning Director, stated that the Planning Board had tabled Items 7, 8, and 9 and that staff recommends tabling these items to the March 8, 2022, Council meeting.

Mayor Talley moved to table Items 7, 8, and 9 to the March 8, 2022, City Council Meeting, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **ITEM 10: AMENDMENT - DEVELOPMENT ORDINANCE - CRYPTOCURRENCY, VIRTUAL CURRENCY, AND BLOCKCHAIN MINING FACILITIES (AM2205):**



A public hearing had been scheduled to consider a text amendment to the Development Ordinance to create standards for crypto mining operations. Staff recommends these changes to be adopted for the City to be proactive in setting standards for a new industry with emerging technology that is still highly inefficient, which creates noise and electronic hazardous waste, and to continue to permit local power companies the ability to offer Graham residents affordable energy. **(The Planning Board denied this text amendment at its January 18, 2022, regular meeting.)**

Mr. Snyder stated that since the Planning Board meeting, he had been contacted by Gerald Wilkie, business owner of HM Tech, a Bitcoin Mining facility, to discuss his proposed text amendment. After much discussion and collaboration with Mr. Wilkie, Mr. Snyder stated the new language would help encourage like-minded community-focused business owners like Mr. Wilkie to invest in Graham.

Mayor Talley opened the public hearing.

**Tom Boney, Alamance News:** asked if the language being considered by Council was the one that was presented to the Planning Board and had the Planning Board been asked their view on the changes?

Mayor Talley answered that it was not, and it would be discussed how Council would like to receive input from the Planning Board with the new language.

**Mr. Gerald Wilkie (426 South Maple):** Mr. Wilkie presented Council with information on cryptocurrency before speaking. He spoke in favor of passing the new text amendment language and informed Council on cryptocurrency mining.

**Rudolph Anthony Cartassi Jr (207 East Dillard Street, Mebane):** Mr. Cassidy is Mr. Wilkie's business partner. He spoke against both the denied language and the new language amendment. He doesn't believe there should be regulations on this particular business because it was already regulated on its power usage.

**John Wooten (387 Carolina Circle):** spoke in reference to rewriting the text amendment to define data centers and the industry as a whole and input more specific regulations on the industry and not just one part.

**James Fletcher (6242 S NC 87 Hwy):** spoke against the text amendment, which seemed to single out a business.

**Chuck Talley (88 Sideways Street):** spoke against the text amendment as a whole.

**Tom Boney, Alamance News:** spoke against the text amendment.

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

Mayor Pro Tem Hall moved to refer the text amendment with the new language back to the Planning Board, seconded by Council Member Parsons. The motion passed unanimously.

## **PUBLIC COMMENT PERIOD**

**Keith Westbrook (604 Trock Wilder Court):** Mr. Westbrook spoke in reference to a crosswalk issue near the schools located within the City of Graham.

**Jan Searls (526 East Pine Street):** Ms. Searls spoke in reference to the Council's decision on combining the Appearance Commission and Tree Board without including input from either of these boards. She commended Megan Garner, City Manager, and Aaron Holland, Assistant City Manager, on communicating to her the recombination request by the Council. She asked Council to allow the two boards to decide how to combine. She also spoke in reference to considering individuals interested in getting involved with the City of Graham through volunteering.

## **CITY STAFF COMMENTS**

No comments.

## **CITY COUNCIL COMMENTS**

**Mayor Pro Tem Ricky Hall:** Welcomed Bonnie Whitaker to the City Council.

**Council Member Bobby Chin:** Council Member Chin recommended having the City Manager look into updating the City's Personnel Management Plan to incorporate disciplinary policies written by the state. He said the policy currently had gaps in disciplinary actions.

Council Member Chin moved to authorize the City Manager to pursue rewriting the personnel management policy, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Council Member Parsons also requested a code of conduct and to add language to include social media. He also requested that the policy be extended to the appointed boards and commissions to follow the policy manual.

Ms. Garner, City Manager, stated that staff would look into compiling the requested personnel management update with the changes suggested by Council Member Parsons but would confer with the City Attorneys that the new language would not have any first amendment violations.

## **Mayor Jennifer Talley:**

Mayor Talley spoke on donating \$4,000 from the Graham Historical Society to be donated to the Graham Resource Commission for the plaques given to buildings that have been deemed historical. She believed the money should be used for the purpose it was raised, which was to provide plaques to historical buildings in Graham.

Ms. Garner, City Manager, stated staff had no problem with this direction.

Mr. Snyder, Planning Director, stated it would help the board or commission if they were given the ability to have a blanket COA for these plaques to be approved so the plaques could be provided to the property owner promptly.

Mr. Ward suggested that Council place this item on the agenda meeting to make a formal motion.

Mayor Talley asked staff to put this item on the agenda for the next meeting following the attorney's recommendations.

Mayor Talley asked staff to look into allowing Graham Fire Department Volunteers to have the ability to work part-time for the city. She stated she had heard of other local governments having this policy. She also heard that these local governments compensated the volunteers with a small stipend. She believes this might help recruit more people and help save the City money. Mayor Talley would like to encourage as many volunteers as possible since the recent Embers Motel fire incident had proven to her how important it is to have volunteers in the department.

Mayor Talley stated she was proud to donate old supplies to the fire academy. She stated that hopefully, we could eventually recruit members from this academy to work for the City of Graham with this partnership.

Mayor Talley stated she would like to have a recycling bid out by next month and asked staff if this was possible.

Ms. Garner, City Manager, stated that staff would need to get back with her on that time frame because staff was unsure if they would have everything ready by next month.

Mr. Holland, Assistant City Manager, stated that staff would confer with the Public Works Director to see if the time frame the Mayor had presented was possible.

Mayor Talley stated she would like to know about the time frame of looking into the health insurance provided to City employees. She stated Council intends to look at the City's options due to receiving complaints from employees about what was currently being provided.

Mayor Talley asked about the special events process being approved within Graham.

Council discussed with staff the process of how special events are approved. Mr. Holland, Assistant City Manager, read the special events ordinance. The ordinance states that streets with less than 10,000 vehicles per day will go to the special events committee for approval and issuing of a permit. If there are more than 10,000 vehicles per day, it must be approved by Council.

Tom Boney, Alamance News, asked who was on the Special Events Committee?

Council Member Chin stated it was the Police Chief, Capt. Velez of Police Department, a member of the Fire Department, the Public Works Director, the Recreation and Parks Director, and the Downtown Development Coordinator.

Council members discussed making amendments to have all requests for special events be approved by City Council.

Council Member Parson requested the need for Council to be given more time to review agenda packets for the upcoming meeting.

Council Member Chin recommended having Friday, two weeks before a scheduled Council meeting, become the new deadline for agenda items to be sent to the clerk by 5:00 p.m. He also suggested sending the agenda packet to Council the Tuesday before their next meeting. Council Member Chin also suggested that if agenda items are submitted after the deadline, they should be automatically added to the next Council meeting agenda. He stated this should be a procedure for all boards and committees to receive agenda items a week before scheduled meetings.

**ADJOURN:**

Upon motion, at 9:44 p.m., Mayor Pro Tem Hall, seconded by Council Member Chin, passed unanimously.

*Darby Terrell*

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Darby Terrell, City Clerk

**CITY OF GRAHAM  
CITY COUNCIL SPECIAL MEETING MINUTES  
FRIDAY, FEBRUARY 23, 2022**

The City Council of Graham held a special meeting beginning at 2:00 p.m. on February 23, 2022, in the Council Chamber of the City Hall Municipal Building located at 201 South Main Street, Graham, NC.

**Councilmembers Present:**

Mayor Jennifer Talley  
Mayor Pro Tem Ricky Hall  
Councilmember Bobby Chin  
Councilmember Joey Parsons

**Staff Present:**

Megan Garner, City Manager  
Aaron Holland, Assistant City Manager  
Darby Terrell, City Clerk  
Bryan Coleman, City Attorney  
Bob Ward, City Attorney

**CALL TO ORDER:**

Mayor Jennifer Talley called the meeting to order and presided at 2:00 p.m.

**ITEM 1: DISCUSSION – PROPOSED CHANGES TO ARTICLE VI – PARADES, PROTESTS, AND STREET EVENTS ORDINANCE:**

Mayor Talley stated that the Council was interested in suspending the Special Events Committee's authority to approve special event permit applications. Council Members discussed having staff create an amendment to this section of the ordinance to allow Council to approve all permits in the future and allow the Special Events Committee to give recommendations. The Council wishes to give business owners and citizens a way to comment on special event applications presented to the City for approval.

Mary Faucette, Downtown Development Coordinator, stated this ordinance and process were created under the previous Council's direction. She stated the Special Events Committee was viewed to have the authority to approve applications for special events on city roads with less than 10,000 cars per day. Ms. Faucette stated the current process allows input from citizens and business owners. She stated weekly emails, with updates, are sent to all downtown businesses, and property owners with Council Members included in these emails.

Mayor Talley stated she would like all approved applications from the Special Events Committee's meeting on February 1, 2022, to come before Council for approval during the March 8, 2022, regular meeting. Mayor Talley stated that it was unnecessary to include the Burlington Presbyterian Church's event since it was considered for permitting approval under the Alamance County jurisdiction.

Tom Boney, Alamance News, stated that his business had not been contacted for events being discussed.

Police Chief Kristi Cole stated that the original vision of the Special Events Committee was to provide a streamlined process for applicants. She stated she was in favor of keeping the committee even if were only to make recommendations to the Council.

Jamie Paulen, 907 Eno Street, Hillsborough, opposed the Council requesting changes to the special events process.

Unknown Citizen spoke in opposition to Council requesting changes to the special events process.

Council Member Chin moved to suspend the authority of the Special Events Committee until the new ordinance was written and approved and to allow the Special Events Committee only to make recommendations on events and that future applicants must come before Council for approval, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

## **ITEM 2: PAY PLAN ADJUSTMENTS – CITY EMPLOYEES**

Council discussed several pay adjustment options including increasing all employees' salaries by two dollars an hour and possibly distributing the leftover unpaid salaries to department heads to distribute or focus on giving raises to the entry-level positions for certain departments.

Police Chief Cole spoke on the difficulty of finding certified applicants and the City's starting pay being much lower than surrounding municipalities.

Burke Robertson, Director of Public Works, spoke on the Public Works Department's inability to keep people in entry-level positions and how long the department had been without certain positions. He stated the Public Utilities Department had been working without positions being filled for much longer. Mr. Robertson stated that only increasing an entry-level position could create inequity within departments that could lead to retention issues with current employees.

Council discussed the City of Mebane's pay plan study to be inadequate for them to use to address salary issues brought to them by staff. Council members also discussed the need for the City to have its own pay plan study. City Manager Garner stated staff's recommendation would be to increase all employees' hourly rates by two dollars which would be the most equitable and would have less impact on a pay plan study. Council Member Chin inquired if staff could do a pay plan study in-house. Ms. Garner, City Manager, stated that this would be difficult to do in-house because of the time required to do an efficient and complete pay plan study.

City Manager Megan stated it would cost the City approximately \$179,000 to fund a two-dollar hour raise deducted from \$308,000 of lapsed salaries the City has from unfilled positions. She stated this increase would be for all employees starting at the next pay period, effective February 27, 2022.

The following Department Directors asked Council to consider giving all employees the two-dollar an hour raise: Jeff Wilson, IT Manager, Tonya Mann, Director of Public Utilities, Brian Faucette, Director of Recreation and Parks and Fire Chief Tommy Cole.

**Tom Boney, Alamance News**, spoke in opposition to the salary increase options and the pay plan study.

Council Member Parsons spoke in favor of giving all employees a two-dollar-an-hour increase, followed by Mayor Pro Tem Hall and Council Member Chin.

Brian Faucette, Director, and Emma Griffin, Program Supervisor of Recreation and Parks, spoke in reference to the pay plan study and asked Council to consider including part-time positions.

Mayor Talley moved to approve a two-dollar-an-hour increase for all employees effective February 27, 2022, the beginning of the next pay period, and update the pay plan to reflect the increase, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

### ADJOURN

Mayor Talley motioned to adjourn at 4:13 p.m., seconded by Mayor Pro Tem Hall. The motion passed unanimously.

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Darby Terrell, City Clerk



**CITY OF GRAHAM  
CITY COUNCIL MEETING MINUTES  
TUESDAY, MARCH 8, 2022**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on March 8, 2022, in the Council Chamber of the 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  
Darby Terrell, City Clerk  
Justin Snyder, Planning Director

**CALL TO ORDER:**

Mayor Jennifer Talley called the meeting to order at 6:02 p.m. and presided. Mayor Talley asked Mayor Pro Tem Hall to recite the Pledge of Allegiance.

**OATH OF OFFICE FOR NEWLY APPOINTED COUNCIL MEMBER:**

Alamance County Clerk of Court Meredith Edwards administered the oath of office to the newly appointed Council Member Bonnie Whitaker.

**SPECIAL PRESENTATION/HONORARY PROCLAMATIONS:**

**CITY OF GRAHAM RETIREE:** Mayor Talley recognized on behalf of the City Council and the City of Graham, Paul Ingerick who retired from the City of Graham in January with 21 years of service. Mr. Ingerick was the Property Maintenance Supervisor in the Public Works Department.

**CONSENT AGENDA:**

- a. To approve the minutes of the February 8, 2022, regular meeting.
- b. To approve a Proclamation declaring April 29, 2022, as Arbor Day in the City of Graham.
- c. To approve the North Carolina Records Retention and Disposition for 2021 General and Program Records Schedule for Local Government Agencies.
- d. To approve the following members to the recombined Appearance Commission/Tree Board starting on April 1, 2022:
  - i. Zipporah Clark-Baldwin - term ending June 2024
  - ii. Judy Hall - term ending June 2023
  - iii. Bernadette Konzelmann - term ending June 2024
  - iv. Carmen Larimore - term ending June 2024
  - v. Cheryl Ray - term ending June 2023

- e. To award a contract, in the amount of \$956,937.00, to Triangle Grading and Paving, Inc. for the Water & Sewer Improvements Project on Long Avenue and Albright Avenue.
- f. To approve a Petition for a Voluntary Contiguous Annexation for approximately 57.23 acres located on Lacy Holt Road (GPIN 8893686572 & 8894906303) (AN2201):
  - i. To approve a Resolution Requesting the City Clerk to Investigate Sufficiency.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31  
FOR PROPERTY ON LACY HOLT ROAD (GPINS: 8873512978 and 8873625474) (AN2201)**

**WHEREAS**, a petition requesting annexation of an area described in the said petition was received on March 8, 2022, 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.

- ii. To approve a Resolution Fixing Date of Public Hearing on Question of Annexation.

**RESOLUTION FIXING DATE OF APRIL 12, 2022, FOR A PUBLIC HEARING ON QUESTION OF CONTIGUOUS  
ANNEXATION PURSUANT TO G.S. 160A-31 FOR 27.225 +/- ACRES ON LACY HOLT ROAD (AN2201)**

**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 annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on April 12, 2022.

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

Legal Description GPIN#: 8873512978 and 8873625474

**Legal Description:**

DESCRIPTION IS OF THE LEOTERRA GRAHAM, LLC PROPERTY,  
BEING TAX PARCEL ID # 175818 & 175819  
AS RECORDED IN DEED BOOK 417, PAGE 557 & 563 & SHOWN ON PLAT BOOK 80, PAGE 211  
IN THE ALAMANCE COUNTY REGISTER OF DEEDS.  
BEGINNING AT A 1½" EXISTING IRON PIPE, SAID PIPE HAVING A NC GRID COORDINATE OF N:  
832,573.45 AND E: 1,875,772.60, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JANICE  
HOLT CASHION PROPERTY AND THE CARROLLTON PLACE SUBDIVISION AND ALSO WITH  
PARCEL # 1 OF THE SUBJECT PROPERTY; THENCE WITH THE SOUTHERN LINE OF THE  
CARROLLTON PLACE SUBDIVISION N 63° 41' 31" E FOR A DISTANCE OF 1225.26 FEET TO A 1"  
EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE MONROE ACRES  
SECTION 1 SUBDIVISION; THENCE WITH THE WESTERN LINE OF THE MONROE ACRES  
SUBDIVISION S 31° 25' 38" E FOR A DISTANCE OF 1021.51 FEET TO A ¾" EXISTING IRON PIPE,  
SAID PIPE BEING A COMMON CORNER WITH THE ROCKWOOD ESTATES SECTION 1  
SUBDIVISION; THENCE WITH THE NORTHERN LINE OF THE ROCKWOOD ESTATES  
SUBDIVISION S 71° 25' 13" W FOR A DISTANCE OF 944.98 FEET TO A 1" EXISTING IRON PIPE,  
SAID PIPE BEING A COMMON CORNER WITH THE KEYSTONE GROUP INC PROPERTY; THENCE

WITH THE KEYSTONE GROUP INC PROPERTY S 71° 34' 36" W FOR A DISTANCE OF 356.22 FEET TO A ¾" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE KEYSTONE GROUP INC PROPERTY; THENCE WITH THE KEYSTONE PROPERTY S 71° 52' 49" W FOR A DISTANCE OF 314.73 FEET TO AN EXISTING STONE, SAID STONE BEING A COMMON CORNER WITH THE JOSHUA & SYLVIA NICKS PROPERTY; THENCE WITH THE NICKS PROPERTY S 71° 13' 48" W FOR A DISTANCE OF 821.12 FEET TO A BENT 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE JEFFREY & PATTI NICKS PROPERTY; THENCE WITH THE NICKS PROPERTY S 71° 23' 29" W FOR A DISTANCE OF 181.30 FEET TO A BENT 1" EXISTING IRON PINCH TOP PIPE; THENCE CONTINUING S 71° 24' 13" W FOR A DISTANCE OF 66.62 FEET TO AN EXISTING IRON PIPE IN A ROCK PILE, SAID PIPE BEING A COMMON CORNER WITH THE JAMES & ANDREA ROLLINS PROPERTY; THENCE WITH THE ROLLINS PROPERTY S 71° 31' 11" W FOR A DISTANCE OF 282.36 FEET TO A 1" EXISTING IRON PIPE; THENCE CONTINUING S 71° 22' 34" W FOR A DISTANCE OF 30.45 FEET TO A CALCULATED POINT, SAID POINT BEING IN THE CENTERLINE OF LACY HOLT ROAD; THENCE WITH THE CENTERLINE OF LACY HOLT ROAD N 01° 44' 20" E FOR A DISTANCE OF 97.36 FEET TO A POINT; THENCE CONTINUING ALONG THE ROADWAY N 03° 16' 23" E FOR A DISTANCE OF 965.65 FEET TO A POINT; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1414.63 FEET AND A CHORD BEARING OF N 02° 06' 23" E FOR A DISTANCE OF 35.84 FEET TO A POINT; THENCE LEAVING THE CENTERLINE N 80° 50' 51" E FOR A DISTANCE OF 30.50 FEET TO A ¾" EXISTING IRON PIPE, SAID PIPE BEING IN THE EASTERN RIGHT OF WAY OF LACY HOLT ROAD AND ALSO A COMMON CORNER WITH THE JANICE HOLT CASHION PROPERTY; THENCE WITH THE CASHION PROPERTY N 80° 50' 51" E FOR A DISTANCE OF 1135.84 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 57.225 ACRES MORE OR LESS.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 8th day of March 2022.

- g.** To approve the City of Graham's Historic Resource Commission (HRC) to purchase plaques for historic buildings using the funds raised by the Graham Historical Society.
- h.** To approve the following tax releases for \$419.29:

CITY OF GRAHAM RELEASE ACCOUNTS				
FEBRUARY RELEASES				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
702246	2021	SEBREN, SHELBY	PARCEL DOUBLE BILLED	\$113.75
6967	2021	CAROLINA HOSIERY MILL	OUT CARD FROM ALA CO VALUE CORRECTIONS	\$258.12
279829	2019	WALTERS, WILLIAM KEITH	SOLD BOAT	\$6.51
279829	2020	WALTERS, WILLIAM KEITH	SOLD BOAT	\$6.51
279829	2021	WALTERS, WILLIAM KEITH	SOLD BOAT	\$6.51
491265	2021	OLIVER, GORDON/OLIVER RENTALS	MOBILE HOME SOLD IN 2020	\$27.89

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Chin. The motion passed unanimously.

## **PUBLIC HEARINGS:**

### **ITEM 1: REZONING - CHERRY LANE (RZ2109)**

A public hearing had been continued to consider a rezoning from Low-Density Residential (R-18) and Light Industrial (I-1), to Conditional Industrial (C-I) consisting of 78.12 acres on Cherry Lane. (GPIN 8893686572 & 8894906303) The Planning Board recommended denying the rezoning request at its February 15, 2022, regular meeting. **(Continued from January 11, 2022, regular meeting.)**

Justin Snyder, Planning Director, stated the applicants for Items 1, 2, 3, and 6, 7, 8 had withdrawn their applications. Mr. Snyder stated staff recommended Council consider and accept the applicant's withdrawal with one motion.

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

After the motion, Council Member Chin and Council Member Parsons spoke on the topics listed below.

**Commercial/Industrial Development for Graham Commerce Park**

- **This is why:**
  - Development to date for the commerce park has been distribution warehouses
  - Apparent lack of a comprehensive, coordinated, and unified long term vision for commerce park development (NC Commerce Park – 2015 – 1100 acres zone I-1)
  - 2035 comprehensive plan is too vague to address the integration for the co-existence of industrial and resident development.
  - Areas that need to be addressed with the commerce park
    - Heavy truck traffic
    - Noise
    - Light Pollution
    - Aesthetics
  - Gaps in the current development ordinance for industrial/commercial development such as Plan Unit Development
- **What we want to do:**
  - Vision – have a long term plan where industrial/commercial/residential communities would co-exist to maintain the
    - Livability of the existing residential communities
    - Viability for future industrial/commercial development
- **Mission moving forward:**
  - Develop a long-term plan that will co-exist with existing residential developments
  - Develop a technology overlay for Cherry Lane with focus on Information, Research, & Bio-Med Technologies, defined in a comprehensive Plan Unit Development.
  - Review the existing Development Ordinance for industrial/commercial ordinances. If necessary, establish standards or variances that address setbacks, berms, lights, landscaping, fencing, signage.

**BOTTOM LINE: IF WE DON'T DEVELOP THE COMMERCIAL/INDUSTRIAL SECTOR IN GRAHAM, THE CONSEQUENCES WILL BE HIGHER PROPERTY TAXES TO COVER THE COST OF SERVICES FOR RESIDENTS.**

Mayor Talley referenced the Graham Comprehensive Plan Goal 2.4.1 during the discussion.

**Policy 2.4.1: NC Commerce Park**  
 Promote growth of Graham's primary job creation opportunity, a joint planning area known as the North Carolina Commerce Park (NCCP), due to its location, regional accessibility, and highly developable status.

**Strategy 2.4.1: NCCP Development**  
 Develop a plan for the employment district in order to maximize economic growth within this area. Align plans and investments with efforts to recruit and grow strategic business opportunities in the NCCP.

## **ITEM 2: REZONING - INTERSECT GOVERNOR SCOTT FARM ROAD (RZ2110)**

A public hearing had been continued to consider a rezoning from Low-Density Residential (R-18), to Conditional Industrial (C-I) consisting of 37.85 acres on Governor Scott Farm Road. (GPIN 8893886609) The Planning Board recommended denying the rezoning request at its February 15, 2022, regular meeting. (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

**ITEM 3: REZONING - CHERRY LANE (RZ2111):** A public hearing had been continued to consider a rezoning from Low-Density Residential (R-18), to Conditional Industrial (C-I) consisting of 9.10 acres on Cherry Lane. (GPIN 8893796670) The Planning Board recommended denying the rezoning request at its February 15, 2022, regular meeting. (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

**ITEM 4: REZONING - 302 NORTH MAPLE STREET & 203, 207, & 213 WEST MARKET STREET (RZ2201):** A public hearing had been continued to consider an application by Jason Cox on behalf of NJA Properties, LLC, and NRS Properties, LLC, to rezone approximately 1.15 acres of property located at 302 N. Maple Street and properties at 203, 207, and 213 W. Market Street. The applicant requests these properties be rezoned from High-Density Residential (R-7) to Central Business (B-1) zone. (GPIN: 8884151515, 8884150571, 8884059566, and 8884058556) The Planning Board recommended denial at its February 15, 2022, regular meeting. (Continued from February 8, 2022, regular meeting.)

Justin Snyder, Planning Director, stated the applicant requested to rezone approximately 1.15 acres of property at 302 N. Maple Street and 203, 207, and 213 W. Market Street from High-Density Residential (R-7) to Central Business (B-1). He stated the area near the proposed rezoning comprises numerous older homes, mostly in poor to fair condition, and a mixture of vacant buildings and vacant lots. He stated this area was listed in the Future Land Use Map as Downtown Residential and uses allowed in a B-1 would match the description laid out for Downtown Residential. Mr. Snyder stated that this would be compatible if rezoned as long as the off-street parking needs could be met to serve the proposed uses.

Mayor Talley opened the public hearing, the following citizens spoke.

**Jason Cox (200 N Main Street) Applicant:** gave a brief explanation of having a mixed residential building and expanding the downtowns environment of walkability closer to residents. He stated the parking issue would be resolved by encouraging customers to use city parking lots located near the property.

**Niki Smith (402 South Maple Street):** spoke in favor of the rezoning and the applicant's idea of uses that would encourage more walkable areas. She stated the rezoning was compatible with the downtown architecture and encouraged a mode of transportation that would reduce the number of cars parking in the downtown area.

Council Member Chin moved to close the public hearing, seconded by Mayor Talley. The motion passed unanimously.

Council agreed that they would have liked to see plans that show the applicant's potential uses for the requested rezoning. Council Member Parsons stated he agreed with the vision presented by the applicant but was hesitant to vote for its approval because there were no plans showing their vision.

Council stated the importance of providing off-street parking such as Conditional Business (C-B) or General Business (B-2) zonings. Council Members stated they viewed conditional rezoning as a better rezoning application than the one presented because it would allow the Council to make sure adequate parking was provided. During the discussion, Mayor Talley stated she viewed keeping the properties residential as another option for the applicant to consider.



Council Member Chin moved to deny the rezoning application because it was inconsistent with 2.1.1 Diverse Job market, 2.1.3 Economic resilience, and 2.1.4 Competitive advantage policies within The Graham 2035 Comprehensive Plan, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

**ITEM 5: CONDITIONAL REZONING - GILBREATH - MIXED-USE REVISION (CR2101):** A public hearing had been continued to consider an application by Ben Green Hyconic Holdings LLC, to rezone 38 acres on E. Gilbreath Street from Light Industrial (I-1) and General Residential (R-G) to Conditional Mixed-Use Residential (C-MXR) to allow for 46 townhomes and 118 single-family lots. The Planning Board recommended approval at its February 15, 2022, regular meeting. (GPIN 8883885270, 8883872722, 8883886903)

Justin Snyder, Planning Director, stated this request was to rezone property from Light Industrial (I-1) to Conditional Mixed-Use Residential (C-MRX). He stated the revised application included 46 townhomes and 118 single-family lots. Mr. Snyder stated the project was expected to be built out in phases. He stated staff was recommending approval of this application because the design had the higher density clustered in the center with the lower density surrounding it on the perimeter. Mr. Snyder stated the conditions below were given to the developer by the Planning Board and the Technical Review Committee:

1. A dog park shall be provided on-site.
2. Landscaping in the buffer shall be appropriate to the buffer and shall be by City standards.
3. Street trees from the recommended planting list shall be provided as well as lot trees for each lot.
4. Playground equipment shall be provided.
5. A walking trail shall be provided adjacent to the river with a dedicated public access easement, and it shall connect to the internal sidewalk network.
6. A street stub-out shall be provided to the lot to the north of this site if feasible.

Council discussed the changes presented to them with the updated site plan for the development. Council asked if the Planning Board was aware of the changes, to which Mr. Snyder answered yes. Council discussed with staff the buffering requirements for fencing and if what was presented met the ordinance requirements. Mr. Snyder stated the ordinance requirements would be met and suggested Council consider adding a condition to have the fencing located on the property line side and the landscape buffering and sidewalk be located on the roadside.

Mayor Talley opened the public hearing, and the following individuals spoke.

**Amanda Hoderne (804 Green Valley Road, Suite 200, Greensboro):** spoke on behalf of the applicant. She stated developers had come up with a revised plan which changed the number of townhomes to 46 and the single-family homes to 118. She stated that the developers had revised the plan that increased the open space within the subdivision.

**Charlie Oakley (Perimeter Park Drive, Suite 112, Mooresville, NC):** spoke on behalf of the applicant as its engineer. Mr. Oakley stated that the developers planned for building a fence with landscaping where East Gilbreath Street is located for future residences. He also stated that the developers would be working with utility companies to ensure underground utilities are not hit during development. Mr. Oakley stated the revision helped address the floodplain areas on the property to be utilized as open space areas and the remaining land outside of the floodplain to be used for single-family lots.

**Jeanette Beaudry (308 East Harden Street):** spoke in reference to the flooding hazards on Gilbreath Street near the property.

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

Mayor Talley moved to approve the conditional rezoning application with the following conditions:

1. A dog park shall be provided on-site and paved access to the dog park.
2. Landscaping in the buffer shall be appropriate to the buffer and shall be in accordance with City standards.
3. Street trees from the recommended planting list shall be provided as well as lot trees for each lot.
4. Playground equipment shall be provided that is ADA accessible.
5. A walking trail shall be provided adjacent to the river with a dedicated public access easement, and it shall connect to the internal sidewalk network.
6. A street stub-out shall be provided to the lot to the north of this site if feasible.
7. The no-access easement for lots fronting along East Gilbreath Street shall be recorded prior to the approval of the final plat.
8. A fence shall be located on the interior of the landscaping and sidewalk with its friendly face side towards Gilbreath Street.

The motion was seconded by Mayor Pro Tem Hall and passed unanimously.

#### **ITEM 6: VOLUNTARY CONTIGUOUS ANNEXATION - 78.12 ACRES - CHERRY LANE**

**(AN2103):** A public hearing had been continued to consider a voluntary contiguous annexation containing 78.12 acres on Cherry Lane. (GPIN 8893686572 & 8894906303) (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

#### **ITEM 7: VOLUNTARY CONTIGUOUS ANNEXATION - 37.85 ACRES - GOVERNOR SCOTT**

**FARM ROAD (AN2104):** A public hearing had been continued to consider a voluntary contiguous annexation containing 37.85 acres on Governor Scott Farm Road. (GPIN 8893886609) (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

#### **ITEM 8: VOLUNTARY CONTIGUOUS ANNEXATION - 9.10 ACRES - CHERRY LANE**

**(AN2105):** A public hearing had been continued to consider a voluntary contiguous annexation containing 9.10 acres on Cherry Lane (GPIN 8893796670) (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

#### **ITEM 9: AMENDMENT - DEVELOPMENT ORDINANCE - RECREATION & AMENITIES**

**(AM2202):** A public hearing had been continued to consider a text amendment to the Development Ordinance to create standards for recreation and amenities for subdivisions that have five or more units. The proposed text amendment includes a point system tied for listed amenities based on desirability. The points are

also based on the size of the development and the number of dwelling units. If approved by the City Council, this would be placed in the reserved section, Section 10.251, within the Development Ordinance. The Planning Board recommended approval of this item, with an amendment to Section I, at its February 15, 2022, regular meeting. (Continued from February 8, 2022, regular meeting.)

Justin Snyder, Planning Director, stated the proposed language was to create standards for recreation and amenities to be considered together when receiving a proposed subdivision with five or more units. He stated amenities required are based on a points system that is tied to how desirable the amenities are, and the number of required points is tied to the number of dwelling units and size of the development.

Council discussed the presented text amendment with staff and discussed language they would prefer to be taken out, such as the dedication of parks to the City. Council discussed with staff further changes made by the Planning Board.

Mayor Talley opened the public hearing, the following citizens and staff members spoke.

**Brian Faucette, Recreation and Parks Director:** spoke in favor of the amendment. He also asked Council to consider adding a fee system to balance out the increased demand a new development would put on City services.

**Dean Ward, Planning Board Chair:** spoke in favor of the text amendment and answered questions from Council on the changes made at the Planning Board meeting.

Mayor Pro Tem Hall moved to table this discussion to the next meeting on April 12, 2022, to allow Council to review the suggested changes, seconded by Council Member Parsons. The motion passed unanimously.

#### **ITEM 10: AMENDMENT - DEVELOPMENT ORDINANCE - EXTERIOR LIGHTING**

**(AM2203):** A public hearing had been continued to consider a text amendment to the Development Ordinance to create standards for exterior lighting throughout the City. The purpose of the proposed text amendment is to provide lighting standards throughout the City and help prevent site over-illumination and excess lighting from becoming a nuisance for adjacent properties. If approved by the City Council, this would be placed in the reserved article and section, Article VI and Section 10.290. The Planning Board recommended approval of this item at its February 15, 2022, regular meeting. (Continued from February 8, 2022, regular meeting.)

Justin Snyder, Planning Director, stated staff recommended language to create measurable lighting standards for exterior lighting throughout the City.

Mayor Talley opened the public hearing.

There were no comments.

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

Mayor Pro Tem Hall moved to approve the text amendment because it allowed the City to control lighting trespass, nuisance glare, and the illumination of properties to protect surrounding property owners and that it was consistent with The Graham 2035 Comprehensive Plan, other jurisdictions, and best practices, seconded by Council Member Whitaker. The motion passed unanimously.

#### **ITEM 11: AMENDMENT - DEVELOPMENT ORDINANCE - ACCESSORY DWELLINGS UNITS (ADUS) (AM2204):** A public hearing had been continued to consider a text amendment to the



Development Ordinance to create standards and ways to allow accessory dwelling units in single-family residential zoning districts. The Planning Board recommended approval of this item, with an amendment, at its February 15, 2022, regular meeting. The suggested changes from the Planning Board to Council are to remove the water and sewer meter requirements, the Right-of-Way access requirements, and change the size to 1,600 square feet as the minimum listed in the amendment. (Continued from February 8, 2022, regular meeting.)

Justin Snyder, Planning Director, stated staff recommended the text amendment to create standards for allowing accessory dwelling units in residential districts. Mr. Snyder stated there was a need to allow these units in the city due to the aging population and the desire to age in place and live with kids outside the home. He stated that this would allow more density without being obtrusive. Mr. Snyder stated this would free up other dwelling units for people to move into without requiring significant land development. He stated that the Planning Board increased the footage to allow 1,600 square feet for an accessory dwelling unit.

Mayor Talley opened the public hearing. The following citizens and staff spoke:

**Josh Johnson, Alley, Williams, Carmen, and King Inc. (AWCK) (740 Chapel Hill Road, Burlington)** contracted engineer for the City, stated that he would like Council to consider including in the text amendment that all property owners connected to the City water system, to treat the accessory dwelling unit as new residential construction and require them to have a separate water meter and connection.

**Fire Chief Cole:** expressed concern regarding increased parking on streets, making it potentially problematic for the fire trucks to maneuver through neighborhood streets.

**Dean Ward, Planning Board Chair:** spoke in favor of the Planning Board's modification for dwellings to be a maximum of 1,600 square feet.

**Chuck Talley (808 Sideview Street):** spoke in reference to the setbacks required for an accessory dwelling.

**Chad Huffine (505 East Davis Street, Burlington):** asked Council to consider what had been discussed at the Planning Board meeting on how they would allow houses on a well and septic to have permitted accessory dwelling units.

Council discussed requesting staff to implement a minimum lot requirement of one acre, with approval from the Environmental Health Department. Council discussed directing staff to remove the first paragraph of section f of the proposed text amendment. Council discussed considering having the accessory dwelling units with a minimum square foot of 50% of the heated living area and allowing a maximum of 1600 square feet.

Mayor Talley moved to close the public hearing, seconded by Council Member Chin. The motion passed unanimously.

Bob Ward, City Attorney, requested that Council re-advertise the public hearing since the text amendment was adjusted.

Mayor Talley moved to reopen and continue the public hearing to April 12, 2022, and to direct staff to re-advertise the hearing to include all changes, seconded by Council Member Chin. The motion passed unanimously.

## **NEW BUSINESS:**

**ITEM 12: CITIZEN REQUEST - DISCUSSION - AMENDING TRAFFIC SCHEDULE:** A request was received from Judy Hall requesting Council to consider amending the traffic schedule to include no parking within the cul-de-sac of Pepperstone Drive.

Mayor Talley asked if there were any Council Members who had a conflict of interest regarding this request.

Council Member Whitaker asked to be removed from this decision due to serving on the HOA Board involved in this request.

Council Member Chin motioned to recuse Council Member Whitaker, seconded by Mayor Talley. The motion passed unanimously.

Mayor Pro Tem Hall also asked to be recused due to his affiliation with the HOA and residing in the subdivision.

Mayor Talley moved to recuse Mayor Pro Tem Hall, seconded by Council Member Parsons. The motion passed unanimously.

Aaron Holland, Assistant City Manager, recommended that staff conduct a traffic study and review the current traffic schedule. He suggested that the Council allow staff the ability to evaluate the area in question and report back to Council with a recommendation.

**Judy Hall (2501 Pepperstone Drive):** spoke in reference to the letter she sent requesting Council to direct staff to investigate the cul-de-sac parking issue.

**Brandy Moya (2722 Pepperstone Drive):** spoke in reference to directing staff to conduct a traffic study on her cul-de-sac as well as other cul-de-sacs throughout the subdivision.

**Pam Smith (2718 Pepperstone Drive):** stated she had never experienced traffic or parking issues.

Council Member Chin moved to direct staff to evaluate the cul-de-sac at the end of Pepperstone Drive and the other cul-de-sacs in the subdivision for recommendations on parking.

Council Member Parsons moved to amend the motion to include all roads and cul-de-sacs in Valleyfield for parking on the street to be evaluated by staff, including road widths, and bring back recommendations to Council, seconded by Mayor Talley. The motion passed unanimously.

Mayor Talley moved to allow the Council Members who had recused themselves back to the dais, seconded by Council Member Parsons. The motion passed unanimously.

**ITEM 13: ROAD CLOSURES – SPECIAL EVENTS APPLICANTS:** On Wednesday, February 23, 2022, Council requested that all applications for road closures that had been approved previously by the Special Events Committee would now go to Council for final consideration. The Special Events Committee had reviewed the below-mentioned event applications and recommended approval for all requested road closures.

Mary Faucette, Downtown Development Coordinator and Chair of the Special Events Committee, reviewed the below events. She stated that most applicants are present to speak on behalf of their application and event.

- a. **The Exchange Club's Family Center of The Central Piedmont: Ride Out Child Abuse:** Closures of 100 block of West Elm on Saturday, April 30, 2022. The alternate date is May 7, 2022. The request is to schedule the closure from 1 pm to 6 pm.
- b. **Together Community Events: Graham Food Truck Rodeo:** Closures of 100 block West Elm on May 15, 2022. The request is to schedule the closure from 1 pm to 9 pm.
- c. **Graham Recreation & Parks: Thursdays at Seven Concert Series:** Closure of 100 blocks of West Elm on May 26<sup>th</sup>, June 23<sup>rd</sup>, July 28<sup>th</sup>, August 25<sup>th</sup>, September 8<sup>th</sup>, & September 22<sup>nd</sup> for the 2022 Thursdays at Seven Concert Series. The alternate dates also requested to be approved June 2nd, 9th, 16th & 30th; July 7th, 14th & 21st; August 4th, 11th & 18th; September 1st, 15th & 29<sup>th</sup>. The request is to schedule the closures for 5 pm to 11:30 pm.
- d. **Little Brother Brewing Barrel & Bottle: Dino Day Spring Festival:** Closures of 100 block West Elm on June 4, 2022. The request is to schedule the closure from 10 am to 9 pm.
- e. **Graham Recreation & Parks: Slice of Summer:** Closure of 100 blocks of East and West Elm, North and South Main Streets on June 18, 2022, and the alternate date of June 25, 2022. The request is to schedule the closures from 1 pm to 9 pm.
- f. **Little Brother Brewing Barrel & Bottle: Grahamtoberfest:** Closures of 100 block West Elm on September 24, 2022. The request is to schedule the closure from 12 pm to 11 pm.
- g. **Family Abuse Services: Family Abuse Services Car Show:** Closures of 100 block East and West Elm, North and South Main Street, and Court Square on October 1, 2022, with the rain date of October 8, 2022. The request is to schedule the closure from 6 am to 3 pm.

Mary Faucette, Downtown Development Coordinator, stated that the Family Abuse Services Board's last event application, had come back to staff with the proposal to only use the outer parking areas around Court Square and to drop off the North Main Street road closure request.

Council Member Parsons suggested to the Family Abuse Services Board Member that a better request for street closures would have been to close Maple Street from the West Elm intersection to the Pine Street intersection, citing his previous experience with using this street for car shows.

Angie Hall, Family Abuse Services Board Member, spoke in reference to last year's event and what they have prepared for this year's event.

Police Captain Duane Flood stated that he was against putting cars in the inner circle for safety reasons. He also stated that Maple Street was a good alternative, but it was a state NCDOT street and staff would have to get permission. Police Captain Flood suggested closing Maple Street from Harden Street to Elm Street due to limiting access for public safety to Elm and Pine Streets.

Tom Boney, Alamance News, spoke in opposition to allowing privately owned businesses to have streets closed.

City Council and staff discussed that it had been relayed to organizations interested in street closures to begin the closure when they requested the application. The Recreation and Parks staff educated Council on the logistics of closing streets for special events.

Mayor Talley moved to approve the events listed, but amending item g (Family Abuse Services Car Show) for the road closures to be the 100 block of West Elm Street, City Municipal lot, Maple Street from the South Maple side to Pine Street, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Mayor Pro Tem Hall requested a five-minute break at 10:55 p.m. Mayor Talley called the meeting back to order at 11:01 p.m.

**ITEM 14: DISCUSSION - COUNCIL MEMBER COMMITTEE LIAISONS:** City Council will discuss assigning Council Members to an advisory committee as the Council liaison for each board.

After discussion between Council Members, Mayor Talley moved to select the liaison as follows:

<b>Appearance Commission/Tree Board</b> Council Member Whitaker	<b>Recreation Commission</b> Council Member Whitaker	<b>Audit Committee</b> Mayor Talley
<b>Graham Historical Museum</b> Council Member Parsons	<b>Alamance County Community Services Agency</b> Mayor Pro Tem Hall	<b>Piedmont Triad Regional Council</b> Council Member Chin <b>Alternate-</b> Mayor Pro Tem Hall
<b>Historical Resource Commission</b> Council Member Parsons	<b>Alamance County Economic Development Committee</b> Mayor Talley <b>Alternate-</b> Council Member Chin	<b>Transportation Advisory Committee</b> Mayor Pro Tem Hall <b>Alternate-</b> Council Member Chin

Council Member Chin seconded the motion, and the motion passed unanimously.

#### **PUBLIC COMMENT PERIOD:**

**Chad Huffines (2198 Cherry Lane):** spoke in reference to the request for consideration of a Cherry Lane Overlay. He asked Council to consider providing direction to staff on how to handle these documents procedurally.

**Jeanette Beaudry (308 East Harden Street):** spoke in reference to the new roundabout put into place by NCDOT on East Elm and East Harden. She stated the new round-a-bout would consume a lot of land and parking from the Historical Children's Chapel United Church of Christ located near the proposed round-a-bout intersection.

#### **CITY STAFF COMMENTS:**

**Josh Johnson, AWCK:** stated that the water and sewer infrastructure project was starting to ramp up and he would have an update for Council at the April 12, 2022, City Council Meeting.

#### **CITY COUNCIL COMMENTS:**

**Mayor Jennifer Talley:** stated she wanted to speak to staff about dedicating a tree in memory of Judy Ward, a known community member.

**Council Member Parsons:** stated he had asked City Manager Garner to have staff look into adding a code of conduct section in the personnel policy that is being rewritten for employees and to include the Board and Commission Members.

City Manager Garner stated that the Board and Committee Code of Conduct draft would be ready for Council review by the end of the week and potentially be ready for the April 12, 2022, Council agenda. She stated the personnel policy rewrite would begin shortly and would be a long process.

Council Member Chin stated he had also asked staff to update the personnel policy section to include the state's disciplinary policy.

Council discussed with City Manager Garner an update on the health insurance inquiry for employees. City Manager Garner stated staff had sent out the Request for Proposal (RFP) soliciting a broker and was in the process of receiving bids.

**ADJOURN:**

Mayor Talley motioned to adjourn at 11:43 p.m., seconded by Mayor Pro Tem Hall. The motion passed unanimously.

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Darby Terrell, City Clerk

**CITY OF GRAHAM**  
**CITY COUNCIL SPECIAL MEETING MINUTES**  
**MONDAY, MARCH 14, 2022**

39

The City Council of Graham held a special meeting at 11:00 a.m., on March 14, 2022, in the Public Works Department Conference room located at 105 West Parker 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  
Darby Terrell, City Clerk  
Tonya Mann, Public Utilities Director  
Burke Robertson, Public Works Director  
Josh Johnson, AWCK Engineer

**CALL TO ORDER:**

Mayor Talley called the meeting to order and presided at 11:07 a.m.

**ITEM 1: DISCUSSION - COUNCIL EXPECTATIONS & ADMINISTRATION:**

Megan Garner, City Manager, stated this special meeting was to get City Council's expectations and goals from the Public Utilities and Public Works Department. She informed Council the Lunch and Learn Special meetings would allow the Departments to present an overview of their responsibilities and highlight budgetary and Capital Improvement Project needs for the upcoming fiscal year.

Council highlighted various goals each Council Member had for this upcoming year and goals they would like to achieve during their term. These goals revolved around reviewing approved plans and ordinances, focusing on economic development, and promoting Graham in a positive light.

See Attachment A for a list of each Council Member's goals.

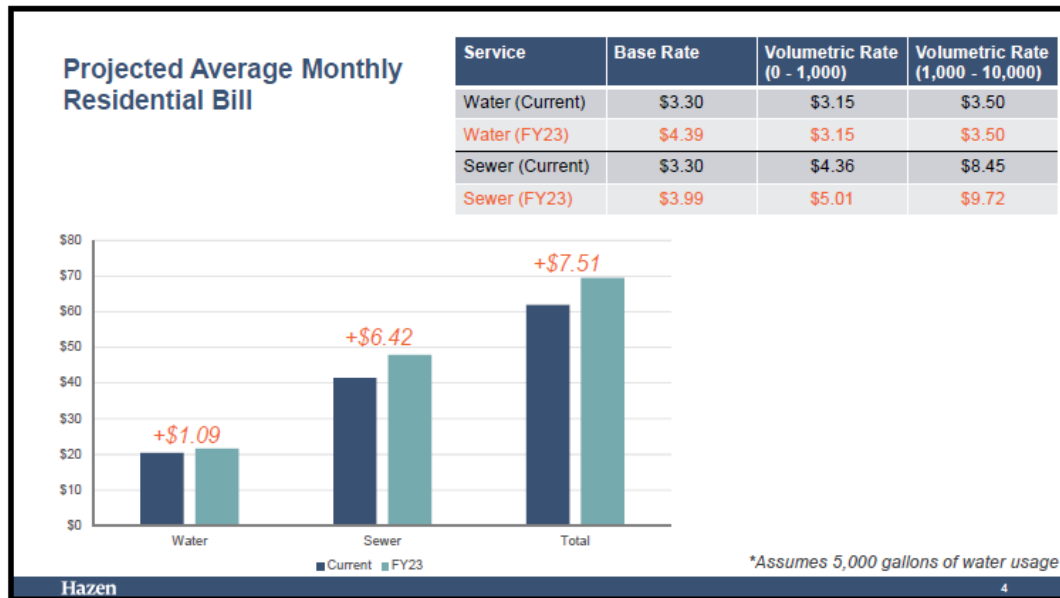
**ITEM 2: DISCUSSION - PUBLIC UTILITIES:**

Tonya Mann, Public Utilities Director, gave a presentation that outlined the capital improvement projects in the upcoming fiscal year and the department's responsibilities. Tim Divine and Colin Beck from Hazen & Sawyer presented an update on the Wastewater Treatment Plant upgrade project.

Council and staff discussed the upgrade process, other capital improvement projects, and future issues. Council also discussed ideas of keeping costs down to help with the current market increasing everything. Ms. Mann informed Council that staff had been exploring cost-saving options.

Mr. Divine presented an update on the Wastewater Treatment Plant. Both Mr. Divine and Mr. Beck informed the Council that the prices for construction would continue to rise. He presented

the potential expenses and revenues projected for this upgrade. Mr. Divine also presented the following information on the potential cost of a resident:



Josh Johnson, AWCK Engineer, discussed and updated Council on the following capital improvement projects.

Project Title	Projected Cost	Funding Source
10" Water Main Replacement	\$ 13,000,000.00	EDA, Legislative ARP, ARPA Direct
West Elm Waterline Replacement	\$ 1,200,000.00	NC DWI - Spring 2022
Cooper Road Pump Station	\$ 3,500,000.00	NC DWI - Spring 2022, Possible Development Fees Project
Small Waterlines	\$ 5,000,000.00	NC DWI - Spring 2022, Future CDBG
Downtown Water/Sewer Improvements	\$ 1,200,000.00	12" Loop through downtown, Sliplining of Downtown Sewer
Hanover Road Sewer	\$ 1,000,000.00	NC DWI - Spring 2022
Haw River Outfall & Manhole Rehab	\$ 2,500,000.00	NC DWI - Spring 2022
Boyd Creek Sewershed Point Repairs	\$ 500,000.00	W&S Budget
New and Parker Street Sewer Relocation	\$ 500,000.00	NC DWI - Spring 2022
New Street 600 Block Sewer Replacement	\$ 600,000.00	NC DWI - Spring 2022
Elevated Water Storage Tank	\$ 3,500,000.00	
Infiltration and Inflow Reduction	\$ 150,000.00	Annual Budget
Water and Sewer Development Fee Study	\$ 20,000.00	Budget every 3 years
Water Plant Capacity Studies	\$ 2,300,000.00	2022-2023 Budget - Split with Mebane
Highway 49/54 Water and Sewer Replacements	\$ 2,000,000.00	75% covered from NCDOT - City cost \$500,000
Trollingwood - 16" WL Connection		
Harden Street - 16" WL Connection		
Woody Drive - 16" WL Connection		
Southeastern WL Loop Connections		
	\$ 36,970,000.00	

Council and staff discussed the presented Capital Improvement Projects listed above. Council also briefly discussed the City's agreement with the City of Mebane regarding the Graham-Mebane Lake and the Water Treatment Plant.

See Attachment B to view Ms. Mann and Mr. Divine's presentation.

### **ITEM 3: DISCUSSION - PUBLIC WORKS:**

Burke Robertson, Public Works Director, gave a presentation that outlined top projects for the upcoming fiscal year. He also gave a brief overview of his department and its responsibilities. Mr. Robertson discussed the increasing demand his department was experiencing due to growth and increasing operating costs. Council discussed with staff ideas on staffing, fleet upgrades, and fee structures to assist the department with demand.

The Council discussed the inflation in operating costs associated with services provided by Public Works in the below chart.

Inflation/Operating Cost		
Trash Truck	2006 vs. 2021	78% increase
	2021 vs. 2022	17% increase
Dump Truck	1998 vs. 2018	134% increase
	1998 vs. 2022	275% increase
Trash Carts	2020 vs. 2021	21% increase
New Truck Tires	2021 vs. 2022	43% increase

Fuel Cost	
City cost per Gallon for Diesel Fuel	11-29-21 \$2.36
	2- 9-22 \$2.95
	3 – 9-22 \$4.74
City cost per Gallon for Gas	11-29-21 \$2.50
	2-21-22 \$2.80
	3- 9-22 \$3.80

### **ADJOURN:**

Mayor Talley moved to adjourn the meeting at 3:48 p.m., seconded by Mayor Pro Tem Hall. The motion passed unanimously.

\_\_\_\_\_  
Darby Terrell, City Clerk



**CITY OF GRAHAM**  
**CITY COUNCIL SPECIAL MEETING MINUTES**  
**MONDAY, MARCH 21, 2022**

The City Council of Graham held a special meeting beginning at 11:00 a.m. on March 21, 2022, in the Graham Police Department's Training Room located at 216 South Maple 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  
 Darby Terrell, City Clerk  
 Jeff Wilson, IT Manager  
 Kristi Cole, Police Chief  
 Rodney King, Assistant Police Chief  
 Duane Flood, Police Captain  
 Tony Velez, Police Captain  
 Daniel Sisk, Police Captain  
 Tommy Cole, Fire Chief  
 Jason Moore, Fire Captain

**CALL TO ORDER:**

Mayor Talley called the meeting to order and presided at 11:04 a.m.

**ITEM 1: DISCUSSION – INFORMATION TECHNOLOGY DEPARTMENT:**

Jeff Wilson, Information Technology (IT) Manager, presented to the Council with a brief overview of the technology the department managers for the City. Mr. Wilson also outlined the Capital Improvement Projects he will be requesting for the next fiscal year. Council briefly discussed the proposed requests and other potential projects with staff. The following are the projects the department is requesting for consideration in the upcoming budget.

**ITEM 2: DISCUSSION – POLICE DEPARTMENT:**

	Fiscal Year	FY 2022-2023	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-2027	Total
<b>Subtotal</b>		262,000	122,000	115,000	130,000	190,000	819,000
<b>Request</b>							
Computer Replacements		58,000	62,000	65,000	80,000	85,000	350,000
City Camera System Upgrade		55,000				55,000	110,000
Network Refresh/ Renewal		64,000	60,000	50,000	50,000	50,000	274,000
City Inventory System		12,000					12,000
Civic Center Fiber Upgrade		55,000					55,000
Fuelmaster Upgrade		18,000					18,000
<b>Subtotal</b>	0	262,000	122,000	115,000	130,000	190,000	819,000

Police Chief Kristi Cole presented to Council the average years of service for the department, the structure of the Police Department, the three main goals of the department for the upcoming year, and the citizen's expectations of the department. She stated that most employees of the Police Department were under twenty years of service and that the department was divided up into smaller departments. Police Chief Cole educated the Council on the top three goals for the department: 1) Hiring and Retention, 2) Community Oriented Policing, and 3) Training and Succession. Police Chief Cole stated the department was focused on meeting citizens' expectations. She explained to Council that having a well-trained professional staff equipped to protect the community's lives and property and have a quick and effective response was a top priority.

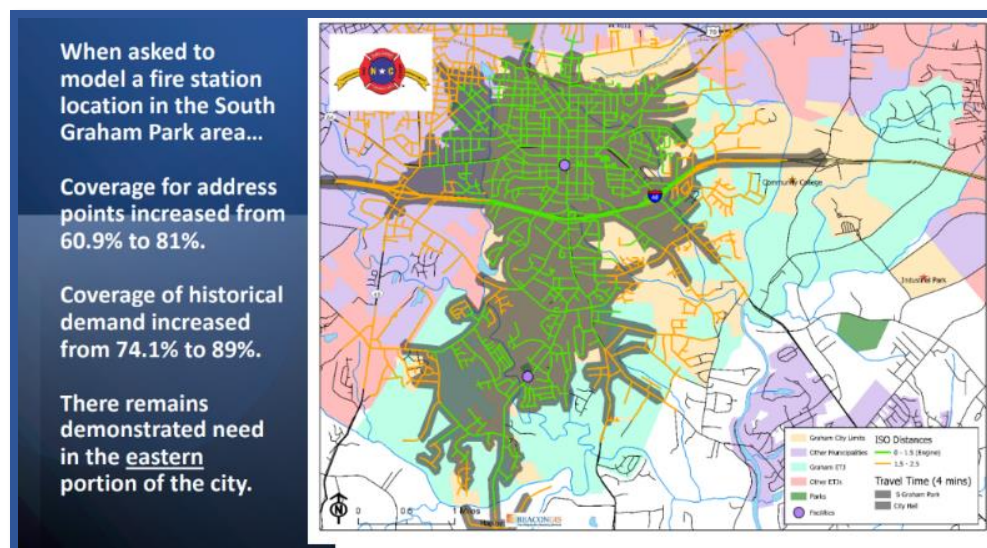
Council Members also discussed concerns, including the need to have more planned checkpoints or traffic stops to deter drunk driving and how the department planned to create a succession plan. Staff explained that the COPS grant should help staff the department to be able to meet these concerns and other concerns in the City.

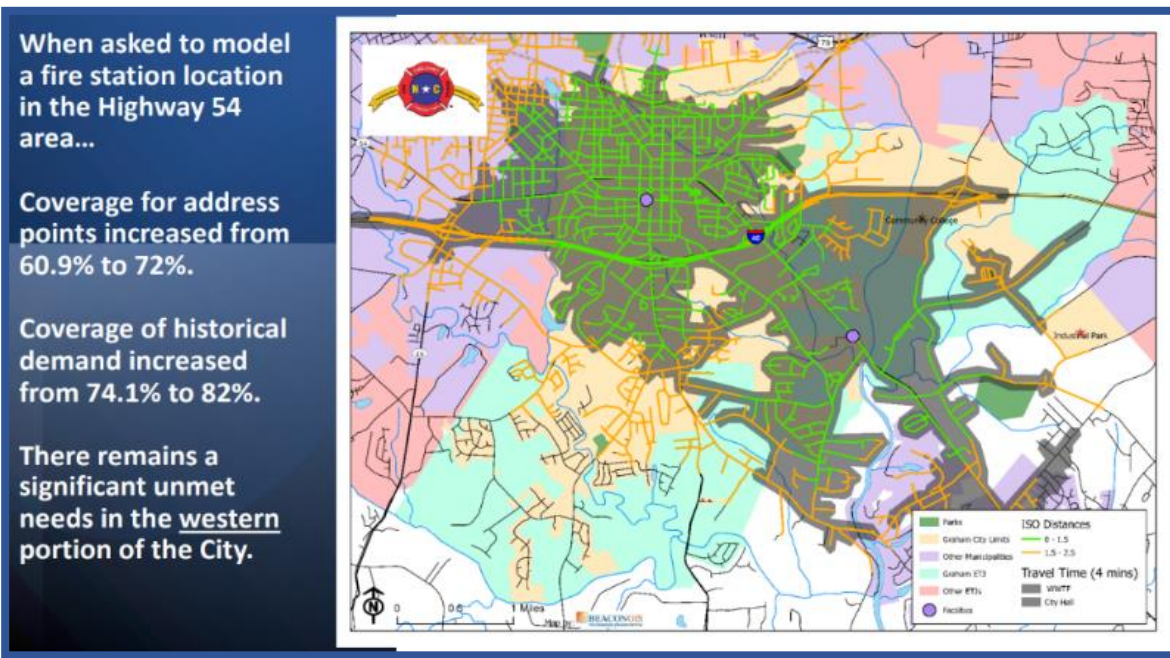
### **ITEM 3: DISCUSSION – FIRE DEPARTMENT:**

Fire Chief Tommy Cole presented an overview of the department and a history of its make-up, its SWOT analysis, an update on the potential new satellite Fire Station and other capital improvement projects for the upcoming fiscal year. Fire Chief Cole also gave a brief overview of the equipment and a short history of the call volume the department was experiencing. He informed the Council of the SWOT analysis, which goes into the department's strengths, weaknesses, opportunities, and threats. Fire Chief Cole stated the major capital improvement project he would request in the upcoming proposed budget would be a satellite Fire station, a Quint Fire Apparatus replacement, a new Command Staff vehicle for the department, and potentially getting an ARPA grant-funded Tower Ladder Fire Apparatus replacement. He also stated the need to have more staffing for the Fire Department to have all shifts appropriately staffed.

Fire Chief Cole and Captain Jason Moore answered questions on training requirements for all employees, the level of emergency calls the department responds to, and what was the appropriate number of personnel for the department.

Mr. Greg Grayson, CEO of NC Fire Chief Consultants, spoke on the process behind the suggested potential satellite Fire Station locations his company offered. The following are maps showing the two best options for locations based on the growth the City was experiencing. Fire Chief Cole informed Council that the first map with the location of the new site on Highway 87 was close to the designated land the City had chosen for the potential new satellite fire station.





Council and staff briefly discussed the maps above and asked the speaker questions about the process he presented. During the discussion, Fire Chief Cole stated the need for the City was to have three fire stations.

During the presentation and discussion, Mayor Pro Tem Hall left the meeting at 2:32 p.m.

### ADJOURN:

Mayor Talley moved to adjourn the meeting at 3:14 p.m., seconded by Council Member Chin. The motion passed unanimously.

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Darby Terrell, City Clerk

**CITY OF GRAHAM**  
**CITY COUNCIL SPECIAL MEETING MINUTES**  
**MONDAY, MARCH 28, 2022**

The City Council of Graham held a special meeting beginning at 11:00 a.m. on March 28, 2022, in the Children's Museum located at 217 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  
 Darby Terrell, City Clerk  
 Jimmy Lloyd, Inspections Director  
 Mary Faucette, Downtown Development Coordinator  
 Justin Snyder, Planning Director

**CALL TO ORDER:**

Mayor Talley called the meeting to order and presided at 11:00 a.m.

**ITEM 1: DISCUSSION – INSPECTIONS DEPARTMENT:**

Jimmy Lloyd, Inspections Director, briefly explained the department's responsibilities and duties. He explained the difference between inspecting new residential and new commercial construction. Mr. Lloyd explained that the current development increase had put a strain on the department's ability to appropriately inspect in a prompt manner. Below is a breakdown by year of how many inspections were completed and the dollar amount of permit fees collected by the department.

2019-2020- Inspections: 186, Fees collected: \$342,567.42

2020-2021- Inspections: 450, Fees collected: \$660,141.55

2021-2022 (till March): Inspections: 114, Fees collected: \$334,199.86

Council Members discussed the current development landscape and the overall inspections process, and how involved the department was in the Technical Review Committee (TRC). Mr. Lloyd explained he was involved with TRC, but most of his work was done after meeting with the developers because most decisions made within the committee affected what needs to be inspected. Mr. Lloyd explained during the discussion the need for another inspector for the department and a newer vehicle.

**ITEM 2: DISCUSSION – DOWNTOWN DEVELOPMENT DEPARTMENT:**

Mary Faucette, Downtown Development Coordinator, briefly explained the background of her responsibilities. Mrs. Faucette introduced her guest presenters to Council: Ms. Elizabeth Parham, NC Main Street & Rural Planning Center Director, and Ms. Sherry Adam, Main Street Program Manager. She then informed Council that Ms. Parham would be presenting the information to allow Council a better understanding of the requirements for local governments to be given the Main Street certification. Mrs. Faucette explained that their expertise in the program could explain the process in much more detail.

In her presentation, Ms. Parham gave a brief overview of the Main Street program. She explained the City's stage with the process. She outlined the work that had been put in by the stakeholders who had given

feedback on different topics related to Graham and the overall benefits of being an N.C. Main Street Community.

Council Members asked questions and discussed slides primarily based on the stakeholder's feedback. Council asked Ms. Parham for examples of successful partnerships with current N.C. Main Street Communities. Ms. Parham suggested a need for involvement from the local private industry and non-profits to be able to flourish in the Main Street program.

After the presentation, Ms. Faucette discussed the current health of the downtown area.

Mayor Talley requested a break for lunch at 12:43 p.m.

Mayor Talley called the meeting back to order at 1:29 p.m.

### **ITEM 3: DISCUSSION – PLANNING DEPARTMENT:**

Justin Snyder, Planning Director, briefly explained the Planning Department's responsibilities and duties. He also presented multiple charts comparing the City to surrounding jurisdictions regarding growth and how each jurisdiction had met the growth's staffing needs. Mr. Snyder requested Council to consider changing the fees and provided them with comparisons of other jurisdictions' fee schedules. Mr. Snyder also presented the department's budget requests for the upcoming year; vehicle, large format printer or plotter, and funding to contract with a consultant for the Unified Development Ordinance re-write.

Council discussed at length with staff the fee schedules and potential ideas for including in the rewriting of the development ordinance. Council discussed with staff the possibility of certain requested budget items, such as the cost of the Unified Development Ordinance and the large printer/plotter. Aaron Holland, Assistant City Manager, informed Council that the old plotter that the department used was not replaced after its life expectancy ended. He explained the machine had stopped working correctly, and maintenance costs had made it difficult to justify in budget discussions.

During the presentation and discussion, Mayor Pro Tem Hall left the meeting at 2:21 p.m.

### **ADJOURN:**

Mayor Talley moved to adjourn the meeting at 2:34 p.m., seconded by Council Member Chin. The motion passed unanimously.

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Darby Terrell, City Clerk



**CITY OF GRAHAM**  
**CITY COUNCIL SPECIAL MEETING MINUTES**  
**MONDAY, April 4, 2022**

The City Council of Graham held a special meeting beginning at 11:00 a.m. on April 4, 2022, in the Graham Civic Center located at 503 McGee 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  
 Darby Terrell, City Clerk  
 Brian Faucette, Recreation & Parks Director  
 Julianne Cordon, Finance Director  
 Lorrie Andrews, Human Resources Director

**CALL TO ORDER:**

Mayor Talley called the meeting to order and presided at 11:03 a.m.

**ITEM 1: DISCUSSION – RECREATION & PARKS DEPARTMENT:**

Brian Faucette, Director of Recreation and Parks, presented an overview of the responsibilities and duties of the department. He introduced the staff that was present:

Brandy McCandless, Marketing Supervisor	Tel Fehlhafer, Athletic Facilities Supervisor
Emma Griffin, Program Supervisor	Vicky Braniff, Recreation Center Supervisor
Steve Hadden, Lake Warden	

Mr. Faucette requested a pay raise for all part-timers. He explained that the department depended heavily on part-time staff to operate throughout the year, and they had been struggling to fill positions. He presented projects completed and potential projects the department would be focusing on if the Council supported this direction. Mr. Faucette educated Council on the Capital Improvement Projects requested for this upcoming fiscal year.

Council discussed the projects at the Graham-Mebane Lake. Council Members also asked questions involving the agreement with the City of Mebane involving the lake. Mr. Faucette and Mrs. Cordon, Finance Director, explained the agreement allowed the City of Mebane to send revenues to Graham which would be used to recoup half of the expenses for the projects. Mrs. Cordon explained they usually receive the revenues at the end of the year. Mr. Faucette and Mr. Hadden, Graham-Mebane Lake Warden, confirmed that the agreement was strictly financial and doesn't include the City of Mebane staffing or providing staff for projects at the Lake. Mr. Hadden also answered Council's questions on how staffing was provided.

Council Members asked the staff if they were in the process of looking for any grants that would help fund projects. Mr. Faucette answered that he and his staff were always looking for grants to help fund all types of projects needed.

Mr. Faucette asked Council to consider the following requests.



Council and staff briefly discussed the overall presentation and projects requested. Council asked staff if there was a possibility to share equipment with other departments. Mr. Faucette and Mrs. Cordon stated the current equipment that other departments own were for crews that use these regularly. Mr. Faucette and Mr. Fehlhafer, Athletic Facilities Supervisor, stated the department could use a mini-excavator for most projects. Mr. Faucette explained that if the equipment was bought for the department, it would make them more independent and allow Public Works to focus on its own department needs.

Mayor Talley called for a break at 12:20 p.m.

Mayor Talley called the meeting back to order at 12:28 p.m.

## **ITEM 2: DISCUSSION – FINANCE DEPARTMENT:**

Julianne Cordon, Finance Director, presented an overview of the Finance Department and the Utility Billing Department. Council discussed the following responsibilities listed for each department and staff introductions.

Sandy Callahan, Tax Collector	Geronki Coble, Water Billing Supervisor
Sue Routh, Accounting Technician	Jaime Diaz, Utility Billing Technician
	Sharon Henderson, Customer Service Rep
	Kim Snyder, Customer Service Rep
	Allen Maness and Alex Cole, PT Meter Replacement Project Technicians

## Departments & Responsibilities

### ► FINANCE

- Administers the City's financial policies, maintains records of financial transactions, and ensures the City's sound financial position
- General Fund
- Functions:
  - Accounting
  - Audit
  - Government Reporting
  - AR & AP
  - Taxes
  - Cash Management
  - Payroll *\*Added August 2021*
  - Purchasing
  - Inventory/Capital Asset Management
  - Budgeting
  - Grants/Capital Projects Admin

### ► UTILITY BILLING

- Administers the City's water meters, utility accounts, monthly billing for services: W&S, garbage, recycling, stormwater, etc. and answers the City's main phone line
- Water & Sewer Enterprise Fund
- Functions:
  - Customer Service
  - Cash Collections
  - New Meter Installation
  - Meter Reading
  - Meter Replacement
  - Customer Account Maintenance
  - Water Cut Off for Nonpayment
  - Utility Rate Analysis

Mrs. Cordon informed the Council of the following summaries and fund updates as of February 2022:

- Income Summary
- Revenues for General and Water & Sewer Funds
- Cash & Investment Summary
- Annual Debt Impacts
- Utility Billing Statistics

Mrs. Cordon discussed with Council each line of the Cash Investment Summary and answered all questions relating to those line items. She informed Council of the Annual Debt Impacts. She stated the Wastewater Treatment Plant upgrade line was left blank due to the price of its construction continued to increase monthly.

Council and staff discussed the below budgetary and ARPA projects that each department requested while answering all of Council's questions. Mrs. Cordon stated the requested software system updates would replace outdated systems. Council did discuss with staff the reason for requesting the increase in the charging fee. Mr. Coble, Water Billing Supervisor, and Mrs. Cordon explained the current fee of \$150 doesn't cover the cost of purchasing the new meters used by the Utility Billing Department. Mrs. Cordon stated she believed the Edmunds GovTech Enterprise Resource Planning software system would help centralize and meet both departments' needs. The following information was presented to Council.

► FINANCE	► UTILITY BILLING
<ul style="list-style-type: none"> <li>► Software Systems Upgrade               <ul style="list-style-type: none"> <li>* ~\$55K requested for implementation + 5 year support agreement</li> </ul> </li> <li>► Edmunds GovTech ERP               <ul style="list-style-type: none"> <li>► Tax/Miscellaneous AR                   <ul style="list-style-type: none"> <li>► Implementation underway as current tax software no longer supported</li> </ul> </li> <li>► Inventory</li> <li>► Utility Billing</li> <li>► Finance Super Suite</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>► Complete Meter Replacement Project + Purchase Meters for New Development               <ul style="list-style-type: none"> <li>*~\$525K needed at current fee rate for expected growth of 1300 new accounts &amp; 1300 replacements remaining for SMART meter upgrade</li> </ul> </li> <li>► Increase Meter Fees to Cover Cost               <ul style="list-style-type: none"> <li>► Fee Charged \$150 per meter</li> <li>► Cost \$245-\$285 per meter</li> </ul> </li> </ul>



### **ITEM 3: DISCUSSION – HUMAN RESOURCES DEPARTMENT:**

Lorrie Andrews, Human Resources Director, presented the responsibilities and duties of HR. She requested that Council consider a Cost of Living Adjustment (COLA) for employees' wages to be reasonable compared to current living expenses. Mrs. Andrews stated she was requesting for Council to consider the budget for Neo Gov's HRSI and Payroll software replacement due to the existing Optimum software that had now become obsolete. She explained how the City currently had part of Neo Gov's HRSI software for the onboarding and performance sections. Mrs. Andrews stated this would be a more straightforward move because we currently had employees' information already in this system. She then discussed with Council the Risk Management functions the department handles.

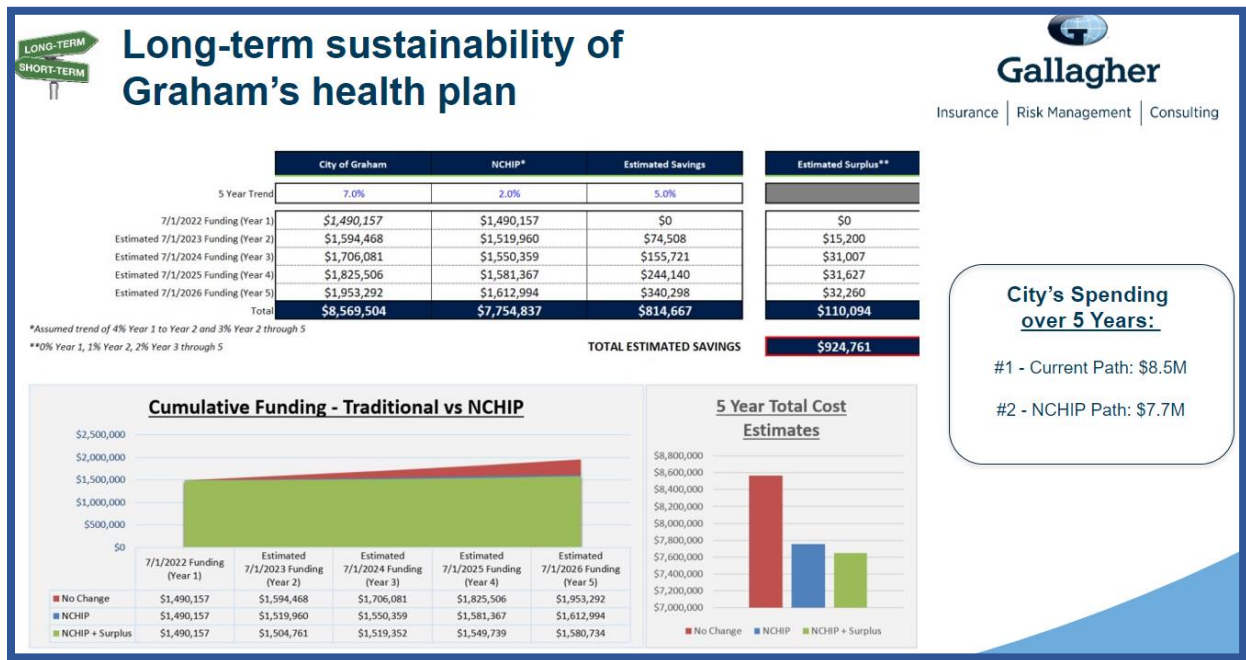
Mrs. Andrews and Council discussed the following goals.



Council discussed with staff ideas to attract employees and ideas on retaining the employees currently working in the City. Council was interested in trying to be the choice of potential employees and provide an environment that retained current employees.

Mrs. Andrews introduced Wes Grigston, Area Vice President for Arthur J. Gallagher, a broker for benefits for Gallagher. Mr. Grigston discussed the City's options in the future regarding benefits. He presented the current plan options the City had and compared them with two options his company could provide the City.

The alternative options were to lower both the employee deductibles and the out-of-pocket maximum. This option would continue the City's current path with options for a base or buy-up plan for employees. Mr. Grigston stated the other option would be to invest in the NC Health Insurance Pool (NCHIP) path, which would allow all costs to go down because the City would be sharing the risk with other local governments in the pool. This option would involve the City investing more money into benefits than they are currently. He explained the services his company would provide for the City and gave examples of what other similar-sized municipalities and county governments had done with Gallagher. The following material was discussed for the plan options.



Council discussed its goal to provide benefits that attract and retain employees and had out-of-pocket costs that would not be so overwhelming. Mr. Grigston discussed ideas he was aware of that other municipalities and county governments offer under its care.

### ADJOURN:

Mayor Pro Tem Hall moved to adjourn the meeting at 2:34 p.m., seconded by Council Member Chin. The motion passed unanimously.

Darby Terrell, City Clerk

**CITY OF GRAHAM  
CITY COUNCIL MEETING MINUTES  
TUESDAY, APRIL 12, 2022, AND  
CONTINUED TO APRIL 21, 2022**

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on April 12, 2022, in the Council Chamber of the City Hall Municipal Building located at 201 South Main Street, Graham, NC, and was continued to Thursday, April 21, 2022.

**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  
Justin Snyder, Planning Director

**CALL TO ORDER:**

Mayor Jennifer Talley called the meeting to order at 6:02 p.m. and presided. Mayor Talley asked Mayor Pro Tem Hall to recite the Pledge of Allegiance. Mayor Talley then recognized Stephen Hall, Anchor Church, to give the invocation.

**SPECIAL PRESENTATION:**

Mayor Talley recognized Camille Didio, Bird, a dockless electric micro-mobility vehicle company. Ms. Didio presented to Council the opportunity for the City of Graham to implement Bird scooters. Ms. Didio stated the presence of scooters could help the local economy by offering a fun way to visit local businesses and tour downtowns. Ms. Didio stated the company would supply and maintain the scooters at no cost to the City.

**CONSENT AGENDA:**

- a. To approve the minutes of the February 23, 2022, Special Meeting and March 8, 2022, Regular Meeting.
- b. To approve a Petition for a Voluntary Contiguous Annexation for approximately 2.00 acres located at 165 Andrews Avenue (GPIN 8883359616) (AN2202):
  - i. To approve a Resolution requesting the City Clerk to Investigate the Sufficiency of the requested annexation petition per G.S. 160A-31.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31  
FOR PROPERTY AT 165 ANDREWS AVENUE (GPIN: 8883359616) (AN2202)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on April 12, 2022, 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

- ii. To approve a Resolution Fixing Date of Public Hearing on May 10, 2022, for the Question of Annexation.

**RESOLUTION FIXING DATE OF MAY 10, 2022, FOR A PUBLIC HEARING ON QUESTION OF  
CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 2.00 +/- ACRES AT 165  
ANDREWS AVENUE (AN2202)**

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

**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 annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on May 10, 2022.

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

**Legal Description GPIN#: 8883359616**

Legal Description: A certain tract or parcel of land located in Graham Township, Alamance County, North Carolina, adjoining Andrews Avenue (SR 2110) and being more particularly described as follows:

BEGINNING at a ¾" existing iron pipe (control corner) located in the southern margin of Andrews Avenue and the northwest corner of Lot 2 PB 76 Pg. 329 (0.34 acre-tract, Parcel ID#172020); thence with the southern margin of Andrews Avenue, South 85 degs. 04' 23" East 50.04 feet to a ½" pinch existing iron pipe located in the southern margin of Andrews Avenue; thence continuing with the southern margin of Andrews Avenue, South 85 degs. 04' 23" East 233.29 feet to a ¾" bent existing iron stake located in the southern margin of Andrews Avenue and the western line of Lot 2A PB 68 PG 117; thence with the western line of Lot 2A, South 8 degs. 20' 48" West 319.48 feet to a ¾" bent existing iron pipe located in the northern line of Lot 5 PB 68 PG 117; thence with Lots 5 and 4 PB 68 PG 117, North 80 degs. 16' 15" West 182.99 feet to a 1" existing iron pipe located in the northwest corner of Lot 4 and the northeast corner of Lot 3 PB 68 PG 117; thence with the northern line of Lot 3, North 80 degs. 16' 15" West 50.32 feet to a calculated point in the northern line of lot 3; thence continuing with Lot 3, North 80 degs. 16' 15" West 50 feet to a 1" existing iron pipe (control corner) located in the northwest corner of Lot 3 and the southeast corner of Lot 10; thence with the eastern line of Lot 10, North 08 degs. 25' 30" East 295.75 feet to THE POINT AND PLACE OF BEGINNING and containing 2.00 acres, more or less, as shown on a plat entitled "Final Plat, Recombination for James Paul Straughan and wife, Abbigail Peyton Straughan" recorded in PLAT BOOK 76 at PAGE 329 of the Alamance County Registry, to which plat reference is hereby made for a more particular description.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 12th day of April 2022.

- c. To approve the amended grant payment schedule between the City of Graham and Lidl US LLC and to authorize the City Manager and City Attorney to effectuate the amended agreement.
- d. To approve a Resolution authorizing the application for Loan and Grant Assistance from the State of North Carolina for the drinking water distribution system and wastewater collections system projects.

### **RESOLUTION BY GOVERNING BODY OF APPLICANT**

**WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of drinking water distribution system and wastewater collections system projects, and

**WHEREAS,** The City of Graham has need for and intends to construct or conduct a study on drinking water distribution projects and studies and wastewater collection system projects and studies described as the replacement or expansion and rehabilitation of aging infrastructure and the further study of infrastructure assets using AIA funding that belong to the City of Graham. The drinking water projects include replacement of the 10" water transmission main to northwest Graham, West Elm St waterline replacement, Small waterline replacements in distressed communities within the City of Graham and Downtown Water Improvements. Wastewater projects include Cooper Road Pump Station Upgrade, Downtown Sewer Improvements, Hanover Road Sewer Rehabilitation, Haw River Outfall Sewer Rehabilitation, New Street and Parker Street Sewer Relocation. All the named projects are a part of the City of Graham Capital Improvements Project Plan, and

**WHEREAS,** The City of Graham intends to request State loan and/or grant assistance for the projects.

**Now therefore it be resolved, by the City Council of the City of Graham:**

That City of Graham, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Megan Garner, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 12<sup>th</sup> day of April 2022, at City of Graham Municipal Building, Graham, North Carolina.

- e. To award a contract, in the amount of \$75,000.00, to A&J Electrical Services of Trinity, NC, for the Boyd Creek Lift Station Generator project.
- f. To approve a Resolution authorizing the application for Loan and Grant Assistance from the State of North Carolina for the Wastewater Treatment Plant improvements and expansion.

### **RESOLUTION BY GOVERNING BODY OF APPLICANT**

**WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project), and

**WHEREAS,** The City of Graham has a need for and intends to construct a wastewater treatment works project described as the Graham Wastewater Treatment Plant Improvements and Expansion Project and

**WHEREAS,** The City of Graham intends to request a state loan or grant assistance for the project,

### **NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GRAHAM:**

That the City of Graham, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Megan Garner, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the **12<sup>th</sup> day of April 2022,** Graham, North Carolina.

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Chin. The motion passed unanimously.



## **PUBLIC HEARINGS:**

### **ITEM 1: VOLUNTARY CONTIGUOUS ANNEXATION - 57.225 ACRES - LACY HOLT ROAD**

**(AN22201):** A public hearing has been scheduled to consider a voluntary contiguous annexation containing 57.225 acres located on Lacy Holt Road, GPIN 8873512978 & 8873625474.

Planning Director Justin Snyder stated this was a request for the Council's approval for an extension of the corporate limits for property located on Lacy Holt Road and containing approximately 57.225 acres. Water and Sewer lines are adjacent to this location, and the applicant wishes to tie into the City's infrastructure.

Mayor Talley opened the public hearing and there were no comments.

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

Council Member Chin moved to approve the voluntary contiguous 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 TWO TRACTS OF LAND ON LACY HOLT ROAD (AN2201)**

**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 April 12, 2022, after due notice by publication on March 24 and 31, 2022; and

**WHEREAS**, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Graham, North Carolina that: Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of April 12, 2022:

Legal Description GPIN#: 8873512978 and 8873625474 DESCRIPTION IS OF THE LEOTERRA GRAHAM, LLC PROPERTY, BEING TAX PARCEL ID # 175818 & 175819 AS RECORDED IN DEED BOOK 417, PAGE 557 & 563 & SHOWN ON PLAT BOOK 80, PAGE 211 IN THE ALAMANCE COUNTY REGISTER OF DEEDS. BEGINNING AT A 1½" EXISTING IRON PIPE, SAID PIPE HAVING A NC GRID COORDINATE OF N: 832,573.45 AND E: 1,875,772.60, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JANICE HOLT CASHION PROPERTY AND THE CARROLLTON PLACE SUBDIVISION AND ALSO WITH PARCEL # 1 OF THE SUBJECT PROPERTY; THENCE WITH THE SOUTHERN LINE OF THE CARROLLTON PLACE SUBDIVISION N 63° 41' 31" E FOR A DISTANCE OF 1225.26 FEET TO A 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE MONROE ACRES SECTION 1 SUBDIVISION; THENCE WITH THE WESTERN LINE OF THE MONROE ACRES SUBDIVISION S 31° 25' 38" E FOR A DISTANCE OF 1021.51 FEET TO A ¾" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ROCKWOOD ESTATES SECTION 1 SUBDIVISION; THENCE WITH THE NORTHERN LINE OF THE ROCKWOOD ESTATES SUBDIVISION S 71° 25' 13" W FOR A DISTANCE OF 944.98 FEET TO A 1"

EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE KEYSTONE GROUP INC PROPERTY; THENCE WITH THE KEYSTONE GROUP INC PROPERTY S 71° 34' 36" W FOR A DISTANCE OF 356.22 FEET TO A ¾" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE KEYSTONE GROUP INC PROPERTY; THENCE WITH THE KEYSTONE PROPERTY S 71° 52' 49" W FOR A DISTANCE OF 314.73 FEET TO AN EXISTING STONE, SAID STONE BEING A COMMON CORNER WITH THE JOSHUA & SYLVIA NICKS PROPERTY; THENCE WITH THE NICKS PROPERTY S 71° 13' 48" W FOR A DISTANCE OF 821.12 FEET TO A BENT 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE JEFFREY & PATTI NICKS PROPERTY; THENCE WITH THE NICKS PROPERTY S 71° 23' 29" W FOR A DISTANCE OF 181.30 FEET TO A BENT 1" EXISTING IRON PINCH TOP PIPE; THENCE CONTINUING S 71° 24' 13" W FOR A DISTANCE OF 66.62 FEET TO AN EXISTING IRON PIPE IN A ROCK PILE, SAID PIPE BEING A COMMON CORNER WITH THE JAMES & ANDREA ROLLINS PROPERTY; THENCE WITH THE ROLLINS PROPERTY S 71° 31' 11" W FOR A DISTANCE OF 282.36 FEET TO A 1" EXISTING IRON PIPE; THENCE CONTINUING S 71° 22' 34" W FOR A DISTANCE OF 30.45 FEET TO A CALCULATED POINT, SAID POINT BEING IN THE CENTERLINE OF LACY HOLT ROAD; THENCE WITH THE CENTERLINE OF LACY HOLT ROAD N 01° 44' 20" E FOR A DISTANCE OF 97.36 FEET TO A POINT; THENCE CONTINUING ALONG THE ROADWAY N 03° 16' 23" E FOR A DISTANCE OF 965.65 FEET TO A POINT; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1414.63 FEET AND A CHORD BEARING OF N 02° 06' 23" E FOR A DISTANCE OF 35.84 FEET TO A POINT; THENCE LEAVING THE CENTERLINE N 80° 50' 51" E FOR A DISTANCE OF 30.50 FEET TO A ¾" EXISTING IRON PIPE, SAID PIPE BEING IN THE EASTERN RIGHT OF WAY OF LACY HOLT ROAD AND ALSO A COMMON CORNER WITH THE JANICE HOLT CASHION PROPERTY; THENCE WITH THE CASHION PROPERTY N 80° 50' 51" E FOR A DISTANCE OF 1135.84 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 57.225 ACRES MORE OR LESS.

**Section 2.** Upon and after April 12, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

**Adopted this, the 12th day of April 2022**

## **ITEM 2: CONDITIONAL REZONING - 200 S. MARSHALL STREET - CONDITIONAL BUSINESS**

**(RZ2202):** A public hearing had been scheduled to consider an application by Lee Kimrey to rezone 0.50 acres of property located at 200 South Marshall Street, from Office Institutional (O-I) to Conditional Business (C-B). (GPIN 8884233706) (Planning Board approved the rezoning with added conditions at its March 15, 2022, regular meeting)

Planning Director Justin Snyder stated this was a request to rezone 0.50 acres of property from O-I (Office Institutional) to C-B (Conditional Business). This side of S. Marshall Street has a mixture of zoning types, ranging from R-7 to B-3 in intensity. There is also B-2 zoning on this side of the road. Staff would note that this property is catty-cornered from the downtown central business district, an encroachment of a conditional business district, does not appear to pose a major use change from the O-I zoning currently in place, but it does offer some commercial flexibility that will better suit the needs of the applicant.



Mr. Snyder stated the applicant's narrative did not address buffers, so staff would recommend that these be equal to a land-use Code 3 in the Development Ordinance for purpose of calculating required buffers. Other items not properly addressed in the narrative should be subject to staff's recommended conditions.

Mr. Snyder stated this property was listed on the Future Land Use Map as Downtown Residential, which lists among its uses "neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking." Given the location at a major intersection and the size of the property, mixed-use is likely the best-suited use for this parcel, and since office is somewhat limiting, adding relatively small-scale business uses would be a compatible use in staff's opinion. Off-street parking appeared to be handled via parking below the main building, and to the east adjacent to the residentially-zoned property.

Mayor Pro Tem Hall motioned to dismiss Item 2 due to the applicant not submitting a complete application by failing to include a preliminary site plan.

Mayor Talley asked why the site plan was not a part of the agenda packet.

Planning Director Snyder stated that staff made several requests for additional information and what was submitted in the Council packet was what staff was given. He stated that this item was advertised as a public hearing and we must hold the public hearing.

Mayor Talley opened the public hearing.

Lee Kimrey, 104 West Elm Street, Graham, stated that the reason for the generic site plan was that the property was currently zoned as O-I, and this request, was in regards to a previous request of concerns stated by the Council that there was no assurance the request could meet the O-I requirements. He stated this request does more than a satisfactory job to address those concerns by giving assurance that O-I requirements will be met with a request of a few other uses.

Council Member Chin read a segment of Section 10.85, Conditional Rezoning Districts, of the Development Ordinance. He stated if Council sets the precedent of accepting conceptual plans when the ordinance required a preliminary site plan, then why have the ordinance.

Mr. Kimrey stated they were trying to satisfy Council's concerns that were brought forth previously. We spoke with staff and understood that conditional rezoning required quite a few elements to be present in the application and we did not want to go in this direction because it really did not fit your traditional commercial rezoning and they were trying to address the concerns of Council presented in the previous rezoning request.

Council Member Chin stated he was concerned with establishing exceptions that would set a precedent and that the ordinance stated one must include a preliminary site plan.

Mr. Kimrey stated that he submitted a building location and parking plan.

Mayor Talley asked if the Council previously and current had ever approved a conditional rezoning without a site plan. She stated that she wanted him to be successful and remembered directing Mr. Kimrey to work with staff to come up with a conditional rezoning that was site-specific with vested rights. She stated that the whole point of conditional rezoning was to take away the fear from residents about what type of business was proposed and that they could see drawings. She stated that since we have been on Council, we have been adamant about wanting something specific. She asked how did he expect them to approve a conditional rezoning when you do not have these site-specific details.

Mr. Kimrey stated that he was going to conform to all O-I standards and that his property was currently zoned.

Mayor Talley asked if that included the special uses.

Mr. Kimrey stated he had a use-by-right before Council voted to use the property for any use within the O-I district that he wanted and would conform to all those standards used in the O-I. He stated they were simply asking for conditional to consider a few uses in B-1, which was the only difference from what's being presented tonight. He stated that earlier he had brought a rezoning before Council after being recommended by staff and the Planning Board, and Council had brought forward concerns on how would they get assurances that we would conform to the O-I standards. He stated this conditional rezoning would give Council that assurance. He stated that the other concerns were two of the uses that were addressed in B-1, which were ABC stores and bars and those had been eliminated. We have addressed more than the concerns of the Council and put together a conditional rezoning that would restrict us in the future as to what uses would be in a multi-use building. Currently, in O-I, we can put offices and other uses allowed in O-I, which could be a mixed-use building as well. So, if we restrict ourselves to telling you what would go in that building then we are simply predicting years down the road what the market would dictate. He stated that the request was to comply with all O-I standards plus the ones that staff recommended, which were more restrictive, plus the B-1 uses with the exception of ABC stores and bars.

Council discussed with the applicant concerns with the proposed application. Council Members discussed the site plan submitted that did not meet the requirements in the Development Ordinance.

Tom Boney, Alamance News, spoke in opposition to the rezoning.

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

### **COUNCIL ACTION:**

Councilmember Whitaker moved to deny the conditional rezoning due to not following procedure and an incomplete site plan, seconded by Council Member Chin. The motion passed unanimously.

**ITEM 3: CONDITIONAL REZONING - 1242 HANFORD ROAD - CONDITIONAL RESIDENTIAL (RZ2203):** A public hearing had been scheduled to consider an application to rezone 14.03 acres of property located at 1242 Hanford Road, from Single Family Residential (R-12 & R-18) to Conditional Residential (C-R). (Planning Board approved the rezoning with added conditions at its March 15, 2022, regular meeting)

Planning Director Justin Snyder stated this was a request for the Hanford Landing Townhomes project, to rezone 14.03 acres of property from R-12, and R-18 (Medium and Low-Density Residential), to C-R (Conditional Residential), for the purpose of constructing up to 69 two-story townhomes. He stated that the Planning Board recommended removing eight of those units. He stated that the applicant had submitted a revised site plan showing 61 townhomes. Staff stated that this zoning, if adopted without the added conditions from the Planning Board, would be out of character with the lower density residential in this general area. Nearly all of the land surrounding was zoned and used for single-family residential, with either R-12 or R-18 zoning. He stated the appropriate density should be closer to the low end of the Future Land Use Plan range of 3-4 units per acre to be in line with existing development patterns. He stated the Planning Board conditions would bring the overall density to 4.35 units/acre, which was much closer to this range.

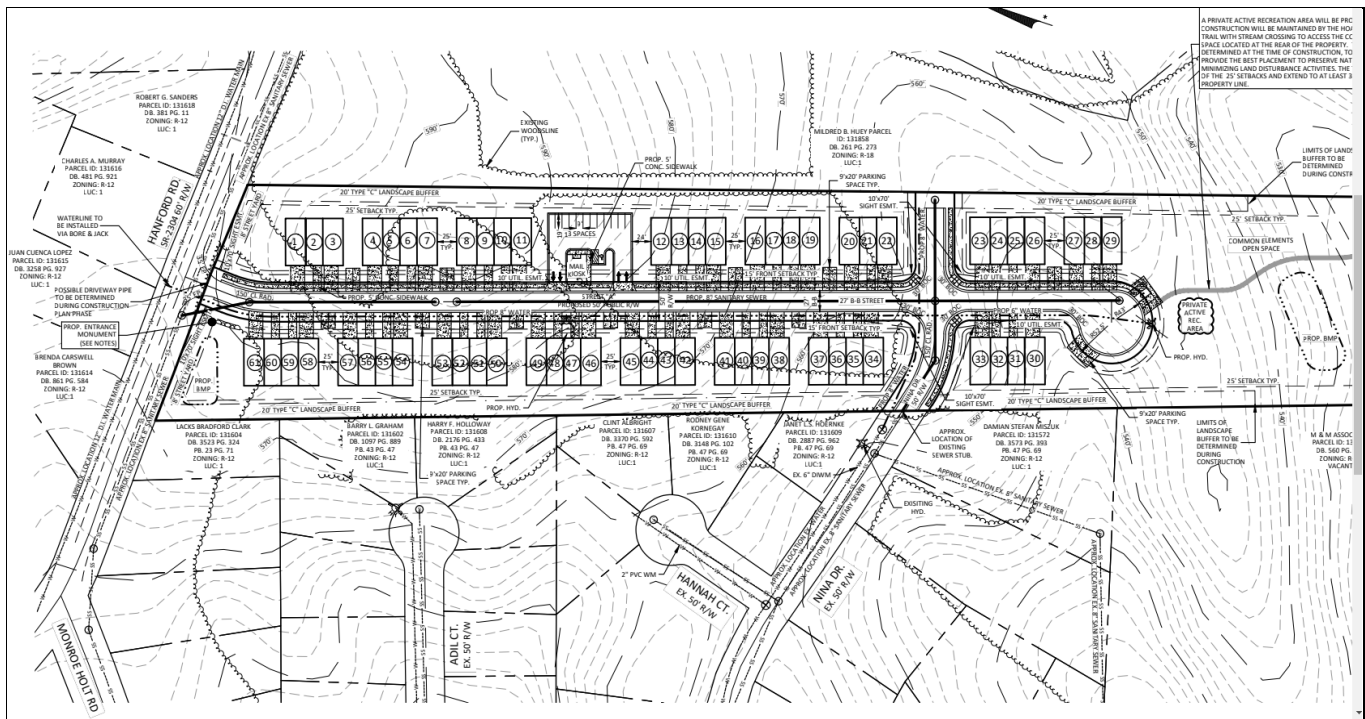
Mr. Snyder stated this property was listed on the Future Land Use Map as Suburban Residential, which are primarily settings for existing and future single-family detached housing, but may also contain additional housing typologies and low-impact supporting uses in neighborhood activity centers.

The Planning Board recommended approval by a 4-1 vote with the following conditions:

1. A walking trail shall be provided in the designated open space area with a footbridge to be installed across the creek for access to the trail.
2. Units 1-4 and 66-69 shall be removed from the plan to allow additional spacing and design flexibility.
3. A type C buffer shall be provided around the entire perimeter of the property.
4. Active recreation (e.g. basketball courts, playground equipment, etc.) shall be provided as an amenity at the end of the guest parking area adjacent to unit 33.

Staff also recommended approval with the above-stated conditions.

Ms. Amanda Hodiern, 804 Green Valley Road, Suite 200, Greensboro, representing the applicant, stated this request for conditional rezoning was to allow for a specific residential plan. She presented an overview of the proposed subdivision.



Ms. Hodiern stated that this proposal met the Comprehensive Plan Guidance, Goal 5, Expanding the Housing Options. This plan offered different ways for potential residents to live, giving buyers options. Preserving open space and protecting natural resources while enjoying those open spaces.

She stated that diverse housing was a big deal in any community because a community was made up of all types of people, homeowners, and people wanting different things.

She stated the need to have a healthy environment with minimal impact on the natural environment, preserving the habitat, plants, and animals.

Ms. Hodierne stated she had sent out letters to the surrounding homeowners setting up a community meeting to get input. She stated that they received good input and that about a dozen residents showed up for the meeting. She stated the main issue was a buffer and that's why pictures were included so Council could see the landscaping plans. The other concern was the connection of Nina Drive. The folks in Canterbury which was the subdivision that Nina Drive currently served did not want that connection and were aware that this would be an ordinance requirement. If Council decided it was better served by not having that connection, it would be okay.

Ms. Hodierne asked Council to think about this as not a single stand-alone residential request for 61 units but as an augmentation of a continuation of the housing and development pattern in this area. She stated that this request augmented the need for this type of community. She introduced her civil engineer, developer Will Yearns and Bryan Craven, CBRE, that were available for questions.

Mr. Will Yearns, WBY4, Inc., Greensboro, stated this was his first time in Graham and that he had been developing properties since 2006 from single-family homes to apartments. He stated that he had a proven track record of delivering on his promises and delivering a high-class product in the end.

Mayor Talley asked for those who were present and would like to speak on this item to feel free to speak but for the sake of time, please refrain from repeating a point or issue that has already been stated. She stated that once everyone had spoken, she would ask for a show of hands for those who oppose or are in favor of the rezoning.

The public hearing was opened and the following persons spoke:

Robert Greg Sanders, 125 Hanford Road, spoke in opposition of the rezoning, due to spot zoning, was not in keeping with surrounding properties, and that the proposal created an area that was too dense.

Alvis Webster, 364 West Moore Street, spoke in opposition of the rezoning due to the density, traffic impact, and demographics.

Mayor Talley asked for those who were present and in support of the project to raise their hand. Four people raised their hands. She then asked for those who were in opposition of the project to raise their hand. Six people raised their hands.

Ms. Hodierne stated that we are all here tonight to decide what was the highest and best use of this area. She stated that they agreed it was residential and the question was is it R-12, single-family, or the more attempt to infuse a different product into the area. She stated that if they were to rezone this to R-12 and develop to whole property from front to back without the open space in the back, it would be 51 lots. So, it would only be 10 lots less than what was being proposed.

Mayor Talley asked for a show of hands if the property was rezoned as it's currently zoned, not at R-12, was anyone present tonight that would be in opposition of developing the property as R-12. There were no hands raised.

Ms. Hodierne, stated as Mr. Chin had stated earlier, why have a planning board and planning staff. The reason was to help developers meet the goals of your comprehensive plan and a way to provide all this to your community in a way that is holistic and made sense for everyone. She stated that they had a really good discussion with the Planning Board and they did a good job at helping us tweak and revise this plan into something that your planning staff recommended approval and support.

Council Member Whitaker asked if the zoning request was for R-12 or R-18 and how many homes were planned for R-18.

Ms. Hodierne stated she had not done the math on R-18 but for R-12 it would be 51 homes.

Council Member Chin voiced concerns about the increase in traffic. He also expressed concern that this property was on high ground and with two-story townhomes, they would be over-looking one-story homes.

Mr. Hodierne stated that the plantings would allow for privacy and that this rezoning was not about building height or stories. She stated that if the property was developed at the current zoning, it could be two-story homes and North Carolina law did not allow us to talk about that in the zoning context. She stated the best way was to use the conditional platform to appropriately mitigate any impacts and that's what was brought before Council tonight with an expansive and augmented buffering and vegetation plan.

Mayor Talley expressed concern with garage doors and that the majority of the homes show garage doors at the front of the home. She stated that she was not saying you could not have garages but maybe not all on the front of the home.

Ms. Hodierne stated that the plans were not signed and it was feedback that could be taken back to the developer.

Mayor Talley expressed concerns, which she had brought up several times before, that the principal use for predominately detached single-family homes, new neighborhoods may include a range of duplexes, townhomes, and small-scale multi-family dwellings of 12 units or less. She stated that for those who are not aware, Council makes decisions based on the 2035 Comprehensive Plan for specific areas. Mayor Talley also expressed concerns with density compared to surrounding subdivisions.

After a lengthy discussion, Council Members agreed the whole concern was the density of the proposed subdivision and suggested they use the entire property and stay with the R-12 and R-18 zoning. Mayor Talley stated that this was not consistent with the Comprehensive Plan.

A citizen from the audience asked to make a suggestion for a compromise. He stated that the neighbors would be happy if the units were one-story villas, placing them closer together, as The Village at Hanford, with smaller lot sizes but with green space, and use the entire property for 61 units. He stated that would satisfy the neighbors on the height and have it blend in with existing neighborhoods.

Council Member Chin asked if the developer was willing to consider the suggestion and come back to Council.

Ms. Hodierne asked for an interpretation of the ordinance regarding when they could come back with a revised plan and not have to wait six months.

Mr. Snyder stated that when a site plan changes drastically, such as using the whole site, redoing the road layout, or changing the housing type, that would be a substantial change and they could come back, but only after going back to the Planning Board and TRC. If they came back to rezone at R-12, they would not have to come back before the Planning Board and TRC.

Mayor Talley stated that if they addressed the issues from Council and neighbors they could not ask for anything more.

Ms. Hodierne asked for a recess to discuss if the engineer could get revised plans by April 25, 2022, to TRC to consider.

Mayor Pro Tem Hall motioned for a ten-minute recess, seconded by Council Member Chin. The motion passed unanimously.

Mayor Talley called the meeting back to order at 9:18pm.

Ms. Hodierne stated that they would like to take a full step back to be able to recalibrate and asked that the Council vote tonight.

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

### **COUNCIL ACTION:**

Mayor Pro Tem Hall motioned to deny the rezoning because it was not consistent with the 2035 Comprehensive Plan or with new neighborhood principal uses as stated on Page 33 of the Comprehensive Plan, seconded by Council Member Chin. The motion passed unanimously.

**ITEM 4: CONDITIONAL REZONING - 302 NORTH MAPLE STREET & 203, 207, & 213 WEST MARKET STREET - (RZ2204):** A public hearing had been scheduled to consider an application by Jason Cox on behalf of NJA Properties, LLC, and NRS Properties, LLC, to rezone approximately 1.15 acres of property located at 302 N. Maple Street and properties at 203, 207, and 213 W. Market Street. The applicant requests these properties be rezoned from High-Density Residential (R-7) to Conditional Residential (C-R). (GPIN: 8884151515, 8884150571, 8884059566, and 8884058556). The Planning Board approved added conditions. (Planning Board approved the rezoning at its March 15, 2022, regular meeting)

Planning Director Justin Snyder stated that this was a request to rezone approximately 1.15 acres of property at 302 N. Maple Street and 203, 207, and 213 W. Market Street from R-7 (high-density residential) to C-R, (Conditional Residential.) He stated the general area subject to this potential rezoning was comprised of numerous older homes, mostly in poor to fair condition, as well as a mixture of vacant buildings and vacant lots. Because mixed-use residential uses are permitted in the Downtown Residential Future Land Use Plan classification, this rezoning request presents an intriguing redevelopment scenario to try to spur infill and redevelopment that ties to the downtown business district and the City's desire to be walkable, to have a diversity of housing types near downtown, and to have higher residential density clustered near downtown to serve downtown businesses. The biggest challenges that staff identified would be to address off-street parking and to ensure that the buildings proposed are compatible with the surrounding residential. The applicant appears to have mostly addressed these items in his conceptual site plan and narrative. The density would be akin to that of the multifamily zoning directly across the street, yet the urban center feel of the site would help it blend in with the surrounding neighborhoods and downtown. He stated that staff was recommending approval and was also approved by the Planning Board.

Council Member Chin motioned for agenda Item 4 to be dismissed because the applicant did not submit a complete petition by failing to include a preliminary site plan. He stated that Council did not need to have the same discussion as in Item 2. He stated that the night was growing long and we had much to say. The motion was seconded by Mayor Pro Tem Hall.

Mayor Talley asked if Mr. Snyder asked for a site plan.

Mr. Snyder stated that the site plan found in the agenda packet was the site plan that was submitted. He stated that in addition to the site plan, the petitioner submitted a very detailed narrative that specified all the site constraints.

Assistant City Manager Aaron Holland stated that the concern seemed to be the site plan and not an engineered site plan. He stated that the ordinance spoke to a site plan in general but was not a requirement that it be an engineered plan. He stated the risk of how well a site plan was received by the Council would be a burden on the applicant. If an applicant produced a grand scale site plan, obviously it would answer a lot of questions that the Council would have during a hearing. If an applicant chose to come with fewer details, then it would open it up to having more concerns from Council. He stated that this was a Council choice and that Council in the past had taken less such as hand-drawn site plans.

Mayor Talley stated that it was almost impossible to approve when they don't have all the information. She stated that she did not know of a single conditional use zoning that was approved without an engineered plan.

Council Member Chin stated this was a new Council that requests more specificity. He stated that if applicants understood that this Council wanted the specificity, Council could make more sound decisions then applicants would take time to submit that. He stated that Council would like to see site plans that would give Council and the Planning Board sufficient information to make intelligent and sound decisions.

Council Member Parsons asked if they had to be engineered or just be detailed.

Mayor Talley stated that the ordinance addresses what needs to be included in the site-specific plan. She stated that she did not know how she could legally approve something that was conceptual.

City Attorney Robert Ward suggested to Council to open the public hearing since it had been advertised as a public hearing and ask the applicant questions pertaining to the site plan and then the Council could decide.

Mayor Talley asked if there was anyone here in regards to this project. Two people raised their hands.

Mayor Talley opened the public hearing.

Mayor Talley asked Mr. Cox for a reason why he did not provide a site plan.

Mr. Jason Cox, 200 Main Street, Graham, stated that unfortunately, he was in the situation of changes being made arbitrarily from what was historically allowed, what was actually approved by Staff, and what new council members were requiring. He stated that they seemed to be getting caught in the crossfire.

Mayor Talley stated that she thought they made it clear in the last Council meeting and she did not ever remember getting a conditional use zoning without an engineered site plan.

Mr. Cox stated that the key detail was engineered, he believed that it had been very common, especially in extremely small infield directly within the downtown that fully engineered drawing for small projects was not a requirement.

Mayor Talley stated that she did not want to waste his time and would like to review the plans ahead of time and alleviate a lot of concerns and concerns with the neighbors.

Mayor Talley asked Council Member Chin if he would like to hear the presentation or discuss the site plan.

Council Member Chin asked if what was shown here was what would be built or just conceptual.



Mr. Cox stated that fully TRC engineered plans would be submitted which was an entire process with staff.

Council Member Chin stated he was willing to hear the project.

Mr. Cox stated that he was excited about this project and believed this project had an opportunity to showcase what careful well-designed infield development could be like in Graham. He stated this project had the potential to be a catalyst for continued investment and revitalization in an area that had seen a lack of meaningful investment both private and public for decades. This project, as proposed, resides in what is currently the lowest income census track within Alamance County.

Mr. Cox shared his plan in detail including the following proposed conditions:

- Setbacks, Street Facing Boundaries: Setbacks shall be equal to or greater than 7' from existing curb along N Maple St, W Market St.
  - Said setbacks exceed current setbacks of nearby properties such as 220 N Maple St which is abutting a current 3' sidewalk, 204 & 208 W Market St which have steps and ramps which are <7' from curb.
- Sidewalks: Setbacks noted above will allow developer to install upgraded sidewalks of no less than 5'
  - Will improve pedestrian access and connectivity between surrounding neighborhoods and subject parcels, downtown.
- Setbacks, Neighboring Parcels: Setbacks of 5' from property line, in keeping with side yard requirements of 5' setbacks in R-7 zoning.
  - Borders with all neighboring parcels would be the side yard of neighboring parcels. Buffering: Would provide opaque fence if requested by any neighboring property owner.
- Building Height: Maximum height of 45', with 1' increase in setbacks for every 1' over 40' in height
  - Aligns with city ordinance of 1' increase in setback for each 1' in added height after 50', but starting at a lower threshold to guarantee greater distances from neighboring parcels for any height over noted amount.
- Total Dwellings: No more than 40 dwelling units.
- Off-Street Parking: Approval for parcel to utilize the Downtown area residential parking permit process.
  - As noted in prior City Council meeting, subject property is a lesser distance from public parking than primary Main Street locations such as Graham Cinema, Green & McClure Furniture, and others.
- Tree Retention Bonus: Parking required may be reduced by 1 space for each existing tree on site retained with a diameter of 12" or greater
  - Allows for retention of existing old-growth trees where feasible by allowing a reduction in required parking accommodate loss of usable space.
- Street Trees: Shall provide at least one tree for every 100' of street frontage along W Market St and N Maple St frontages
  - Further improves streetscape, walkability, green space around the project for general public, pedestrians. Will consult with city staff on appropriate trees for plantings.
- Building Scale: Project will be spread across at least 4 separate buildings.
  - Assures multiple smaller buildings to reduce individual scale of any one building.
- Building Spacing: Shared alleys, walkways, stairs or similar shall be allowed between separate buildings to allow for clustering of buildings.
  - Allowing shared pedestrian walkways, etc., allows for clustering of buildings, improving both the quantity and quality of usable open space, as well as improving walkability through and to the site.

- Site Development: Site plan is conceptual to illustrate anticipated access points and the general locations and sizes of respective development areas. Final site plan is subject to engineering, architectural design, and governed by TRC approval within the conditions as set forth and agreed to.

Mayor Talley opened the public hearing and the following person spoke:

Ms. Kimberly Nelson, 305 North Maple Street, Graham, thanked Mr. Cox and spoke in favor of the rezoning. She stated that this plan was much nicer and that her only concern was the height of the corner building across from her residence.

Council and Mr. Cox discussed the presented site plan, conceptual plans, walkability, proposed units, entrances, and parking lot layouts.

Mayor Talley stated that the plan fits harmoniously with the neighborhood but is not sure about the number of stories. She stated that she like the design and that it was consistent with the neighborhood and fit well. She asked Mr. Cox if he wanted Council to move forward or to come back with a site plan.

Mr. Cox stated that the definition had changed from when we began to the opinion of certain Council Members and was concerned that the goal post had moved. Mr. Cox's site plan as he and the staff interpreted was not an engineered plan. He stated engineered plans were plans to move forward with the Technical Review and all of those details, stormwater, utilities, etc. would be managed by excellent City staff.

Mayor Talley stated that she was not comfortable with approving any conditional rezoning without engineered plans. She stated that she liked the plan but it was an unfair burden to put on Council to pass something conceptually when the ordinance speaks directly against doing that.

Mr. Cox stated that the interpretation of the ordinance was definitely different. He stated that he had not heard the word engineered site plans until tonight. This was not a statement that had been made in the past and past projects on a small scale. He stated it was important to remember that every action had an outcome, some intended some unintended. He stated you do not see this type of development because it was far more expensive than someone who can clear-cut 30 acres and build 700 units. They can copy and paste their existing plans and keep the same engineers on retainers they work with every day. He stated that when you treat the Mom and Pop business the same as Wal-Mart, there are unintended consequences and sadly a lot of our pattern of development reflected those unintended consequences.

Mayor Talley stated that she could not foresee that he would not bring engineered plans or she would have told him.

Council Member Chin stated that this Council was establishing conditions that any rezoning coming before Council was expected to present preliminary engineering plans. Regardless of what was done in the past, this Council was establishing conditions that they expected to see preliminary engineering plans, and Council made it clear for the Hanford project and that this plan was no exception. He stated that Council should ask Mr. Cox to take the time, to develop the preliminary engineering plans, because he will have to do it anyway, so Council could review it before it goes through TRC for review.

Mayor Pro Tem Hall stated he agreed with Council Member Chin.

Council Member Parsons asked why to require an engineered site plan, why not require a detailed, dimensioned site plan. He stated that Mr. Cox had spent a lot of time presenting 3D renderings and a detailed

presentation but there was not a single dimension that would give Council an idea of off-sets, parking lot sizes, etc.

Mr. Cox stated that it was addressed in the proposed conditions. He stated that in the past, the proposed conditions being added to the conditional rezoning were spelled out in the conditions while not necessarily being on a plan. He stated that the added conditions would dictate and supersede any drawing.

Mayor Talley stated that when engineered drawings are presented, it meant that a professional had stamped approval that it could be built. She stated that she had served on the Council for a long time and they had always known Council to require site plans.

Council Member Chin stated that if Council lets this go by, where Mr. Cox could come back with a preliminary site plan without going through the Planning Board, they were establishing a bad precedent. He stated that Mr. Cox had presented something entirely different than what the Planning Board voted on.

### **COUNCIL ACTION:**

Council Member Chin had a previous motion on the floor to dismiss the rezoning request because the applicant had not submitted a complete petition by failing to include a preliminary site plan, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Due to the time of night, Council discussed continuing the April 12, 2022, Council meeting to Thursday, April 21, 2022, at 6:00pm.

City Manager Garner asked that Item 14, the presentation of the Sewer and Water Fund budget be heard tonight as well as Item 15, appointing a voting delegate for the upcoming CityVision Conference.

**ITEM 14: VOTING DELEGATES FOR CITYVISION CONFERENCE:** City Council discussed which members of the Council would be designated the voting delegate and alternate voting delegate while attending the North Carolina League of Municipalities CityVision Annual Conference.

Motion by Council Member Chin motioned that Mayor Talley would be the primary voting delegate and Mayor Pro Tem Hall as be the alternate, seconded by Council Member Whitaker. The motion passed unanimously.

**ITEM 15: BUDGET PRESENTATION - FY 2022-2023 WATER & SEWER FUND:** Staff will present the FY 2022-2023 Water & Sewer Fund proposed budget and fee schedule.

City Manager Megan Garner stated that in order to meet our statutory obligation we cannot consider adoption earlier than ten days after it's been presented to Council, therefore, a public hearing had been scheduled for April 25, 2022, at 6:00 p.m. to receive public input on the budget and to consider adoption.

Ms. Garner stated that in order to be eligible for funding sources that are coming available, the City needed to have its rate increase approved and effective as of May 1, 2022. She stated that the budget was balanced at 11,970,400.

Water rates were recommended to increase from \$3.50 per twenty-five hundred gallons to \$3.85, with a base rate of \$5.03. Sewer rates are recommended to increase from \$8.45 per twenty-five hundred gallons to \$11.60, with a base rate of \$5.03.

Ms. Garner stated that a water bill based on 1,000 gallons would increase from \$6.45 to \$8.49 and sewer would go from \$7.66 to \$11.04. A water bill based on 5000 gallons would increase from \$20.24 to \$23.89 and current sewer would increase from \$41.46 to \$57.70.

Ms. Garner stated that the large portion of the upcoming budget was for the Wastewater Treatment Plant upgrades and bids would be opened on the 20<sup>th</sup> barring any unforeseen circumstances. Estimates for that project have doubled in the last two years. She stated that in the first year of the loan there would be loan fees estimated at \$1.4 million that would have to be paid in the first fiscal year.

Ms. Garner stated there were other projects that are funded with one new position; water quality technician at a pay grade of 16. That position would be funded equally between the City of Graham and the City of Mebane.

Tom Boney, Alamance News, inquired about the base fee increase of \$5.03 and what was the previous base.

Ms. Garner stated the base rate was currently \$3.30 each for water and sewer.

No action was needed by Council.

### **CONTINUATION OF APRIL 12, 2022, COUNCIL MEETING**

Motion by Council Member Whitaker, seconded by Council Member Parsons to continue the meeting to Thursday, April 21, 2022. The motion passed unanimously. (11:45pm)

Downtown Development Director Mary Faucette shared with Council the openings and vacancies on our Boards and Commissions that had been posted and asked if the Council would like to add a Main Street Board. She stated this would give business owners and citizens an opportunity to apply and formalize like other boards and commissions.

Mayor Talley stated to leave that open until the continuation of this meeting.

Assistant Manager Holland stated that Mr. Brewer was present and he wanted to share that staff had been working on his concern regarding opaque screening.

### **APRIL 21, 2022, CITY COUNCIL MEETING RECOMMENCED AT 6:00 P.M.**

Mayor Talley called the April 21, 2022, continued Council meeting to order and presided. Mayor Pro Tem opened the meeting in prayer and lead the Pledge of Allegiance.

### **ITEM 5: AMENDMENT - DEVELOPMENT ORDINANCE - VISION CLEARANCE, FENCES, AND WALLS (AM2201):**

A public hearing had been scheduled to consider a text amendment to the Development Ordinance to create standards for fences and walls. This amendment defines fences and walls and sets types, heights, and locations.

(Planning Board approved the text amendment at its March 15, 2022, regular meeting.)

Planning Director Snyder stated that staff had been in contact with the planning board and due to the possibility of a Unified Development Ordinance re-write in the very near future, staff would recommend tabling indefinitely Item numbers 5, 6, 8, 9 and 10 to consider at a different time.

Council Member Chin motioned to table this item indefinitely, seconded by Council Member Whitaker. The motion passed unanimously.

#### **ITEM 6: AMENDMENT - DEVELOPMENT ORDINANCE - RECREATION & AMENITIES**

**(AM2202):** A public hearing had been re-advertised and continued to consider a text amendment to the Development Ordinance to create standards for recreation and amenities with the construction of a proposed subdivision with 100 or more units. The proposed text amendment includes a point system tied with listed amenities based on desirability. The proposed text amendment, if approved, would be placed in Section 10.251 within the Development Ordinance. *(Continued from March 8, 2022, regular meeting.)*

Planning Director Justin Snyder stated that staff had been in contact with the planning board and due to the possibility of a Unified Development Ordinance re-write in the very near future, staff would recommend tabling indefinitely Item numbers 5, 6, 8, 9 and 10 to consider at a different time.

#### **COUNCIL ACTION:**

Mayor Pro Tem Hall motioned to table this item indefinitely, seconded by Council Member Chin. The motion passed unanimously.

#### **ITEM 7: AMENDMENT - DEVELOPMENT ORDINANCE - ACCESSORY DWELLINGS UNITS**

**(ADUS) (AM2204):** A public hearing had been re-advertised and continued to consider a text amendment to the Development Ordinance to create standards for allowing accessory dwelling units in single-family residential zoning districts. The proposed text amendment, if approved, would be placed in Sections 10.252.1 through 10.252.4 within the Development Ordinance. *(Continued from March 8, 2022, regular meeting.)*

Planning Director Justin Snyder stated the public hearing had been re-advertised to consider a text amendment to the Development Ordinance to create standards to allow for accessory dwellings in single-family residential zoning districts. He stated that this item came before Council previously because of an error in the text and we would like for Council to consider this item tonight. He stated that Council's recommendations were considered and we are recommending approval.

Mayor Talley opened the public hearing and there were no comments.

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

Mayor Talley stated that she had heard from residents who do not want this but had not heard from residents that are in favor of accessory dwellings. Mayor Talley expressed concerns with density.

Mr. Snyder stated that the language had changed to lots containing a minimum of one acre or more so the density would not be impacted.

Mayor Talley stated that she had not heard a lot of residents asking for this and when it was brought up citizens were asking why are you considering such dwellings. Mayor Talley suggested this be considered as a special use permit.

Mr. Snyder stated that would not be the right avenue and it would be appropriate to deny and if Staff continued to get requests, they would refer them to City Council.

### **COUNCIL ACTION:**

Mayor Pro Tem Hall motioned to deny the text amendment for accessory dwelling units, seconded by Council Member Whitaker. The motion passed unanimously.

Mayor Pro Tem Hall amended his motion to deny the text amendment for accessory dwellings units because it was inconsistent with orderly growth and not consistent with the 2035 Comprehensive Plan, seconded by Council Member Whitaker. The motion passed unanimously.

**ITEM 8: AMENDMENT - DEVELOPMENT ORDINANCE - CRYPTOCURRENCY, VIRTUAL CURRENCY, AND BLOCKCHAIN MINING FACILITIES (AM2205):** A public hearing had been scheduled to consider a text amendment to the Development Ordinance to create standards for crypto mining operations. The planning staff has worked at length with a local crypto mining facility leader and has brought forward an ordinance that has been mutually agreed upon. The proposed text amendment, if approved, will be placed in Sections 10.291 to 10.291.5 within the Development Ordinance. The Planning Board has recommended approval with suggested changes to City Council. (Planning Board approved this text amendment at its March 15, 2022, regular meeting.)

Planning Director Justin Snyder stated that this was another item that was not pressing but was a valid amendment and had been carefully crafted with the assistance of the cryptocurrency community in Graham, the Planning Board, and additional input from Council. However, due to the possibility of a Unified Development Ordinance re-write in the very near future, staff would recommend tabling the item indefinitely.

Mayor Talley stated that Council wanted to see cryptocurrency and data mining taken out and seems the way it was written seemed to target very specialized businesses.

Mr. Snyder stated that it was not intended to target anyone but when such businesses come into the City there are standards to follow to protect everyone in the City of Graham.

Council shared likes and dislikes to be considered when preparing the UDO.

Mayor Talley opened the public hearing and there were no comments.

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

### **COUNCIL ACTION:**

Council Member Chin motioned to approve the text amendment with changes in regard to the reduced setbacks and the removal of the terms Data and Cryptomining in the table of uses, and also the addition of verbiage to “*the intent to create standards for data processing facilities within the City of Graham,*” and it was consistent with the 2035 Comprehensive Plan and it creates the opportunity for allowing highly intensive uses within specific parameters protecting the environment and the citizens of Graham from potentially adverse effects while still encouraging innovative development and industrial growth in the region that has benefits for the City, seconded by Council Member Parsons. The motion passed, 3-2. Council Member Whitaker and Mayor Pro Tem Hall voted no.

#### **10.291 Data Processing Facilities.**

### **10.291.1 Definitions.**

**Data Processing Facility** - An establishment primarily involved in industrial-scale compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing numerous computers or servers. This term does not include general business offices, computer-related sales establishments, or business or personal services.

**Data Center Facility** - A physical facility that organizations use to house critical applications and data. A data center's design is based on a network of computing and storage resources that enable the delivery of shared applications and data. The key components of a data center design include routers, switches, firewalls, storage systems, servers, and application delivery controllers.

**Data Center** - A building, a dedicated space within a building, and/or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems. It may include redundant or backup components and infrastructure for power supply, data communication connections, environmental controls (e.g., air conditioning, fire suppression), and various security devices. A large data center is an industrial-scale operation using as much electricity as a small town.

**Colocation Facility** - A physical data center hosting facility that allows customers to deploy their own servers, networks, and storage hardware powered by internet bandwidth, electricity, backup power and other services generally required in a data center.

**Colocation** - The practice of housing servers in an offsite data center facility. The data center provides access to cage space, electrical power, cooling, networking equipment, and access to a variety of telecom and internet service providers at a monthly rental fee.

**Cryptocurrency, Virtual Currency, Blockchain Facility** - The operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. Activities can be described by terms such as, but are not limited to, "crypto mining", "proof of work", and "proof of stake" which involve the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of the equipment used in these activities include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space.

### **10.291.2 Intent.**

It is the intent to create standards for data processing facilities for the City of Graham.

### **10.291.3 Applicability.**

All land under the zoning jurisdiction of City of Graham shall be subject to the provisions of this Ordinance.

### **10.291.4 Standards.**

Data processing facilities (including any subset thereof), as defined in 10.291.1, shall meet all of the following conditions:

- (a) Facilities may locate only in the C-I (Conditional Industrial) district, ideally within a City or regionally-approved and planned tech park, upon review and approval by the Technical Review Committee, City Attorneys, an outside consultant (cost to be paid for by the developer), Planning Board, and City Council.
- (b) Facilities shall be reviewed as a conditional use in compliance with Section 10.85 of this Ordinance.
- (c) Verification must be provided that all electronic waste generated at the data processing facility operation will be handled by a DEQ-licensed electronic waste recycling firm.



- (d) The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited.
- (e) All equipment, whether indoors or outdoors, shall be located no less than 250 feet from the nearest school, daycare, or hospital, and an undisturbed evergreen vegetative buffer meeting or exceeding subsection (g) below shall be provided. A scaled map showing the proposed equipment separation from each nearest use/structure of these types shall be submitted with the proposed rezoning application.
- (f) All equipment, whether indoors or outdoors, shall be located no less than 250 feet from the nearest existing residential structure, and an undisturbed evergreen vegetative buffer meeting or exceeding subsection (g) below shall be provided. A scaled map showing the proposed equipment separation from each nearest residential use/structure shall be submitted with the proposed rezoning application.
- (g) A 200-foot undisturbed opaque vegetated buffer shall be required on all sides of the property. Vegetation shall not be disturbed for any reason within the buffer areas, other than to provide a driveway or utility to the site. If the buffer is not completely opaque, additional overstory evergreen plantings that will grow to a mature height of at least 40 feet shall be planted that are at least 8 feet tall at the time of planting to help achieve opacity.
- (h) Data processing centers and any subset thereof as defined in Section 10.291.1 shall be required to install noise mufflers.
- (h) Data processing centers and any subset thereof as defined in Section 10.291.1 shall be required to install noise muffling measures to ensure that noise levels at the property lines do not exceed those set forth in Section 10.136.19(g).

#### **10.291.5 Nonconforming Data Processing Facility Use**

**This section shall supersede the allowances for nonconforming uses in Division 2, Nonconformities.**

A lawful data processing facility use existing on the effective date of this Ordinance, which would not be allowed under the terms of these regulations, may continue so long as it remains otherwise lawful, subject to the following conditions:

- (a) Existing structures devoted to nonconforming data processing facility operations shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.
- (b) Non-conforming data processing facility operations may be expanded or extended to unoccupied portions of the existing building(s). New or replacement mechanical or electrical equipment is subject to the other provisions of the Development Ordinance and/or North Carolina state building and electrical codes.
- (c) Any nonconforming data processing facility operation may be replaced within any existing structure by the same use. This shall also apply to changes in ownership where no exterior changes are made to the site or structural area.
- (d) If a nonconforming data processing facility operation is discontinued or abandoned for one hundred eighty (180) days or a nonconforming data processing facility use is replaced by a conforming use at any time, the structure shall thereafter be used in conformance with these regulations.
- (e) Any structure occupied by a nonconforming data processing facility use that is destroyed by any means such that the cost of reconstruction amounts to more than fifty percent (50%) of the total building replacement cost (exclusive of building foundation) shall thereafter be used in conformance with these regulations.

Adopted this the 21<sup>st</sup> day of April 2022.

## **ITEM 9: AMENDMENT - DEVELOPMENT ORDINANCE - ARTS AND CRAFT STUDIOS**

**(AM2206):** A public hearing had been scheduled to consider a text amendment to the Development Ordinance to include arts and craft studios' standards in the Table of Permitted Uses. The proposed text amendment, if approved, will be placed in Section 10. 15, 10.135, and 10.136 within the Development Ordinance if approved. **(Planning Board has tabled this item to its May 19, 2022, regular meeting)**

Planning Director Justin Snyder stated that due to concerns brought up at the Planning Board meeting they elected to table this item to May 19, 2022, and staff recommended that the City Council table this item to the June 14, 2022, Council meeting.

Mayor Pro Tem Hall stated that he and Council Member Chin sent this item to staff back in January and asked why it had taken until now for Council to consider it.

Mr. Snyder stated that the item was brought to staff in January, we worked on the language with the attorneys, presented it to the Planning Board in March, and then the Planning Board raised concerns about the process and the procedure on how this came to be and asked for more guidance and information from the City Attorney so they tabled it for 60 days.

Mayor Pro Tem Hall asked what was meant by the process.

Mr. Snyder stated that Mr. Boney had brought up concerns about the origin of the text amendment and how it came to be which brought up questions with the Planning Board. He stated that a Planning Board member was present that could speak to the action taken.

Council Member Chin stated that this subject was brought to his attention by the owners of Maricle Metals, a new business located on the corner of Main Street and Harden Street that makes metal ornaments. He stated that they use a C & C table to cut ornaments and was told by the Fire Inspector that they are possibly in violation of the permit based on the C & C table. Council Member Chin asked for a demonstration of this table which was located in Haw River. He stated that in drafting the proposed text he found that Arts and Crafts were not defined in the table of uses but were listed under Manufacturing. He stated in an effort to attract arts and crafts businesses downtown, a text amendment was drafted to address these types of businesses and given to Staff. He shared that from this experience, he would now forward citizen requests to the City Manager and let her send them to staff for any action needed. This whole thing originated from a citizen's concern that they would not be allowed to use a certain machine to produce the products they sell.

Mayor Talley asked if the business was in violation and Mr. Snyder stated that they were not in violation. He stated the whole intent of the text ordinance was to eliminate the gaps in the Development Ordinance to assist this business owner and other business owners in being able to operate arts and crafts studios downtown.

Mayor Talley commended Mr. Chin for finding an ordinance that addressed arts and crafts for staff review and input and then sending it to Planning Board. She stated that she would like to see more demonstration-type businesses in the downtown area.

Mr. Boney, Alamance News voiced his concern on how this item came before the Planning Board. He suggested that members of Council bring up items they would like for staff to review under Council Comments in an open meeting.

Mr. Keith Westbrook, 604 Trock Wilder Ct, stated the need to attract people downtown. He would like to bring back Arts Around the Square. He stated that he disagreed with Mr. Boney's suggestion. He stated that citizens should have the right to speak to a Council Member or a City Manager about issues because that was why they were there.

Mr. Eric Crissman, 208 Albright Avenue, shared that the Planning Board received a packet that Mr. Chin generated that was labeled, City Council request. He stated that after reviewing Council meetings, he could not find where the City Council had requested this text amendment and suggested that Council follow procedure.

Council Member Chin stated that he had just been installed as a new City Council Member and was just responding to a citizen's request and was not aware of the procedures. He stated this was his mistake.

Mayor Talley stated that when Mr. Chin brought this issue to staff that he should have been told of the proper procedure and to bring it before the Council.

After further discussion, Mr. Snyder stated that Council could act after a 60-day review period without Planning Board action. He stated that City Attorney Ward said that the action of tabling was not in itself a measurable action for this body to make a consideration. The Planning Board would have had to approve or deny. He stated that Council would have to wait 60 days from when the Planning Board first saw the item for this Council to act with or without Planning Board recommendation, which would be June 14, 2022.

Mayor Talley inquired about other businesses that could be in violation.

Mr. Snyder stated that no violations have been issued due to text amendments in the pipeline.

Mayor Talley asked if anyone else would like to speak on this issue. There were no other comments.

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

### **COUNCIL ACTION:**

Mayor Talley motioned to postpone Item 9, and Item 10 to June 14, 2022, Council meeting, seconded by Council Member Chin. The motion passed unanimously.

### **ITEM 10: AMENDMENT - DEVELOPMENT ORDINANCE - ARTICLE X - FLAGS & BANNERS**

**(AM2207):** A public hearing has been scheduled to consider a text amendment to the Development Ordinance to revise the flags and feathered flags and banners standards. The proposed text amendment, if approved, will be placed in Article X, Sections 10.442 and 10.467, in the Development Ordinance. **(Planning Board has tabled this item to their May 19, 2022, regular meeting)**

### **COUNCIL ACTION:**

Mayor Talley motioned to postpone Item 9, and Item 10 to June 14, 2022, Council meeting, seconded by Council Member Chin. The motion passed unanimously.

### **NEW BUSINESS:**

**ITEM 11: DISCUSSION - CHERRY LANE OVERLAY:** Staff had received a request from Chad

Huffine, on behalf of the Concerned Citizens of Cherry Lane, to look into numerous text amendments, including the adoption of an “Industrial Protection Overlay” along Cherry Lane, as well as a potential Future Land Use map amendment to return this corridor to its 2020 Plan designations. Staff recommends that this item be considered after the budget is adopted and preferably coinciding with the UDO and FLUP update. The Planning Board had asked City Council for direction and believes staff recommendation was the best course.

Planning Director Justin Snyder stated Staff had received a request from Chad Huffine, on behalf of the Concerned Citizens of Cherry Lane, to look into numerous text amendments, including the adoption of an “Industrial Protection Overlay” along Cherry Lane, as well as a potential Future Land Use map amendment to return this corridor to its 2020 Plan designations. Mr. Snyder stated that he and Assistant Manager Holland advised that this item be brought up publicly as part of the future land-use plan update and the UDO rewrite because the request dealt with more than statutory issues but tied into several different parts of the ordinance. He stated that Staff recommended that Council direct staff to hold off on consideration until we get the Future Land Use Plan updated and eventually, the Unified Development Ordinance rewrite.

Mayor Pro Tem Hall motioned to delay this item until after the Future Land Use Plan update.

Mayor Talley suggested a task force to meet with neighbors and come back to the Planning Board with ideas to move forward.

Mr. Snyder stated that when Land Use Plans are updated, several public meetings are held all over town for all citizens to weigh in and including the Town of Mebane and Alamance County. He stated that the best avenue was to do it as part of the Land Use Plan update as Mr. Hall had motioned.

Council Member Chin suggested that the public meetings be held at City Hall so folks could zoom in.

Mayor Talley asked if there were anyone who would like to speak on this matter.

Mr. Bill Aucoin, Vice President, Avison Young, said he had planned to speak, but he would table his comments until the appropriate time.

Mr. Boney voiced concern regarding not informing citizens about changes in land use that were being contemplated by a new plan. He suggested a notification to residents with land adjacent or nearby that were being designated for new land uses.

### **COUNCIL ACTION:**

Mayor Pro Tem Hall motioned to delay this item until after the Future Land Use Plan update, seconded by Council Member Parsons. The motion passed unanimously.

**ITEM 12: RECYCLING CONTRACT OPTIONS:** The City’s current five-year recycling contract expires on June 30, 2022. City Staff will provide options for Council consideration.

Public Works Director Burke Robertson stated that the City’s recycling contract was a five-year contract with five additional one-year rollovers that would expire on June 30, 2022. He stated the current Sanitation fee was \$8.50 per month and the average participation rate over the last five years was 59%. He shared that the total tons collected for 2020-21 was 950 tons and the cost was \$74,809.47.

Mr. Robertson stated that when the contract was written, there was a lot of value in recycling as China was buying much of the world’s recycling and was not addressing contamination issues. He stated in 2013, China started addressing contamination and by 2018 they banned several materials and set a contamination rate at

0.05%. The national average for contamination in the carts was over 20% and 3-5% coming out of single-stream Material Recovery Facility (MRF). Due to this loss of markets, the value of recycled materials had dropped significantly. Processing costs have increased due to these allowable contamination rates.

Mr. Robertson stated that Burlington sent out RFPs and GFL was the only one to submit a bid. Republic Services responded that they were not going to submit a bid. He reviewed the following options:

Option 1:

Proposed rate of \$6.24 per month, per cart with no contamination fees or fuel surcharge and one a year CIP cost adjustment.

Option 2:

Proposed a lower rate of \$5.98 per month, but would be locked into a guaranteed 5% rate increase per year for five years. This option would cost \$85,000 more than option one.

Option 3:

The City pays GFL \$4.24 per month, per cart to collect and haul to MFR, and the City pays Republic directly for processing. (\$275,108.00 per year at current cart count plus processing @\$125 per ton.) This would cost up to \$400,000.00. The City would assume the risk for commodity prices.

Mr. Robertson shared that they also looked into in-house recycling options and found the processing would not be much cheaper and it would be difficult to get trucks and hiring and training staff would not be a reality at this time.

Mayor Pro Tem Hall asked what this would cost a property owner.

Mr. Robertson stated it would depend on what option you selected, the first option would be a \$5.01 increase, if you kept the sanitation fees subsidy rate the same. Option three, collect and haul, would be an increase of \$4.28.

GFL representative, Norma Yanez, stated that when the contract was signed ten years ago, everyone was buying recyclables, and then about three to four years into the contract, people either stopped buying or started charging for recyclables. She stated that for the past five years the company had lost approximately \$150,000 per year providing services for the City of Graham. She stated that they continued to honor that contract and continued to service the City because they said they would.

Mr. Robertson stated that the difference between the current contract and the proposed contract was the five-year rollover with no option to get out and the new contract would be a five-year contract with five mutually agreeable rollovers. The new contract would have no fuel surcharge or fuel price calculator built into the contract.

Mayor Talley made several attempts to negotiate the bid due to the projected state-mandated water and sewer increases.

Ms. Yanez agreed to seek advice from the Vice President regarding the proposed contract and would come back to Council on May 10, 2022.

**ITEM 13: STREET CLOSING REQUESTS:** The Graham Recreation and Parks Department requests the following street closures for the following events:

- a. **9/11 COMMEMORATIVE 5K EVENT:** Closure of the northbound lane of Maple Street from Pine to McAden Street, the westbound lane of McAden from South Main to Maple Street, the southbound lane of South Main Street from Pine to McAden Street, and the eastbound lane of Pine Street from Maple to South Main Street from 6:00 a.m. – 12:00 p.m. on Saturday, September 10, 2022.
- b. **PUMPKIN BASH:** Closure of the 100 blocks of East and West Elm Streets from 2:00 p.m. to 10:30 p.m., and closure of North and South Main Streets from 4:00 p.m. to 10:30 p.m. on October 28, 2022.

Downtown Development Coordinator Mary Faucette asked Council to approve the above-stated street closings for the 9/11 Commemorative 5K event and the Pumpkin Bash. Ms. Faucette introduced the supervisor for the events, Ms. Emma Griffin. Ms. Griffin stated the proposed route was the same route they used for last's year 5K and asked to close the streets from 6:00am to 12:00pm on Saturday, September 10, 2022.

Ms. Griffin stated the Pumpkin Bash would be held on Friday, October 28, 2022, and asked Council to approve the street closings.

Mayor Talley asked if staff had contacted any of the business owners about the street closings.

Ms. Griffin stated that she had spoken to all business owners and provided a letter of all street closing and most were very positive and liked knowing ahead of time to alert customers and for deliveries and drop-offs.

Mr. Boney, Alamance News, asked that the time of the street closings be moved up from 2:00 pm.

Mayor Pro Tem Hall asked why the event was on Friday and not a Saturday.

Ms. Faucette stated that this was historically set for Friday so we are not competing with other events happening on Saturday in the County. She stated that this was the 6<sup>th</sup> or 7<sup>th</sup> year we had hosted the Pumpkin Bash event.

After a discussion about the times of the street closings, Mayor Talley suggested approving the 9/11 Commemorative 5K event and then waiting to see if Ms. Griffin can work with the vendor to get additional staff so we can push the street closing time on East and West Elm streets further back.

Mayor Talley stated that requests continue to come in regarding the signature event Arts Around the Square. She suggested teaming up with the Arts Council or other non-profits that promote arts to create a downtown event. She asked that if the City was ever in a situation to have the opportunity to partner with a non-profit she would like to see that happen. She stated that you could not expect non-profits to continue to hold signature events without supporting them. She also shared that she continued to get requests for pickleball.

Ms. Griffin stated that they were currently working to get pickleball lines painted on the courts.

### **COUNCIL ACTION:**

Mayor Talley motioned to approve Item 13 (a) the 9/11 Commemorative 5K event, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Mayor Talley motioned to postpone approval of the Pumpkin Bash until May 10, 2022, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

### **PUBLIC COMMENT PERIOD:**

Mr. Keith Westbrook inquired about the sidewalk project on East Elm Street near the high school. Mayor Talley stated that staff had found a grant with NCDOT that could be used to update the City's Pedestrian Plan and this plan would address sidewalks. She stated that she would like to look at Elm Street by possibly taking the left-hand lane of the four-lane road and placing sidewalks on the side of the convenience store up to the high school with crosswalks. She would also like to include a section from Harden Street to Main Street. Mr. Westbrook also inquired about the roundabouts being constructed and an issue with his water meter that had been replaced. Staff was directed to look into his concerns.

### **CITY STAFF COMMENTS:**

Planning Director Snyder requested letters of support towards a resolution to apply for a grant for the Pedestrian Plan update. He asked if Council would submit a letter of support by May 1, 2022. Mayor Talley asked that when staff applied for grants to ask for Council's permission before applying. Mr. Snyder stated that they had not applied for the grant to update the pedestrian plan and if Council was supportive of the grant funding to let them know. Mayor Talley inquired about the cost. Mr. Snyder stated it would be a 20% match, consultant fees would be approximately \$48,000 to \$60,000, and would anticipate a \$12,000 to \$15,000 City match.

Assistant City Manager Aaron Holland asked for Council consensus to bring forth text amendment language, that had been reviewed by the City Attorney, next month regarding farmer's markets.

Mayor Pro Tem Hall motioned to allow staff to bring forth text amendment language regarding Farmer's Markets, seconded by Mayor Talley. The motion passed unanimously.

Ms. Faucette asked for clarity regarding staff coming before Council for grants that would have implications to the budget or for grants that do not require a match.

Mayor Talley stated it was more directed towards staff time being wasted on preparing grants that the Council may not necessarily be in favor of or the legislative body did not know about. She stated that it was practiced years back that staff would bring grants before the Council first and then it would be decided if staff needed to focus on a particular grant.

### **Main Street Program – Board of Directors**

Ms. Faucette asked for the support of an Economic Development Downtown Board of Directors. She shared that Council would appoint the members and the board would act as other Boards and Commissions. Mayor Talley asked if there was already a board with vacancies. Ms. Faucette stated that there was a grassroots effort in 2020 when the City was accepted into the Main Street Program and citizens who participated in the kick-off meeting received a follow-up survey asking for participation levels moving forward. She discussed the levels of tiers and the most engaging tier being the Roundtables of Supporters. She stated those individuals who responded were classified as Roundtable supporters who had been meeting since 2020 as a requirement



of the pre-requisite program. She stated that they are getting closer to being accredited and at that time a Board would need to be formed. Ms. Faucette asked that Council consider recognizing this Board as a Board of the City.

Mayor Pro Tem Hall stated that with a new Council we would like to re-examine this even though the previous Council approved it given what we are facing budget-wise. He stated that Council needed to reexamine which programs would be supported and that it would be premature to begin appointing folks to boards when at this point it's uncertain if we would move forward.

Mayor Talley stated that between now and approving the Budget there would be hard decisions to be made.

Adam Miller, Hanford Road, Main Street Committee Member, said that the committee had been working on this for two years. Most of the Council attended the vision forum and saw what the committee had been working on. He shared that goal was to prove that this City could be inviting for this program. He said that Mebane was about to get it and Burlington had it. He asked that Council sit down with the committee and talk about it before deciding.

Council Member Chin stated what he saw in the presentation did not cast a positive light on the City of Graham. He shared the weaknesses that were described were churches and faith-based businesses as a weakness and no representation in downtown for people of color. Mayor Talley said it seemed negative and did not like when the community was cast in a light that was not reflective of the truth.

Ms. Faucette asked if Council was halting the program or could they advise staff on how to move forward on recognizing a Council-appointed and approved Board.

Council Member Whitaker stated that this ask was premature and the Council should not be appointing official members to a Board that does not yet officially exist.

Council Member Chin stated that Council was undecided and that Ms. Faucette could relay that message at the next round-table meeting.

### **CITY COUNCIL COMMENTS:**

Mayor Talley asked to discuss the Water & Sewer Budget. She stated that after speaking with the Manager and dealing with the upgrades to the Wastewater Treatment Plant which originally would have cost around \$32 million, were now costing close to \$70 million. She shared that bids were due on Wednesday and there were not enough to open the bids. There are many other municipalities trying to buy the same type of specialized contractors for projects of this size while trying to meet the state's deadlines.

Ms. Talley stated that right now our rates are on the lower tier than what other municipalities charge in the surrounding areas with a proposed increase for people who use 5,000 gallons or less would go from \$20.45 to \$23.89 for water and the sewer would go from \$41.46 to \$57.70. She stated that tiers were reviewed to address the citizens at the poverty level as well as senior citizens and staff was trying to come up with a viable solution before the public hearing on Monday, April 25, 2022.

Mayor Talley stated that the recycling cost was not great news by having to rebid that contract in the middle of inflation and with the additional costs for the wastewater treatment plant upgrades. She stated this was not

something this Council had agreed to do, this was something Council was being forced to do by State and Federal mandates. Mayor Talley shared that staff was working hard at applying for grants to help pay for infrastructure.

Council Member Whitaker voiced concerns about solicitors and asked staff to take a look at the Canvass and Solicitors Permit Ordinance.

Mayor Talley shared the following:

- Asked if Volunteer Firemen had been able to pick up shifts - City Manager Garner said it had not been implemented and after speaking with the Attorneys they were getting an opinion from the Federal Department of Labor on how to implement and stay within the Fair Labor Standards Act.
- Panhandling issue in Graham.
- Increase in credit card fraud.
- Spoke with the City's engineer on the process of redoing permitting fees.
- Status of a new Fire Department – Mayor Talley stated she never agreed to build a new fire station and would like to see a budget for the proposed building and personnel costs to staff a new fire station before moving forward.
- Pay raise for employees – Mayor Talley stated that she had received pushback about the raise because it was different for those not on a 40-hour workweek. She stated that she agreed to a \$4,160 annual raise and that was what she was going on record as saying. She stated that she did not intend to give a particular department more money than another department. Mayor Talley asked that the Manager fix the discrepancy. Council agreed.
- Shared that a new dress shop had opened downtown.
- Harbor Day – April 29, 2022, 10:00am
- Third Saturday Concert Series
- Musical Chairs – Bill Cooke Park – June 3, 7:00pm-9:00pm
- Personnel Policy Rewrite – City Manager stated a consultant had been retained and it was in progress.
- Employee Benefits – City Manager stated a consultant had been selected and equated to a 7.1% increase – base plan deductible was adjusted with special co-pays.
- County's two-story justice center going to a three or four-story – Planning Director Snyder shared that they would need to change to conditional zoning if the building exceeded the maximum height for the zoning district.
- Alamance Community College Sign Request – Planning Director Snyder said it was not an issue as long as the upcoming text amendment was approved.
- City Manager Review – Assistant City Manager Holland stated that reviews for the Manager and City Attorneys would need to take place in May.

Captain Flood shared that the Alamance County Law Enforcement Memorial Event – May 19 – 6:00 pm – asked for all Council to attend if possible. The guest speaker will be Lt. Governor Mark Robinson.

### ADJOURN:

Council Member Chin motioned to adjourn, seconded by Mayor Pro Tem Hall. The motion passed unanimously. (10:18pm)

**CITY OF GRAHAM**  
**WATER-SEWER FUND PUBLIC HEARING**  
**SPECIAL SESSION MEETING MINUTES**  
**APRIL 25, 2022**



The City Council of the City of Graham met in a special session at 6:00 p.m. on Monday, April 25, 2022, in the Council Chamber of 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  
 Tonya Mann, Public Utilities Director  
 Julianne Cordon, Finance Director  
 Renee Ward, Interim City Clerk, *absent*

**CALL TO ORDER:**

Mayor Jennifer Talley called the meeting to order at 6:02 p.m. and presided.

**PUBLIC HEARING:** Water and Sewer Fund Proposed Budget

City Manager Megan Garner presented an overview of the Water and Sewer Fund including changes to the recommended budget that was presented at the April 12, 2022, City Council meeting. Ms. Garner outlined the amounts of the origination fees and debt service that the City would be responsible to pay. Ms. Garner also reminded Council that this would be a 30-year loan. Ms. Garner made Council aware that staff was able to remove over \$500,000 by extending the first debt service and amending the rate structure which changed the first tier from 0-1000 gallons per month to 0-2500 gallons per month in an effort to lessen the burden on the City's lowest consumers.

Following a brief discussion by Mayor Talley on efforts made to reach out to State officials for assistance with potential funding sources, Mayor Talley opened the discussion to the floor.

Mr. Tom Boney of the Alamance News stepped forward for clarification on the makeup of the newly created tier and how these rates would impact the municipalities that purchase water from Graham. Mr. Boney also wanted to confirm that the new tier would be included within the sewer rate structure.

Mr. Keith Westbrook, 604 Trock Wilder Court, stepped forward to express his gratitude to Council and staff for their work on the changes presented.

Hearing no further comments, Mayor Pro Tem Ricky Hall made a motion to close the public hearing, seconded by Council Member Bobby Chin. All voted in favor of the motion.

Each member of City Council took time to thank staff for their work on the revised Water and Sewer budget. Mayor Talley also asked staff to post the changes on the website for citizens to view.

Mayor Pro Tem Hall made a motion to adopt the Water and Sewer Budget Ordinance for Fiscal Year 2022-2023 with rates effective May 1, 2022, and the corresponding Capital Improvement Plan (2022-2032), seconded by Council Member Bonnie Whitaker. All voted in favor of the motion.

**ADJOURN:**

Mayor Pro Tem Hall motioned to adjourn at 6:46 p.m., seconded by Council Member Chin. The motion passed unanimously.

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Renee Ward, Interim City Clerk

# City of Graham

## City Council Meeting Minutes

### May 10, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on May 10, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

Megan Garner, City Manager  
 Aaron Holland, Assistant City Manager  
 Bryan Coleman, City Attorney  
 Bob Ward, City Attorney  
 Justin Snyder, Planning Director  
 Renee Ward, Interim City Clerk

#### CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order at 6:01 p.m. and presided.

#### INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Talley asked Council Member Chin to give the invocation and all recited the Pledge of Allegiance.

#### CONSENT AGENDA:

- a. To approve the following City Council Meeting Minutes:
  - March 14, 21, 28, and April 4, 2022 – Lunch and Learn Special Meetings
  - April 12, 2022 – Regular City Council Meeting and Continued to April 21, 2022
  - April 25, 2022 – Special Meeting - Water-Sewer Fund Budget Public Hearing
- b. To direct the Clerk to investigate sufficiency and set a date of public hearing for June 14, 2022, to consider extending the corporate limits of the City of Graham for a 3.87-acre tract located on Jimmie Kerr Road.

#### **RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**

#### **A PETITION RECEIVED UNDER G.S. 160A-31**

#### **FOR PROPERTY ON JIMMIE KERR ROAD (GPIN: 8894531201 AND 8894520912) (AN2203)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on May 10, 2022, by the Graham City Council; and

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

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

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

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**RESOLUTION FIXING DATE OF JUNE 14, 2022, FOR A PUBLIC HEARING ON QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 3.87 +/- ACRES ON JIMMIE KERR ROAD (AN2203)**

**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 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 14, 2022.

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

**Legal Description GPIN#: 8894531201 and 8894520912**

Those certain tracts or parcels of land located in Haw River Township, Alamance County, North Carolina, adjoining Jimmie Kerr Road (SR 1928) and being more particularly described as follows:

BEGINNING AT AN EXISTING IRON PIPE, THENCE WITH THE RIGHT OF WAY OF JIMMIE KERR ROAD, A BEARING OF N 35°25'41" E, A DISTANCE OF 82.05' TO AN EXISTING IRON PIPE, THENCE N 35°10'40" E, A DISTANCE OF 156.38' TO A RIGHT OF WAY CAP, THENCE S 54°01'03" E, A DISTANCE OF 30.29' TO A RIGHT OF EAY CAP, THENCE N 35°49'02" E, A DISTANCE OF 61.78' TO AN EXISTING IRON PIPE, THENCE N 35°54'51"E, A DISTANCE OF 321.64' TO AN EXISTING IRON PIPE, THENCE LEAVING SAID RIGHT OF WAY, A BEARING OF S 09°12'56" E, A DISTANCE OF 109.94' TO AN EXISTING IRON PIPE, THENCE S 23°42'17" E, A DISTANCE OF 140.34' TO AN EXISTING PIPE, THENCE S 46°07'51" E, A DISTANCE OF 18.56' TO AN EXISTING IRON PIPE, THENCE S 35°47'43" W, A DISTANCE OF 170.70' TO AN EXISTING IRON PIPE, THENCE S 54°03'57" E, A DISTANCE OF 152.64' TO AN EXISTING IRON PIPE, THANCE S 35°54'49" W, A DISTANCE OF 299.97' TO AN EXISTING IRON PIPE, THENCE N 54°05'15" W, A DISTANCE OF 397.73' TO AN EXISTING IRON PIPE BEING THE POINT AND PLACE OF BEGINNING, CONTAINING 3.87 AC.± (0.00605 SQ. MILES). THE ABOVE DESCRIPTION WAS TAKEN FROM A SURVEY COMPLETED BY CAROLINA CORNERSTONE SURVEYING, DATED 03/25/22, JOB# 220305, TITLED "CORPORATE LIMITS EXTENSION, CITY OF GRAHAM."

**Section 3.** Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

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 Adopted this the 10th day of May 2022.

- c. To approve a Resolution supporting a 20% local grant match for funds from the NCDOT Multimodal Grant program to update the City's 2006 Pedestrian Transportation Plan.

**CITY OF GRAHAM RESOLUTION IN SUPPORT OF APPLICATION AND COMMITMENT TO  
 GRANT MATCH FOR NCDOT MULTIMODAL PLANNING GRANT**

**WHEREAS**, the North Carolina Department of Transportation has established a grant that provides funding to municipalities for updating existing Pedestrian Plans; and

**WHEREAS**, the City of Graham has a desire to provide its citizens with safe, convenient, and more complete bicycle and pedestrian facilities within the community; and

**WHEREAS**, the City of Graham last updated its Pedestrian Plan as adopted in 2006; and

**WHEREAS**, the City's financial and technical resources have limited its ability to prepare an update to the current pedestrian plan; and

**WHEREAS**, the City of Graham desires an up-to-date comprehensive pedestrian plan to achieve the following objectives; and

1. Provide multimodal forms of transportation.
2. Provide guidance for modifying infrastructure to safely accommodate walking and bicycling in appropriate locations.
3. Ensure that North Carolina Department of Transportation (NCDOT) funded projects incorporate Graham's objectives.
4. Move towards an effective network for transportation, recreation, and exercise.
5. Have an approved plan that will support funding from NCDOT for bicycle and pedestrian improvements.
6. Ensure land-use decisions effectively incorporate multimodal objectives.

**WHEREAS**, The North Carolina Department of Transportation Division of Bicycle and Pedestrian Planning announced a competitive Planning Grant Initiative to award funding for comprehensive bicycle and pedestrian plans.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Graham City Council hereby endorses the application for a Multimodal Planning Grant, and if the project is selected the City will provide matching funding up to 20% based on the parameters of the grant program and will provide any staff assistance for the duration of this project.

This the 10<sup>th</sup> day of May 2022.

- d. To approve an Audit Contract, in the amount of \$21,950.00, to Stout, Stuart, McGowen & King, LLP.
- e. To approve "No Parking Anytime" signs to be placed on both sides of Senator Ralph Scott Parkway.



- f. To approve a request from Brian Baker, Director, Alamance Parks to close the north and south side of West Elm Street from Maple Street to the first turnaround in the island past the Criminal Courts Building from 8:00 a.m. to 12:00 p.m. on Monday, May 30, 2022, for the Annual Memorial Day Ceremony.

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Chin. The motion passed unanimously.

### **PUBLIC HEARINGS:**

**ITEM 1: REZONING – 205 W. HARDEN STREET – (RZ2205):** A public hearing had been scheduled to consider an application by Nathan Glines to rezone 0.21 acres of property from I-1, (Light Industrial) to B-2, (General Business) for the purpose of constructing outdoor amenity areas. (Planning Board recommended approval.)

Planning Director Justin Snyder stated this was a request to rezone 0.21 acres of property from I-1 (light industrial) to B-2 (general business) for the purpose of constructing outdoor amenity areas and to bring the existing nonconforming structure and site into compliance with setbacks and buffering requirements. The rest of the block was zoned B-2, and was completely in character both with the FLU plan and with the surrounding zoning and uses.

Mayor Talley opened the public hearing and the following spoke:

Mr. Nathan Glines, 205 West Harden Street, stated that the property was a wedding and event menu and he would like to construct a beautiful back patio with a covered area.

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

Council Member Parsons moved to approve the rezoning that would further policies 2.2.1-Focused Development and 2.3.2-Innovative Spaces in the Graham 2035 Comprehensive Plan, seconded by Council Member Chin. The motion passed unanimously.

**ITEM 2: VOLUNTARY CONTIGUOUS ANNEXATION – 2.00 ACRES – 165 ANDREWS AVENUE (AN2202):** A public hearing had been scheduled to consider a voluntary contiguous annexation containing 2.00 acres located at 165 Andrews Avenue.

Planning Director Justin Snyder stated that a petition had been received requesting the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is located at 165 Andrews Avenue and contains approximately 2.00 acres. He stated water was located within 500 feet of the subject property and sewer lines were located across Andrews Avenue in Stillhouse Farms. He stated the applicant would like to tie onto the City's sewer infrastructure.

Mr. Snyder stated there was an existing home on this lot, so the only net change in impact would be for serving the lot with City services.

Mayor Talley opened the public hearing and the following person spoke:

Mr. James Straughan, the property owner, stated they were having issues with their septic and the only option they had was to tie into the City's sewer.

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

Motion by Council Member Chin to approve the annexation extending the corporate limits to 165 Andrews Avenue and being consistent with the Graham 2035 Comprehensive Plan and G.S. 160A-31, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

**ANNEXATION ORDINANCE  
TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF GRAHAM, NORTH CAROLINA  
FOR A 2.00-ACRE TRACT OF LAND AT 165 ANDREWS AVENUE  
(AN2202)**

**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 10, 2022, after due notice by publication on April 21 and 28, 2022; and

**WHEREAS**, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31.

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

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of May 10, 2022:

**Legal Description GPIN#: 8883359616**

A certain tract or parcel of land located in Graham Township, Alamance County, North Carolina, adjoining Andrews Avenue (SR 2110) and being more particularly described as follows:

BEGINNING at a ¾" existing iron pipe (control corner) located in the southern margin of Andrews Avenue and the northwest corner of Lot 2 PB 76 Pg. 329 (0.34 acre-tract, Parcel ID#172020); thence with the southern margin of Andrews Avenue, South 85 degs. 04' 23" East 50.04 feet to a ½" pinch existing iron pipe located in the southern margin of Andrews Avenue; thence continuing with the southern margin of Andrews Avenue, South 85 degs. 04' 23" East 233.29 feet to a ¾" bent existing iron stake located in the southern margin of Andrews Avenue and the western line of Lot 2A PB 68 PG 117; thence with the western line of Lot 2A, South 8 degs. 20' 48" West 319.48 feet to a ¾" bent existing iron pipe located in the northern line of Lot 5 PB 68 PG 117; thence with Lots 5 and 4 PB 68 PG 117, North 80 degs. 16' 15" West 182.99 feet to a 1" existing iron pipe located in the northwest corner of Lot 4 and the northeast corner of Lot 3 PB 68 PG 117; thence with the northern line of Lot 3, North 80 degs. 16' 15" West 50.32 feet to a calculated point in the northern line of lot 3; thence continuing with Lot 3, North 80 degs. 16' 15" West 50 feet to a 1" existing iron pipe (control corner) located in the northwest corner of Lot 3 and the

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southeast corner of Lot 10; thence with the eastern line of Lot 10, North 08 degs. 25' 30" East 295.75 feet to THE POINT AND PLACE OF BEGINNING and containing 2.00 acres, more or less, as shown on a plat entitled "Final Plat, Recombination for James Paul Straughan and wife, Abigail Peyton Straughan" recorded in PLAT BOOK 76 at PAGE 329 of the Alamance County Registry, to which plat reference is hereby made for a more particular description.

**Section 2.** Upon and after May 10, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 10<sup>th</sup> day of May 2022.

**ITEM 3: TEXT AMENDMENT – DEVELOPMENT ORDINANCE – SPECIAL USE PERMITS  
USES LISTED – SECTIONS 10.135 - 10.149 (AM2103):**

A public hearing had been scheduled to consider an amendment to the permitted uses table that are improperly classified based on type and intensity of use. Based on The Graham 2035 Comprehensive Plan and best practices, staff recommends indefinite tabling of the text amendment for later consideration as part of the Development Ordinance rewrite. (Planning Board recommended approval.)

Planning Director Justin Snyder stated that based on *The Graham 2035 Comprehensive Plan* and best practices, staff recommended indefinite tabling of the text amendment for later consideration as part of a Development Ordinance rewrite. The following supports this recommendation: Special uses are those uses that typically cannot be well categorized into use by right classification due to the size, intensity, or unique characteristics. The proposed amendments better align with this definition.

He stated based on *The Graham 2035 Comprehensive Plan* and best practices, staff recommended indefinite tabling of the text amendment for later consideration as part of a Development Ordinance rewrite.

Mayor Talley opened the public hearing and the following spoke:

Mr. Tom Boney, Alamance News, inquired about a notice that went out to downtown businesses and asked if this was the item the notice was referring to.

Mr. Snyder stated he believed this was the item the notice was referring to.

Mayor Talley also stated that staff had no knowledge of the notice and that she contacted Planning Board Chair Dean Ward, and he had no knowledge of the notice. She stated that whoever interpreted the text amendment did not interpret it correctly. There was never anything that staff was proposing that would eliminate people from being able to have multiple businesses in a building.

Mr. Lee Kimrey, 104 West Elm Street, Graham, inquired about use by right and stated that the amendment proposed eliminating UBD as a use by right in B1 and O&I zonings. He stated a UBD was defined as a building obtaining multiple businesses on the same parcel of land and asked if that was correct.

Mr. Snyder stated that was correct and the UBD was unnecessary because if you had a permitted use by right then it was already permitted you would not need to put it in a UBD.

Mr. Kimrey asked where was it stated in the Development Ordinance that defines you could have multiple businesses in one commercial building within O-I and B-1.

Mr. Snyder stated that whether it's defined or not, the interpretation was that the permitted uses table was what governs.

Mr. Kimrey stated when that interpretation was very vague and that it could lead businesses owners in the community to believe that the city was going to ban in the future, and when you grandfather someone in that's not very comforting when you consider any changes in the future would not be allowed if the use by right to have multiple businesses in the same building was taken from the community.

Mr. Snyder stated that if your business was permitted on the permitted uses table in the zoning district that you are located in, you would have nothing to worry about.

Mr. Kimrey asked for the record, if in the O-I and B-1 you could have multiple uses within the same building.

Mr. Snyder stated that was correct as long as those uses are permitted in that zoning district.

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

Motion by Mayor Pro Tem Hall to table the Special Use Permits-Uses Listed indefinitely, seconded by Council Member Whitaker. The motion passed unanimously.

**ITEM 4: TEXT AMENDMENT – DEVELOPMENT ORDINANCE – ADMINISTRATIVE APPROVAL OF MINOR MODIFICATIONS (AM2106):** A public hearing had been scheduled to consider an amendment to the Development Ordinance authorizing administrative approval of minor modifications for approved special use permits. Based on The Graham 2035 Comprehensive Plan and best practices, staff recommends indefinite tabling of the text amendment for later consideration as part of the Development Ordinance rewrite. **(Planning Board recommended denial at the present time.)**

Planning Director Justin Snyder stated that based on *The Graham 2035 Comprehensive Plan*, other jurisdictions, and best practices, staff recommended tabling indefinitely the text amendment to be considered as part of the Development Ordinance rewrite.

He stated that the Planning Board unanimously recommended denial of this text amendment at this time it would be better handled as part of the comprehensive UDO rewrite.

Mayor Talley opened the public hearing and there were no comments.

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

Motion by Mayor Pro Tem Hall to table the text amendment of Administrative Approval of Minor Modifications indefinitely, seconded by Council Member Whitaker. The motion passed unanimously.

**ITEM 5: TEXT AMENDMENT – DEVELOPMENT ORDINANCE – OPEN SPACE PROVISIONS**

**(AM2108):** A public hearing had been scheduled to consider an amendment regarding an open space provision to count open space that does not serve a valid public purpose (e.g. stormwater facilities, leftover small spaces, etc.) Based on The Graham 2035 Comprehensive Plan and best practices, staff recommends indefinite tabling of the text amendment for later consideration as part of the Development Ordinance rewrite.

**(Planning Board recommended denial at the present time.)**

Planning Director Justin Snyder stated that the Planning Board unanimously recommended denial of this text amendment because this would better be handled within the Recreation and Amenities text amendment and with the UDO rewrite.

Mayor Talley opened the public hearing and there were no comments.

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

Motion by Mayor Pro Tem Hall to table the text amendment of Administrative Approval of Minor Modifications indefinitely, seconded by Council Member Chin. The motion passed unanimously.

**ITEM 6: TEXT AMENDMENT – DEVELOPMENT ORDINANCE – DENIED REZONING**

**WAITING PERIOD (AM2105):** A public hearing had been scheduled to consider approval of a text amendment creating a process for denied rezoning. **(Planning Board recommended approval.)**

Planning Director Justin Snyder stated this was a request on behalf of a citizen to simplify the waiting period for when an applicant may re-apply for a rezoning following a denial by City Council. Staff had proposed language to create a process for a revised rezoning request with the same zoning classification request, but with different property amounts involved. He stated when the total area of property from the original request was reduced by 10 percent or more, or when there were multiple parcels involved and the number of parcels decreased, then the applicant could re-apply without a six-month waiting period. He stated that based on *The Graham 2035 Comprehensive Plan*, other jurisdictions, and best practices, staff recommended approval of the text amendment with the Planning Board's recommended changes. He stated that if Council elected to table this request indefinitely it would be understandable.

Mayor Talley opened the public hearing and there were no comments.

Mayor Talley asked that citizens should submit in writing to Council and staff when requesting changes to text ordinances or requests and be present at the Council meeting when those requests are being considered.

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

Motion by Mayor Pro Tem Hall to deny the text amendment of a Waiting Period for Denied Rezoning because it was not consistent with Graham's 2035 Comprehensive Plan Strategy 2.3.1 to facilitate focused development, seconded by Council Member Whitaker. The motion passed unanimously.

**ITEM 7: TEXT AMENDMENT – DEVELOPMENT ORDINANCE – MULTIFAMILY SIGNAGE – ARTICLE X - SECTION 10.398-10.399 (AM2107):** A public hearing had been scheduled to consider approval of a text amendment to create a provision for entry signage for multifamily, mixed-use developments containing residential units, and major subdivisions. (Planning Board recommended approval.)

Planning Director Justin Snyder stated this was a request to amend Article X, Signage, in the Development Ordinance to create a provision for entry signage for multifamily, mixed-use developments containing residential units, and major subdivisions. He stated currently, if an apartment complex, large neighborhood, or other large development with a residential component needed an entry sign, the code stated that the sign may be no larger than 10 square feet, which is minuscule compared to the size of the development the signs would serve. He stated that staff recommended changing the sign requirement to 36 square feet. He stated that Mebane and Burlington both allow 32 square feet for this type of signage.

Mayor Talley opened the public hearing and the following person spoke:

Mr. Keith Westbrook, 604 Trock Wilder Court, Graham, asked about what the measurements of 32 square feet would look like.

Mr. Snyder stated it would be eight feet by four feet.

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

Mayor Talley asked that the signage be consistent across the board with surrounding towns at 32 square feet.

Motion by Council Member Chin to approve the text amendment to allow 32 square feet of signage and that it was consistent with Graham's 2035 Plan Strategy 2.3.1 to facilitate focused development, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

### **Section 10.398 Residential Districts**

No sign shall be erected or displayed in any residential district except as allowed under Section 10.393 Exemptions or as provided below:

- (1) Home occupation signs identifying a home occupation, provided such signs are not illuminated and are limited to one wall or one freestanding sign per lot and a maximum display surface area of three square feet.
- (2) Nonresidential signs identifying nonresidential uses permitted as a principal in residential districts, provided such signs are limited to one freestanding or wall sign per zoning lot and eighteen (18) square feet in area per display surface. Where a freestanding sign is used, there must be a setback of at least twenty (20) feet from the right-of-way and shall be no taller than eight (8) feet.
- (3) A single freestanding monument sign may be allowed at each main entrance drive to a major subdivision, multifamily or mixed-use development containing residential units provided the driveways are separated by 300 feet or more. Sign face area shall be no larger than 32 square feet per side (2 sides maximum), and the total height including any supports or decorative features shall not exceed eight (8) feet above adjacent grade. Signs shall be only externally illuminated and no plastic shall be used in any part of the sign. Finally, the signs shall be

ground-lit or externally backlit with the light shining only on the face of the sign. No internal illumination, illuminated tubing, flashing lights, or moving installations shall be permitted on any part of the sign.

- (4) Signage approved as part of a special use permit or conditional zoning approval shall follow the standards approved by the City Council. When a standard is not proposed and approved as part of the conditional rezoning or special use permit, the standards in this Ordinance shall govern.

**Section 10.399 O-I, B-1, B-2, B-3, I-1 and I-2 districts**

- (a) Generally. No sign shall be erected or displayed in the Office and Institutional District, the Neighborhood, General or Central Business District, the Light Industrial District or the Heavy Industrial District except as allowed under Section 10.393 Exemptions or as provided below for the type of sign and the zoning district in which it is located.
- (b) Multiple uses. Where a zoning lot contains more than one principal use or establishment, the provisions below shall apply to the zoning lot as a whole, and the owners of the zoning lot shall be responsible for allocating permitted signs and display surface areas among the individual uses or establishments. The sign plan submitted for such zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other.
- (1) Freestanding signs. On-premises freestanding signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface and the maximum height limitations contained in Section 10.400 Area and Height of Signs provided:
- The zoning lot on which a freestanding sign is located shall be accessible by automobile and contain off-street parking for the principal uses(s).
  - No sign shall obstruct the vision of motorists at the intersection of right-of-way lines of streets, or streets and railroad, or of streets and driveways. The zoning enforcement officer shall investigate each site before the placement of any sign to ensure proper vision. No sign shall be erected on or protrude onto any public right-of-way.
  - Freestanding signs shall be limited to two (2) signs per zoning lot with street frontage of one hundred (100) feet or more, and shall not be located closer than fifty (50) feet to any other freestanding sign on the same premises. On zoning lots adjacent to an Interstate highway, only one (1) freestanding sign up to 300 square feet shall be allowed and must be directed toward the Interstate. *(Amended 4/2/2002)*
  - No freestanding sign shall be permitted on the same street frontage along which there is a projecting sign.
  - Freestanding signs shall clear driveway and parking areas by a height of at least fourteen (14) feet and shall clear sidewalks and pedestrian paths by a height of at least nine (9) feet.
  - The message of freestanding signs shall be limited to the name(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon, except that freestanding signs identifying theaters or service stations may also identify the current presentations or fuel prices, as appropriate.
- (2) Projecting signs. Projecting signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface limitations contained in Section 10.400 Area and Height of Signs, provided:
- The building to which a projecting sign is attached shall be twenty (20) feet or more in width.
  - Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than fifty (50) feet to any other projecting sign.



- c. No projecting sign shall be permitted on the same street frontage along which there is a freestanding sign.
  - d. Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten (10) feet, shall project no more than five (5) feet from the building to which they are attached and shall not extend beyond the inner edge of the curb line.
  - e. No projecting sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached.
  - f. [Reserved].
  - g. The message of projecting signs shall be limited to the name(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon.
- (3) Wall signs. Wall signs may be erected and displayed on a zoning lot in compliance with the maximum percentage of facade coverage limitations contained in Section 10.400 Area and Height of Signs, provided:
- a. Posters and paper signs displayed on or through windows are exempt.
  - b. Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds of the distance between the top of a window and the sill of the window above.
  - c. No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.
  - d. No wall sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached. If the building consists of more than two (2) stories, wall signs shall not extend above the third story.
  - e. Wall signs, or portions thereof, placed between window spandrels shall not exceed in height two-thirds of the height of the spandrel.
  - f. Wall signs shall not cover or interrupt major architectural features.
  - g. In industrial zones, wall signs on the side of buildings adjacent to lots zoned residential are permitted only when the building is at least fifty (50) feet from the side lot line of the residential lot.
  - h. Wall signs on the side of buildings in the O-I Zone are not permitted.

**ITEM 8: TEXT AMENDMENT – DEVELOPMENT ORDINANCE – WALL SIGNS (AM2208):** A public hearing has been scheduled to consider an amendment regarding the placement of wall signs on buildings. (Planning Board recommended approval.)

Planning Director Justin Snyder stated this was a request from Alamance Community College requesting to amend the Development Code regarding the placement of wall signs on a building. He stated that currently, the Code prohibits wall signs from extending above the soffit, parapet, or eave line, as appropriate, of the building to which it is attached. If the building consists of more than two (2) stories, wall signs shall not extend above the second story. He stated that in this case, the building had been designed with large expanses of windows, and given its prominent location and its large size, it's being requested this text amendment allow signs to be able to extend up to a third story, but not above. He stated staff believed this was a reasonable request that would not detract from other signage in the City and recommended approval of the request.

Mayor Talley opened the public hearing and the following persons spoke:

Mr. Johnny Butler, Alamance Community College, Office of the President, stated they requested this amendment with regard to the topography of the land and the signage for the Biotechnology Center of Excellence building that would be highly visible from the interstate and would become a landmark for

Graham. He asked for an amendment in order to incorporate signage where it would be more easily viewed from the interstate.

Mr. Rob Harkey, Architect with Clark Nexsen, stated he was a member of the design team and was happy to answer any questions.

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

Motion by Mayor Talley to approve the text amendment and that it was consistent with Graham's 2035 Plan, Strategy 2.3.1 to facilitate focused development, seconded by Council Member Whitaker. The motion passed unanimously.

**Section 10.399 O-I, B-1, B-2, B-3, I-1 and I-2 Districts**

- (c) Generally. No sign shall be erected or displayed in the Office and Institutional District, the Neighborhood, General or Central Business District, the Light Industrial District or the Heavy Industrial District except as allowed under Section 10.393 Exemptions or as provided below for the type of sign and the zoning district in which it is located.
- (d) Multiple uses. Where a zoning lot contains more than one principal use or establishment, the provisions below shall apply to the zoning lot as a whole, and the owners of the zoning lot shall be responsible for allocating permitted signs and display surface areas among the individual uses or establishments. The sign plan submitted for such zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other.
  - (1) Freestanding signs. On-premises freestanding signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface and the maximum height limitations contained in Section 10.400 Area and Height of Signs provided:
    - a. The zoning lot on which a freestanding sign is located shall be accessible by automobile and contain off-street parking for the principal uses(s).
    - b. No sign shall obstruct the vision of motorists at the intersection of right-of-way lines of streets, or streets and railroad, or of streets and driveways. The zoning enforcement officers shall investigate each site before the placement of any sign to ensure proper vision. No sign shall be erected on or protrude onto any public right-of-way.
    - c. Freestanding signs shall be limited to two (2) signs per zoning lot with street frontage of one hundred (100) feet or more, and shall not be located closer than fifty (50) feet to any other freestanding sign on the same premises. On zoning lots adjacent to an Interstate highway, only one (1) freestanding sign up to 300 square feet shall be allowed and must be directed toward the Interstate. (*Amended 4/2/2002*)
    - d. No freestanding sign shall be permitted on the same street frontage along which there is a projecting sign.
    - e. Freestanding signs shall clear driveway and parking areas by a height of at least fourteen (14) feet and shall clear sidewalks and pedestrian paths by a height of at least nine (9) feet.
    - f. The message of freestanding signs shall be limited to the name(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon, except that freestanding signs identifying theaters or service stations may also identify the current presentations or fuel prices, as appropriate.

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- (2) Projecting signs. Projecting signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface limitations contained in Section 10.400 Area and Height of Signs, provided:
- a. The building to which a projecting sign is attached shall be twenty (20) feet or more in width.
  - b. Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than fifty (50) feet to any other projecting sign.
  - c. No projecting sign shall be permitted on the same street frontage along which there is a freestanding sign.
  - d. Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten (10) feet, shall project no more than five (5) feet from the building to which they are attached and shall not extend beyond the inner edge of the curb line.
  - e. No projecting sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached.
  - f. [Reserved].
  - g. The message of projecting signs shall be limited to the name(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon.
- (3) Wall signs. Wall signs may be erected and displayed on a zoning lot in compliance with the maximum percentage of facade coverage limitations contained in Section 10.400 Area and Height of Signs, provided:
- a. Posters and paper signs displayed on or through windows are exempt.
  - b. Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds of the distance between the top of a window and the sill of the window above.
  - c. No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.
  - d. No wall sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached. If the building consists of more than two (2) stories, wall signs shall not extend above the **third** story.
  - e. Wall signs, or portions thereof, placed between window spandrels shall not exceed in height two-thirds of the height of the spandrel.
  - f. Wall signs shall not cover or interrupt major architectural features.
  - g. In industrial zones, wall signs on the side of buildings adjacent to lots zoned residential are permitted only when the building is at least fifty (50) feet from the side lot line of the residential lot.
  - h. Wall signs on the side of buildings in the O-I Zone are not permitted.

### NEW BUSINESS:

**ITEM 9: RECYCLING CONTRACT:** The City's current five-year recycling contract expired on June 30, 2022. City Council will consider options for a new recycling contract.

Public Works Director Burke Robertson stated that the City's recycling contract was set to expire on June 30, 2022. He stated that present tonight were Mr. Seth Heath and Ed Larsey with GFL and Mr. Chris Wilson with Republic who were available to answer questions.

City Manager Garner stated that in the proposed budget was a request for an increase in garbage and recycling but not the full amount of the increase. She stated that while there was a proposed increase in sanitation fees, there was also a proposed increase in the City's subsidy so the full burden would not be on the residents of Graham.

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Mayor Talley asked what the difference would be.

City Manager Garner stated it would be a \$2.00 per month increase for the citizens and an increase to the City's subsidy for the service.

Council discussed the cost comparison between GFL and Republic and after a lengthy discussion, it was determined that going with the low bidder, Republic Waste, would save the City approximately \$200,000 over the course of the five-year contract.

Mr. Seth Heath, General Manager, GFL, stated that costs had significantly increased over the past year. He stated their business had been a good community member, sponsoring local high schools' sports clubs and numerous community events, he asked for the opportunity, even though they were a few cents higher to once again serve the City of Graham. He stated that GFL had given a fair rate and he stood by that rate of \$5.89.

Mr. Chris Wilson, Republic Services, stated that there may have been a misunderstanding that Republic's bid had a fixed 3% CPI for years two and three. The offer they proposed was a \$5.55 rate with the second year being a fixed 3% increase and also for years three, four, and five. He stated this was a significant saving to the town over the competitor's bid.

Mayor Talley asked if the City became dissatisfied with Republic's service, would the City be able to get out of the contract.

Mr. Wilson stated that the contract would be presented to us from the City of Graham and we would look at language for performance guarantee and then include a breach of contract provision.

Motion by Mayor Pro Tem Hall to award the recycling contract to GFL, seconded by Council Member Chin. The motion failed by a vote of 3-2. Mayor Talley, Council Member Whitaker and Parsons voted no.

Motion by Council Member Whitaker to approve a five-year recycling contract with Republic Waste, Option 3, with 3% annual increase for three years with the option to extend the contract for two additional years for a total of five years with a 3% increase, seconded by Council Member Parsons. The motion passed 4-1, Mayor Pro Tem Hall voted no.

<u>Republic Waste</u>	\$361,000
Option 3: \$5.55 per mo. with 3% annual increase	\$371,830 - 2 <sup>nd</sup> year
	\$382,984 - 3 <sup>rd</sup> year
Cost estimates are based on the current cart count and 2021 recycling tonnage with no more than 25% contamination.	\$394,473 - 4 <sup>th</sup> year
	\$406,307 - 5 <sup>th</sup> year
No fuel surcharge	

**ITEM 10: CODE OF ORDINANCE CHANGE – FARMER'S MARKETS:** City Council considered amending the Code of Ordinances, Chapter 8–Businesses, adding language allowing farmer's markets without permanent fixtures to be held on private property.

Planning Director Justin Snyder stated this was a request from staff, with support from First United Methodist Church, to create a text amendment to allow farmer's markets on private property without

permanent fixtures, regardless of zoning status, within certain parameters. He stated that the Planning staff had drafted language in coordination with the Assistant City Manager and the City Attorney. This amendment would allow farmer's markets under the Temporary Outdoor Sales provision of the Code of Ordinances upon issuance of a permit. He stated if markets necessitated street closures, those would require City Council approval.

Mayor Pro Tem Hall asked the Assistant City Manager if there could be a City Farmer's Market.

Assistant City Manager Aaron Holland stated that the City could partner and they would need to get the City Attorney's opinion on how far the City could get involved if a farmer's market was on private property.

Mayor Pro Tem Hall stated that during his conversation with members of the First United Methodist Church they were hoping the City could take over once it got started.

Planning Director Snyder stated that there was interest and conversation with Healthy Alamance and possibly establishing a more permanent farmer's market installation at some point.

Mayor Talley questioned if churches were exempt from certain permitting requirements.

Ms. Fran Bryant, 1904 Meadowview, Graham and Ms. Margaret Skolnik, 1615 Olsen Drive, Elon, both from First United Methodist Church in Graham, asked for the ability to hold a farmer's market on the church property. She stated that the permits Mayor Talley was referring to were for vendors selling beef, and ham that the Health Department would require permitting and it would be up to the vendor to get the required permits. She said that was the practice through Healthy Alamance and they were following their guidelines. Ms. Skolnik stated they were looking to have a Farmer's Market in the parking lot on Wednesdays from 3:00 – 6:00 p.m. beginning on June 1, 2022, through September 2022. She stated that had two goals, one to bring fresh food to downtown Graham and secondly to give small farmer's the opportunity to sell their produce. She stated that this was a pilot program and first-year opportunity and hoped they could get a number of farmers to participate.

Mr. Snyder stated the ordinance would need to change to allow once-a-week sales in lieu of twice per month.

Motion by Mayor Talley to approve the amended Code of Ordinance Chapter 8 Business, to allow Farmers Markets without permanent fixtures to be held on private property and to amend language from twice per month to once a week and Section 1 (3) from twice in any 30-day period to once per week, seconded by Council Member Whitaker. The motion passed unanimously.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING  
CHAPTER 8, Article VIII, Sec. 8-345 to 8-347 OF 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 sections numbered 8-345 to 8-347, which said section(s) shall read as follows:

## ARTICLE VIII. - TEMPORARY OUTDOOR SALES

### Sec. 8-345. - Temporary outdoor sales.

The following restrictions apply to all temporary outdoor sales on private property. These restrictions shall not apply to garage sales, as that term is used and defined in [Article 8-306](#) et seq., Code of Ordinances, City of Graham, which shall hereafter continue to regulate such sales and conduct.

The following restrictions shall not apply to farmers selling goods grown on their own property, nor to approved vendors in association with city-approved and permitted events. All other organizations shall limit their outdoor sales as follows:

- (1) *Permit required.* Any vendor seeking to make use of this article must apply to the city's planning department for a permit and pay the fee for the permit. The issuance of the permit is contingent upon the continuous operation of the liability insurance and any other regulatory requirement, such as health department food service permit for mobile food service.
- (2) *Cleanliness and sanitation.* Vendors must post in a conspicuous place, visible to the public from the service window, all licenses and permits required by any regulator, including but not limited to the health department and department of insurance. Vendors are required to keep a 15-foot buffer free of trash. Vendors may not increase the burden on city sanitation by using the city trash receptacles. Vendors must provide a private means for trash disposal.
- (3) *Hours of operation.* Vendors may not begin their operations before 7:00 a.m. Vendors must complete all operations before 11:00 p.m.
- (4) *Duration.* The property owner shall only allow the use of their property for not more than three days within a seven-day period. A vendor shall be limited to no more than one day within that seven-day period.
- (5) *Permitted zones.* The zoning of the property must allow for the intended use of the vendor in accordance with the City of Graham Development Ordinances (see Section 8-346 for special rules applicable to farmer's markets on private property). Vendors may conduct sales within the public right-of-way in locations directed by city staff only when the city council has approved a temporary street closing for city-approved and permitted events such as a street festival/fair.
- (6) *Location.* Vendors shall not be located within 50 feet from structure of a similar establishment. This restriction shall not apply to the property owner.
- (7) *Sound.* Generator(s) must not run within 200' of a dwelling unit after 9:00 p.m., nor before 8:00 a.m., except as part of a city-sanctioned event. No vendor-supplied music or amplified advertising shall be permitted at any time.
- (8) *Unattended sales.* All vendors must have personnel at the site of temporary sale at all times. The vendor site shall not be left unattended for more than ten minutes.
- (9) *Signage.* Other than any signs painted on the mobile unit (for example on the side of a food truck), only one A-frame sign, not to exceed three square feet per side is permitted.

( [Ord. of 8-7-2018](#), § 1)

### **Sec. 8-346. – Farmer’s Markets on Private Property.**

Farmer’s markets which do not have any permanent structures, and which occur no more frequently than once per week on the same lot or property shall not be considered as an accessory use as defined in the Development Ordinance and shall not be subject to zoning limitations set forth therein. Rather, these uses are temporary uses subject to the rules and regulations of Sections 8-345 and 8-347 of the City Code of Ordinances. As such, farmer’s markets as defined in this Section shall also be subject to the following restrictions:

- 1) Farmer’s markets shall not be located within any public or private rights-of-way, nor shall they impede sight distance at any intersection.
- 2) They shall be permitted to have vendors on site selling handmade or grown crafts, foods, plants, flowers, and other agricultural products; however, they shall not sell or resell household items, narcotics, alcohol, live domesticated animals (dogs, cats, reptiles, etc.) or retail goods sold at a brick and mortar store.
- 3) Markets shall not occur on the same private property more than once per week.
- 4) Tents, shelters, tables, table coverings, tarps, and all items for sale shall be firmly anchored to prevent damage to property or vehicles as a result of weather.
- 5) No permanent structures shall be constructed for private farmer’s markets; however, existing buildings may be utilized for sales.
- 6) Restrooms open to the public during operating hours shall be provided on-site.
- 7) Each booth or table may have one sign to advertise good for sale, and the property on which the market is located may have up to 2 temporary signs up to 24 sq. ft each provided all signage is located outside of the right of way and is securely anchored to the ground or building. All signage shall be removed upon completion of the event, and in no case shall any signage remain in place more than 24 hours following the completion of the event.
- 8) All local permits and inspections required by law shall be obtained and conspicuously displayed throughout the event, and permits shall be produced by a vendor or the event organizer if requested by City, County, or State employees.
- 9) Any requested public street closures shall be subject to City Council approval upon recommendation by the City of Graham Special Events Committee.
- 10) Parking for vendors and patrons shall be on paved surfaces only. No parking of vehicles or trailers shall be permitted on grassed areas. Patrons and vendors may use City parking lots or on-street parking as permitted by local Ordinances.

### **Sec. 8-347. - Violation.**

Each day any violation of this Code or other ordinance shall continue shall constitute a separate offense. The imposition of a penalty under the provisions of this Article shall not prevent the revocation or suspension of any license, franchise or permit issued or granted hereunder. A violation of this article is declared a nuisance



to the public and may be summarily abated by the chief of police in addition to the imposition of a fine or imprisonment. Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provisions of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.

( [Ord. of 8-7-2018](#), § 1; [Ord. of 12-14-2021](#) )

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**Sec. 2.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law

Adopted this the 10<sup>th</sup> day of May 2022.

Motion by Mayor Pro Tem Hall to request a ten-minute recess, seconded by Council Member Whitaker. The motion passed unanimously. (8:11 p.m.)

Mayor Talley called the meeting back to order. (8:22 p.m.)

### **FY 2022-2023 BUDGET PRESENTATION:**

City Manager Garner stated that before Council tonight was the Manager's recommended budget for fiscal year beginning July 1, 2022, and ending June 30, 2023. Ms. Garner stated that she would go over some of the highlights as indicated in the budget books provided to Council. She stated if Council had any questions between now and next week's scheduled special meeting to discuss the budget, she would be glad to answer those as well as after the budget workshop.

Ms. Garner stated that the budget was balanced by each fund and that Council had already adopted the Utility Fund (31) on April 25, 2022. She stated before Council tonight was the General Fund (10) was balanced at \$16,732,925 and the Garage Fund (40) balanced at \$1,064,500.

Once Council had finalized the budget document, the budget ordinance for the Utility Fund (31) as adopted by Council, would be amended to include the aforementioned funds.

Within this document are sections that detail revenue, department budget history, the employee pay plan, fee schedule, and capital improvement requests. The goal was to convey to Council and the public the City's responsibility to provide important services to the citizens of Graham in the most efficient manner possible.

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While this was labeled as the Manager's recommended budget, this document was the culmination of diligent work by our department heads. They each submitted fiscally sound and responsible budget requests. She extended sincere appreciation for their hard work and dedication to the City.

The recommended budget was an effort to meet the Governing Body's idea of what they would like to see City government achieve in the following fiscal year. This budget exemplifies a tremendous amount of consideration and review in allowing us to meet our obligations while remaining fiscally strong. The proposed budget included increases to the overall appropriation and provides the same level of service to our citizens. As has been the practice within the City, the proposed budget once again illustrates how we are able to do more with less.

Below are some of the foundations on which this budget has been built.

Both revenues and expenditures have been conservatively estimated with a realistic expectation of what we intend to collect.

- The Federal Government approved the American Rescue Plan Act (ARPA), which provided direct funding to local governments. The total allocation to Graham, delivered in two tranches, was slightly under \$5 million. To date, none of the funds has been expended and staff would present Council with a list of suggested projects for consideration.
- Because the City Council recognizes the need to avoid any undue burden on the taxpayers of Graham, the property tax rate remained unchanged at \$0.455 per \$100 valuation.
- Proposing a \$2.00 increase for garbage and recycling. The combined rate was \$8.50 per month per unit and that was proposed to go to \$10.50. Ms. Garner said while this was an increase for citizens it was also an increase in the City's subsidy of the program.

### ***Changes for FY2022-2023***

#### ***Employee Benefits & Department Changes:***

This month, employees began open enrollment to begin the transition to the North Carolina Health Insurance Pool (NCHIP). This allowed the City to become self-insured without having to build a large reserve prior to implementation. Effective July 1, 2022, our current coverage with MedCost through the NC League of

Municipalities will be replaced with NCHIP. Through this process, the City was able to make changes to the plan. Employees would see both the deductible and maximum out-of-pocket reduced by \$1,000 and \$2,000 respectively. Diagnostic imaging services were added as a co-pay of \$150 rather than being counted towards the deductible, and three free physician visits were added. The goal was to be able to reinvest any potential claims savings into the plan in the years to come. One significant advantage to this plan was that the annual increase was capped at 5%. In reviewing our increases for the last three fiscal years, the City averaged a 13.7% increase annually.

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Although the consumer price index as of January 2022, was 7.5% due to the extreme inflation the economy had experienced within the last year, the proposed cost of living adjustment (COLA) is 4% and would begin in the first full pay period of the new fiscal year.

Additionally, the North Carolina Local Government Retirement System contribution would have a mandatory increase of 12.10% from 11.4% in the upcoming fiscal year for both Local Firefighter's Class and Local General Class employees. The rate for law enforcement officers increased to 13.10%.

The proposed budget included a restructuring of the Fire Department. The current captain position would be reassigned from a 40-hour employee to a working shift captain and would be joined by two additional shift captains. This restructuring would allow for a dedicated supervisor on each shift and the restructuring would not occur until January 2023.

The current budget proposal does not include any reduction of services to the citizens of Graham. All departmental functions would continue to operate as they exist currently. We would continuously review programs and services to ensure the appropriate level of service and the most efficient use of taxpayer dollars.

There were no interfund transfers included in this request and there were no appropriations requested for the cemeteries' perpetual care funds. There were proposed changes to the Fee Schedule which are highlighted in red.

Expenditures for public safety, which was largely Police and Fire, are expected to exceed all of the ad valorem property tax levies, whereas, in recent years, ad valorem property tax typically funded public safety in its entirety for the upcoming year. Therefore, there would be a larger subsidy from other funding sources.

Funding for street resurfacing was proposed to increase for the ninth consecutive year by \$35,000.

The budget book would be available in its entirety for any members of the public located on the website and in the office of the City Clerk.

The budget public hearing was scheduled for June 14, 2022, at 6:00 p.m., and a budget workshop was scheduled for May 17, 2022, at 10:00 a.m.

Mayor Talley asked that before the budget workshop if the Manager could present a revenue analysis as to how much the new property tax assessment would increase revenue. She suggested contacting Jeremy Atkins with Alamance County. Mr. Tom Boney, Alamance News shared that the re-evaluation was scheduled for next Spring of 2023 and the tax rates for the County would be effective in July of the next fiscal year.

City Manager Garner stated that if that was the appropriate timeline, then next fiscal year the City would be required in the budget message to publish what the revenue-neutral rate would be. This may be a little early for Mr. Atkins to have any solid guess at what the value may be.

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Mayor Talley stated that her greatest concern was the bid opening at \$74 million to re-build a new waste-water treatment plant. She stated that last year that cost was \$30 million and now it is over \$70 million.

Mayor Pro Tem Hall asked if there were monies allotted to upgrade the computer system.

Mr. Garner stated that within Finance's capital budget, there was funding for the inventory module that was still on a DOS-based system. She stated that within the Governing bodies' budget, \$5,000 had been earmarked for a farmers' market.

**PUBLIC COMMENT PERIOD:**

Curtis Gatewood, 2512 Nottaway Terrace, Burlington, spoke in reference to an incident, at the Pines Apartments involving a Graham Police Department employee.

Kristopher Loy, 514 E Harden Street, Graham, spoke in reference to an incident, at the Pines Apartments involving a Graham Police Department employee.

Janet Nesbitt, 225 W. Harden Street, Graham, spoke in reference to an incident, at the Pines Apartments involving a Graham Police Department employee.

Avery Haney, 314 Rend Street, Graham, spoke in reference to an incident, at the Pines Apartments involving a Graham Police Department employee.

Jason Hicks, 703 Rockspring Road, High Point, spoke in reference to an incident, at the Pines Apartments involving a Graham Police Department employee.

Amanda Perry, W. Gilbreath Street, Graham, spoke in reference to an incident, at the Pines Apartments involving a Graham Police Department employee.

Sharrie McCain, 329 Henry Steel Drive, Gibsonville, spoke in reference to an incident, at the Pines Apartments involving a Graham Police Department employee.

**CITY STAFF COMMENTS:**

Assistant City Manager Holland stated that he needed a consensus from Council to amend the Canvassing Ordinance. Council consensus was to allow the amendment and bring back to Council for consideration at its next meeting.

**CITY COUNCIL COMMENTS:**

Council Member Chin asked to discuss the City's Downtown Master Plan and the possibility of a re-write. He stated there were several aspects of the plan that he disagreed with because of how it affected downtown.

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Mayor Talley stated she agreed and asked to possibly meet before a Council meeting to discuss and go through items Council would like to change.

Mayor Talley asked if there had been any response in regards to volunteer firemen working paid shifts.

City Attorney Ward stated that he contacted the Department of Labor and they advised they would try to respond but he had not heard back.

Mayor Talley shared the following events:

- Youth Fishing Event
- Family Day at the Lake
- Slice of Summer
- Movies in the Park
- Concert series for both Musical Chairs and Maverick Radio
- Thursday's at Seven – Beach music and R&B series
- Law Enforcement Memorial Service – May 19<sup>th</sup> – 6:00 p.m.

### CLOSED SESSION:

Mayor Pro Tem Hall motioned to go into closed session pursuant to G.S. 143-318.11(a)(6), seconded by Council Member Chin. Motion passed unanimously. (9:15 p.m.)

Mayor Talley motioned to come back into open session, seconded by Council Member Whitaker. Motion passed unanimously. (11:32 p.m.)

Mayor Talley stated that pursuant to G.S. 143-318.11(a)(6) Council went into a closed session to discuss the City Manager. She stated that a performance review was given and would become a part of her personnel file. She stated that they further discussed the Manager's contract and agreed that she had successfully completed her probationary period.

Mayor Pro Tem Hall motioned that City Manager Garner had successfully completed her probationary period in accordance with her contract, seconded by Council Member Chin. The motion passed unanimously.

Mayor Talley stated that Council had a lot of confidence in City Manager Garner and they had discussed with her Council's expectations and further stated she had done a great job. She stated that Ms. Garner had come to the City facing a new Council, new employees, and challenges she has had to manage.

### ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. Motion passed unanimously. (11:38pm)

Renee M. Ward  
Interim City Clerk

# City of Graham City Council

## Special Meeting

### Budget Workshop Meeting Summary

#### May 17, 2022



The City Council of the City of Graham held a Budget Workshop at 10:00 a.m. on May 17, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

Megan Garner, City Manager  
 Aaron Holland, Assistant City Manager  
 Renee Ward, Interim City Clerk

#### CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order at 10:05 a.m. and presided.

#### FY 2022-2023 PROPOSED BUDGET DISCUSSION

City Manager Garner shared that the job titles and assignments had not changed in the proposed pay plan. The plan only reflected the pay increase passed by Council on February 23, 2022, as well as the proposed cost of living adjustment. Ms. Garner said a pay study of all departments was in the process and the Personnel Policy Manual rewrite was also in the works. Ms. Garner said that a new position for a Water Quality Tech, at a pay grade of 16, would be added to the pay plan and that this position's salary and benefits would be shared 50/50 between the City of Graham and the City of Mebane.

#### 2022-2023 RATES AND FEE PROPOSED SCHEDULE:

Josh Johnson, Alley, Williams, Carmen and King, Inc., Engineering Consultant, reviewed changes to the proposed fee schedule. He shared that the development fees were revised to remove engineering and review fees to a new section titled, Engineering, Construction Plan Review, and Inspection Fees. The new fees would cover engineering costs that were previously not reimbursed by the developer or were partially covered in the planning fees. The proposed engineering fees are associated with the size of the project, type of work, and actual review and inspections provided. These proposed fees are less than other communities in Alamance County.

Council reviewed the proposed **Development Fees** and it was Council consensus to make the following changes:

Conditional Rezoning Request – changed from \$400 to \$300  
 Special Use Permit – changed from \$400 to \$300  
 Variance Request – changed from \$500 to \$300

Council consensus was to remove the following proposed fees:

Zoning Permit Review - \$10  
 Certificate of Appropriateness (major or minor) - \$10  
 Sign Permit Review - \$25  
 Zoning Verification Letter - \$50  
 Appeals to Board of Adjustment - \$500  
 Citizen-initiated FLU Map Change or Text Amendment - \$500

All other fees remained.

Council then reviewed the new proposed **Engineering, Construction Plan Review, and Inspection Fees** section and suggested removing the following statement; *“When the City deems that plan reviews and construction oversight are beyond what it considers to be routine, the City has at its discretion to charge additional fees to cover expenses and are to be paid these additional expenses prior to acceptance of new construction or occupancy being permitted.”* Council also asked to revise the following statement: *“Non-routine or excessive inspections will be charged **\$100/hour per person after the second inspection, re-inspection, holidays or weekends**, with inspections that require multiple people present to be charged at multiples of this rate.”*

Council continued reviewing the proposed fee schedule and made the following changes:

#### **Miscellaneous Fees:**

Print Copy (11X17) - \$1.50 per page  
 Print Copy (18X24) - \$5.00 per page  
 Print Copy (34X44) - \$10.00 per page  
 Faulty Burglar Alarms (Sec. 2222(c) - \$50.00 after 2 faulty alarms during 2 calendar months  
 Faulty Fire Alarms (Sec. 2-246(d) - \$50.00 after 2 faulty alarms during 2 consecutive months

#### **Sewer Rates:**

Unmetered Sewer Charge (per month) - \$46.56  
 Outside User Sewer Surcharge (per month) - \$19.80

Finance Officer Julianne Cordon will review and make suggested revisions as these two figures were not revised when the water and sewer budget and rates were adopted in April.

All other fees remained.

#### **EXPENDITURES:**

The Council commenced reviewing Expenditures by the departments to get clarification and justification of each department's increase in expenses.



### **Sanitation:**

Council questioned the two fee bites when a citizen called the City to have brush and other items picked up. Mayor Talley suggested one free bite and a charge for additional bites (scoops).

Council recessed for lunch at 12:30 p.m.

Council resumed the Budget Workshop at 1:00 p.m.

### **Inspections/Planning:**

Council asked about the items included that justified the large increase for these departments. City Manager Garner shared that the large items were salaries, new software, vehicle replacement, and the cost of the UDO update which would cost approximately \$250,000-\$260,00. Council Member Chin asked if we needed two planners. Council consensus was there was not a need for two planners.

### **Transportation:**

Mayor Talley asked to include the parking lot behind Family Dollar, Marshall and Elm, for resurfacing and what that cost would be. She suggested using American Rescue Plan Act (ARPA) monies for the software that would track fuel usage.

### **Fire Department:**

Council discussed at length staffing requests for the fire department. Chief Tommy Cole reviewed the need for supervision on each A, B, and C Shift. He expressed the need for adequate personnel at all times in order to meet the needs of all service calls, which they currently did not have. He expressed difficulty in getting each shift staffed adequately with either part-time or volunteers. He shared that the Fire Department had applied for a SAFER Grant requesting six firefighters and would hear back at the end of May or the first of June if awarded. Council discussed using volunteers to fill and supervise shifts if allowed by the Fair Labor Standards Act.

Council confirmed that staff intended to put the Satellite Fire Station on hold until construction costs begin to decline.

Council took a 10-minute recess.

### **Downtown:**

Council inquired about what was included in the \$143,200 total budget. City Manager Garner shared that included in that cost were salary, telephone/travel, supplies, dues and subscriptions, downtown programming, etc. Council Member Chin said that we have a downtown that was thriving and questioned whether there was a need for that position. Council discussed the need to continue the façade and beautification grants and asked if the Historic Resources Commission (HRC) would market for businesses to apply. Council mentioned the Main Street Program and possibly not funding it. Mayor Talley asked for a line item to be earmarked for the cost of plaques to be placed on historic buildings in accordance with Council action on March 8, 2022.

### **Engineer Cost:**

Mayor Talley said that engineering costs to the City each year averaged a million dollars. She asked was there something that the City could do to reduce that cost, such as hiring its own engineer, possibly on a part-time basis, for site plan reviews and inspections. She said that the City would continue using Alley, Williams, Carmen, and King for all other engineering services.

Council said that eliminating the Downtown Corporation Coordinator and a Planning position would allow the City to hire an in-house engineer.

Council asked if they needed to vote on the elimination of those two positions. City Manager Garner said for the sake of transparency, a vote should not be taken, but for all Council Members to come to a consensus and direct staff so that appropriate revisions could be made.

Council consensus was to not fund a planning position and the Downtown Corporation Coordinator.

### **City Manager:**

City Manager Garner shared that revenues had been strong and had exceeded projections. She shared that included in the proposed budget was a 4% cost of living adjustment (COLA).

Mayor Talley asked the Manager if there were any other needs the Council needed to consider. Ms. Garner shared that Sanitation could benefit from a superintendent position and noted that this division had been underfunded for years. She shared that in regards to an Engineer position, she would need to determine what a job description would look like, what services would the in-house engineer would be responsible for, and the process of putting out a request for qualifications (RFQ).

### **Council Additional Requests:**

Mayor Talley asked for the following items to be considered:

- Downtown Wi-Fi – Mayor Talley will speak with Alamance County for shared funding.
- \$10,000 to be earmarked for the Arts Around the Square event.
- Create a discretionary fund for employees who need assistance with health insurance deductibles.
- Fund repairs to the lake ramp.

Mayor Pro Tem Hall inquired about the City starting its own farmer's market.

### **Adjournment:**

The meeting adjourned at 6:10 p.m.

Renee M. Ward  
Interim City Clerk

# City of Graham City Council

## Special Meeting

### Budget Workshop Meeting Summary

#### June 2, 2022



The City Council of the City of Graham held a Budget Workshop at 6:00 p.m. on June 2, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

Megan Garner, City Manager  
 Aaron Holland, Assistant City Manager  
 Julianne Cordon, Finance Director  
 Renee Ward, Interim City Clerk, *absent*

#### CALL TO ORDER:

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

#### FY 2022-2023 PROPOSED BUDGET DISCUSSION

Mayor Talley shared that Council would like to consider reducing the water and wastewater system development fees and was waiting for the Engineer to get a revised fee scale reducing those fees by 25%. Mayor Talley also expressed interest in the amount of revenue that could potentially be generated by the newly revised water system development fees.

Mayor Talley said that if Council was not able to adopt a revised water system development fee schedule that it would be okay to adopt the existing fee schedule on June 14, 2022, and then prepare a budget amendment with the new reduced fees.

City Manager Garner shared that when the Engineer presented the fees, it was described as the ceiling which was the max you could charge. She said that if Council had a consensus on reducing the water development fees and if so, by what percentage and staff could revise those fees and push them out to the public. Ms. Garner stated that there would be a separate public hearing in June to establish the value of the water system and would be considered separately from the budget.

Mayor Pro Tem Hall suggested reducing the water system development fees by 25% and all Council Members agreed.

Assistant City Manager Aaron Holland said that using the current fiscal year development and the existing water and sewer fees, they would generate approximately \$887,376. Based on the new proposed fee, without the 25% reduction and based on current development it would generate approximately \$4.2 million. If Council reduces the fees by 25%, revenue would be approximately \$3.1 million.

Mayor Talley asked if the proposed fees were consistent and in line with our neighboring cities. Mayor Talley expressed that she did not want to change the fee schedule that would discourage development but wanted it to be fair to small and large developers.

Assistant City Manager Holland shared that Graham's development fees were lower than the neighboring cities including the water system development fees. Mayor Talley asked that we include Mebane and Burlington fees for comparison.

Council discussed the mandated upgrades needed to the water system and its cost of \$74 million and the need to get grants to help with the cost.

Mayor Talley shared that she had a conversation with a company at the North Caroling League of Municipalities (NCLM) conference that takes over utility systems for cities. She expressed having a member from that company come out and access the City's system. She shared that they had more knowledge than any member of the Council and any of our employees and that they had specialized knowledge about how to handle a \$74 million expenditure.

Mayor Talley said that this was the largest expenditure that Graham had ever had in its history and that she did not have the knowledge to implement this upgrade and would like to have a consultant who was highly specialized to access the value of the infrastructure and how new development should be assessed to connect to that infrastructure.

Assistant City Manager Holland said that Engineer Josh Johnson had done an analysis of the City's water system and the Council would be getting that information to consider at the June meeting. He said Council would know the value of our system and that Hazen and Sawyer was the company Graham was using to get us through this large upgrade. He shared that this was what their engineering firm was built around which were projects of this type.

Mayor Talley suggested contacting this company she met at the NCLM conference and have them do a free analysis. She said she did not mind paying them to do an analysis and that while we are not interested in selling our water and sewer system, we would be interested in a consulting fee for someone to come and advise how to come up with \$74 million for this project.

Council Member Chin said that there were two things, one was the fee structure and the other was how do we handle the \$74 million funding requirement, and that these were separate items. He said other than the water and sewer system fee, everything else had been adjusted given the Council recommendations. He suggested setting the fee schedule in place and then following up by bringing in an outside consultant about how best to finance a \$74 million construction project.

Assistant City Manager Holland said that it would not hurt to have another consultant come and give us an expert opinion.

City Manager Garner asked if the Council consensus was to reduce water and sewer development fee by 25%. Council consensus was to reduce by 25% and Mayor Talley asked for 50% reduction as well for additional options to consider.

Council continued reviewing individual department budgets.

Council Member Chin said that the Downtown Development budget should now be zero.

City Manager Garner asked if Council wanted to fund the two grant programs; \$15,000 for façade and \$15,000 for Business Beautification that were included in the Downtown Development budget and that these funds could be moved to non-departmental. Council agreed.

Mayor Talley asked that the Historic Commission members be made aware of the \$4,500 earmarked for plaques to be placed on historical buildings.

Mayor Talley asked that the façade and business beautification grants be advertised for downtown businesses to apply.

Mayor Talley suggested earmarking funds for the businesses that would not be able to finish their projects by the beginning of the next fiscal year.

Council Member Whitaker asked if \$8,500 was for the Main Street program.

City Manager Garner said it was.

Council Member Whitaker asked if Council was going to put that much money into Main Street.

Assistant City Manager Holland said that in order to participate in the Main Street program, one of the requirements was to have a staff person dedicated to 40 hours per week, and without Ms. Faucette to use as that person, the City would not have anyone. He shared that you could not split up the duties among multiple staff members.

Council Member Whitaker said it seemed like an expense that should not be there.

Council Member Chin said it should be zero.

Council Member Parsons said that the Main Street program was a good program and once you got certified it would pay for itself with grants and certain things that the City was not eligible to get at this point.

Mayor Talley said she was open to hiring someone that specialized in the main street program or a consultant-type person.

Council Member Chin said the downtown was growing and given what we are facing budget-wise we should not be thinking about funding a \$143,000 department and down the road when we can do more downtown that might warrant hiring someone we would look at it then. He said that we need to focus on taking care of all of Graham and not just downtown. He said we had a lot of property that was vacant and did not need to be paying someone whose sole focus was downtown.

Mayor Talley said that three years ago, Council discussed why this position was just for downtown and questioned why are we not hiring a position that would deal with the whole city for economic development.

The discussion was that the Chamber's job was economic development for Graham so why hire our own economic developer. She said that the previous Council was willing to invest \$60,000 in a position that was expected to be bringing in grants enough to justify the \$60,000 expense.

Assistant City Manager Holland said that the Council at that time had a vision for that position to serve in a heavy recruitment role. He shared the value in that position was public information officer duties, communication, and marketing duties with the opportunities for the need to recruit.

Mayor Talley said that some cities had 40 hours a week person and their downtowns are not successful, clearly by their own definition, and Graham's downtown was successful and we do not have anyone working 40 hours a week on it. She shared that it was frustrating that Graham would be kicked out of the DAC program automatically. She said that she asked at a previous budget meeting what businesses had been recruited here through this position and it was zero. She said that over the past three years, there had not been any business of substance that had been recruited and that was a concern with Council and herself.

Assistant City Manager Holland said that it was a standard of the Main Street program to have a 40-hour-a-week person.

Council Member Whitaker asked if the position could be left in the budget for now and then come back to it later.

Council Member Chin said that Council should zero out this department because our downtown was growing and if you leave something in place, it is an incentive for somebody to slip something in.

Mayor Talley said that the budget had gone from \$60,000 to \$127,000 in three years. Council Member Parsons said that \$30,000 of that was for grants.

Council Member Parsons asked what percentage of Graham was downtown.

Mayor Talley said 2%. Council Member Parson said that we had 95% of Graham that was not represented.

Mayor Talley asked if staff would reach out to Main Street to determine the benefits of this program and were there actual grants that the City could get to justify coming back in. She suggested a consultant that was knowledgeable that could make it a money maker and not a cost to the City.

Council Member Chin said that we needed to hire someone that would develop all of Graham.

Council continued to ask for clarifications on the proposed budgeting for each department.

Mayor Talley inquired about the County collecting Graham's taxes versus Graham.

Assistant City Manager Holland said that it was explored about ten years ago and that it was not worth going with the County. Finance Director Cordon said that our collection rate was better than the County.

Mayor Talley said that Council would be interested in knowing what it would cost for the County to collect Graham's taxes.

Council Member Parsons asked about implementing safety protocols for the Council Chamber and City Hall in general. He said that he spoke to Captain Flood about the use of security wands and implementing safety protocols. He said the first thing was to replace the side exit door.

City Manager Garner said that the NC League of Municipalities offers a free risk assessment and would make recommendations in conjunction with our police department.

City Manager Garner suggested \$5,000 be placed in facilities for Council Chamber safety improvements.

Mayor Talley asked about items that were cut from the Police Department's budget.

City Manager Garner said that the overall allocation from the current year's budget to next year's request was an increase of \$1.8 million, and there were areas that were reduced. She said that she had spoken to Police Chief Cole and she said that the department could work within the total budget that was being proposed.

Mayor Talley asked the Finance Director about creating a spreadsheet showing what was budgeted last year, the current budget with percentage difference, and the Manager's recommended new budget.

City Manager Garner said that the Finance Director had prepared the year-to-date budget reports for March and April that showed the budgeted amount, the amount spent, and the percentage of the amount different.

It was discussed that the two Fire Captain positions would not be filled until January 2023, and depending on being awarded the SAFER grant.

Mayor Talley said that depending on how many positions we would be awarded through the grant; these positions could be eliminated.

City Manager Garner said that we do not know what it will look like if we are awarded zero, two, or six and until we have that notification we are not proposing to do anything.

Mayor Talley asked what the Manager's thought process was if the City was awarded two positions.

City Manager Garner said that it is important to have someone in a command role dedicated to a shift. She said that it would provide accountability.

Council Member Parsons said that the Captains positions were imperative and then fill in the other positions with shift volunteers and for the record, he was in favor of hiring those positions and the part-time and volunteers be given a fair chance to apply for those positions.

City Manager Garner said that there would be a qualified pool among the members of the fire department in whatever capacity they serve.

Council Member Chin said that for Inspections/Planning it was recommended to drop the Planning Director and the funding for the UDO which would reduce the budget by \$368,722.

City Manager Garner said that based on the last Council work session, there was one position elimination proposed for that department, and with going to one planner it would be difficult to go through a UDO rewrite



and the future land use plan. She said that she would suggest to Council delaying those projects with a potential restructuring in the department.

Mayor Talley discussed the possibility of hiring an engineer dedicated to TRC reviews, etc. She said that she did not want to see items going to the Planning Board and then coming to the Council that could not be built and that such items should never get to that level of consideration. She said that an engineer should be reviewing plans before it goes to the Planning board.

Mayor Talley said that she talked with our current engineering firm to have a dedicated person with set hours come to the City and work on projects. She asked if the City should hire a full-time engineer or pay an outside firm to supply a part-time engineer. She said that having a skilled engineer would raise the quality of services we provide through the planning department.

City Manager Garner said that at the last budget work session there was mention of an engineer and staff evaluated a full-time staff engineer at approximately \$100,000 with salary and benefits. She said our current City Engineer was willing to provide dedicated office hours to the City of Graham and that the City would benefit from that and would give staff time to figure out what that position would like before we are committed to a full-time person.

City Manager Garner asked Council for a consensus on removing the UDO and Future Land Use rewrite.

Council agreed.

Mayor Talley asked if there was money in the budget to update the Comprehensive Plan.

Assistant City Manager Holland said when you make changes to a specific area, it would affect other areas. To put a dollar amount for a refresh would be difficult when Council was wanting to change a specific area. He will check into the cost of an update.

Council discussed the new sanitation department superintendent position at a pay grade of 19. Council consensus was to create the new position at a salary of \$70,000 or less.

Mayor Talley discussed being dependent on others and that the budget for contracted services had gone from \$85,000 to \$400,000 in one year because of recycling. She asked if staff could come up with a better system for collecting recyclables.

Mayor Talley suggested the boat dock ramp be repaired or replaced.

Mayor Talley suggested spending \$10,000 to bring Arts Around the Square back. City Manager Garner asked if staff could evaluate the cost, and determine when it could be implemented, then bring it back to Council for consideration for a budget amendment. Council agreed.

Mayor Talley suggested pontoon tours and the rental of boats to be marketed by the Recreation Department. City Manager Garner said that the department had budgeted for marketing and updating materials under miscellaneous expenses. She said that we would need to check with our insurance carrier to allow public boat tours or rental of boats.

Mayor Talley suggested pressure washing the sidewalks in the downtown district and staining the sidewalks after paving and re-stamping crosswalks.

City Manager Garner said that after all the changes have been as suggested by Council a new summary would be sent out.

Mayor Talley shared that she had discussions with the County about a potential shared medical facility as a health benefit for employees and dependents. She said that she did not know the cost but would like to possibly consider it for this year's budget. Ms. Garner said that once those numbers are available Council could always consider a budget amendment if it is approved.

**ADJOURN:**

The meeting adjourned at 9:13 p.m.

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Renee M. Ward  
Interim City Clerk

# City of Graham

## City Council Meeting Minutes

### June 14, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on June 14, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

Megan Garner, City Manager  
 Aaron Holland, Assistant City Manager  
 Bryan Coleman, City Attorney  
 Bob Ward, City Attorney  
 Renee Ward, Interim City Clerk

#### CALL TO ORDER:

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

#### INVOCATION & PLEDGE OF ALLEGIANCE

Josh Gresham, Trailhead Church, gave the invocation and all stood for the Pledge of Allegiance.

#### RECOGNITION:

Jackson Benes – Council recognized Mr. Benes for receiving the Congressional Award Bronze Certificate, which is Congress's highest award for youth.

#### CONSENT AGENDA:

- a. To approve the following City Council Meeting Minutes:
  - May 10, 2022 – Council Meeting
  - May 10, 2022 – Closed Session
  - May 17, 2022 – Budget Workshop
- b. To adopt a resolution authorizing the intent to exchange City-owned property (wooden mantles), between the City of Graham and Preservation Burlington.

### **RESOLUTION AUTHORIZING THE EXCHANGE OF PERSONAL PROPERTY BETWEEN THE CITY OF GRAHAM AND PRESERVATION BURLINGTON**

**WHEREAS**, pursuant to North Carolina General Statute NCGS 160A-271, the Graham City Council states its intention to consider authorizing the exchange of certain City-owned property for certain property currently owned by Preservation Burlington; and

**WHEREAS**, North Carolina General Statute NCGS 160A-271 grants the Graham City Council the authority to exchange any real or personal property belonging to the city for other real or personal property by private negotiation if the city receives a full and fair consideration in exchange for its property. Property shall be

exchanged only pursuant to a resolution authorizing the exchange adopted at the next regular meeting of the City Council upon 10 days public notice; and

**WHEREAS**, the City of Graham owns one wooden mantle used in the Graham Historical Museum as a display, purchased for \$150 in 2018; and

**WHEREAS**, Preservation Burlington owns a mantle attributed to the Frances Ann Holt Williamson and John Lea Williamson House that once stood at the current site of Graham City Hall with a current retail value of \$1,500; and

**WHEREAS**, Preservation Burlington and the City of Graham have expressed a desire to exchange and state that said exchange is for full and fair consideration.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City of Graham City Council authorizes by resolution the exchange of one wooden mantle used in the Historical Museum as a display for a mantle from the Frances Ann Holt Williamson and John Lea Williamson House owned by Preservation Burlington.

**Adopted on this the 14<sup>th</sup> day of June 2022.**

- c. To award a bid in the amount of \$74,653,000, to Crowder Construction Company contingent upon the award of additional CWSRF loans in the amount of \$30,000.000.
- d. To approve a Project Budget Ordinance, in the amount of \$200,000, for the proposed Truby Drive Street Improvements and to set a date of a public hearing for July 12, 2022, to consider an agreement with Truby Drive Industrial 1 LLC (formerly A. L. Neyer) for the street improvement project.

### **CAPITAL PROJECT ORDINANCE TRUBY DRIVE STREET 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 Truby Drive 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	\$200,000
<b>TOTAL</b>	\$200,000

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

Construction	\$200,000
<b>TOTAL</b>	\$200,000

**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.

- e. To approve closing the 100 block of East and West Elm Streets from 3:00 p.m. to 10:30 p.m., and closure of North and South Main Streets from 4:00 p.m. to 10:30 p.m. on October 28, 2022, for the Annual Pumpkin Bash.
- f. To approve the following tax releases in the amount of \$15.93.

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE RELEASES				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
660779	2021	R & R PROPERTIES OF ELON LLC	BUSINESS SOLD OCTOBER 2020	\$15.93

- g. To approve the following Fiscal Year 2021-2022 Budget Amendment Ordinance:

**CITY OF GRAHAM  
BUDGET AMENDMENT ORDINANCE  
2021-2022**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT  
THE 2021 - 2022 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

<b>Section 1.</b>					
<b>GENERAL FUND</b>					
DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
City Council	53,900.00	293,900.00	240,000.00		
Administrative	580,100.00	540,100.00		40,000.00	
Downtown Development	127,200.00	122,200.00		5,000.00	
Information Technologies	269,700.00	273,200.00	3,500.00		
Finance	342,300.00	370,300.00	28,000.00		
Public Building & Ground	123,700.00	116,200.00		7,500.00	
Police Department	4,617,000.00	4,837,000.00	220,000.00		
Fire Department	1,770,100.00	1,827,100.00	57,000.00		
Inspections	581,300.00	599,100.00	17,800.00		
Traffic Engineering	91,000.00	28,000.00		63,000.00	
Garage Warehouse	110,400.00	112,200.00	1,800.00		
Street Department	1,630,200.00	1,513,200.00		117,000.00	
Street Lights	110,000.00	100,000.00		10,000.00	
Sanitation	1,234,400.00	1,278,900.00	44,500.00		
Recreation	904,600.00	816,300.00		88,300.00	
Graham-Mebane Lake	186,600.00	186,600.00			
Athletic Facilities	400,500.00	405,700.00	5,200.00		
Property Maintenance	817,300.00	821,800.00	14,500.00	10,000.00	
Non-Departmental	820,200.00	850,700.00	30,500.00		
	<b>14,770,500.00</b>	<b>15,092,500.00</b>	<b>662,800.00</b>	<b>340,800.00</b>	<b>322,000.00</b>
<b>Section 2.</b>					
<b>GENERAL FUND</b>					
<b>REVENUES</b>					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Local Sales Tax	4,042,700.00	3,720,700.00		322,000.00	
	<b>4,042,700.00</b>	<b>3,720,700.00</b>	<b>-</b>	<b>322,000.00</b>	<b>(322,000.00)</b>
<b>Section 3.</b>					
<b>WATER &amp; WASTEWATER</b>					
<b>EXPENDITURES</b>					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Water Billing	613,100.00	620,300.00	7,200.00		
W&S Distribution	2,050,800.00	1,471,200.00		579,600.00	
Maintenance & Lift Stations	292,200.00	267,200.00		25,000.00	
Water Treatment Plant	2,032,500.00	2,368,000.00	335,500.00		
Wastewater Treatment plant	1,622,100.00	1,884,000.00	261,900.00		
Non-Departmental	2,383,000.00	2,383,000.00			
	<b>8,993,700.00</b>	<b>8,993,700.00</b>	<b>604,600.00</b>	<b>604,600.00</b>	<b>-</b>

<b>Section 5</b>					
<b>GARAGE FUND</b>					
<b>EXPENDITURES</b>	<b>APPROVED</b>	<b>AMENDED</b>	<b>INCREASE</b>	<b>(DECREASE)</b>	<b>INCREASE (DECREASE)</b>
Garage	911,400.00	1,061,400.00	150,000.00		
	<u>911,400.00</u>	<u>1,061,400.00</u>	<u>150,000.00</u>		<u>150,000.00</u>
<b>Section 6</b>					
<b>GARAGE FUND</b>					
<b>REVENUES</b>	<b>APPROVED</b>	<b>AMENDED</b>	<b>INCREASE</b>	<b>(DECREASE)</b>	<b>INCREASE (DECREASE)</b>
Alamance County Fuel	185,300.00	125,300.00		60,000.00	
City of Graham Fuel	224,300.00	134,300.00		90,000.00	
	<u>409,600.00</u>	<u>259,600.00</u>	-	<u>150,000.00</u>	<u>(150,000.00)</u>
<b>Section 7</b>					
<b>CAPITAL PROJECTS AND</b>					
<b>OTHER SPECIAL FUNDS</b>					
<b>REVENUES AND EXPENDITURES</b>	<b>APPROVED</b>	<b>AMENDED</b>	<b>INCREASE</b>	<b>(DECREASE)</b>	<b>NET INCREASE (DECREASE)</b>
State Drug Funds	100.00	6,000.00	5,900.00		
Federal Drug Funds	100.00	96,800.00	96,700.00		
Capital Reserve Fund	-	732,500.00	732,500.00		
Old Fields Outfall	2,955,000.00	2,955,000.00			
WWTP Upgrade	3,815,000.00	3,815,000.00			
	<u>6,770,200.00</u>	<u>7,605,300.00</u>	<u>835,100.00</u>	-	<u>835,100.00</u>

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Chin. The motion passed unanimously.

## **PUBLIC HEARINGS:**

**ITEM 1: REZONING – 206 E ELM AND 105 N MARSHALL (CR2201)** - A public hearing had been scheduled to consider an application by Chad Huffine on behalf of Square Miler Holdings, LLC, to rezone approximately 0.65 acres at 206 E. Elm Street and 105 N. Marshall Street, from B-1, (Central Business) and B-2, (General Business) to C-R, (Conditional Residential) to construct townhomes and C-B (Conditional Business) to construct a live-work building. **(Planning Board recommended approval.)**

Mayor Talley asked to be recused due to a conflict of interest.

Motion by Mayor Pro Tem Hall, seconded by Council Member Chin, to recuse Mayor Talley from this item. The motion passed unanimously.

Assistant City Manager Aaron Holland stated this was a request by Chad Huffine on behalf of Square Miler Holdings, LLC, to rezone approximately 0.65 acres at 206 E. Elm Street and 105 N. Marshall Street from B-1 (Central Business) and B-2 (General Business) to C-R (Conditional Residential) to construct townhomes and C-B (Conditional Business) to construct a live-work building. He stated they were seeking to construct three townhome buildings and a fourth mixed-use building with upper-story residential and first-floor commercial of 2000 square feet. The plan provided 24 on-site spaces for 26 total bedrooms in 13 residential units. He stated that staff recommended approval and this request was heard by the Planning Board at its May 17, 2022, meeting and recommended adding a condition that the developer add a convex mirror and signage at the Elm Street exit warning motorists of pedestrian crosswalks.

Mr. Chad Huffine, The LEADS Group, stated he was the civil engineer for the project and the property was currently single-family residential use on about 0.65 acres. He stated the proposal asks for three townhome

Buildings; four units in one building, five units in another, and two units in the third building with mixed-use of live-above, work-below that would front Elm Street.

Council Member Whitaker suggested setting a time limit of three minutes for anyone wishing to speak.

Council agreed.

The public hearing was opened and there were no comments.

Motion by Council Member Whitaker to close the public hearing, seconded by Council Member Chin. The motion passed unanimously.

Motion by Council Member Chin to approve the rezoning due to this action being reasonable and in the public interest and supported policies 4.3.1, 5.1.2, and 5.2.1 of Graham's 2035 Plan to allow for efficient connection to City services, flexibility in home ownership, and diverse housing stock and with the additional conditions per the Planning Board of signage and crosswalks, seconded by Mayor Pro Tem Hall. The motion passed unanimously. (Mayor Talley was recused from consideration of this item.)

Motion by Mayor Pro Tem Hall to allow Mayor Talley to re-join the Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

## **ITEM 2: VOLUNTARY CONTIGUOUS ANNEXATION – 3.87 ACRES – JIMMIE KERR ROAD**

**(AN2203)**: A public hearing had been scheduled to consider a voluntary contiguous annexation to extend the corporate limits of the City of Graham, NC, for a 3.87-acre tract of land located on Jimmie Kerr Road.

Assistant City Manager Holland stated the request was to extend the corporate limits in the area located on Jimmie Kerr Road across from the new Alamance Community College building currently under construction and contained approximately 3.87 acres total. Water and sewer are located adjacent to this property within the Jimmie Kerr Road right-of-way, and the applicants wished to tie onto the City's infrastructure. Commercial property generally creates positive tax revenue for the City, and because the public services were already available to the site and trash was handled commercially, the cost to the City would be minimal.

The public hearing was opened and the following spoke:

Mr. Chad Huffine, 505 East Davis Street, stated he was the civil engineer for the project and this was a proposed use and currently zoned properly, and was requesting connection to the City's facilities.

Motion by Council Member Chin to close the public hearing, seconded by Council Member Parsons. The motion passed unanimously.

Motion by Mayor Pro Tem Hall to approve the annexation extending the corporate limits for 3.87 acres on Jimmie Kerr Road and being consistent with Graham's 2035 Comprehensive Plan and G.S. 160A-31, seconded by Council Member Parsons. The motion passed unanimously.



**ANNEXATION ORDINANCE  
TO EXTEND THE CORPORATE  
LIMITS OF THE  
CITY OF GRAHAM, NORTH CAROLINA  
FOR A 3.87-ACRE TRACT OF LAND ON JIMMIE KERR ROAD**

**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 14, 2022, after due notice by publication on May 26 and June 2, 2022; and

**WHEREAS**, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31.

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

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of June 14, 2022:

**Legal Description GPIN#: 8894531201 and 8894520912**

Those certain tracts or parcels of land located in Haw River Township, Alamance County, North Carolina, adjoining Jimmie Kerr Road (SR 1928) and being more particularly described as follows:

BEGINNING AT AN EXISTING IRON PIPE, THENCE WITH THE RIGHT OF WAY OF JIMMIE KERR ROAD, A BEARING OF N 35°25'41" E, A DISTANCE OF 82.05' TO AN EXISTING IRON PIPE, THENCE N 35°10'40" E, A DISTANCE OF 156.38' TO A RIGHT OF WAY CAP, THENCE S 54°01'03" E, A DISTANCE OF 30.29' TO A RIGHT OF EAY CAP, THENCE N 35°49'02" E, A DISTANCE OF 61.78' TO AN EXISTING IRON PIPE, THENCE N 35°54'51"E, A DISTANCE OF 321.64' TO AN EXISTING IRON PIPE, THENCE LEAVING SAID RIGHT OF WAY, A BEARING OF S 09°12'56" E, A DISTANCE OF 109.94' TO AN EXISTING IRON PIPE, THENCE S 23°42'17" E, A DISTANCE OF 140.34' TO AN EXISTING PIPE, THENCE S 46°07'51" E, A DISTANCE OF 18.56' TO AN EXISTING IRON PIPE, THENCE S 35°47'43" W, A DISTANCE OF 170.70' TO AN EXISTING IRON PIPE, THENCE S 54°03'57" E, A DISTANCE OF 152.64' TO AN EXISTING IRON PIPE, THENCE S 35°54'49" W, A DISTANCE OF 299.97' TO AN EXISTING IRON PIPE, THENCE N 54°05'15" W, A DISTANCE OF 397.73' TO AN EXISTING IRON PIPE BEING THE POINT AND PLACE OF BEGINNING, CONTAINING 3.87 AC.± ( 0.00605 SQ. MILES). THE ABOVE DESCRIPTION WAS TAKEN FROM A SURVEY COMPLETED BY CAROLINA CORNERSTONE SURVEYING, DATED 03/25/22, JOB# 220305, TITLED "CORPORATE LIMITS EXTENSION, CITY OF GRAHAM."

**Section 2.** Upon and after June 14, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A- 58.10.

**Section 3.** The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

**Adopted this, the 14<sup>th</sup> day of June 2022.**

### **ITEM 3: AMENDMENT – DEVELOPMENT ORDINANCE – ARTS AND CRAFT STUDIOS**

**(AM2206):** A public hearing had been scheduled to consider a text amendment to the Development Ordinance to include arts and craft studios’ standards in the Table of Permitted Uses. (Planning Board recommended approval.)

Assistant City Manager Holland stated that a member of the City Council had proposed the language below to create standards for arts and crafts studios with a new definition and revisions to the Permitted Uses Table. Staff had worked with the City attorney to remove and revise the text to avoid potential inconsistencies in the uses listed, and staff had added a note to the Permitted Uses Table to prevent some of the more intensive artisanal uses involving smoke, fumes, and heat from creating issues in the downtown district. He stated the Planning Board recommended approval and added one change; to define “significant” and add the word “significant” after the word “no” in section 10.136.25 a, b, c, and h.

The public hearing was opened and there were no comments.

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

Motion by Mayor Pro Tem Hall to approve the text amendment and that this action was reasonable and in the public interest because it allowed for the expansion of new types of businesses Downtown and it does further Graham 2035 Plan strategy 2.2.1: Job Development to Support Business Recruitment Efforts, seconded by Council Member Parson. The motion passed unanimously.

**25. Arts and Crafts Studio** – The following performances standards and definition shall apply in order to retain a character consistent with the character of the downtown:

*“Significant” in terms of this Section shall be defined as “having or likely to have influence or effect.”*

a. *Dust, dirt, fly ash or other air pollutants.* There shall be no *significant* emission of dust, dirt, fly ash, gases, fumes, vapors or other air pollutants into the atmosphere that could cause damage to the public health, or to animals, vegetation, or other forms of property.

b. *Electrical interference.* There shall be no *significant* electrical disturbances affecting the operation of any equipment other than that of the creator of such disturbances.

c. *Heat and glare.* There shall be no *significant* heat or glare perceptible to human senses at the property line of any use creating heat or glare.

d. *Landscaping.* See landscaping requirements on File in the office of the City clerk and inspection department.

e. *Enclosure.* All processing, assembly, and fabrication shall be located within an enclosed building, and shall be subject to fire and building codes.

f. *Liquid or solid waste.* There shall be no discharge of any liquid or solid waste into any stream except as authorized by the State of North Carolina.

g. *Noise.* The sound-pressure level of sound radiated from an establishment, measured at the lot line, shall not exceed the values in any octave band of frequency that are specified in the table below. The sound-pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American Standards Association.

<i>Frequency Band</i> <i>(cycles per second)</i>	<i>Decibels</i>
20- 75	69
75- 150	57
150- 300	52
300- 600	46
600- 1200	42
1200- 2400	37
2400- 4800	33
4800- 10,000	30

h. *Odor.* There shall be no significant objectionable odors perceptible to the human senses at or beyond the property line of any use that may create odors.

i. *Radioactivity.* There shall be no radioactive emission that would be dangerous to health.

j. *Smoke.* There shall be no emission into the atmosphere of smoke from any operation of a shade darker than Number one on the Ringelmann Smoke Chart as published by the United States Bureau of Mines, except that smoke of a shade not darker than No.3 on said chart may be emitted for not more than 2 minutes in any thirty-minute period.

k. *Traffic.* There shall be no industrial vehicular traffic on any minor residential street.

l. *Vibration.* There shall be no vibration perceptible to human senses at the property line of any use that may create vibration.

#### **ITEM 4: AMENDMENT - DEVELOPMENT ORDINANCE - ARTICLE X - FLAGS & BANNERS**

**(AM2207):** A public hearing had been scheduled to consider a text amendment to the Development Ordinance to revise the flags and feathered flags and banners standards. (Planning Board recommended approval.)

Assistant City Manager Holland stated a member of City Council had proposed language to create revised standards for flags (public and private), feathered advertising flags, and banners. Staff and the City attorney have worked the proposed language into each applicable section. These amendments would allow, under certain circumstances, feathered advertising flags and banners to assist our business community, while

offering standards for maintenance and upkeep to prevent excessive cluttering, dangerous, or unsightly situations. He stated that Staff and the Planning Board recommended approval.

The public hearing was opened and there were no comments.

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

Mayor Talley asked that under section (6) *Private flags, public flags, feather flags, and banners. a. Location, number 1; to add to allow signage if the business owner has a temporary encroachment within the public right-of-way.*

Motion by Mayor Pro Tem Hall to approve the amendment due to this action being reasonable and in the public interest and this action was reasonable because it allowed expansion of new types of businesses Downtown and it does further Graham's 2035 Plan strategy 2.2.1: Job Development and with the amendment by Mayor Talley, seconded by Council Member Chin. The motion passed unanimously.

## ARTICLE X. SIGNS

### Section 10.390 Definitions

For the purposes of this article, the following definitions shall apply:

*Feather banner:* A lightweight portable temporary advertising medium, mounted on a pole that resembles a feather shape.

*Feather flag:* A lightweight portable temporary advertising medium, mounted on a pole that resembles a sail.

*Flag (private):* Any fabric or other flexible material that is attached or designed to be attached to a pole or similar device, which represents or symbolizes a business, organization or group.

*Flag (public):* A flag displaying the name, insignia, emblem, or logo of any official nation, state or municipality recognized by the federal government of the United States of America.

*Sign:* Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or a product, which are visible from any public way and used to attract attention.

*Sign, dilapidated:* An existing sign shall be considered dilapidated when it shows signs of being in disrepair, broken down, shabby or neglected, when it fails to be in the same form as originally constructed, or when it fails to perform its intended function of conveying a message. Conditions of dilapidation shall include, but not be limited to:

- (1) Structural pole or support failure.
- (2) Signs not being held vertically or as originally constructed.
- (3) Borders falling off or already removed.
- (4) Panels missing or falling off.
- (5) Message falling off or in disrepair such that it cannot be interpreted by the motoring public.
- (6) Signs which are overgrown by trees or other vegetation.

*Signs, freestanding, adjacent to interstate highway:* As used in this section, shall be defined as a sign located on the property that is located within five hundred (500) feet of the right-of-way of an interstate highway and contiguous with an interstate highway or a state-numbered highway which interchanges with an interstate highway. *Amended by City council 4/2/2002.*

*Signs, freestanding on-premises:* As used in this section, shall be defined as a sign advertising a service, product, or offering which utilizes the property for the business and purpose advertised.

*Sign, wall:* A sign attached to or painted on a wall of a building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a facade window.

*(Section 10.390 amended 1/6/2009)*

### **Section 10.391          Intent**

It is the intent of this section to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings, appropriate to the type and intensity of activity to which they pertain, expressive of the identity of individual properties or occupants or products or of the community as a whole, legible in the circumstances in which they are seen and appropriate to traffic safety.

### **Section 10.392          Scope generally**

Unless specifically exempted, no sign visible from a public right-of-way, whether exterior to or interior to a structure, shall be erected, displayed, or substantially altered except in accordance with the provisions of this article and until a permit has been issued by the building inspector.

### **Section 10.393          Exemptions**

The following signs are exempt from regulation and permit requirements under this article, provided such signs comply with the provisions of Section 10.397 General Limitations and Section 10.399:

- (1) Signs bearing only property identification numbers and names, post office box numbers of occupants of the premises or other identification of premises not of a commercial nature, provided such signs are not illuminated and do not exceed two (2) signs per zoning lot or two (2) square feet in area per display surface.
- (2) Flags and insignia of a government, when not displayed in connection with a commercial promotion.
- (3) Legal notices; bankruptcy, estate, and legal sale signs, and traffic directional or regulatory signs erected by or on behalf of a governmental body
- (4) Memorial signs or tablets and names and construction dates of buildings when cut into any masonry surface.
- (5) Signs directing and guiding traffic and parking on private property, provided such signs are non-illuminated or indirectly illuminated, bear no advertising matter, and do not exceed four (4) square feet in area per display surface.
- (6) Real estate signs advertising the sale, rental, or lease of the premises on which said signs are located,

provided such signs do not exceed one sign per street frontage or one sign per four hundred (400) feet of street frontage, or six (6) square feet in area per display surface, and are removed immediately after sale, rental or lease of the premises.

- (7) Construction site identification signs whose message is limited to identification of architects, engineers, contractors, and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date, provided such signs do not exceed one sign per construction site or thirty-two (32) square feet in area per display surface, are not erected prior to issuance of a building permit and are removed within seven (7) days of issuance of a certificate of occupancy. Construction signs in residential zones shall not be illuminated or reflectorized.
- (8) Temporary political yard signs advertising candidates or issues, provided such signs do not exceed one sign per candidate per zoning lot or sixteen (16) square feet in area per display surface, are not erected prior to forty-five (45) days before the actual election day and are removed within seven (7) days after the election.
- (9) Yard or garage sale signs announcing yard or garage sales, provided such signs do not exceed one sign per site of such sale or four (4) square feet in area per display surface, and are removed within seven (7) days of erection.
- (10) Public event announcements by public or nonprofit organizations of special events or activities of interest to the general public, provided such signs do not exceed one sign per site of such events or activities and twelve (12) square feet in area per display surface, and are removed within fourteen (14) days of erection.
- (11) Temporary signs announcing grand openings of new businesses only, provided such signs do not exceed thirty-two (32) square feet of display area per business site, and are removed within thirty (30) days after they are erected. Such signs shall not be electrified.
- (12) Signs erected by the City or other governmental agencies, such as street signs, public service signs and historical markers, which contain no commercial advertising matter.
- (13) Churches shall be permitted two (2) freestanding signs per zoning lot. Each sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height. All other regulations of this article shall apply.
- (14) Temporary signs identifying businesses or business events provided such signs are:
  - (a) Located on the business lot.
  - (b) Not to exceed sixteen (16) square feet in area per display surface.
  - (c) Not to exceed more than one (1) sign per street frontage or one (1) per one-hundred (100) feet of road frontage not to exceed (2) signs per street frontage.
  - (d) Not located less than one-hundred (100) feet from another temporary sign on same frontage.
  - (e) To be located outside of the right-of-way of any public street.

(f) Not located on residentially zoned lots.

(g) Erected not to exceed thirty (30) days in a ninety (90) day period per business.

(15) Signs that are not visible from a public way.

(16) Holiday decorations in season.

*(Section 10.393 amended 5/6/2008, 1/6/2009)*

**Section 10.394          Reserved**  
*(Section 10.394 deleted 11/5/2013)*

**Section 10.395          Permit generally**

- a. Applications for permits under this article shall be submitted on forms in the building inspector's office. Each application shall be accompanied by plans, which shall:
  - (1) Indicate the proposed site by identifying the property by ownership, location and use.
  - (2) Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines and existing signs.
  - (3) Show (drawing to scale) size, character, complete structural specifications and methods of anchoring and support.
- b. If conditions warrant, the building inspector may present the plans to the planning board for their approval. He may also require such additional information as will enable a determination that such sign can or cannot be erected in conformance with this article.
- c. A fee shall be charged to erect a sign. The amount of the fee shall be fixed from time to time by the City council and shall be kept on file in the office of City clerk.

**Section 10.396          Traffic safety precautions**

Notwithstanding any other provision in this chapter, the following restrictions shall apply to signs in order to preserve the safety of pedestrian, bicycle and vehicular movements:

- (1) No sign shall make use of the words "stop," "slow," "caution," "danger" or any other word, phrase, symbol or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs.
- (2) No sign shall be erected so that by its location, color, nature or message it is likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.
- (3) Except as used to display time and temperature, no sign shall contain flashing lights.
- (4) In all districts except the B-1 Business District, no fence, wall, shrubbery or other obstructions to vision between the heights of three (3) feet and sixteen (16) feet shall be permitted within twenty (20) feet of the intersections of the right-of-way lines of streets or of streets and railroads.



## **Section 10.397            General limitations**

- a. Except where specifically exempted by this chapter, all signs, including the supports, frames and embellishments thereto, shall not be located within any public right-of-way, nor shall any sign be attached, affixed or painted on any utility pole, light standard, telephone or telegraph pole, any tree, rock or other natural object.
- b. No sign shall obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building, structure or lot.
- c. No sign shall have more than two (2) display surfaces.
- d. Illuminated signs may have either an exterior or interior source of illumination. Exterior illumination, where the source of illumination is provided by such devices as spotlights or floodlights, shall be placed so that it is not directly visible from any residential district, or from adjacent properties. Internal illumination means that the source of illumination is from within the sign itself. Neon tube illumination shall be prohibited except as internal illumination. All wiring, grounding, etc., for illuminated signs shall meet the requirements of the National Electrical Code.
- e. Animated, rotating, flashing or other moving or apparently moving signs must display a static message for a minimum of twenty (20) seconds.
- f. Devices consisting of banners, streamers, pennants, windblown propellers, strung light bulbs and similar installations shall be prohibited, except with the written permission of the City manager.
- g. Mobile or portable signs (including A and T-shaped signs) shall be prohibited except for the uses specified in paragraphs (10), (11) and (14) of Section 10.393 Exemptions.
- h. All signs shall be maintained in a state of good repair. No sign shall be continued which becomes structurally unsafe or endangers the safety of the public or property. When evidence of an unsafe sign is brought to the attention of the inspector, he shall order that such sign be made safe or be removed. A period of forty-eight (48) hours following receipt of the notice by the person owning or using the sign shall be used for compliance.
- i. No sign shall be erected on the roof of any building.
- j. No dilapidated sign may be ordered to be moved unless the condition continues to exist after thirty (30) days from the date the building inspector gives notice to the sign owner. Notice shall be complete upon the posting of such determination affixed to the affected sign. In addition, the building inspector shall, on the same date, mail a copy of such determination by certified mail, return receipt requested, to the person, firm, or corporation, if any, who listed the sign for ad valorem taxes. This requirement shall be satisfied upon mailing. If the sign has not been listed for ad valorem taxes for the preceding or current year of such determination, no notice shall be required to be mailed.

*(Section 10.397 amended 1/6/2009, 6/1/2010)*

## **Section 10.398            Residential districts**

No sign shall be erected or displayed in any residential district except as allowed under Section 10.393 Exemptions or as provided below:

- (1) Development identification signs containing the name only of a subdivision, multifamily development or planned development, provided such signs are limited to two freestanding signs at public points of access to the development, ten (10) square feet in area per display surface and a maximum height of six (6) feet.
- (2) Home occupation signs identifying a home occupation, provided such signs are not illuminated and are limited to one wall or one freestanding sign per lot and a maximum display surface area of three-square feet.
- (3) Nonresidential signs identifying nonresidential uses permitted as a principal or special use in residential districts, provided such signs are limited to one freestanding or wall sign per zoning lot and eighteen (18) square feet in area per display surface. Where a freestanding sign is used, there must be a setback of at least twenty (20) feet from the right-of-way.

**Section 10.399            O-I, B-1, B-2, B-3, I-1 and I-2 districts**

- (a) Generally. No sign shall be erected or displayed in the Office and Institutional District, the Neighborhood, General or Central Business District, the Light Industrial District or the Heavy Industrial District except as allowed under Section 10.393 Exemptions or as provided below for the type of sign and the zoning district in which it is located.
- (b) Multiple uses. Where a zoning lot contains more than one principal use or establishment, the provisions below shall apply to the zoning lot as a whole, and the owners of the zoning lot shall be responsible for allocating permitted signs and display surface areas among the individual uses or establishments. The sign plan submitted for such zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other.
- (1) Freestanding signs. On-premises freestanding signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface and the maximum height limitations contained in Section 10.400 Area and Height of Signs provided:
  - a. The zoning lot on which a freestanding sign is located shall be accessible by automobile and contain off-street parking for the principal uses(s).
  - b. No sign shall obstruct the vision of motorists at the intersection of right-of-way lines of streets, or streets and railroad, or of streets and driveways. The zoning enforcement officer shall investigate each site before the placement of any sign to ensure proper vision. No sign shall be erected on or protrude onto any public right-of-way.
  - c. Freestanding signs shall be limited to two (2) signs per zoning lot with street frontage of one hundred (100) feet or more, and shall not be located closer than fifty (50) feet to any other freestanding sign on the same premises. On zoning lots adjacent to an Interstate highway, only one (1) freestanding sign up to 300 square feet shall be allowed and must be directed toward the Interstate. (*Amended 4/2/2002*)
  - d. No freestanding sign shall be permitted on the same street frontage along which there is a projecting sign.
  - e. Freestanding signs shall clear driveway and parking areas by a height of at least fourteen

(14) feet and shall clear sidewalks and pedestrian paths by a height of at least nine (9) feet.

- f. The message of freestanding signs shall be limited to the name(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon, except that freestanding signs identifying theaters or service stations may also identify the current presentations or fuel prices, as appropriate.
- (2) Projecting signs. Projecting signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface limitations contained in Section 10.400 Area and Height of Signs, provided:
- a. The building to which a projecting sign is attached shall be twenty (20) feet or more in width.
  - b. Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than fifty (50) feet to any other projecting sign.
  - c. No projecting sign shall be permitted on the same street frontage along which there is a freestanding sign.
  - d. Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten (10) feet, shall project no more than five (5) feet from the building to which they are attached and shall not extend beyond the inner edge of the curb line.
  - e. No projecting sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached.
  - f. [Reserved].
  - g. The message of projecting signs shall be limited to the name(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon.
- (3) Wall signs. Wall signs may be erected and displayed on a zoning lot in compliance with the maximum percentage of facade coverage limitations contained in Section 10.400 Area and Height of Signs, provided:
- a. Posters and paper signs displayed on or through windows are exempt.
  - b. Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds of the distance between the top of a window and the sill of the window above.
  - c. No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.
  - d. No wall sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached. If the building consists of more than two (2) stories, wall signs shall not extend above the second story.
  - e. Wall signs, or portions thereof, placed between window spandrels shall not exceed in height two-thirds of the height of the spandrel.

- f. Wall signs shall not cover or interrupt major architectural features.
- g. In industrial zones, wall signs on the side of buildings adjacent to lots zoned residential are permitted only when the building is at least fifty (50) feet from the side lot line of the residential lot.
- h. Wall signs on the side of buildings in the O-I Zone are not permitted.

(4) Marquee or awning signs.

- a. Signs hung below a marquee or awning shall conform in size and appearance to existing signs under the same marquee or awning. Where there are no such existing signs under a marquee or awning, signs being hung under them shall meet the height and area requirements contained in Section 10.400 Area and Height of Signs.
- b. Marquee and awning signs shall not be illuminated.
- c. Signs below a marquee or awning shall not be less than nine (9) feet above the ground or sidewalk.

(5) Outdoor advertising signs.

- a. Outdoor advertising signs are permitted only in the Light and Heavy Industrial Districts. In the General Business District, outdoor advertising signs are permitted only on property adjacent to Interstate 85, and such signs shall be directed toward traffic on Interstate 85.
- b. No outdoor advertising sign shall be permitted closer than one hundred (100) feet to a lot zoned for residential purposes.
- c. No sign shall be placed or constructed within one thousand (1,000) linear feet of another sign on the same side of the road.
- d. Only one outdoor advertising sign shall be allowed for each two hundred (200) feet of lot frontage in single ownership.
- e. Outdoor advertising signs attached to a building structure shall not be higher than the wall to which they are attached. Outdoor advertising signs shall not be mounted on the rooftop of any building.
- f. Outdoor advertising signs may be illuminated, provided such illumination is placed and shielded so as to prevent the direct rays of illumination from being cast upon neighboring lots and/or vehicles approaching on a public way from any direction.
- g. Outdoor advertising signs shall not be permitted within a five hundred (500) foot radius of the intersecting centerline within an interchange on a limited access highway.
- h. In the industrial districts a fifty-foot setback from street rights-of-way is required, with the exception of property along Interstate 85.
- i. Any sign with a changeable or movable face, electronic or otherwise, shall display a static

message for a minimum of twenty (20) seconds, and shall have a dimmer system installed so as to automatically adjust the brightness based upon ambient light conditions.

- k. Any nonconforming sign that is damaged or destroyed by a sudden act of God may be replaced to its original condition pursuant to the Code and may not be enlarged. The reconstruction or repairs must be completed within sixty (60) days of the sudden natural occurrence, which caused the damage or destruction.
- l. Sign company must acquire notarized signature of land owner or land owner must sign permit.

(6) Private flags, public flags, feather flags, and banners.

a. Location.

- 1. Feather flags or banners shall be located only on non-residentially zoned properties. They are allowed anywhere on a parcel, but they shall not be located within a public right of way, unless the business owner has a temporary encroachment within the public right-of-way, nor shall they be located in any fashion that would obstruct pedestrian access, vehicular access, safety, or visibility. Any flags or banners determined to be in violation of this subsection shall be removed by the property owner within seven days of receipt of a Notice of Violation. If not removed within seven days, the City shall remove the flags and store them at City Hall for a period not to exceed 30 days. After this time, they shall be disposed of if not claimed by the owners. Any person aggrieved by a decision of the Zoning Enforcement Officer shall be entitled to appeal said decision to the Board of Adjustment within 30 days of receipt of a written Notice of Violation.
- 2. Flags of any type located on a non-residential building shall be located so that the minimum clearance distance is nine feet from the bottom of the flag to the sidewalk or roadway. Flags of any type shall not be installed flat or flush against a wall or on any roof of a structure.

b. Size.

- 1. Feather flags shall be no greater than 12 feet in height and no greater than four feet in width.
- 2. Feather banners shall be no greater than 12 feet in height and no greater than 2.5 feet in width.
- 3. Private flags shall be no greater than 15 square feet in area and shall be no taller than 20 feet total in height when mounted to a flagpole.
- 4. Public flags shall be no larger than 50 square feet in area and shall be no taller than 30 feet in total height when mounted to a flagpole.

c. Number allowed.

- 1. Businesses and other private organizations may be allowed one feather flag or banner, or two private flags per parcel. If more than one business or organization is located on a single parcel of land, the total number of feather flags or banners or private flags permitted shall not exceed two per parcel. No more than four public flags shall be permitted on any individual parcel unless otherwise approved by the City Council.

d. Illumination.

1. Feather flags or banners and private flags shall not be illuminated. This shall not apply to public flags, which may be either uplit or downlit, provided the light shines directly on the public flags and does not create nuisance glare to pedestrians or motorists.
2. No electric, battery-powered, or motor-powered device shall be allowed for any advertising device.

e. Advertising message.

1. Feather flags or banners and private flags may have an advertising message or logo of the business for which the sign is intended.
2. No political content shall be allowed on any flag, as this is governed by the political sign regulations in 10.393.

f. Materials.

1. Feather flags or banners and flags shall be of nylon, fabric, canvas, or plastic material.

g. Installation.

1. Feather flags or banners and flags shall be installed to ensure safety measures. Business owners will be responsible for ensuring that flags will not create an unsafe environment during high winds. Should flags appear to be dangerous or should they dislodge by wind, they shall be immediately taken indoors or they will be disposed of by the City.
2. Flags of any type shall be tied down or mounted securely.

h. Time-limited Signs

1. Grand opening signs shall be removed after 30 days.
2. Feather flags shall be removed and stored indoors before close of business each day.
3. Feather flags or banners shall not be permanent fixtures on any property and shall be taken down after a 30-day period. They may be replaced after being absent on the property for 30 consecutive days.

i. Maintenance and Replacement.

1. Flags, feather flags or banners, and other similar items intended for temporary use shall be maintained so as to prevent deterioration. Should any portion of the flag or feathered flag or banner become faded, frayed, torn, or otherwise deteriorated, it shall immediately be removed.
2. Damaged or destroyed flags or feather flags or banners may be replaced only in compliance with the provisions of this Ordinance.

j. Exemption.

1. The standards in this Ordinance shall not apply to the flag of the United States of America.

(d) Prohibited Signs: In addition to signage prohibited in Article X of the *City of Graham Development Ordinances*, the following signs shall be prohibited in the Overlay District:

- (1) Animated sign, nor moving or flashing signs, including changeable copy signs, except for ones that display exclusively time, date, and/or temperature.

- (2) Portable signs, unless exempt by Section 10.393 Exemptions.
- (3) Projecting or suspended signs from building or structure.
- (4) Inflatable signs or tethered balloons.
- (5) Backlit monument signage is not permitted except in knockout backlit signs.
- (6) Beacons.
- (7) Roof signs.
- (8) Flags used as promotional devices of any type, including but not limited to the promotion of goods, services, business establishments, events, etc., except that feather banners, private flags, and feather flags may be displayed subject to the requirements of Section 10.399 during the operating hours of the business establishment and shall be removed and stored indoors before close of business each day.
- (9) Posters.
- (10) Outdoor advertising signs shall be permitted only on properties in the Overlay District adjacent to Interstate 85-40. Such signs shall be directed toward traffic on Interstate 85-40.  
(Section 10.442 amended 1/6/2009)

#### **Section 10.443        Trees**

All issues involving trees in the South Main Street Overlay District shall conform to Article VII of the *City of Graham Development Ordinances*.

#### **Section 10.444        Access Management and Parking Areas**

##### **(a) Standards**

- (1) Joint driveways are permitted and recommended. Property owners who wish to share driveways should record a driveway maintenance agreement between them.
- (b) Walls Signs: The maximum total area of all allowable wall signs shall be equal to no more than ten percent (10%) of the area of the wall of which such sign is a part or to which each such sign is attached.
- (c) Signs shall be located such that there is at every street intersection a clear line of sight, and all signs shall be located outside of the right-of-way of any public street.
- (d) Prohibited Signs: In addition to signage prohibited in Article X of the *City of Graham Development Ordinances*, the following signs shall be prohibited in the Overlay District:
  - (1) Animated sign, nor moving or flashing signs, including changeable copy signs, except for ones that display exclusively time, date, and/or temperature.



- (2) Portable signs, unless exempt by Section 10.393 Exemptions.
- (3) Projecting or suspended signs from building or structure.
- (4) Inflatable signs or tethered balloons.
- (5) Backlit monument signage is not permitted except in knockout backlit signs.
- (6) Beacons.
- (7) Roof signs.
- (8) Flags used as promotional devices of any type, including but not limited to the promotion of goods, services, business establishments, events, etc., except that feather banners, private flags, and feather flags may be displayed subject to the requirements of Section 10.399 during the operating hours of the business establishment and shall be removed and stored indoors before close of business each day.
- (9)(8) Posters.
- (10)(9) Outdoor Advertising Signs shall be permitted only on properties in the Overlay District adjacent to Interstate 85-40. Such signs shall be directed toward traffic on Interstate 85-40.  
(Section 10.467 amended 1/6/2009)

#### **Section 10.468        Trees**

All issues involving trees in the East Harden Street Overlay District shall conform to Article VII of the *City of Graham Development Ordinances*.

#### **Section 10.469        Access Management and Parking Areas**

##### **(a) Standards**

- (1) Joint driveways are permitted and recommended. Property owners who wish to share driveways should record a driveway maintenance agreement between them.

#### **ITEM 5: ADOPTION - WATER AND WASTEWATER SYSTEM DEVELOPMENT FEE**

**ANALYSIS:** A public hearing had been scheduled to consider adopting the City of Graham's Water and Wastewater System Development Fee Analysis.

Assistant City Manager Holland stated in June of 2017, the General Assembly adopted HB-436, entitled "An Act to Provide for Uniform Authority to Implement System Development Fees for Public Water and Sewer Systems in North Carolina and to clarify the Applicable Statute of Limitations". This action amended Chapter 162A of the North Carolina General Statutes and enables local governments to assess a System Development Fee on new development within their territorial limits. He stated as indicated in a letter from Alley, Williams, Carmen and King (AWCK), prepared a written analysis which was made available for public review and comment at City Hall and on the City's website. The City had met the mandatory 45-day review period and no additional comment or feedback had been received at this time. He stated the fiscal

impact was actual revenue from System Development Fees and would vary from year to year. The actual levy of system development fees could be found in the 2022-2023 Budget Ordinance adopted following a study, public comment period, and public hearing. He stated that staff recommended approval and our engineer Josh Johnson, with AWCK, was present to answer any questions.

Mr. Josh Johnson, City Engineer, AWCK, stated that the system development fees were fees that would be paid upfront, a one-time fee for every connection to the water or wastewater system. He stated that state law changed five years ago and detailed specifically how to calculate what the payment could be based upon the value of the water and wastewater systems. He said that it basically put a dollar of every gallon of capacity inside the water and wastewater systems. Mr. Johnson stated that the funding for this could be used for growth projects and was a separate fee from the water or sewer rate and was not what the users pay, it is paid when the water meter is installed.

The public hearing was opened and there were no comments.

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

Motion by Council Member Whitaker to adopt the System Development Fees for Water and Wastewater Improvements Analysis, seconded by Council Member Parsons. The motion passed unanimously.

### **RESOLUTION ADOPTING SYSTEM DEVELOPMENT FEES FOR WATER AND WASTEWATER IMPROVEMENTS**

**A resolution of the City Council of the City of Graham, North Carolina, System Development Fees for Water and Wastewater Improvements that are attributable to new development within the City's jurisdictional limits; Providing for System Development Fee Collection and Accounting for Fee Revenue; Providing for the appropriation of System Development Fee Revenue; Providing for Recurring Review and Update of System Development Fee; Providing for System Development Fee Waivers; Providing for Severability; and Declaring an Effective Date.**

**WHEREAS**, North Carolina Session Law 2017-138 (the "Public Water and Sewer System Development Fee Act") states that to impose water and sewer System Development Fees the City Council may, after commissioning preparation of written analysis, receive public comment on said analysis for a period of not less than 45 calendar days, and holding one (1) public hearing regarding said analysis, adopt a System Development Fee schedule and incorporate it into the City's fee schedule; and

**WHEREAS**, Alley, Williams, Carmen & King, Inc. prepared for the City a professional engineering report (the "Water and Wastewater System Development Fee Analysis") on the implementation of System Development Fees attributable to new development within the City's jurisdictional limits; and

**WHEREAS**, the City Council finds and determines the City has complied with the requirements of the Public Water and Sewer System Development Fee Act for publishing the written System Development Fee Analysis prior to holding any public hearing; and

**WHEREAS**, pursuant to the Public Water and Sewer System Development Fee Act the City Clerk of the City of Graham timely published on June 2, 2022, the notice of public hearing (attached as Exhibit “A”) in a newspaper of general circulation concerning a public hearing to consider approval of the written System Development Fee Analysis and adoption of a System Development Fee schedule.

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

**SECTION 1.** The facts and recitations found in the preamble of this Resolution are true and correct and incorporated herein for all purposes.

**SECTION 2. Approval of System Development Fees.** The System Development Fees identified in the final Water and Wastewater System Development Fee Analysis dated June 13, 2022, (a copy of which is attached as Exhibit “B” and incorporated into this Resolution for all purposes) are approved, levied, and imposed as to the City’s jurisdictional limits.

**SECTION 3. Collection of System Development Fees.** The City may collect the System Development Fees herein imposed or as may be later amended beginning upon the effective date of this Resolution. The System Development Fees herein imposed or as may be later amended shall be collected as directed by and in accordance with the Public Water and Sewer System Development Fee Act.

**SECTION 4. Accounting for System Development Fee Revenue.** The City shall deposit all funds collected for the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.

**SECTION 5. Appropriation of System Development Fee Revenue.** The City shall appropriate all funds collected for the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.

**SECTION 6. Recurring Review and Update of System Development Fees.** The City shall update the Water and Wastewater System Development Fee Analysis and the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.

**SECTION 7. Waiver of System Development Fees.** The City may at any time elect to waive the collection of the System Development Fees herein imposed or as may be later amended.

**SECTION 8. Severability.** In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Graham, North Carolina declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**SECTION 8. Effective Date.** This Resolution shall be in full force and effect on July 1, 2022.

**PASSED, APPROVED, AND ADOPTED** on this the 14<sup>th</sup> day of June 2022. The motion to adopt this Resolution was made by, Council Member Whitaker, seconded by Council Member Parsons, and passed by a vote of 5 to 0.

**ITEM 6: FY 2022-2023 BUDGET:** City Council considered the adoption of the FY 2022-2023 Budget Ordinance, FY 2023 Pay Plan, and the 2022-2023 Rates and Fees Schedule.

City Manager Megan Garner stated the budget was presented to Council in May and advertised. She stated Council had held two budget work sessions where Council had made several changes to the budget and the fee schedule. She stated the City had a statutory obligation to hold a public hearing to receive public input on the proposed budget for the upcoming fiscal year, which would begin on July 1, 2022.

The public hearing was opened and the following spoke:

Mr. Westbrook, 604 Trock Wilder Court, Graham, inquired about needed repairs to the gym and brine spreading equipment in Public Works.

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

Council Member Chin stated that Council had to make hard decisions and that the budget that had been put together was a budget that the citizens of Graham could approve of. He stated the challenges the City was facing and after further review of the fee analysis, the rate and fee schedule should be approved. He stated that it was a cost incurred by the developers upfront and reducing that cost would only penalize the citizens of Graham. He stated that the City's infrastructure needs to be taken care of and water and sewer lines need to be replaced. He further stated that the two positions that had been eliminated needed to be removed from the 2022-2023 pay plan.

Mayor Talley stated that her concern about the rate and fee schedule was that it was a complete overhaul of the rate and fee schedule which she had proposed a reduction because it was not fair to people we are trying to encourage for development. Mayor Talley shared that the fee schedule needed to be advertised more and give people time to comment and she did not feel comfortable approving at this time. She said that she was comfortable passing the budget as presented and delaying the fee schedule by 30 days so it could be advertised and come back to the next Council meeting for consideration.

Motion by Mayor Pro Tem Hall to adopt the FY 2022-2023 Budget Ordinance and Pay Plan, amended by Council Member Chin to eliminate the Planning Director and Downtown Development positions from the pay plan, seconded by Council Member Whitaker. The motion passed unanimously.

Mr. Tom Boney inquired about the two eliminated positions and the engineer position that was previously discussed during budget work sessions.

City Manager Garner stated that there was an additional \$25,000 for engineering fees for our current engineer to hold office hours at the City of Graham.

After a lengthy discussion, it was decided to publicize the fee schedule for two weeks and hold a special meeting on June 28, 2022, to consider the rate and fee schedule.

Motion by Mayor Talley to table the rates and fee schedule for two weeks and hold a Special Meeting on June 28, 2022, to review and consider the 2022-23 Rate and Fee Schedule, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

## Budget Ordinance FY 2022-2023

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

**Section 1.** The following amounts are hereby appropriated in the General Fund for the operation of the City Government; its activities and capital improvements for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, in accordance with the Chart of Accounts heretofore established for the City:

Department	FY 2022-2023
City Council	63,000
Administration	653,900
Downtown	0
Information Technology	320,100
Finance	403,400
Public Buildings	176,000
Police	5,661,200
Fire	1,637,700
Inspections	566,900
Traffic Engineering	28,300
Garage and Warehouse	105,700
Streets & Highways	1,616,100
Street Lights	125,000
Sanitation	1,406,800
Recreation	1,030,100
Lake	240,600
Athletic Facilities	429,000
Property Maintenance	769,700
Non-Departmental	1,123,100
	<b>16,356,600</b>

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023.

Ad Valorem Taxes	6,149,100
Investment Earnings	45,000
Miscellaneous	731,600
Other Taxes/Licenses	700
Permits/Fees	475,000
Restricted Intergovernmental	714,000
Sales/Services	986,300
Unrestricted Intergovernmental	6,057,000
Fund Balance	1,197,900
<b>Grand Total</b>	<b>16,356,600</b>

**Section 3.** The following amounts are hereby amended from April 25, 2022, adoption for appropriations in the Water & Sewer Fund for its operations, activities, and capital improvements for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, in accordance with the Chart of Accounts heretofore established for the City:

Water and Sewer Billing	\$678,600
Water and Sewer Distribution	\$3,109,900
Maintenance & Lift Station	\$229,000
Water Treatment Plant	\$2,375,000
Wastewater Treatment Plant	\$1,884,000
Non-Departmental Admin	\$3,531,400
<b>FUND TOTAL</b>	<b>\$11,807,900</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, 2022, and ending June 30, 2023, as amended from April 25, 2022, adoption.

Non-Operating	\$181,600
Operating	\$429,600
Other Financing Sources	\$2,018,500
Services	\$9,178,200
<b>FUND TOTAL</b>	<b>\$11,807,900</b>

**Section 5.** The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, in accordance with the Chart of Accounts heretofore established for the City:

<b>Garage Fund</b>	<b>1,064,500</b>
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**Section 6.** It is estimated that the following revenues will be available in the Garage Fund for the Fiscal Year beginning July 1, 2021, and ending June 30, 2022, based on a labor rate of \$77 per hour.

Ala Co Fuel	220,900
City Of Graham Parts	285,100
City Of Graham Labor	215,800
City Of Graham Fuel	288,100
Graham Housing Parts	5,500
Graham Housing Labor	3,400
Graham Housing Fuel	11,600
Green Level Parts	9,400
Green Level Labor	5,300
Green Level Fuel	14,200
ABC Parts	0
ABC Fuel	5,200
Interest On Investments	0
<b>Total</b>	<b>1,064,500</b>

**Section 7.** The following amounts are hereby anticipated and appropriated for the City's Special Funds:

	Revenues	Expenditures
FEDERAL DRUG MONIES	\$100	\$100
STATE DRUG MONIES	\$100	\$100
GRAHAM MEMORIAL PARK	\$0	\$0
BOYD CREEK PUMP STATION	\$3,962,000	\$3,962,000
OLD FIELDS OUTFALL	\$2,955,000	\$2,955,000
WWTP UPGRADE	\$3,815,000	\$3,815,000
<b>TOTALS:</b>	<b>\$6,770,200</b>	<b>\$6,770,200</b>

**Section 8.** There is hereby levied a tax at the rate of \$.455 per one hundred dollars (\$100.00) of valuation of property as listed for taxes as of January 1, 2022, 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 \$1,381,100,000 (100% valuation) with an anticipated collection rate of 97%.

**Section 9.** The City of Graham Capital Improvement Plan 2022 -2032 for Water & Sewer Fund and 2022 - 2027 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 10.** 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 14<sup>th</sup> day of June 2022.**

### **2022-2023 CITY OF GRAHAM PAY PLAN**

<b>FY 2023 Proposed Pay Plan</b>				
<b>Job Title</b>	<b>Grade</b>	<b>Min</b>	<b>Mid</b>	<b>Max</b>
Sanitation Collector	10	\$32,264.40	\$35,130.50	\$45,669.65
General Maintenance Worker I	11	\$33,669.62	\$36,887.03	\$47,953.14
General Maintenance Worker II Plant Maintenance Mechanic I Police Traffic Enforcement Utility Maintenance Worker I	12	\$35,145.10	\$38,731.38	\$50,350.79
Equipment Operator I Fields Technician Property Evidence Technician Plant Maintenance Mechanic II	13	\$36,694.36	\$40,667.95	\$52,868.33



Athletic Facilities Technician Equipment Operator II Fleet Service Technician General Maintenance Worker III Parks Maintenance Technician Utility Equipment Operator I	14	\$38,321.08	\$42,701.35	\$55,511.75
Customer Service Representative Equipment Operator III Landscape Specialist Maintenance and Relief Treatment Plant Operator Office Assistant Police Records Clerk Sanitation Collector/Equipment Operator Sanitation Equipment Operator Treatment Plant Operator I Utility Billing Technician Utility Equipment Operator II	15	\$40,029.13	\$44,836.41	\$58,287.34
Crew Leader Laboratory Technician I Treatment Plant Operator II Water Quality Technician (New/Mebane 1/2 Salary)	16	\$41,822.59	\$47,078.23	\$61,201.70
Accounting Technician Athletics Field Supervisor Lake Warden Public Works Assistant	17	\$43,705.72	\$49,432.15	\$64,261.79
Fleet Technician Laboratory Technician II Police Administrative Assistant Property Maintenance Supervisor Senior Customer Service Treatment Plant Operator III Water Billing Supervisor Zoning & Inspection Technician Sanitation Supervisor (New)	18	\$45,683.00	\$51,903.75	\$67,474.88
Fire Equipment Operator Parks & Athletic Facilities Maintenance Supervisor Planner I Police Officer I Recreation Center Supervisor Street Maintenance Supervisor Tax Collector Zoning Enforcement Officer	19	\$47,759.15	\$54,498.94	\$70,848.62
Athletic Supervisor Recreation Marketing Supervisor Laboratory Technician III Plant Operations Supervisor Police Officer II	20	\$49,939.11	\$57,223.89	\$74,391.05

Code Enforcement Officer Recreation Program Supervisor	21	\$52,228.07	\$60,085.08	\$78,110.61
Distribution & Collection Supervisor Fire Inspector Fleet Superintendent Laboratory Supervisor Plant Maintenance Supervisor Pretreatment Coordinator Systems Support Technician	22	\$54,631.47	\$63,089.34	\$82,016.14
City Clerk Police Sergeant Property Maintenance Superintendent	23	\$57,155.04	\$66,243.80	\$86,116.94
Fire Captain Street Superintendent	24	\$59,804.79	\$69,555.99	\$90,422.79
Field Operations Superintendent Environmental & Lab Services Superintendent Police Captain Wastewater Plant Superintendent Water Plant Superintendent	25	\$62,587.03	\$73,033.79	\$94,943.93
	26	\$65,508.39	\$76,685.48	\$99,691.13
Inspections Director IT Director Field Operations Manager	27	\$68,575.81	\$80,519.76	\$104,675.68
Director of Human Resources/Risk Management Assistant Police Chief Utilities Compliance Manager	28	\$71,796.60	\$84,545.74	\$109,909.47
Finance Officer Recreation & Parks Director	29	\$75,178.43	\$88,773.03	\$115,404.94
	30	\$78,729.35	\$93,211.68	\$121,175.19
Fire Chief	31	\$82,457.81	\$97,872.27	\$127,233.95
Police Chief Public Works Director Utilities Director	32	\$86,372.70	\$102,765.88	\$133,595.65
	33	\$90,483.34	\$107,904.18	\$140,275.43
	34	\$94,799.51	\$113,299.38	\$147,289.20
	35	\$99,331.48	\$118,964.35	\$154,653.66
Assistant City Manager	36	\$104,090.06	\$124,912.57	\$162,386.34
	37	\$109,086.56	\$131,158.20	\$170,505.66
	38	\$114,332.89	\$137,716.11	\$179,030.94
	39	\$119,841.53	\$144,601.91	\$187,982.49
	40	\$125,625.61	\$151,832.01	\$197,381.61

Rev 6-14-22

## **NEW BUSINESS:**

**ITEM 7: BOARDS AND COMMISSIONS:** City Council considered the following appointments to the City's Boards and Commissions:

### **ABC Board – Graham Appointee**

Robert Parrish - Reappointment

### **Appearance Commission/Tree Board:**

Two Vacancies

*New Applicant* – Casey Wagner, Megan Buckner-Hickman, Emily Bell O'Dell (2<sup>nd</sup> choice)

### **Graham Historical Museum Board**

Karen Chin - Reappointment

Jennifer Brito - Reappointment

*New Applicants* – Casey Wagner, Russell Compton, Zipporah Clark-Baldwin (3<sup>rd</sup> Choice)

### **Graham Housing Authority**

Thomas Foust – Reappointment

*New Applicants:* Melissa Clay Barnes (2<sup>nd</sup> choice), Shanelle Harvey (1<sup>st</sup> choice)

### **Historic Resources Commission**

Two Vacancies

Zipporah Clark-Baldwin - Reappointment

### **Planning Board/Board of Adjustment**

Dean Ward - Reappointment

Tony Bailey - Reappointment

Mike Benesch (Extra-Territorial-Recommended by Alamance County) – Reappointment

*New Applicants:* Nathaniel Gainey, Colleen Macklin (2<sup>nd</sup> choice), Zipporah Clark-Baldwin (2<sup>nd</sup> choice), Keith Michaels, Melissa Clay Barnes (1<sup>st</sup> choice), Emily Bell O'Dell (1<sup>st</sup> choice), Shanelle Harvey (2<sup>nd</sup> choice)

### **Recreation Commission**

Nicki Smith - Reappointment

Jay Cook, Jr. - Reappointment

*New Applicant* – Casey Wagner

### **Alamance County Library Committee**

Jordan Dawson – Reappointment

Colleen Macklin – Reappointment

*New Applicant:* Sherea Burnett

### **Economic Development & Marketing Committee**

Seven Vacancies

*New Applicant:* Griffin McClure

Mayor Talley stated that it was recommended to consider reappointments only tonight and once the reappointments are made, Council would like the City Clerk to reach out to the applicants that have applied and where there are no vacancies give them the opportunity to apply for vacant positions. Mayor Talley also asked to advertise the boards that have vacancies on the website for 30 days in order to get additional applicants.

Motion by Mayor Talley, seconded by Mayor Pro Tem Hall, the following reappointments were made. The motion passed unanimously.

**ABC Board – Graham Appointee**

Robert Parrish

**Graham Historical Museum Board**

Karen Chin

Jennifer Brito

**Graham Housing Authority**

Thomas Foust

**Historic Resources Commission**

Zipporah Clark-Baldwin

**Planning Board/Board of Adjustment**

Dean Ward

Tony Bailey

Michael Benesch - ETJ

**Recreation Commission**

Nicki Smith

Jay Cook, Jr.

**Alamance County Library Committee**

Jordan Dawson

Colleen Macklin

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

**PUBLIC COMMENT PERIOD:**

Mr. Keith Westbrooks, 604 Trock Wilder Court, inquired about Arts Around the Square.

Mr. Chad Huffine, inquired about the Cherry Lane overlay project.

**CITY STAFF COMMENTS:**

No comments.

**CITY COUNCIL COMMENTS:**

Mayor Talley stated that Sam Holt had contacted her regarding concerns of flooding with the future development near the interstate.

Mayor Talley asked if the City sweeper could go down Moore Street twice a month to help with litter.

Mayor Talley stated that she and Council Member Chin would like to focus on the Master Plan and that she had comments to give to Staff to review and work on those changes.

Mayor Pro Tem Hall inquired about the ongoing clean-up efforts for property on Parker Street.

Mr. Tom Boney asked Mayor Talley for a copy of notes regarding the Mayor and Council Member Chin's suggested changes to the Master Plan.

Council Member Parsons inquired about the façade grants.

### **CLOSED SESSION:**

Mayor Pro Tem Hall motioned to go into closed session pursuant to G.S. 143-318.11(a)(6), seconded by Council Member Chin. Motion passed unanimously. (8:39 p.m.)

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

Mayor Talley stated that after the review of the City Attorney's, Robert (Bob) Ward and Bryan Coleman would continue as Graham's City Attorneys for FY 2022-23.

### **ADJOURN**

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. Motion passed unanimously. (9:23 p.m.)

Renee M. Ward  
Interim City Clerk



## City of Graham City Council Special Meeting Minutes June 28, 2022

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The City Council of the City of Graham held a Special Meeting at 6:00 p.m. on June 28, 2022, in the Council Chamber, City Hall Municipal Building, located at 201 South Main Street, Graham, NC.

### Councilmembers Present:

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

### Staff Present:

Megan Garner, City Manager, absent  
Aaron Holland, Assistant City Manager  
Renee M. Ward, Interim City Clerk

### CALL TO ORDER:

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

### ADOPTION - FY 2022-23 RATES & FEE SCHEDULE:

Mayor Talley shared that since the last Council meeting Council had discussions on how to proceed with implementing increased water and sewer development fees and other fees. She said that the proposals for discussion tonight were fees as suggested through the water and sewer system analysis by Alley, Williams, Carmen, and King, that were adopted at the June 14, 2022, Council meeting.

Mayor Talley explained that at the last Council meeting she asked Council to consider postponing the approval of the development fees in order to notify local builders. She shared that she sent an email to Susan Black, Homebuilders Association, and asked that she get the word out to members of the community in order to get feedback. Mayor Talley said that she and Council Member Chin had worked on the fee schedule and other Council Members may have also done work, as well as Assistant City Manager Holland and City Engineer Josh Johnson. She shared that they had come up with something different from the last version that was being proposed.

City Engineer, Josh Johnson said that the new proposal was a phased implementation so the fee as of July 1, 2022, would be \$1,100 for water and \$1,100 for sewer for 2 bedrooms, ¾" meter. Then it would increase again on January 1, 2023, \$1,500 for water and \$1,500 for sewer, and then potentially another increase on July 1, 2023, in the next fiscal year's budget cycle.

Mayor Talley said that the reason she wanted to wait was to get input from builders because contractors had already figured fees into existing contracts and going up on rates would be unfair.

Mayor Talley explained the cost of the upgrades to the City's water and wastewater system and how the fees would help offset the \$74 million debt service along with grants and fund balance savings.

Mayor asked if there was anyone who would like to speak regarding the proposed fees. The following persons spoke:

**Tom Boney, Alamance News**, inquired about who proposed the new water and sewer system development fees.

Mayor Talley asked City Engineer, Josh Johnson, to explain how he came up with the options listed on the spreadsheet.

Mr. Johnson read the below email sent to Council the afternoon of June 28, 2022:

*Good Afternoon,*

*Since the last City Council meeting, we've had extensive discussions regarding how to proceed with implementing increased water and sewer development fees. Those discussions have included discussions with developers, council members, and staff. The intent of those discussions has been to inform interested parties about the process for water and sewer development fee creation, payment, and implementation. The results of those discussions are a phased implementation policy for water and sewer development fees as well as additional guidance and policy on how to implement the fees going forward.*

*For clarification purposes, the water and sewer development fees are based upon the water meter size for a connection. For residential dwelling units, this is further determined based upon the number of bedrooms for the sewer. The fee is set up in this manner so as to correspond to the impact that the fee has on the water and sewer systems.*

*This proposal is for a phased implementation of the water and sewer development fees. The initial base fee would be set at \$1100 for water and \$1100 for sewer (\$2200 total) for a 2-bedroom home. This would be \$3300 total for a 3-bedroom home. The current fee for both of these scenarios is \$1668 for both of these types of houses.*

*This fee would be in place from July 1, 2022, through January 1, 2023. On January 1, 2023, the fee would increase to \$1500 for water and sewer (\$3000 total) for a 2-bedroom home. This would be \$4,500 total for a 3-bedroom home.*

*The fee for July 1, 2023, would then be proposed to increase again to \$2500 for water and \$1750 for sewer for a total of \$4250. This would be \$6,375 total for a 3-bedroom home. It's important to note that this fee would be for the next fiscal year and therefore no action is needed at this time on the July 1, 2023, increase.*

*In order to phase in the increases, we have also implemented a process for pre-payment of fees. Developers are eligible for pre-payment of fees based upon construction drawing approval or water and*

*sewer permits. This would allow a developer to "lock in" a fee cost in order to prevent being hit by future increases. The benefit to the City would be the early payment of funds.*

*A chart showing the current fees, a chart showing the proposed fees, and the proposed fee schedule are included for your review. We also added a line at the end of the Construction Plan Review and Inspection Fees chart that payment is due prior to final construction plan approval to clarify when payment is due. I will be at the Council meeting tonight to review all of the above.*

Mr. Boney referenced the comment about discussions and where the discussions took place.

Mayor Talley shared who was present at the meeting and the intent was to find clarity and discuss issues she brought up about infill development and that Mr. Chin had several questions of his own.

Council Member Chin said that he brought up questions regarding the fee schedule, what was originally proposed, and understanding of new development versus infill development.

Mr. Boney questioned how the different proposals came about and that Mr. Chin had stated at the last Council meeting that anything less than the full amount would be taking money from the residents of Graham. He also asked for clarification on the different proposals. Mr. Boney went on to question who attended the meeting and that there was no mention of any developers being present.

Mayor Talley shared that they had spoken with Dennis Eullis, Amanda Hodierne, and Chuck Talley who all gave input.

Mr. Boney expressed the importance of such a discussion that should have been held in the open with the entire discussion known and publicized.

Mayor Talley explained that at the June 14, 2022, Council meeting she was under the impression that Council Member Chin had agreed to a 50% increase but then changed his mind and she was not ready to approve a full increase without having a conversation with developers. Mayor Talley said there would be times when Council Members would have meetings with constituents when trying to work through issues. She said if there are three or more Council Members having a meeting then the public would be notified. She said it was not her intention to leave anyone out but wanted to simply get information.

Assistant City Manager Holland shared that all the proposals were still on the table for Council to digest and determine which table they wanted to move forward with. He shared that nothing was decided at the meeting, just brainstorming options to be presented for the entire Council to consider.

Mr. Boney expressed his concern to Council about having meetings with selected people and that such activity could lead people to believe that special operations were going on behind the scenes where certain people get special consideration which was alarming. Mr. Boney said that if Council continued down this path, Council could be courting many problems in terms of violations of the open meetings law, losing the public's trust and raising the appearance of conflicts of interest.

**Mr. Chris Foust**, 1851 South Main Street, Graham, spoke in opposition to the proposed increased developer fee schedule.



**Mr. Nathan Sawyer**, Heritage Homes of the Carolinas, LLC, and President Alamance/Caswell Homebuilders Association spoke in opposition to the proposed increased developer fee schedule. He asked Council to not vote on a rate increase for January 2023, and asked the Council to vote on that after receiving a revised flow reduction.

Mayor Talley inquired about approaching the Department of Environmental Quality to request a flow reduction.

City Engineer Johnson said that the numbers were based on 120 gallons per day per bedroom. He said that if the City received a flow reduction before January 1, 2023, Council could amend the fee schedule.

Council Member Whitaker shared that it was quoted that the City of Graham was losing money on these water meters and water taps.

Mayor Talley said that the water meter fees were handled as part of the budget.

City Engineer Johnson said that was correct.

Council Member Whitaker said that she sympathized with builders because the prices for everything had increased. She said that the City could not be expected to absorb costs for developers. She said that residential development had exploded and the need to adjust fees with more and more people using the City's water and sewer system.

Mayor Talley said she thought it was the intent of the Council to readdress fees in January and asked for fees to be placed visibly in the planning department so people knew what to expect so it would not be a shock. She said our promise to constituents would be to have another meeting before January to look at fees again if the City was granted a new flow reduction.

**Mr. Tom Hall**, Windsor Homes, Windsor Commercial, spoke in opposition to the proposed increased development fees.

**Mr. Keith Westbrook**, 604 Trock Wilder Court, spoke in favor of the proposed development fees.

Council Member Whitaker said that she understood the builders and citizens and was in favor of raising the prices some now and recessing after a water flow reduction. She said in the meantime there could be discussions with the building community. She suggested July 1, 2022, chart and then assess in six months.

Council Member Chin said he agreed and through discussions with builders, it was determined to be a big step from \$1700 to \$4500 which was asking a lot. He said that the incremental approach was reasonable and to reexamine the schedule within six months. He suggested having an open public meeting to discuss what was infill development and what would be an appropriate fee.

Mayor Talley read an email from Amanda Hodierne, an attorney who represents several developers in the community. The letter referenced concerns with the magnitude of increases and its impact on affordable housing.

Council Member Parson said Council should pump the breaks and that he did not receive the new proposed fees until just now and has not had time to review it. He agreed that a fee needed to be adopted with a marginal increase and wait until we get a flow test and readdress in a few months.

Mayor Pro Tem Hall agreed with other Council Members and Council needed to adopt an incremental fee schedule.

Mayor Talley asked if was the consensus of the Council to come back before January 1, 2023, after receiving the flow analysis and discussion. Council agreed. She also asked for discussions to address infill development within the Land Use Plan.

Motion by Council Member Whitaker to adopt the Water and Sewer System Development Fees schedule titled July 1, 2022, with the understanding that Council would revisit after the revised flow reduction rate, meet with builders in the community to reassess and determine if Council would move forward with an additional rate increase, fees will not automatically increase on January 1, 2023, and to add projects that have an active building, water or sewer permit, had 30 days from July 1, 2022, to pay the rates under the former fee schedule, and to adopt the 2022-23 Rate and Fee Schedule, seconded by Council Member Chin. The motion passed unanimously.

## **ADJOURN**

Mayor Pro Tem Hall motioned to adjourn at 7:55 p.m., seconded by Council Member Whitaker. The motion passed unanimously.

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Renee M. Ward,  
Interim City Clerk

# City of Graham

## 2022-2023

# Rates and Fee Schedule



July 1, 2022

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## Assessments

<b>Curb and Gutter</b>	<b>Set by City Council based on individual project cost</b>
<b>Paving</b>	Set by City Council based on individual project cost
<b>Water and Sewer</b>	Set by City Council based on individual project
	City will assume 50% of total construction and engineering

## Cemetery Fees

Grave Prices	Resident	Non-resident
Conventional Grave – 4’x8’	\$800/grave	\$2,500/grave
Cremation Grave – 4’x4’	\$400/grave	\$1,250/grave
Infant Grave – 4’x4’	\$400/grave	\$1,000/grave
Cremation Grave – 4’x8’ (When Available)	\$600/grave	\$2,000/grave
2 <sup>nd</sup> Right to Interment (When Available)	\$200/grave	\$500/grave
Cremation-Subdividing of Graves	\$200	\$400
Deed Transfers		
Transfer from Resident to Resident	\$5 administrative fee	
Transfer from Resident to Non-resident	\$1,700 per grave + administration fee	
Interment Costs		
Monday – Friday (prior to 2:00pm) <sup>2**</sup>	\$500	
Monday – Friday (2:00 pm and after) <sup>2**</sup>	\$650	
Saturdays <sup>1,2</sup>	\$1,000	
Sundays <sup>2</sup> and Holidays <sup>2,3</sup>	\$1,250	
Cremation, Infant and 2 <sup>nd</sup> Right Interment Costs		
Monday – Friday (prior to 2:00pm) <sup>2**</sup>	\$250	
Monday – Friday (2:00 pm and after) <sup>2**</sup>	\$400	
Saturdays <sup>1,2</sup>	\$750	
Sundays <sup>2</sup> and Holidays <sup>2,3</sup>	\$1,000	
Markers		
Permit Fee – Single or Double*	\$100	
Installation – Single Memorial	\$150	
Installation – Double Memorial	\$175	
Installation Fee is \$50 for reputable companies approved by the City of Graham		
*Installation Fee is waived for Veterans with an approved government-supplied marker.		
** Based upon arrival time at the cemetery		
<sup>1</sup> Saturday rate begins at 4:00pm on Friday and ends at 7:00am on Sunday.		
<sup>2</sup> \$50.00 per half-hour surcharge after one hour of arrival time or any time after 3:30pm.		
<sup>3</sup> The holiday rate applies to any holiday observed by the City.		

## Laboratory Testing Fees

<b>BOD</b>	<b>\$25</b>
<b>Suspended solids</b>	<b>\$15</b>
<b>Phosphate (total)</b>	<b>\$20</b>
<b>Ammonia</b>	<b>\$20</b>
<b>Turbidity</b>	<b>\$10</b>
<b>Temperature and pH</b>	<b>\$10</b>
<b>Alkalinity</b>	<b>\$10</b>
<b>Fecal Coliform</b>	<b>\$30</b>
<b>Coliform Bacteria</b>	<b>\$30</b>
<b>Heterotrophic Plate Count</b>	<b>\$35</b>
<b>TSS Surcharge Fees</b>	<b>\$0.32/lb &gt; 250 mg/l</b>
<b>BOD Surcharge Fees</b>	<b>\$0.32/lb &gt; 300mg/l</b>
<b>Application for New Significant Industrial User (SIU) Permit</b>	<b>\$200</b>
<b>Application for New Non-SIU (Local) Sewer Use Permit</b>	<b>\$100</b>
<b>Renewal of any existing permit</b>	<b>\$100</b>
<b>Fats, Oils, and Grease Annual Inspection</b>	<b>\$30</b>

Analysis performed by outside commercial laboratory will be the cost of analysis plus 20%.

Sampling Fee (setup/use/pick-up of sampler) - \$140 per event.

## Development Fees

<b>Development Ordinance Book (printed or flash drive)</b>	<b>\$20 flat fee</b>
<b>Major Subdivision Preliminary Plat Review Fee (5 or more lots)</b>	\$10 per lot (\$200 min).
<b>Planned Unit Development Rezoning Request</b>	\$5 per acre (\$200 min, \$500 max)
<b>General Rezoning Request</b>	\$200 flat fee
<b>Conditional Rezoning Request</b>	\$300 flat fee
<b>Special Use Permit</b>	\$300 flat fee
<b>Final Plat Major Subdivision (more than 5 lots)</b>	\$50 flat fee
<b>Final Plat Minor or Exempt Subdivision (up to 5 lots)</b>	\$25 flat fee
<b>Variance Request</b>	\$300 flat fee
<b>Non-Residential Site Plan TRC Review Fee (excluding subdivision)</b>	\$250 (1 <sup>st</sup> and 2 <sup>nd</sup> included), \$100 per review after 2 <sup>nd</sup> review.
<b>Annexations</b>	\$250 per request
<b>Administrative Amendment to Council Approved Plans</b>	\$100 flat fee
<b>Wireless Telecommunications Facility</b>	\$500 legal review fee in addition to other applicable fees



## Engineering, Construction Plan Review, and Inspection Fees

<b>Street Plan Review and Inspection Fee</b>	For all streets, the fee includes construction plan review and permitting, and record drawings and mapping review. In addition, the plan includes limited inspection of sub-grade, base courses, asphalt, and curb and gutter: <b>\$2.00 per linear foot of public street and \$1.00 per linear foot of private streets.</b>
<b>Waterline Plan Review and Inspection Fee</b>	For all water lines, the fee includes construction plan review, permitting, and record drawings review and mapping. In addition, the fee includes limited inspection of backfill and trench compaction and coordinating pressure testing and line disinfection: <b>\$1.50 per linear foot of water line.</b>
<b>Sanitary Sewer Line Plan Review and Inspection Fee</b>	For all sanitary sewer lines, the fee includes construction plan review and permitting and record drawings review and mapping. In addition, the fee includes limited inspection of backfill and trench compaction and coordinating sewer line and manhole testing, and line video review inspections: <b>\$1.50 per linear foot of sanitary sewer line.</b>
<b>Storm Sewer Line Plan Review and Inspection Fee</b>	For all storm sewer lines, the fee includes construction plan review and permitting and record drawings review and mapping. In addition, the fee includes limited inspection of backfill and trench compaction and line video review inspection: <b>\$1.00 per linear foot of storm sewer line.</b>
<b>Water and Sewer Services</b>	For all water and sewer services, from the mainline tap to the property line, including limited inspection of backfill and trench compaction: <b>\$100.00 per lot or \$50.00 for each service residential service or \$200 for each water service larger than 1 inch or sewer service larger than 4 inches.</b>
<b>Backflow Prevention Device Plan Review and Inspection Fee</b>	For all water services other than a standard water tap a \$200 plan review and inspection fee will be charged for services requiring a backflow prevention device (domestic, fire, and lawn irrigation).

<b>High-Density Stormwater Management Review and Inspection Fee</b>	<b>For all High-Density Stormwater Management plans and devices, including construction plan review and permitting. In addition, the fee includes limited inspection of constructed stormwater devices: \$1,000 per device with one-half payable at the time of plan submittal.</b>
<b>Low-Density Stormwater Management Review and Inspection Fee</b>	For all Low-Density Stormwater Management plans and devices, including construction plan review and permitting. \$150 flat fee.
<b>Sewer Pump Stations Requiring Permit Fee</b>	For all sewer pump stations requiring a permit. The fee includes plan review, permitting, record drawings review, and limited construction inspection: \$5,000.
<b>Buffer Authorization Permit Fee</b>	Exempt Buffer Disturbance - \$25. Non-Exempt Buffer Disturbance - \$250.
<b>Floodplain Development Permit Fee</b>	\$50 permit flat fee. Impacts to floodway required FEMA permitting – additional \$250.
<b>Water System Hydraulic Modeling</b>	Water modeling for extensive offsite waterlines (over 1,000 linear feet of offsite extension) is to be completed by the City's chosen outside contractor. The cost of modeling is to be the City's cost.

Non-routine or excessive inspections will include holidays, weekend inspections, and after-hours work. Non-routine or excessive inspection may include repeat inspections due to contractor failure or lack of coordination by the contractor. Non-routine or excessive inspections will be charged a rate of \$100/hour per person after the second inspection, re-inspections, holidays, and weekends with inspections that require multiple people present to be charged at multiples of this rate.

*Construction Plan Review and Inspection Fees are to be fully paid prior to the approval of construction drawings.*

# Inspection Fees

## Building Permit

Minimum Permit Fee	<b>\$50</b>
Residential (total structural square feet)	\$0.25 per sf
Commercial	\$5 per \$1,000 of value
Re-inspection Fee <sup>1</sup>	\$50
Building Plan Review, Commercial	\$200 buildings up to 10,000 sf \$200 + \$0.01 per sf for buildings >10,000 sf
Building Plan Review, Commercial Upfit	\$100
Building Plan Review, Residential	\$50
Sprinkler System (review and permit)	\$100
Swimming Pool	\$75
Sign	\$50

## Electrical Permit

Minimum Permit Fee	<b>\$50</b>
Extra Trip	\$25 each trip
Re-Inspection Fee <sup>1</sup>	\$50
Mobile Home Park Spaces (1-5)	\$50
Mobile Home Park Spaces (above 5)	\$6 per space
Billboards	based on service size
Saw Service	\$50
Temporary Service for Construction Site	\$50
Temporary Power for Sec. 10.8 N.C.E.C	\$50
Residential and Commercial Service	\$0.10 per sf
Low Voltage Wiring	\$50
Security System	\$50
Wiring Swimming Pool	\$110

## Heating and Air Conditioning Permit

Minimum Permit Fee	<b>\$50 plus \$5 per additional thousand</b>
Re-Inspection Fee <sup>1</sup>	\$50
Ansul Test on Hoods	\$100
Duct Test (smoke)	\$50
New Gas Line	\$50

### Insulation Permit

Single Family Dwellings	\$50
Multi-Family Dwellings	\$20 per unit
Re-Inspection Fee <sup>1</sup>	\$50

### Plumbing Permit

First Fixture <sup>3</sup>	\$50
Each Additional Fixture <sup>3</sup>	\$8
Water Tap Non-Sewer Use	\$50
Re-Inspection Fee <sup>1</sup>	\$50

### Mobile Homes

On-Site Inspection for HUD Labeled	\$100 all-inclusive
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### Miscellaneous Building

ABC Inspection	\$100
Demolition of Building	\$60 plus \$1,000 cash bond
Driveway Permit <sup>2</sup>	\$50
Moving of Building	\$60 plus \$1,000 cash bond
New Business Building & Fire Inspection	\$50
Fire Re-Inspection Fee <sup>1</sup> (routine inspections)	\$50-3 <sup>rd</sup> , \$100-4 <sup>th</sup> , \$150-5 <sup>th</sup> , etc.
On-Site Consultations (all trades)	\$50
Tanks (50-10,000 gallons)	\$50
Tanks (over 10,000 gallons)	\$2 per additional thousand gallon

### Inspection Fee Notes

1. A re-inspection fee may be assessed when the permitted work is not ready at the time of the requested inspection or when recurring deficiencies exist.
2. Before any person shall cut or construct a driveway, such person shall apply to and secure from the City Building Inspector a permit to do so, and pay the applicable fee.
3. For multi-family developments, each unit shall be calculated individually for plumbing permits.

## Labor and Equipment Fees

<b>Superintendent</b>	<b>\$ actual</b>
<b>Equipment Operator or Labor Supervisor</b>	<b>\$ actual</b>
<b>All Other Labor</b>	<b>\$ actual</b>
<b>Motor Grader</b>	<b>\$45</b>
<b>Track Loader</b>	<b>\$125</b>
<b>Rubber Tired Loader</b>	<b>\$40</b>
<b>Tandem Dump Truck</b>	<b>\$67</b>
<b>Dump Truck</b>	<b>\$53</b>
<b>Dumpster</b>	<b>\$400</b>
<b>Roller</b>	<b>\$30</b>
<b>Tractor</b>	<b>\$22</b>
<b>Tack Distributor</b>	<b>\$18</b>
<b>Backhoe</b>	<b>\$44</b>
<b>Air Compressor</b>	<b>\$12</b>
<b>Snowplow</b>	<b>\$23</b>
<b>Pickup Truck</b>	<b>\$12</b>
<b>Sweeper</b>	<b>\$100</b>
<b>Flusher</b>	<b>\$33</b>
<b>Low Boy Trailer</b>	<b>\$20</b>
<b>Chipper</b>	<b>\$32</b>
<b>Chainsaw, Concrete Saw and Tamp</b>	<b>\$5</b>
<b>Grinder and Line Remover</b>	<b>\$15</b>
<b>Paint Gun</b>	<b>\$10</b>
<b>Bush Hog</b>	<b>\$10</b>
<b>Sewer Roder</b>	<b>\$15</b>
<b>CL12 Taping Machine</b>	<b>\$12</b>
<b>Pumps, Other Taping and Other Small Equipment</b>	<b>\$5</b>
<b>Bucket Truck</b>	<b>\$45</b>

<b>Paver</b>	<b>\$67</b>
<b>Cement Mixer</b>	<b>\$8</b>
<b>Straw Blower</b>	<b>\$8</b>
<b>Utility Trailer</b>	<b>\$10</b>
<b>Sewer Jet Machine</b>	<b>\$15</b>
<b>Welding/Generator Trailer</b>	<b>\$15</b>
<b>TV Inspection Camera</b>	<b>\$15</b>
<b>Skid Steer Loader</b>	<b>\$25</b>
<b>Hydraulic Breaker</b>	<b>\$15</b>
<b>Message Board</b>	<b>\$5</b>
<b>Dozer</b>	<b>\$55</b>
<b>UTV</b>	<b>\$14</b>
<b>Excavator</b>	<b>\$82</b>
<b>Mini Excavator</b>	<b>\$21</b>
<b>Leaf Picker</b>	<b>\$75</b>
<b>Tracked Skid Steer</b>	<b>\$36</b>
<b>Boom Mower</b>	<b>\$30</b>
<b>Crew Cab Service Truck</b>	<b>\$20</b>

### Labor and Equipment Notes

- ❖ All rates are per hour.
- ❖ Any Labor performed after hours, on weekends, or on holidays will be billed at time plus ½ hour.
- ❖ Any other equipment is based on current contractual rental rates.

## Miscellaneous Fees

<b>Auto Mileage Reimbursement</b>	<b>Current USGA rate for POV mileage reimbursement (<a href="http://www.gsa.gov">www.gsa.gov</a>)</b>
<b>Bad Check Penalty</b>	<b>\$25</b>
<b>Print Copy (11x17)</b>	<b>\$1.50 per page</b>
<b>Print Copy (18x24)</b>	<b>\$5.00 per page</b>
<b>Print Copy (34x44)</b>	<b>\$10.00 per page</b>

<b>Cement Catch Basin Cover</b>	<b>\$400</b>
<b>Copy Fee</b>	\$0.25 per page
<b>Faulty Burglar Alarm (Sec. 2-222(c))</b>	\$50 after 2 faulty alarms during 2 calendar months
<b>Faulty Fire Alarms (Sec. 2-246(d))</b>	\$50 after 2 faulty alarms during 2 consecutive months
<b>Fingerprinting for Public</b>	\$3 for identification only; no charge for children 12 years old and younger
<b>Lot Mowing Administrative Fee</b>	\$50 per mowing
<b>Notice of Attachment and Garnishment</b>	\$5 per GS-105-368
<b>Sign Damage Fees</b>	
<b>City Limit Sign</b>	\$75 plus pole, plus labor
<b>Stop Sign, 30x30</b>	\$40 plus pole, plus labor
<b>Stop Sign, 36x36</b>	\$60 plus pole, plus labor
<b>Stop Sign, 48x48</b>	\$120 plus two poles, plus labor
<b>City-Wide Speed Limit Sign, 42x30</b>	\$85 plus two poles, plus labor
<b>City-Wide Speed Limit Sign, 60x36</b>	\$150 plus two poles, plus labor
<b>Warning Signs (e.g. curve, dead-end)</b>	\$55 plus pole, plus labor
<b>Regulatory Signs (e.g. speed limit, weight limit, do not enter, yield)</b>	\$45 plus pole, plus labor
<b>One-Way Arrows</b>	\$30 plus pole, plus labor
<b>Street Name Sign</b>	\$150 plus labor
<b>All Parking Regulation Signs</b>	\$20 plus pole, plus labor
<b>School/Pedestrian Crossing Sign</b>	\$110 plus pole, plus labor
<b>Downtown Residential Parking Permit</b>	\$20 per year
<b>Pole</b>	\$35
<b>Labor</b>	\$19.80 per maintenance worker, per hour, there is a minimum charge of two maintenance workers
<b>Solicitors/Canvassers Permit</b>	\$25 per Sec. 6-70
<b>Solicitation Fee</b>	\$50

<b>Street Signs (City Style for Private Streets)</b>	<b>\$150 complete set with 2 blades, poles, bracket, cap and</b>
<b>Street Signs (City Style for Private Streets)</b>	\$85 sign set only, no pole or installation
<b>Street Cuts (up to 4'x5' or 20 sf)</b>	\$40 minimum
<b>Street Cuts (over 4'x5' or 20 sf)</b>	\$40 minimum plus \$2 per additional
<b>Taxi Driver Permit</b>	\$1 per Sec. 6-162
<b>Temporary Encroachment Permit</b>	\$40 plus labor
<b>Temporary Parking Permit</b>	\$5 per day \$25 per month \$150/year Sec. 20-161
<b>Topographic Diskette with One Sheet</b>	\$25 per map
<b>Topographic Map Blueprint</b>	\$10 per map
<b>Topographic Maps Disk (of Graham &amp; Burlington)</b>	\$150 plus labor
<b>Trimming City Owned Trees Bond</b>	\$50,000 Property Damage
<b>Trimming City Owned Trees Bond</b>	\$50 Personal Injury
<b>Trimming City Owned Trees</b>	\$15 per Sec. 10-63
<b>Cement Catch Basin Cover</b>	\$400

## Miscellaneous Compensation

<b>Mayor</b>	<b>\$771.86 per month</b>
<b>City Council Member</b>	\$473.84 per month
<b>Cell Phone Allowance</b>	\$35 per month
<b>Firemen's Compensation</b>	\$10 per call/meeting/training Plus \$1 to Graham FD Supplemental Retirement



## Recreation and Parks Department Fees

### Athletics/Camps

	Resident	General Public	Commercial
Athletics <sup>1</sup>	\$25	\$40	N/A
<sup>1</sup> A multiple child discount will be available to Graham residents for children in the same household; the first child will be charged the full fee, the second child will be charged 75% of full fee and three or more children will each be charged 50% of full fee			
Athletic Camps  Including Soccer, Basketball, Baseball, Softball, Flag Football, Lacrosse	Fees for each camp will be set by the GRPD Director and the Athletic Supervisor, based on facility, staffing, and equipment needs		N/A
Summer Day Camp			
10 Weeks	\$575/1 <sup>st</sup> child	\$745/1 <sup>st</sup> child	
6 weeks	\$350/1 <sup>st</sup> child	\$450/1 <sup>st</sup> child	
Weekly <sup>2</sup>	\$70/child	\$86/child	
Daily <sup>2</sup>	\$21/child	\$26/child	
Multiple Child Discount <sup>3</sup>	\$30/child	\$30/child	
<sup>2</sup> Limited based on availability			
<sup>3</sup> Discounts will not be given on weekly or daily rates			

### Special Events and Programs

The GRPD Director may set fees for special events and programs based on facility, staffing, and equipment needs

### Graham Recreation Center

	Resident	General Public	Commercial
Open Gym Basketball			N/A
Ages 16-54	\$1/visit	\$1/visit	
Ages 15 & U; 55+	FREE	FREE	
Weight Room			
Ages 16-54	\$1/visit	\$1/visit	
Ages 16-54	\$40/six-month pass	\$55/six-month pass	
Ages 16-54	\$25/three-month pass	\$40/three-month pass	
Ages 55+	Free	Free	

### Graham-Mebane Lake

	Fees for All Customers	Commercial
Boat Launching <sup>2</sup>	\$9/vessel	N/A
Boat Launching-Seniors <sup>2,4</sup>	\$4/vessel	
Non-motorized Vessel Launching <sup>3</sup>	\$6/vessel or \$45/year	
Non-motorized Vessel Launching-Seniors <sup>3,4</sup>	\$3/vessel or \$30/year	
Bank Fishing	\$3/person or \$35/year	
Bank Fishing-Seniors <sup>4</sup> & Persons w/100% Disability	\$1/person or \$15/year	
Annual User Fee Permit <sup>5</sup>	\$70/year	
Annual User Fee Permit-Seniors <sup>4,5</sup>	\$50/year	
Annual User Fee Permit-Group	\$125/year	
Boat Launching-Maintenance & Demonstrations <sup>6</sup>	\$4/vessel	\$4/vessel or \$300/annual

	<b>Fees for All Customers</b>	<b>Commercial</b>
<b>Jon Boats</b>	\$10/4 hrs. \$16/8hrs	N/A
<b>Canoe Rental</b>	\$15/4hrs \$20/8hrs	
<b>Solo Kayak Rental</b>	\$12/4 hrs. \$18/8 hrs.	
<b>Tandem Kayak Rental</b>	\$18/4 hrs. \$24/8 hrs.	
<b>Event Rental</b>	\$175/5 hrs.	\$275/5 hrs.
<sup>2</sup> All motorized boats including jet skis <sup>3</sup> All non-motorized vessels including kayaks, canoes & paddleboards <sup>4</sup> Senior fee begins at age 65 <sup>5</sup> Includes boat launching and daily fees for a single individual and covers a maximum of two boats <sup>6</sup> No Recreational activities (fishing, skiing, etc.) allowed; for boat and/or trailer maintenance/repair checks, swapping of boats and trailers, and all demonstrations for potential sales; fee is for a one-hour limit, activity over one hour will be charged the full boat launch fee; no charge for the general public if the boat remains on trailer		

## Facility Rental Fees

### Bill Cooke Park

<b>Field/Room/Equipment</b>	<b>Resident/Non-Profit<sup>1*</sup></b>	<b>General Public</b>	<b>Commercial*</b>
<b>Passive Areas</b>  <b>Open Space, Perimeter Trail, Etc.</b>	\$150 (5 hrs. max)	\$200 (5 hrs. max)	\$275 (5 hrs. max)
<b>Single Field</b>  <b>Field #1, Field #2 or Field #3</b>	\$150/day (10 hrs.)  \$20/hr.	\$200/day (10 hrs.)  \$25/hr.	\$275/day (10 hrs.)  \$35/hr.

	<b>Resident/Non-Profit<sup>1*</sup></b>	<b>General Public</b>	<b>Commercial*</b>
<b>Field Prep</b>	\$20 ea.	\$20 ea.	\$20/ea.
<b>Field Lining</b>	\$10 ea.	\$10 ea.	\$10 ea.
<b>Lights (single field)</b>	\$25/hr.	\$25/hr.	\$25/hr.
<b>Scoreboard (single field)</b>	\$20/hr.	\$20/hr.	\$20/hr.
<b>Staff Supervision<sup>2</sup></b>	\$20/hr.	\$20/hr.	\$20/hr.
<sup>1</sup> Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham <sup>2</sup> Supervision Fee may be waived for City of Graham employees upon approval of the GRPD Director or Athletic Supervisor *All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director			

### Graham Recreation Center

	<b>Resident/Non-Profit<sup>1*</sup></b>	<b>General Public</b>	<b>Commercial*</b>
<b>Full Center Gym #1, Gym #2, Room #1 &amp; Kitchen</b>	\$60/hr. + staff fee	\$120/hr. + staff fee	\$240/hr. + staff fee
<b>Room #1 Multi-purpose Room, Includes Kitchen</b>	\$20/hr. + staff fee	\$40/hr. + staff fee	\$80/hr. + staff fee
<b>Gym #1-Full Gym, Includes Kitchen</b>	\$30/hr. + staff fee	\$60/hr. + staff fee	\$120/hr. + staff fee
<b>Gym #2-Half Gym, Includes Kitchen</b>	\$25/hr. + staff fee	\$50/hr. + staff fee	\$100/hr. + staff fee
<b>Tables<sup>3</sup> (For Use Outside Center)</b>	\$3/table per day	\$3/table per day	\$3/table per day
<b>Chairs (For Use Outside Center)</b>	\$0.25/chair per day	\$0.25/chair per day	\$0.25/chair per day
<b>Staff Supervision<sup>2</sup></b>	\$20/hr.	\$20/hr.	\$20/hr.
<b>Cleaning Deposit<sup>5</sup></b>	\$50	\$50	\$50

<sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

<sup>2</sup>Supervision Fee may be waived for City of Graham employees upon approval of the GRPD Director or Athletic Supervisor

<sup>3</sup>Each rental will be charged a \$50 refundable security deposit

<sup>5</sup>Refundable and included in all rentals

\*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

### Graham Civic Center

	Resident/Non-Profit <sup>1*</sup>	General Public	Commercial*
<b>Full Center, Includes Kitchen</b>	\$20/hr. + staff fee \$75/5 hrs. + staff fee \$132/10 hrs. + staff fee	\$40/hr. + staff fee \$150/5 hrs. + staff fee \$265/10 hrs. + staff fee	\$80/hr. + staff fee \$300/5 hrs. + staff fee \$530/10 hrs. + staff fee
<b>Sand Volleyball Court</b>	\$15/hr.	\$20/hr.	\$30/hr.
<b>Staff Supervision<sup>2</sup></b>	\$20/hr.	\$20/hr.	\$20/hr.
<b>Cleaning Deposit<sup>5</sup></b>	\$50	\$50	\$50

<sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

<sup>2</sup>Supervision Fee may be waived for City of Graham employees upon approval of the GRPD Director or Athletic Supervisor

<sup>5</sup>Refundable and included in all rentals

\*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

### South Graham Park

	Resident/Non-Profit <sup>1*</sup>	General Public	Commercial*
<b>Sand Volleyball Court</b>	\$15/hr.	\$20/hr.	\$30/hr.

<sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

\*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

### Maple St. Center

	Resident/Non-Profit <sup>1*</sup>	General Public	Commercial*
<b>Full Center, Does Not Include Kitchen</b>	\$15/hr. + staff fee	\$30/hr. + staff fee	\$60/hr. + staff fee
<b>Supervisory Staff Fee<sup>4</sup></b>	\$20/hr.	\$20/hr.	\$20/hr.
<b>Cleaning Deposit<sup>5</sup></b>	\$50	\$50	\$50

<sup>1</sup>Must be a 501(c)(3), tax-exempt or charitable organization in good standing and must be approved by the City of Graham

<sup>4</sup>Supervisory fees must be paid for all centers. An additional hour will be added to all rentals for facility preparations. Supervisory fees may be waived for the Graham Recreation Center during regular business hours and for all centers for City of Graham employees upon approval of the GRPD Director or Center Supervisor

<sup>5</sup>Refundable and included in all rentals

\*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

### Shelters

	Resident	General Public	School Systems	
<b>Bill Cooke Park, Shelter #1 &amp; Shelter #2</b>	\$25/reservation period	\$50/reservation period	Alamance Co. Schools	Non-Alamance Co. Schools
<b>S. Graham Park, Shelter A &amp; Shelter B</b>			FREE	\$20
<b>Graham Regional Park</b>				
<b>Graham-Mebane Lake</b>				

## User Fees

### Refuse Fees

<b>*Recycling</b>	<b>\$6 per unit, per month</b>
<b>*Garbage Land Fill Tipping Fee</b>	\$4.50 per unit, per month
<b>New Home Garbage &amp; Recycling Container</b>	\$65 per container
<b>***Bulk Waste (in excess of 2 clamshell bites)</b>	\$18 per clamshell bite in excess of 2
<b>***Tree Trimmings (in excess of 2 clamshell bites)</b>	\$12 per clamshell bite in excess of 2
<b>*All water customers inside the City Limits without containerized disposal systems (dumpsters) per customer or dwelling unit</b> <b>***One (1) clamshell bite is approximately 1.5 cubic yards</b>	

### Stormwater Fee

<b>Stormwater Charge</b>	<b>\$2 per month per utility account</b>
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### Water Rates

<b>Water Base Rate (per month)</b>	<b>\$5.03</b>
<b>Water Rates per 1,000 gallons (inside city limits)</b>	
<b>0-2,500</b>	\$3.47
<b>2,500-10,000</b>	\$3.85
<b>10,001-100,000</b>	\$3.91
<b>100,001-1,000,000</b>	\$3.96
<b>1,000,001-2,000,000</b>	\$4.02
<b>2,000,000+</b>	\$4.07
<b>Water Rate (Outside City Limits)</b>	Double inside rates
<b>Water Base Rate (Outside City Limits)</b>	\$10.06
<b>Municipal Customers (per 1,000 gallons)</b>	Inside rates
<b>Delinquent Fee</b>	2% (Minimum of \$5)

<b>Non-payment Fee</b>	<b>\$40</b>
<b>*Water Deposit (Inside Residential)</b>	<b>\$80</b>
<b>*Water Deposit (Outside Residential)</b>	<b>\$160</b>
<b>*Water Deposit (Inside Non-residential)</b>	<b>\$100</b>
<b>*Water Deposit (Outside Residential)</b>	<b>\$200</b>
<b>Meter Tampering Fee</b>	<b>\$100</b>
<b>**Meter Testing Fee (Inside)</b>	<b>\$10</b>
<b>**Meter Testing Fee (Outside)</b>	<b>\$20</b>
<b>Service Initiation Fee</b>	<b>\$10</b>
<b>Backflow Annual Testing (For Irrigation Accounts)</b>	<b>\$10.42 per month</b>
<p><b>*No deposit required for property owners. Deposits required for rental or leased property and refundable when final bills are paid.</b></p> <p><b>**During testing, if meter checks out of limits estimated by AWWA, money shall be refunded and adjustment made to water bill. If meter tests are within AWWA Standards, the fee shall remain with the City.</b></p>	

### Sewer Rates

<b>Sewer Base Rate (per month)</b>	<b>\$5.03</b>
<b>Sewer Rates per 1,000 gallons:</b>	
<b>0-2,500</b>	<b>\$5.99</b>
<b>2,500-10,000</b>	<b>\$11.60</b>
<b>10,001-100,000</b>	<b>\$11.67</b>
<b>100,001-1,000,000</b>	<b>\$11.75</b>
<b>1,000,001-2,000,000</b>	<b>\$11.82</b>
<b>2,000,000+</b>	<b>\$11.91</b>
<b>Unmetered Sewer Charge (per month)</b>	<b>\$67.17</b>
<b>Outside User Sewer Surcharge (per month)</b>	<b>\$29.67</b>



## Water and Sewer Tap and System Development Fees

Water & Sewer Tap & Meter Fees					
	Water Meter Fee	Water Tap Fee (Inside City limits)	Water Tap Fee (Outside City limits)	Sewer Tap Fee (Inside City limits)	Sewer Tap Fee (Inside City limits)
Residential Dwelling Unit (3/4" Meter - 2 BR)*	\$300	\$1,000	\$2,000	\$1,000	\$2,000
Residential Dwelling Unit (3/4" Meter - 3 BR)*	\$300	\$1,000	\$2,000	\$1,000	\$2,000
Residential Dwelling Unit (3/4" Meter - 4 BR)*	\$300	\$1,000	\$2,000	\$1,000	\$2,000
Residential Dwelling Unit (3/4" Meter - 5 BR)*	\$300	\$1,000	\$2,000	\$1,000	\$2,000
All Other Zoning Categories/Uses - 3/4" Meter	\$300	<p>Owner or Developer is responsible for providing taps for all other types, sizes and zoning classifications except for fire suppression taps in the #1 fire district where taps will be provided by the City.</p>			
All Other Zoning Categories/Uses - 1" Meter					
All Zoning Categories/Uses - 1.5" Meter					
All Zoning Categories/Uses - 2" Meter					
All Zoning Categories/Uses - 3" Meter					
All Zoning Categories/Uses - 4" Meter					
All Zoning Categories/Uses - 6" Meter					

### July 1, 2022 Fees

Water & Sewer System Development Fees - July 1, 2022				
Customer Type	Equivalent Residential Unit†	Water Fee	Sewer Fee	Total Fee
Residential Dwelling Unit (3/4" Meter - 2 BR)	1	\$1,100	\$1,100	\$2,200
Residential Dwelling Unit (3/4" Meter - 3 BR)	1.5	\$1,650	\$1,650	\$3,300
Residential Dwelling Unit (3/4" Meter - 4 BR)	2	\$2,200	\$2,200	\$4,400
Residential Dwelling Unit (3/4" Meter - 5 BR)	2.5	\$2,750	\$2,750	\$5,500
All Other Zoning Categories/Uses - 3/4" Meter	1	\$1,100	\$1,100	\$2,200
All Other Zoning Categories/Uses - 1" Meter	1.67	\$1,837	\$1,837	\$3,674
All Zoning Categories/Uses - 1.5" Meter	3.33	\$3,663	\$3,663	\$7,326
All Zoning Categories/Uses - 2" Meter	5.33	\$5,863	\$5,863	\$11,726
All Zoning Categories/Uses - 3" Meter	11.67	\$12,837	\$12,837	\$25,674
All Zoning Categories/Uses - 4" Meter	21	\$23,100	\$23,100	\$46,200
All Zoning Categories/Uses - 6" Meter	43.33	\$47,663	\$47,663	\$95,326

†Applicable System Development Fee(s) for development requiring smaller or larger water meters will be calculated on a project specific basis using rates and methodology identified in the City's System Development Fee Analysis.

‡Equivalent Residential Unit is approximate multiplier adapted from AWWA Manual of Water Supply Practices-M1, Principles of Water Rates, Fees, and Charges.

\*120 gallons per day per bedroom (min. 2-BR)

**Notes:**

- (1) Water and Sewer Development Fees are based upon the number of bedrooms proposed for standard residential meter connections. Water and Sewer Development Fees for other metered connections are based upon the meter size of the connection.
- (2) Any item not included in the above schedule shall be referred to the City Manager for a specific price determination.
- (3) Except for development involving the subdivision of land, the above fees are payable at the time of application for connection. For development involving the subdivision of land, System Development Fees shall be paid at the time of plat recordation or when water or sewer service is committed by the City, whichever comes first.
- (4) Projects may pre-pay water and sewer development fees after construction plan approval or after water and sewer permit issuance. Pre-payment will be based upon the applicable the fees at that point in time. Prepayment of fees will not be impacted by future changes in fees in that no fees will be returned due to reduced fees nor additional fees charged due to increases in fees.
- (5) Projects that have active building permits but have not paid System Development fees have 30 days from July 1, 2022, to pay rates under the former water and sewer connection fee schedule.
- (6) Owner or Developer is responsible for providing taps for all non-standard types, sizes and zoning classifications except for fire suppression taps in the #1 fire district where taps will be provided by the City and for standard residential taps as noted above.
- (7) Owner or Developer is responsible for providing meters meeting City of Graham Standards and Specifications for all other types, sizes and zoning classifications for all meters above ¾" in size.
- (8) Owner or Developer of a residential subdivision, as defined *Section 10.336* of the City of Graham Development Ordinance, is responsible for furnishing water and sewer taps in which tap fees will not be charged.



# City of Graham

## City Council Meeting Minutes

### July 12, 2022

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The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on July 12, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

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

#### CALL TO ORDER:

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

#### INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Nick Holloway, Community Baptist Church, gave the invocation and all stood for the Pledge of Allegiance.

#### CONSENT AGENDA:

- a. To approve the following City Council Meeting Minutes:
  - June 2, 2022 – Budget Workshop
  - June 14, 2022 – Council Meeting
  - June 14, 2022 – Closed Session
  - June 28, 2022 – Special Meeting
- b. To adopt a resolution authorizing the exchange of City-owned property (wooden mantles), between the City of Graham and Preservation Burlington.

#### **RESOLUTION AUTHORIZING THE EXCHANGE OF PERSONAL PROPERTY BETWEEN THE CITY OF GRAHAM AND PRESERVATION BURLINGTON**

**WHEREAS**, North Carolina General Statute NCGS 160A-271 grants the Graham City Council the authority to exchange any real or personal property belonging to the city for other real or personal property by private negotiation if the city receives full and fair consideration in exchange for its property. Property shall be exchanged only pursuant to a resolution authorizing the exchange adopted at the next regular meeting of the City Council upon 10 days of public notice; and

**WHEREAS**, the City of Graham owns one wooden mantle used in the Graham Historical Museum as a display, purchased for \$150 in 2018; and

**WHEREAS**, Preservation Burlington owns a mantle attributed to the Frances Ann Holt Williamson and John Lea Williamson House that once stood at the current site of Graham City Hall with a current retail value of \$1,500; and

**WHEREAS**, Preservation Burlington and the City of Graham desire to exchange the above-mentioned mantles and deem the exchange as full and fair consideration; and,

**WHEREAS**, the Graham City Council on June 14, 2022, stated its intention to consider authorizing the exchange of certain City-owned property for certain property currently owned by Preservation Burlington; and

**WHEREAS**, the City of Graham City Council caused to be published a notice of this transfer/exchange in the Alamance News on June 30, 2022, pursuant to General Statute NCGS 160A-271.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the City of Graham City Council authorizes the exchange of a wooden mantle owned by the City of Graham for a wooden mantle attributed to the Frances Ann Holt Williamson and John Lea Williams House owned by Preservation Burlington pursuant to North Carolina General Statutes 160A-271.

**Authorized on this the 12<sup>th</sup> day of July 2022.**

- c. To adopt a resolution setting a date of public hearing for August 9, 2022, to consider a contiguous annexation for multiple tracts of property totaling 94.474 acres located on Cherry Lane and to adopt a resolution directing the City Clerk to investigate the sufficiency of the petition.

**RESOLUTION FIXING DATE OF AUGUST 9, 2022, FOR A PUBLIC HEARING ON THE QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 94.474 +/- ACRES ON CHERRY LANE (AN2204)**

**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 annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on August 9, 2022.

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

**Legal Description GPIN#: 8894934551:**

Beginning at an iron pipe found in the southerly right of way of Interstate 40 East/Interstate 85 North, said iron pipe having North Carolina State Grid Coordinates of North 843,913.53 and East 1,900,592.41; running thence S 03°12'13" W 300.01' to a point, running thence S 31°19'20" E 716.30' to an iron pipe found; running thence S 68°26'40" W 330.67' to an iron pipe found; running thence S 68°56'49" W 60.98' to an iron pipe found, running thence N 48°49'51" W 105.43' to an iron pipe found; running thence N 78°04'29" W 530.55' to an iron pipe found; running thence N 16°04'12" W 276.91' to an iron rod found; running thence S 72°16'08" W 401.55' to an iron found; running thence S 02°18'57" W 179.28' to an iron found; running thence N 82°10'24" W 953.49' to an iron pipe found; running thence S 17°46'38" W 388.86' to an iron pipe found; running thence N 42°27'29" W 619.33' to a point; running thence N 02°45'41" E 46.03' to a point in the centerline of Back Creek, running thence along the centerline of Back Creek the following eleven courses and distances: N 58°32'34" E 21.10', N 42°13'10" E 54.19', N 08°07'21" E 54.29', N 04°41'35" E 134.95', N 09°30'57" E 87.42', N 03°15'41" E 82.66', N 03°02'54" E 126.93', N 28°18'03" W 11.07', N 09°05'25" W 18.99', N 09°45'15" E 34.51', and N 01°06'26" E a distance of 100.04' to a point in the southerly right of way of Interstate 40 East/ Interstate 85 North; running thence along said southerly right of way N 89°26'54" E 1631.90' to an iron pipe found, S 87°45'06" E 422.43' to an iron pipe found and S 83°32'50" E 425.99' to the point of beginning, having an area of 2,397,653 square feet or 55.043 acres.

Being the same property as described in Deed Book 377 on Page 805 and being Alamance County GPIN 8894934551 (PIN 153027).

**Legal Description GPIN#:8894923597, 8894921459, 8894912932, 8894916547, and 9804012943:**

Beginning at an iron pipe found at a corner of lands of Jeffrey A. Eichinger and Jeanne R. Eichinger and Michelle W. Perduk, said iron pipe having North Carolina State Grid Coordinates of North 842,761.95 and East 1,898,455.39; running thence N 17°46'38" E 388.86' to an iron pipe found; running thence S 82°10'24" E 953.49' to an iron found; running thence S 82°16'23" E 500.30' to an iron pipe found; running thence 23°33'09" W 401.63' to an axle found; running thence S 23°26'08" W 404.00' to an iron rod found; running thence S 59°16'21" E 553.52' to a concrete monument found; running thence N 25°59'43" E 253.48' to an iron pipe found; running thence S 29°10'05" E 226.56' to a point in the northerly right of way of Cherry Lane; running thence along the northerly right of way of Cherry Lane the following four courses and distances: S 52°37'02" W 344.16' to an iron rod found, S 52°36'46" W 142.25' to a point, S 50°17'41" W 30.65' to a point and S 47°23'07" W 462.51' to a point; running thence N 31°53'25" W 100.49' to a point; running thence N 09°59'18" W 95.24' to a point; running thence N 28°46'55" W 94.76' to a point; running thence N 76°12'20" W 79.06' to a point; running thence N 50°33'54" W 145.97' to a point; running thence S 88°54'25" W 101.36' to a point; running thence N 71°14'05" W 102.39' to a point; running thence N 60°02'54" W 137.63' to a point; running thence S 78°53'42" W 30.89' to a point; running thence N 60°51'38" W 64.90' to a point; running thence N 04°50'36" W 255.36' to a point; running thence N 30°47'13" E 199.93' to a point; running thence N 59°09'33" W 191.00' to an iron pipe found;

running thence N 42°49'25" W 577.14' to the point of beginning, having an area of 1,717,621 square feet or 39.431 acres.

Being the same properties as described in Deed Book 495 at Page 106 (Tract 1) (GPIN

9804012943, PIN 159931), Deed Book 3184 at Page 507 (Tract 2) (GPIN 8894912932, PIN 171726), Deed Book 3184 at Page

507 (Tract 3) (GPIN 8894916547, PIN 171727), Deed Book 1458 at Page 77 (Tract 4) (GPIN 8894921459,

PIN 153025) and Deed Book 1458 at Page 80 (GPIN 8894923597, PIN 153026). These five tracts are all contiguous and are being combined into one parcel for this annexation.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 12<sup>th</sup> day of July 2022.

**RESOLUTION FIXING DATE OF AUGUST 9, 2022, FOR A PUBLIC HEARING ON QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 94.474 +/- ACRES ON CHERRY LANE (AN2204)**

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**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 annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on August 9, 2022.

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point in the centerline of Back Creek, running thence along the centerline of Back Creek the following eleven courses and distances: N 58° 32'34" E 21.10', N 42°13'10" E 54.19', N 08°07'21" E 54.29', N 04°41'35" E 134.95', N 09°30'57" E 87.42', N 03°15'41" E 82.66', N 03°02'54" E 126.93', N 28°18'03" W 11.07', N 09°05'25" W 18.99', N 09°45'15" E 34.51', and N 01°06'26" E a distance of 100.04' to a point in the southerly right of way of Interstate 40 East/ Interstate 85 North; running thence along said southerly right of way N 89°26'54" E 1631.90' to an iron pipe found, S 87°45'06" E 422.43' to an iron pipe found and S 83°32'50" E 425.99' to the point of beginning, having an area of 2,397,653 square feet or 55.043 acres.

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Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

**Adopted this the 12<sup>th</sup> day of July 2022.**

- d. To reappoint Noelle Purcell to the Historical Museum Advisory Board for a term to expire June 30, 2025.
- e. To approve the following existing Inspection Department fees that were inadvertently removed from the recently approved fee schedule:

Change of Contractor- \$50  
 Building Fee Misc.- \$50  
 Temporary Gas- \$50  
 Fireplace Fee- \$50  
 Daycare Inspections \$100  
 Home Recovery \$10

- f. To approve the following tax releases in the amount of \$7,498.07.

CITY OF GRAHAM RELEASE ACCOUNTS				
JULY RELEASES				
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
702640	2021	JOSE B SOSA DIMAS	BILLED IN ERROR, SHOULD HAVE BEEN BILLED TO SOA	\$20.57
648047	2021	SALEM LEASING CORP	TWENTY-NINE LEASED IRP VEHICLES NOT LOCATED IN THE CITY LIMITS	\$7,477.50

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Chin. The motion passed unanimously.

## **PUBLIC HEARING:**

### **ITEM 1: COST-SHARING AGREEMENT – TRUBY DRIVE IMPROVEMENT PROJECT**

A public hearing had been scheduled to consider approving a cost-sharing agreement between the City of Graham and Truby Drive Industrial 1, LLC, for street improvements.

Assistant City Manager Aaron Holland stated Truby Drive was a concrete, City-maintained road that currently served as the only entrance to the Flying-J truck stop. He stated the road had an average traffic volume of approximately 80 trucks per hour which had exacerbated the deterioration of the 20+ year-old road.

Mr. Holland stated the City had been reviewing a proposed project over recent months that had provided an opportunity to participate with a developer to make the necessary repairs. Truby Drive Industrial I, LLC had proposed to construct a 575,000-square-foot building on vacant property off Truby Drive. The City proposes to contribute \$200k from Powell Bill funds to participate in this improvement.



Mayor Pro Tem Hall moved to approve the cost-sharing agreement with Truby Drive Industrial 1, LLC, for street improvements on Truby Drive, seconded by Council Member Parsons. The motion passed unanimously.

### **NEW BUSINESS:**

#### **ITEM 2: STREET CLOSING – 100 BLOCK ELM STREET – OCTOBER 21, 2022**

City Council considered a request to close the 100 block of W. Elm Street on October 21, 2022, from 5:00 p.m. to 9:00 p.m. for a faith and family night concert.

Assistant City Manager Holland stated Pastor Nicholas Holloway of Community Baptist Church had submitted an application requesting to close the 100 block of W. Elm Street for a Faith & Family Night Concert. He stated according to the application, the event was being requested for October 21, 2022, from 5 pm to 9 pm (includes setup) with normal traffic returning around 9:30 pm.

Pastor Nick Holloway shared his church's desire to hold a concert in the downtown Graham area. Pastor Holloway stated the concert would be held on October 21, 2022, and planned to invite other churches to attend.

Mayor Talley suggested in the future when asking to close a street that all affected businesses are contacted to inform them of the plan to close a street in front of their business.

Mayor Pro Tem Hall motioned to approve the street closing, seconded by Council Member Chin. The motion passed unanimously.

#### **ITEM 3: CHAPTER 8 – ARTICLE IV – CANVASSERS' AND SOLICITORS' PERMIT**

City Council considered amending regulations and requirements in the Code of Ordinances for Canvassers' and Solicitors' Permits.

Assistant City Manager Holland stated at the conclusion of the May 10, 2022, City Council meeting, staff was directed by Council to review the current ordinance pertaining to Chapter 8, Article IV, Canvassers' and Solicitors' Permit.

Council Member Whitaker motioned to approve the amendments to Chapter 8, Article IV, Canvassers' and Solicitors' Permit, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 8, ARTICLE IV, SEC. 8-104, 107, 109, 113 AND ADD SEC. 8-114 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 sections 8-104, 107, 109, 113 and Add Sec. 8-114, which said sections read as follows:

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## **Chapter 8 – BUSINESSES**

### **ARTICLE IV. – CANVASSERS' AND SOLICITORS' PERMIT**

#### **Sec. 8-104. - Required.**

- (a) It shall be unlawful for a solicitor or canvasser to enter upon any private premises when such premises are posted with a sign stating "No Solicitors or No Solicitations allowed".
- (b) If, at the entrances to a neighborhood with a property owners association, a visible sign that says "no soliciting" or that has comparable language indicating that solicitation is unwelcome has been posted by the association pursuant to authority granted to it, it shall be a violation of this section for a solicitor to go onto or into any private premises in that neighborhood, regardless of whether that particular residence has a "no soliciting" or comparable sign posted, for the purpose of soliciting orders for the sale of, disposing of, or peddling or hawking of goods, wares, and merchandise.
- (c) Regardless of whether a private premise has a "no soliciting" sign or comparable sign posted, it shall be a violation of this section if a solicitor does not immediately leave a private premise after being told to do so by any owner or occupant of the residence.

(Code 1978, ch. K, art. I, § 12; Code 1983, § 6-67)

#### **Sec. 8-105. - Application; fee.**

(a) An applicant for a permit under this article shall file with the city tax collector a sworn application in writing on a form to be furnished by the city tax collector, which shall give the following information:

- (1) The name and description of the applicant.
- (2) The permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods or services to be sold.
- (4) If employed, or acting as an agent, the name and address of the employer or principal, together with credentials establishing the exact relationship.
- (5) The length of time for which the permit is desired.
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced; where such goods or products are located at the time such application is filed; and the proposed method of delivery.
- (7) Two photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) The fingerprints of the applicant.
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

- (10) A statement by a reputable physician of the city dated not more than ten days prior to submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease.

(b) At the time of filing the application, a fee fixed by the city council and kept on file in the office of the city clerk shall be paid to the city tax collector to cover the cost of issuing the permit.

(Code 1978, ch. K, art. I, § 13; Code 1983, § 6-68)

#### **Sec. 8-106. - Bond.**

Before a permit is issued under this article, every applicant not a resident of the city or who, being a resident of the city, represents a firm that does not have assets within the state which are subject to attachment, whose principal place of business is located outside of the state, shall file with the city tax collector a surety bond running to the city in the amount of \$1,000.00, with surety acceptable to and approved by the city manager, conditioned that the applicant shall comply fully with all provisions of this Code and other ordinances of the city and the statutes of the state regulating and concerning the business of solicitor and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representation of the solicitor, and further guaranteeing to any citizen of the city doing business with the solicitor that the property purchased will be delivered according to the representations of the solicitor. Such bond shall provide that action thereon may be brought in the name of the city to the use or benefit of the aggrieved person. A surety bond issued by any surety company licensed to do business by the department of insurance of the state shall constitute a valid bond under this section.

(Code 1978, ch. K, art. I, § 14; Code 1983, § 6-69)

#### **Sec. 8-107. - Police rulings on applications; appeal.**

- (a) If any applicant for a permit has been convicted of any felony, misdemeanor, or violation of this Code or other city ordinance, the tax collector shall submit the application to the chief of police for approval.
- (b) If the chief of police shall find the previous criminal record of the applicant justifies the conclusion that the health and safety of occupants of homes solicited might be menaced by commission of a breach of the peace or some form of assault, the issuance of a permit shall not be approved.
- (c) Whenever an application for a permit is disapproved on this ground, the applicant shall have the right to appeal from the decision of the chief of police by filing with the council, within 14 days after the applicant receives notice that the application has been disapproved, a written statement setting forth fully the grounds for the appeal.
- (d) The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant by mailing the notice, postage paid, to the licensee at his last known address at least five days prior to the date set for the hearing.
- (e) The decision of the council on such appeal shall be final and conclusive.

(Code 1978, ch. K, art. I, § 21; Code 1983, § 6-70)

#### **Sec. 8-108. - Issuance; contents; badge; copy of article.**

Upon receipt of an application for a permit under this article and payment of the prescribed fee therefor, the city tax collector or other city official charged with regulation of solicitors shall deliver to the applicant:

- (1) A permit containing: a. The signature of the issuing officer; the name, address, and photograph of the licensee; b. The class of permit issued and the kind of goods to be sold thereunder; c. The date of issuance of the permit; the length of time the permit shall be in effect; d. The permit number; and e. An identifying description of any vehicles used in such soliciting.
- (2) A badge, which shall contain the words, "licensed solicitor." The badge shall also show the period for which the permit is issued and the number of the permit.
- (3) A copy of this article.

(Code 1978, ch. K, art. I, § 15; Code 1983, § 6-71)

**Sec. 8-109. - Display—Badge.**

The badge issued under the provision of Section 8-108(2) shall, during the time of solicitor is engaged in soliciting, be worn continuously by the solicitor on the front of the outer garment in such a way as to be conspicuous.

(Code 1978, ch. K, art. I, §§ 16, 18; Code 1983, § 6-72)

**Sec. 8-110. - Same—Permit.**

It shall be the duty of any police officer in the city or any tax collection official of the city to require any person seen soliciting or canvassing to produce his solicitor's or canvasser's permit and to enforce the provisions of this article against any person found to be violating the same.

(Code 1978, ch. K, art. I, § 18; Code 1983, § 6-73)

**Sec. 8-111. - Revocation—Grounds; notice.**

- (a) A permit issued under the provisions of this article may be revoked by the city tax collector, after notice and hearing, for any of the following causes: (1) Fraud, misrepresentation or false statement made in the course of carrying on a business as solicitor or canvasser, or such statement made in the application for a permit. (2) Any violation of this article. (3) Conducting the business of soliciting or of canvassing in an unlawful or abusive manner or in such a manner as to constitute a breach of the peace or menace to the health and enjoyment of the privacy of the home of any individual called upon or solicited. (4) Conviction, during the permit year, of any crime or misdemeanor involving moral turpitude.
- (b) A notice of the hearing for revocation of the license shall be given in writing, setting forth specifically the grounds for complaint and the time and place of hearing. Such notice shall be mailed, postage paid, to the licensee at his last known address at least five days prior to the date set for the hearing.

(Code 1978, ch. K, art. I, § 19; Code 1983, § 6-74)

**Sec. 8-112. - Same—Appeal.**

- (a) Any person aggrieved by the action of the city tax collector in the revocation of a permit shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal.
- (b) The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided for notice of hearing on revocation.
- (c) The decision of the council on such appeal shall be final and conclusive.

(Code 1978, ch. K, art. I, § 20; Code 1983, § 6-75)

**Sec. 8-113. - Duration.**

A permit issued under the provisions of this article shall be effective 180 days from the issuance date unless the application requests permission to do business for a lesser period, in which case the permit shall be valid for such period.

**Sec. 8-114. - Penalty.**

Any violation of this article shall subject violators to a civil penalty in the amount of fifty dollars (\$50). Violators shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violators to pay the civil penalty within the specified time shall subject such violators to a civil action to collect all penalties and costs for said violation, and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00). Continued violations or continuing violations shall subject violators to separate, distinct, and successive civil penalties.

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

This the 12<sup>th</sup> day of July 2022.

#### **ITEM 4: REPLACEMENT OF TOWER LADDER TRUCK**

City Council considered an intent to purchase a replacement of a 1975/2005 Tower Ladder Aerial Fire Truck.

Fire Chief Tommy Cole stated in 2005, the City of Graham purchased a 2005 Sutphen 85' Aerial Platform (Remount). This apparatus was not utilized on a daily basis with staff only operating the two front line engines. The hope was that off-duty or volunteer firefighters would come to the station and respond with the apparatus as needed. In 2019, the approach to staffing apparatus was changed because the City had changed. Rapid growth was beginning and the need to staff an aerial apparatus was needed as we began seeing more and more multi-story apartments and buildings popping up in the City. When firefighters began responding with the aerial apparatus to fires and alarms, we began to see the safety concerns and deficiencies of a 45-year-old ladder (assembly) truck. To help overcome this issue, we conducted more and more training classes to teach our staff and members the in-depth operations of an aerial that has no safety devices to prevent damaging the apparatus or creating a safety issue for the users. Our aerial ladder is used on a regular basis and requested from time to time from our neighboring departments as their communities continue to grow as well.

Chief Cole stated the current aerial ladder had many shortcomings and one noted deficiency in the annual aerial certification indicated "During rotation ladder momentarily loses power" and "Defect affects the certification of the aerial unit." During a recent meeting with VFIS insurance, we were requesting a quote for insurance coverage and the VFIS representative said they would require an aerial certification to provide coverage. While we have a complete aerial inspection annually, we cannot get certification until the repairs are completed. The verbal estimate to correct this issue was quoted at \$100,000+ to remove the aerial device from the chassis and replace the entire turntable. In 2020, the city spent roughly \$73,000 because of damage resulting from a hydraulic line rupture. The age of the aerial required the manufacturer to rebuild more than just the damaged parts because replacement parts were not available.

Fire Chief Cole stated the estimated cost of an Aerial Platform Ladder truck was \$1,400,000 to \$1,800,000. This investment would serve the City for another 20 years. With current build times for fire

apparatus being 18-24 months, staff requested to order the apparatus as soon as possible and prepare to take delivery in the FY23 budget year.

After a discussion on how to pay for a ladder truck, City Manager Garner stated that Council had several options. She stated ARPA funds could be used for the total cost or a portion of the cost, but could not be used for debt service. The Council could also finance the purchase of new or used truck.

Council consensus was for Fire Chief Cole to search for a used or demo model and bring findings back to Council for consideration.

### **PUBLIC COMMENT PERIOD:**

There were no public comments.

### **CITY STAFF COMMENTS:**

City Manager Garner stated that Council had called a special meeting on Monday, July 18, 2022, at noon to discuss potential uses for ARPA funding and School Resource officers funding.

### **CITY COUNCIL COMMENTS:**

Mayor Talley shared that the State's budget had been approved and the City of Graham was awarded \$10 million to go towards the wastewater treatment plant upgrades. She thanked Senator Amy Galley and Representative Dennis Riddell for their support.

Mayor Talley shared that the weekend lake cruises were a big hit and sold out. Citizens asked for a sunset cruise. She also asked if Council could possibly take a cruise together while visiting the water treatment plant.

### **ADJOURN**

Council Member Chin motioned to adjourn, seconded by Mayor Pro Tem Hall. Motion passed unanimously. (7:00 p.m.)

Renee M. Ward  
City Clerk



## City of Graham City Council Special Meeting Minutes of July 18, 2022, and July 22, 2022

The City Council of the City of Graham held a Special Meeting on July 18, 2022, at noon in the Council Chamber, City Hall Municipal Building, located at 201 South Main Street, Graham, NC. City Council continued the special meeting to Friday, July 22, 2022, at 5:00 p.m.

### Councilmembers Present:

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

### Staff Present:

Megan Garner, City Manager, absent  
Aaron Holland, Assistant City Manager  
Renee M. Ward, City Clerk, *absent on 7-22-22*  
Julianne Cordon, Finance Director, *absent on 7-22-22*

### CALL TO ORDER:

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

### ARPA – (AMERICAN RESCUE PLAN ACT) / SCHOOL RESOURCE OFFICER'S FUNDING:

City Council reviewed and discussed the potential uses of ARPA funds and the funding of additional SROs. Council agreed to fund the following projects:

ARPA Projects		
<i><b>Project</b></i>	<i><b>Department</b></i>	<i><b>Total</b></i>
10" Water Line Replacement ( <i>total project \$13 million; current funding gap is \$6.1 million</i> )	Utilities	\$3,500,000
SROs & COPS Positions Equipment	PD	\$62,101
3 Vehicles	PD	\$204,033
Fuel Master System Upgrade ( <i>benefits all departments and non-City agencies</i> )	IT	\$18,000
Civic Center Fiber Upgrade	IT	\$55,000
<b>Subtotal</b>		<b>\$3,839,134</b>
<b>ARPA Funding Allocation</b>		<b>\$4,986,340</b>
<b>Balance Unencumbered</b>		<b>\$1,147,206</b>

City Council instructed staff to get firm quotes on the following potential projects:

- Renovations to Sesquicentennial park (at a minimum, to repair the flooring)
- Ramp prices for the lake to potentially be used in conjunction with the dock repairs
- Cameras for the entrances and exits to the parks – should be lower than the \$55,000 originally submitted.
- Civic Center Roof replacement
- Costs for updating Downtown Master Plan, 2035 Comprehensive Plan, and Development Ordinance

## ADJOURN

Mayor Pro Tem Hall motioned to adjourn at 7:05 p.m., on July 22, 2022, seconded by Council Member Chin. The motion passed unanimously.

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Renee M. Ward, CMC  
City Clerk





# City of Graham

## City Council Meeting Minutes

### August 9, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on August 9, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

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

#### CALL TO ORDER:

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

#### INVOCATION & PLEDGE OF ALLEGIANCE

Captain Velez, Graham Police Department, gave the invocation and all stood for the Pledge of Allegiance.

#### CONSENT AGENDA:

- a. To approve the following City Council Meeting Minutes:
  - July 12, 2022 – City Council Meeting
  - July 18 and July 22, 2022 – Special Meetings
- b. To approve a settlement of uncollected Real and Personal Property taxes in the amount of \$85,012.04, for fiscal year 2021-2022.
- c. To approve a resolution directing the City Clerk to investigate the sufficiency of an annexation petition and to approve a resolution setting a date of public hearing for September 13, 2022, to consider extending the Graham corporate limits for 1.31-acres located on Cheeks Lane.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
 A PETITION RECEIVED UNDER G.S. 160A-31  
 FOR PROPERTY ON CHEEKS LANE (GPIN: 8883941325) (AN2205)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on August 9, 2022, by the Graham City Council; and

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

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

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

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**RESOLUTION FIXING DATE OF SEPTEMBER 13, 2022, FOR A PUBLIC HEARING ON  
QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 1.31 +/-  
ACRES ON CHEEKS LANE (AN2205)**

**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 annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on September 13, 2022.

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

**Legal Description GPIN#: 8883941325**

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

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

- d.** To approve an amendment to the Town of Haw River and City of Graham sewer agreement.

Mayor Talley asked that Item c be removed for discussion.

Mayor Talley asked if the City Manager would give an explanation on the amendment to the Town of Haw River and City of Graham sewer agreement.

City Manager Garner said she could share background information or the City Engineer could share more details about the agreement.

City Engineer Josh Johnson stated Haw River and Graham have had a sewer agreement for the past 25 + years and the agreement had not been updated during that time. He stated both Graham and Haw River had grown in the areas where service was provided and the amendment provides a consistent billing mechanism so sewer meters could be installed to measure the actual flow going to each community.

Assistant City Manager Aaron Holland stated the Town of Haw River approved the amendment at its Council meeting last week and in order for this to go into effect, Graham would need to approve the agreement as well.

Mayor Talley asked if this would make a big difference in the budget.

City Manager Garner stated the City had been substantially underpaid for the amount of sewer we were sending, and that staff was aware of this agreement before the upcoming fiscal year so the proper amount to be collected was anticipated and built into this year's utility budget.

Mayor Pro Tem Hall moved to approve consent agenda items a, b, and d, seconded by Council Member Chin. The motion passed unanimously.

Mayor Talley asked if anyone from the public was present to speak on item c.

Mayor Talley stated someone contacted her office and said they would be here tonight to speak on this item and she wanted to give them that opportunity. She stated this action was just to set a date for a public hearing and Council would have another time to consider and discuss this item.

Mayor Pro Tem Hall motioned to approve consent agenda item c, seconded by Council Member Parsons. The motion passed unanimously.

## **PUBLIC HEARING:**

### **ITEM 1: VOLUNTARY CONTIGUOUS ANNEXATION – 94.47 ACRES – CHERRY LANE**

A public hearing had been scheduled to consider a voluntary contiguous annexation to extend the corporate limits of the City of Graham, NC, for approximately 94.47 acres located on Cherry Lane.

Assistant City Manager Holland stated the petition was a request for Council's approval for an extension of the corporate limits. He stated the area being considered for annexation was located on Cherry Lane, which contained 94.474 (+/-) acres total. Water and sewer infrastructure are going to be extended to the site. He stated industrial property generally creates positive tax revenue for the City, and because the public services are being extended to the site, the cost to the City would be minimal.

The public hearing was opened and the following persons spoke:

Mr. Lawson Brown, Attorney, Vernon Law Firm, representing the property owners stated Kimley Horn Engineering had been engaged and he had worked closely with City Engineer Josh Johnson to make sure the sewer would flow to Graham in the westerly direction. He stated he was happy to report there had been four

meetings with the adjoining property owners and an agreement had been reached that would satisfy concerns once the development moved forward. He asked that the Council annex the property into the City, which would increase the tax revenue as well as water and sewer revenue. Mr. Brown also shared that the Department of Transportation would make road improvements on Cherry Lane between Highway 54 and Trollingwood Road with an additional asphalt surface treatment, and in the segment between Governor Scott Road and Trollingwood Road a two-foot paved shoulder would be added with the pavement improvements. These improvements were contracted to be completed by June 2023.

Mr. Tom Boney, Alamance News, asked what the nature of the potential agreement was with the neighbors.

Mr. Brown stated the agreement related to additional buffering over and above what the UDO required and additional plantings and land swaps with property to the south.

Mr. Bill Aucoin, Vice President, Avison Young, is representing the Eichingers and Perduks in the sale of their properties. Mr. Aucoin read a statement on behalf of Mr. Perduk, who was asking for the annexation to be approved so he could sell the property.

Mayor Talley stated that Chad Huffine made a comment in reference to a land swap and was concerned about annexing property when boundaries could be changed.

Mr. Brown stated he had met with Mr. Huffine on four occasions and had reached an agreement in principle. He said part of the agreement would provide Mr. Huffine the ability to access the public sewer that would be installed. He stated that under the City of Graham's annexation policy, if they wish to tie into the City's water and sewer then he would have to ask to be annexed into the City.

Mayor Talley inquired about the cost to the City for streets and utilities.

City Manager Garner stated with industrial development there was very little cost to the City.

#### **Close the Public Hearing:**

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

#### **Motion:**

Council Member Whitaker moved to approve the annexation ordinance to extend the corporate limits of the City of Graham by 94.474 acres on Cherry Lane, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

### **ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR A 94.474-ACRE TRACT OF LAND ON CHERRY LANE (AN2204)**

**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 August 9, 2022, after due notice by publication on July 28, 2022; and

**WHEREAS**, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31.

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

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of August 9, 2022:

**Legal Description GPIN#: 8894934551**

Beginning at a iron pipe found in the southerly right of way of Interstate 40 East/Interstate 85 North, said iron pipe having North Carolina State Grid Coordinates of North 843,913.53 and East 1,900,592.41; running thence S 03°12'13" W 300.01' to a point, running thence S 31°19'20" E 716.30' to an iron pipe found; running thence S 68°26'40" W 330.67' to an iron pipe found; running thence S 68°56'49" W 60.98' to an iron pipe found, running thence N 48°49'51" W 105.43' to an iron pipe found; running thence N 78°04'29" W 530.55' to an iron pipe found; running thence N 16°04'12" W 276.91' to an iron rod found; running thence S 72°16'08" W 401.55' to an iron found; running thence S 02°18'57" W 179.28' to an iron found; running thence N 82°10'24" W 953.49' to an iron pipe found; running thence S 17°46'38" W 388.86' to an iron pipe found; running thence N 42°27'29" W 619.33' to a point; running thence N 02°45'41" E 46.03' to a point in the centerline of Back Creek, running thence along the centerline of Back Creek the following eleven courses and distances: N 58°32'34" E 21.10', N 42°13'10" E 54.19', N 08°07'21" E 54.29', N 04°41'35" E 134.95', N 09°30'57" E 87.42', N 03°15'41" E 82.66', N 03°02'54" E 126.93', N 28°18'03" W 11.07', N 09°05'25" W 18.99', N 09°45'15" E 34.51', and N 01°06'26" E a distance of 100.04' to a point in the southerly right of way of Interstate 40 East/Interstate 85 North; running thence along said southerly right of way N 89°26'54" E 1631.90' to an iron pipe found, S 87°45'06" E 422.43' to an iron pipe found and S 83°32'50" E 425.99' to the point of beginning, having an area of 2,397,653 square feet or 55.043 acres.

**Legal Description GPIN#: 9804012943, 8894912932, 8894916547, 8894921459, & 8894923597**

Beginning at an iron pipe found at a corner of lands of Jeffrey A. Eichinger and Jeanne R. Eichinger and Michelle W. Perduk, said iron pipe having North Carolina State Grid Coordinates of North 842,761.95 and East 1,898,455.39; running thence N 17°46'38" E 388.86' to an iron pipe found; running thence S 82°10'24" E 953.49' to an iron found; running thence S 82°16'23" E 500.30' to an iron pipe found; running thence 23°33'09" W 401.63' to an axle found; running thence S 23°26'08" W 404.00' to an iron rod found; running thence S 59°16'21" E 553.52' to a concrete monument found; running thence N 25°59'43" E 253.48' to an iron pipe found; running thence S 29°10'05" E 226.56' to a point in the northerly right of way of Cherry Lane; running thence along the northerly right of way of Cherry Lane the following four courses and distances: S 52°37'02" W 344.16' to an iron rod found, S 52°36'46" W 142.25' to a point, S 50°17'41" W 30.65' to a point and S 47°23'07" W 462.51' to a point; running thence N 31°53'25" W 100.49' to a point; running thence N 09°59'18" W 95.24' to a point; running thence N 28°46'55" W 94.76' to a point; running thence N 76°12'20" W 79.06' to a point; running thence N 50°33'54" W 145.97' to a point; running thence S 88°54'25" W 101.36' to a point; running thence N 71°14'05" W 102.39' to a point; running thence N 60°02'54" W 137.63' to a point; running thence S 78°53'42" W 30.89' to a point; running thence N 60°51'38" W 64.90' to a point; running thence N 04°50'36" W 255.36' to a point; running thence N 30°47'13" E 199.93' to a point; running thence N 59°09'33" W

191.00' to an iron pipe found; running thence N 42°49'25" W 577.14' to the point of beginning, having an area of 1,717,621 square feet or 39.431 acres.

**Section 2.** Upon and after August 9, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A- 58.10.

**Section 3.** The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

**Adopted this, the 9<sup>th</sup> day of August 2022.**

## **NEW BUSINESS:**

### **ITEM 2: PROJECT ORDINANCE – ARPA PROJECTS:**

City Council considered approving the Project Ordinance for the following identified American Rescue Plan Act projects:

<b>ARPA Projects</b>		
<i><b>Project</b></i>	<i><b>Department</b></i>	<i><b>Total</b></i>
10" Water Line Replacement <i>(total project \$13 million; current funding gap is \$6.1 million)</i>	Utilities	\$3,500,000
SROs & COPS Positions Equipment	PD	\$62,101
3 Vehicles	PD	\$204,033
Fuel Master System Upgrade <i>(benefits all departments and non-City agencies)</i>	IT	\$18,000
Civic Center Fiber Upgrade	IT	\$55,000
<b>Subtotal</b>		<b>\$3,839,134</b>
<b>ARPA Funding Allocation</b>		<b>\$4,986,340</b>
<b>Balance Unencumbered</b>		<b>\$1,147,206</b>

Mayor Talley asked for the Civic Center Fiber Upgrade be removed from the proposed projects and to be considered at a later date.

Council Member Parsons asked for a contingency on purchasing the three vehicles until the hiring of additional officers.

City Manager Garner stated it would depend on the lead time for ordering patrol cars.

Council Member Parsons corrected his statement saying the three vehicles were fine to order but if the department needed additional vehicles when officers are hired, they could potentially use ARPA money to order an additional vehicle if needed.

Mayor Talley stated the City still had an unencumbered total of \$1,147, 206, to be discussed in the future plus an additional \$55,000.

Mayor Talley motioned to approve the Project Ordinance for the above-listed ARPA projects with the exception of \$55,000 for Civic Center fiber upgrades, seconded by Council Member Chin. The motion passed unanimously.

## **RESOLUTION ESTABLISHING THE BUDGET FOR ARPA FUNDS GRANT ORDINANCE**

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

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

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

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

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

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

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

ARPA Revenue	\$3,784,134
<b>TOTAL</b>	<u>\$3,784,134</u>

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

10" Water Line Replacement	\$3,500,000
GPD Positions Equipment	\$62,101
Vehicles	\$204,033
Fuel Master System Upgrade	\$18,000
<b>TOTAL</b>	<u>\$3,784,134</u>

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

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

Section 7. This ordinance shall take effect upon passage.



Approved this the 9<sup>th</sup> day of August 2022.

### **ITEM 3: BOARDS AND COMMISSION APPOINTMENTS:**

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

- **Appearance Commission/Tree Board – 2 Appointments**

Mayor Pro Tem Hall moved to appoint Noelle Purcell and Linda Con to the Appearance Commission/Tree Board, seconded by Council Member Whitaker. The motion passed unanimously.

- **Graham Historical Museum Board – 1 Appointment**

Mayor Pro Tem Hall moved to appoint Karen Chin to the Graham Historical Museum Board, seconded by Council Member Parsons.

Mayor Pro Tem Hall moved to allow Council Member Chin to be recused from voting on the Graham Historical Museum appointment, seconded by Council Member Whitaker. Motion passed unanimously.

Mayor Pro Tem Hall moved to appoint Karen Chin to the Graham Historical Museum Board, seconded by Council Member Whitaker. Motion passed unanimously. Council Member Chin abstained.

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

- **Historic Resources Commission – 2 Appointments**

Mayor Pro Tem Hall moved to appoint Lisa Kyle and Anthony Brooks to the Historic Resources Commission, seconded by Council Member Chin. Motion passed unanimously.

- **Planning Board/Board of Adjustment – Recommendation (1) as ETJ Member**

Mayor Pro Tem Hall moved to recommend Mike Benesch as the ETJ member to the County Commissioners, seconded by Mayor Talley. Motion passed unanimously.

- **Alamance County Library Committee – Recommendations (2)**

Mayor Talley shared that the County Commissioners would not be voting on the Library committee until two months from now. Mayor Talley asked the Clerk if she had spoken with the Commissioners.

City Clerk Renee Ward stated County Clerk Tory Frink called and said that we mistakenly appointed members to the Library Commission when the Council was only to make recommendations to the Commissioners and the same with the Planning Board ETJ member.

Mayor Talley asked to advertise the vacancies on the Library Committee for two weeks and Council would consider recommendations at the next Council meeting.

### **PUBLIC COMMENT PERIOD:**

Mr. Daniel Alvis spoke in reference to the recyclable cans not being picked up in a timely manner behind the park.

Mr. Keith Westbrook, 604 Trock Wilder Court, spoke in reference to sidewalks on Elm Street towards Graham High School.

Mr. Ken Akin, 276 Watonga Village Drive, Boone, NC, spoke in reference to Tree Preservation.

Ms. Faith Cook, 330 W. Market Street, Graham, spoke in reference to an issue with a Graham Police Department officer.

Ms. Amanda Baker, no address given, Graham, spoke in reference to an issue with a Graham Police Department officer.

### **CITY STAFF COMMENTS:**

There were no staff comments.

### **CITY COUNCIL COMMENTS:**

**Council Member Chin** shared in reference to the Economic Development Committee, that he would like to recommend that Council consider placing on this board the County's Economic Development person, representatives from Mebane and Burlington be part of Graham's Economic Development and Marketing Committee.

**Mayor Talley** shared the following events:

911 Commemorative 5K

Balloon Festival – September 9 – Cedarrock Park

Movies in the Park every Saturday in September

Musical Chairs Concert Series

Kinfolk Concert Series – Third Saturday of the month – Colonial Hardware – 104 E Elm Street

### **ADJOURN**

Council Member Chin motioned to adjourn, seconded by Mayor Pro Tem Hall. Motion passed unanimously. (7:22 p.m.)

Renee M. Ward  
City Clerk

# City of Graham

## City Council Meeting Minutes

### September 13, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on September 13, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

Megan Garner, City Manager  
 Aaron Holland, Assistant City Manager  
 Bryan Coleman, City Attorney  
 Renee Ward, City Clerk - *Absent*

#### CALL TO ORDER:

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

#### INVOCATION & PLEDGE OF ALLEGIANCE

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

#### PROCLAMATION: Fire Prevention Week

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

#### CONSENT AGENDA:

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

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

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

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

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

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

**SECTION 1.** Terms and Conditions of Acceptance:

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

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

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

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

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

## **CAPITAL PROJECT ORDINANCE WWTP UPGRADES AND EXPANSION**

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

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

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

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

State Grant	\$400,000
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<b>TOTAL</b>	<b>\$400,000</b>

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

Professional Services	\$400,000
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<b>TOTAL</b>	<b>\$400,000</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 September 2022.

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

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

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

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

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

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

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

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

### **PUBLIC HEARINGS:**

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

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

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

#### **The public hearing was opened and the following person spoke:**

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

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

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

## **ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE**



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

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

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

**WHEREAS**, the City Clerk has certified the sufficiency of the petition, and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on September 13, 2022, after due notice by publication on August 30, 2022; and

**WHEREAS**, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31.

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

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of September 13, 2022:

**Legal Description GPIN#: 8883941325**

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

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

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

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

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



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

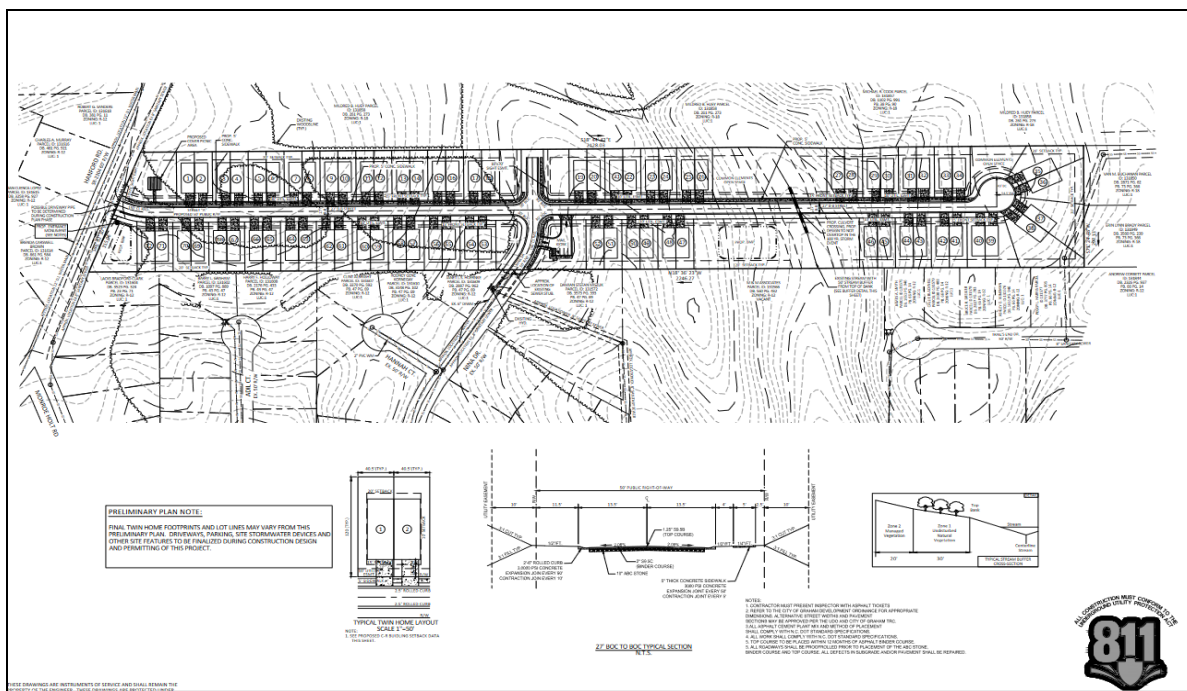
### **The public hearing was opened and the following persons spoke:**

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

Ms. Hodierne shared the following presentation:

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

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



### Noteworthy plan elements:

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

### Community Outreach:

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

### Visual rendering of the new proposed project:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Public Hearing Closed**

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

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

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

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

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

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

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

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

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

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

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

**Motion:**

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

Diverse Neighborhoods with the following conditions:

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

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

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

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

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

Council reconvened at 10:26 p.m.

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

Ms. Hodierne agreed to the following conditions:

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



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

- Limit the building height to 35 feet.

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

#### **Amended Motion:**

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

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

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

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

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

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

Mayor Talley asked about the planting buffers.

#### **The public hearing was opened and the following spoke:**

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

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

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

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

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

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

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







### IMPROVED LAND USE

REDUCES COSTS AND PROTECTS OUR NATURAL ENVIRONMENT

#### CITY GOALS

- Increase travel choice
- Compact, focused pattern of growth
- Reduce emissions
- Making places
- Low impact development

#### BENEFITS

- increased access and mobility for all
- improved public realm
- reduced demand on public services
- more green space
- improved natural environment

### DIVERSE HOUSING, COMPLETE NEIGHBORHOODS

#### CITY GOALS

- Promote private investment
- Housing Variety (5.1.1)
- Diverse Neighborhoods (5.2.1)
- Multigenerational Housing (5.2.2)

#### BENEFITS

- increased housing choices
- close proximity to needed services & job centers
- reduced transportation costs

REDUCES COSTS AND PROTECTS OUR NATURAL ENVIRONMENT

### WALKABILITY

PRETTIER, SAFER STREETS BENEFITS EVERYONE.

#### CITY GOALS

- Safe Access (3.1.2)
- Connectivity (3.2.1)
- Street Design (3.3)
- More Sidewalks (3.3.4)
- Street Trees (3.3.1)
- Increase Safety (3.3.5)

#### BENEFITS

- increases property values
- furthers economic development
- improves personal health
- improved public realm with wider sidewalks, addition of street trees

#### FUTURE OPPORTUNITIES

Policy 3.3.1: Complete Streets - provide access to all users, including pedestrians, cyclists & automobiles.

Policy 3.3.2: Limit Street Width - reduce roadway lane widths in order to slow down vehicular traffic in areas where bicycle and pedestrian traffic is encouraged

### RESILIENT ECONOMY

FOCUSED, COMPACT DEVELOPMENT PROVIDES ECONOMIC BENEFITS

#### CITY GOALS

- Maximize land use efficiency
- Attractive compact built form
- Growing sustainably
- Create vibrant centers, especially downtown
- Locally owned businesses (2.1.6)
- Focused Development (2.2.1)

#### BENEFITS

- avoids sprawl
- reduces traffic
- increases tax base
- no added infrastructure
- increased revenue to local businesses

Mayor Talley stated the City did not need to get into the practice of providing parking for development.

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

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

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

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

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

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

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

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

**Public hearing closed:**

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

**Motion:**

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

**NEW BUSINESS:**

**ITEM 4: HISTORIC RESOURCES COMMISSION (HRC) FAÇADE GRANTS**

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

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

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

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

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

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

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

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

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

Ms. Baldwin stated that each applicant had requested extensions.

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

Council Member Whitaker asked why the extension was needed.

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

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

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

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

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

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

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

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

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

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

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

**Motion:**

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

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

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

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

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

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

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

**Amended Motion:**

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

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

#### **ITEM 5: BOARDS AND COMMISSION APPOINTMENTS:**

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

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

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

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

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

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

#### **ITEM 6: PROJECT ORDINANCE – ARPA PROJECTS:**

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

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

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

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

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

## RESOLUTION ESTABLISHING THE BUDGET FOR ARPA FUNDS GRANT ORDINANCE

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

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

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

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

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

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

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

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

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

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

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



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

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

Section 7. This ordinance shall take effect upon passage.

This the 13<sup>th</sup> day of September 2022.

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

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

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

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

#### **PUBLIC COMMENT PERIOD**

There were no public comments.

#### **CITY STAFF COMMENTS**

There were no staff comments.

#### **CITY COUNCIL COMMENTS**

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

Thursday's at Seven concert series – September 22

Hispanic Heritage Festival – September 25

Jeepers-Creepers – Grahamtoberfest – Pumpkin Bash – October 28

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

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

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

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

### ADJOURN

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

Renee M. Ward  
City Clerk





## City of Graham City Council Special Meeting Minutes of September 27, 2022

The City Council of the City of Graham held a Special Meeting on September 27, 2022, at noon in the Council Chamber, City Hall Municipal Building, located at 201 South Main Street, Graham, NC.

### Councilmembers Present:

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

### Staff Present:

Megan Garner, City Manager, absent  
Aaron Holland, Assistant City Manager  
Renee M. Ward, City Clerk  
Josh Johnson, City Engineer

### CALL TO ORDER:

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

### CDBG – WATERLINE REPLACEMENT:

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

Mayor Talley recognized City Engineer Josh Johnson.

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

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

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

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

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

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

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

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

Water:

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

Wastewater:

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

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

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

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

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

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

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

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

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

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

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

### **Conflict of Interest Reported:**

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

The public hearing was opened and there were no comments.

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

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

### **ADJOURN**

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

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City Clerk, Renee M. Ward

# City of Graham

## City Council Meeting Minutes

### October 11, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on October 11, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

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

#### CALL TO ORDER:

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

#### INVOCATION & PLEDGE OF ALLEGIANCE

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

#### STAFF REPORT: Historic Resources Commission (HRC) Façade Projects Update

City Manager Garner stated at the September meeting Council discussed carrying forward HRC façade grants that were awarded last fiscal year and had carried forward to this fiscal year. There were two recipients, Green & McClure and Maricle Metals, who were each awarded \$5,000 in the prior fiscal year that rolled over into this fiscal year. She stated that staff had contacted both businesses and they each intend to move forward with their projects.

Council Member Parsons asked if a timeline could be placed on those receiving grants and if Council needed to set that timeline or if would that fall under HRC.

City Manager Garner stated that Council could address the timeline. She stated that during budget talks, Council discussed the two outstanding projects, and if Council elected to carry any projects forward in the future, that would be the appropriate time to discuss restrictions.

#### ANNOUNCEMENT:

Ms. Heidi Norwick, President, United Way of Alamance County, invited Council to attend the Housing Alamance event on Wednesday, October 19, 2022, from 8:30 am – 2:30 pm at Ebenezer United Church of Christ, 734 Apple Street, Burlington. The purpose of the event is to engage the community in an open dialogue regarding housing in Alamance County.

**CONSENT AGENDA:**

- a. To approve September 13, 2022, City Council meeting minutes and the September 27, 2022, special meeting minutes.
- b. To authorize the City Manager and City Attorney to execute the scope of services with Piedmont Triad Regional Council to update the 2035 Comprehensive Plan in the amount of \$40,000, and to approve the associated budget amendment.

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:					
<b>Section 1.</b>					
<b>GENERAL FUND</b>					
<b>DEPARTMENT</b>	<b>APPROVED</b>	<b>AMENDED</b>	<b>INCREASE</b>	<b>(DECREASE)</b>	<b>INCREASE (DECREASE)</b>
Admin	653,900.00	693,900.00	40,000.00		
	<u>653,900.00</u>	<u>693,900.00</u>	<u>40,000.00</u>	<u>-</u>	<u>40,000.00</u>
<b>Section 2.</b>					
<b>GENERAL FUND</b>					
<b>REVENUES</b>	<b>APPROVED</b>	<b>AMENDED</b>	<b>INCREASE</b>	<b>(DECREASE)</b>	<b>INCREASE (DECREASE)</b>
Fund Balance	1,209,983.00	1,249,983.00	40,000.00		
	<u>1,209,983.00</u>	<u>1,249,983.00</u>	<u>40,000.00</u>	<u>-</u>	<u>40,000.00</u>
Adopted this 11th day of October 2022.					

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

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

Mayor Talley stated for full disclosure, her husband currently serves as Chairman of ALCOVETS, and Council Member Chin and Council Member Parsons were members as well. She stated no board member receives any financial compensation and the organization has a 501(c)(3) status. She asked if the remaining Council Members had any problems with those members voting. Council Member Whitaker and Mayor Pro Tem Hall stated they had no problem.

Mayor Talley asked that City Engineer, Josh Johnson, Alley Williams Carmen, and King, set office hours and post them on the City's website. City Engineer Johnson stated his work hours were planned for Mondays and Tuesdays 1:00 pm –5:00 pm and four additional hours spread throughout the remainder of the week. He suggested people email or call ahead to make sure he was in the office and not out in the field.

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

## **PUBLIC HEARINGS:**

### **ITEM 1: REZONING: 0.25 ACRES - 300 E ELM STREET**

A public hearing had been scheduled to consider rezoning 0.25 acres of property from R-7, High-Density Residential, to C-B, Conditional Business to utilize the existing home structure as a hair salon.

*(Planning Board recommended approval)*

Mayor Talley asked to be recused due to owning property at 306 Elm Street, which is located beside the proposed rezoning property.

Mayor Pro Tem Hall motioned to allow Mayor Talley to be recused due to owning property beside the proposed rezoning, seconded by Council Member Whitaker. The motion passed unanimously.

Assistant City Manager Aaron Holland stated this was a request to rezone 0.25 acres of property from R-7 (High-Density Residential) to C-B (Conditional Business) to utilize the existing home structure as a hair salon. He stated the entirety of this block was zoned R-7, and this request would allow for all B-3 permitted uses to utilize this property minus the ones omitted in the proposed conditions on the lot. The future land use plan notes that supporting uses in the Downtown Residential zone supports the uses of neighborhood-oriented commercial facilities. The presented request coincides with the Future Land Use (FLU) plan and the City's Development Ordinance.

### **The public hearing was opened and the following person spoke:**

Mr. Chad Huffine, Civil Engineer, 505 E. Davis Street, Burlington, NC, stated there were 24 notes at the end of the table of permitted uses, and note 25 pertained to a text amendment for Maricle Metals allowing for an arts and crafts studio. Due to the timing, this note had not been codified into the Unified Development Ordinance, but it referred to the availability of that use and zoning for creating crafts from metal or stone to create earrings, rings, etc. He stated it was discussed at length during the Planning Board meeting. He stated the following permitted uses were items they would like to see possibly used in this area.

<u>Table of Desired Permitted Uses</u>
Office Space < 5 Employees
Arts and Crafts Studio (see note 25)
Boutique Shops, No Outdoor Storage
Barber Shop, Beauty Shop, Nail Salon
Contractors office - no outdoor storage
Dwelling - Single Family Detached
Home occupation
Medical Dental or Related Office
Parking lots or access driveways serving uses not permitted in district where lot is located
Photography Studio
Retail Sales no outside storage or sales - permitted by right
School, music, art, martial arts, dancing
City of Graham Reference Note 25: Note not expressed

Council Member Parsons asked about the parking lot providing ample parking.

Mr. Huffine stated to accommodate off-street parking, they proposed parking to the east with an accessible parking space to the north. Parking spaces would match the number of seats if there were three stylists at any one time. He stated at a rate of one space per 200 square feet, the floor area would be 1,400 square feet and the size of the structure was less than that. According to the off-street parking requirements, the proposal would meet that condition.

**Public Hearing Closed:**

Motion by Council Whitaker to close the public hearing, seconded by Council Member Chin. The motion passed unanimously.

Council Member Whitaker asked if the property did not evolve into a business, would the owner have to come back to the Council to revert the property to a home?

Assistant City Manager Holland stated it was a use-by-right for any single-family dwelling so if it is used as a house, you by right have the ability to have a home occupation as long as you meet all the associated criteria.

Mayor Pro Tem Hall asked if this would create excess traffic in a residential area.

Assistant City Manager Holland stated he was not sure it would due to the size of the property, and with the building being only 1,400 square feet, it was limited in its impact regarding traffic or parking.

Council Member Parsons asked what the building could be rebuilt as if it were to be destroyed.

Assistant City Manager Holland stated that since it was site-specific, it would be limited to the size that is currently there.

Council Member Parsons stated he would like for the structure to stay as residential since it was located in a residential area.



Assistant City Manager Holland stated that could be made part of the condition when voting.

Mr. Huffine stated for clarity, if there were an accident and the property needed a complete redo, it would occupy the same shape and foundation elements without another vote required by Council. He stated if the building had to change in any configuration substantially different from what is depicted in the Conditional Zoning plan, it would require Council approval.

**Motion:**

Motion by Council Member Whitaker to approve the rezoning of 0.25 acres at 300 East Elm Street stating that it was consistent with the 2035 Comprehensive Plan, Sections 2.2.1., 2.3.2 including the condition that if something happened to the property, it be rebuilt structurally the same as it is now. There was no second.

Mayor Pro Tem Hall asked that Council Member Whitaker amend her motion to be approved as office use, a hair salon, or a house due to a parking issue stating this would be consistent with the Comprehensive Plan Sections 2.2.1 and 2.3.2.

Council Member Chin stated he was okay with the motion but was at a loss with the issue of parking.

Mayor Pro Tem Hall stated if it was to become a martial arts or dance studio, six or seven parking spaces would not be enough. He stated that the area of East Elm Street it was already narrow and logging trucks coming through there needed to be considered.

Council Member Whitaker asked if he would have an issue with medical or dental.

Mayor Pro Tem Hall stated no.

Council Member Whitaker reiterated his objections to retail sales, schools, music, martial arts, or dance before making another motion.

Council Member Whitaker motioned to approve the rezoning of 0.25 acres located at 300 East Elm Street to Conditional Business with the following conditions:

- Office space, arts and craft studio, boutique shops, no outdoor storage, barber shop, beauty shop, nail salon, contractor office, single-family detached dwelling, home occupation, medical or dental related offices, photography studio, but not retail sales, school, music, art, martial arts, dancing due to issues with parking. There was no second.

Mr. Huffine asked the sales of hair care products not be removed from the list and that this would be strictly for a retail store associated with hair salons. He also asked for a point of clarity that if one space for every 200 square feet, which was the most intense parking rate in the City's current ordinance, is not suitable for retail sale in a typical general business, then what was the rate of parking that had changed that he was not aware of. He stated that the parking was adequate according to the development ordinance and it met and exceeded the requirement.

Mayor Pro Tem Hall stated his concern was limiting the impact of additional cars entering or being in a residential area. He also stated that if the building was to burn down or get torn down, he would like to see it rebuilt as residential.

Mr. Huffine stated this plan was thoughtfully designed and proposed to Council through Planning and staff review at the prescribed rates by the City ordinance and wanted to make sure he was not missing something.

Council Member Whitaker stated that she did not have any issues with the proposed conditions so she would go back to her original motion to approve the rezoning.

Motion by Council Member Whitaker to approve the rezoning of 0.25 acres at 300 East Elm Street given that it was consistent with the 2035 Comprehensive Plan, Sections 2.2.1., 2.3.2 along with the proposed conditions. There was no second.

Mr. Chuck Talley entered the Council Chamber and asked to speak.

### **Council reopened the public hearing.**

Council Member Chin motioned to reopen the public hearing, seconded by Council Member Parsons. The motion passed unanimously.

Mr. Chuck Talley, 808 Sideview Street, Graham, asked if the building burned down would it be built back the way it was? He stated he did not have a problem with the rezoning.

Council Member Parsons stated that had been addressed with the petitioner, Mr. Huffine.

### **Closed the Public Hearing.**

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

### **Final Amended Motion:**

Council Member Whitaker motioned to approve the rezoning of 0.25 acres located at 300 East Elm Street, to Conditional Business given it is consistent with the 2035 Comprehensive Plan, Sections 2.2.1., 2.3.2 and if the building were to be damaged or burned down, it would be built back the same as it is now, seconded by Mayor Pro Tem hall. The motion passed unanimously. Mayor Talley did not vote.

Motion by Mayor Pro Tem Hall to allow Mayor Talley to return to open session, seconded by Council Member Whitaker. The motion passed unanimously.

## **ITEM 2: RECLASSIFICATION: 0 EAST HARDEN STREET**

A public hearing was scheduled to consider reclassifying a portion of property located at 0 East Harden Street from CB, Conditional Business, to R-7, High-Density Residential, to allow the property owner to utilize the full extent of the lot. (*Planning Board recommended approval*)

Assistant City Manager Holland stated this request was to reclassify portions of parcel numbers 146819 and 146790 to an applicable zoning classification. He stated the current landowner was seeking to build homes on the back portion of the lots. He shared that with the Conditional Business zoning classification on the

front of the lot, the owner was unable to run a driveway into the proposed housing development due to the site-specific plan that runs with the land. The original purpose was to build a center for Mt. Zion Church (the previous owners), but after its approval in 2012, nothing came to fruition. He stated according to Section 10.45(f) of the zoning ordinance, no sooner than three years after the date of approval of the petition, the Planning board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. He stated if the Planning Board determined that progress had not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the City Council a report, which may recommend that the property be classified to another district. With no development occurring in this time frame, Planning Board asked that City Council reclassify the property to R-7 or another district to allow the owner to utilize the full extent of the lots.

Mayor Pro Tem Hall asked how many homes were intended to be built.

Assistant City Manager Holland stated there were three lots and the property owner was looking to build a house for himself and one of his children.

Mayor Talley asked if the NC Department of Transportation was okay with the placement of a driveway.

Assistant City Manager Holland stated he had not had a conversation with NCDOT, but they would have to approve it before the owners moved forward with a driveway.

**The public hearing was opened and there were no comments.**

**Public Hearing Closed:**

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

**Motion:**

Motion by Mayor Pro Tem Hall to approve the reclassification and revert back to R-7 zoning, seconded by Council Member Chin. The motion passed unanimously.

**OLD BUSINESS:**

**ITEM 3: HISTORIC RESOURCES COMMISSION – FAÇADE GRANT PROGRAM**

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

Mayor Talley asked to be recused from considering this item due to having a façade grant application that was being considered by the HRC.

Motion by Council Member Whitaker to allow Mayor Talley to be recused from this item, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

**Motion:**

Motion by Mayor Pro Tem Hall to approve the budget amendment in the amount of \$10,583.00 for the Historic Resources Commission façade grant program, seconded by Council Member Whitaker. The motion passed unanimously. Mayor Talley did not vote.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2022-2023					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2022 - 2023 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
GENERAL FUND					INCREASE
DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	( DECREASE)
Non-Departmental	1,123,100.00	1,133,683.00	10,583.00		
	<u>1,123,100.00</u>	<u>1,133,683.00</u>	<u>10,583.00</u>	-	<u>10,583.00</u>
Section 2.					
GENERAL FUND					INCREASE
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	( DECREASE)
Fund Balance	1,199,400.00	1,209,983.00	10,583.00		
	<u>1,199,400.00</u>	<u>1,209,983.00</u>	<u>10,583.00</u>	-	<u>10,583.00</u>
Adopted this 11th day of October 2022.					

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

**NEW BUSINESS:****ITEM 4: ORDINANCE AMENDMENT – CHAPTER 12, ARTICLE 3 – HEIGHT OF GRASS:**

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

Assistant City Manager Holland stated the City of Graham received an application from Mayor Pro Tem Ricky Hall requesting to amend the Code of Ordinances that establishes the threshold of enforcement for dense growth of grass, weeds, or other noxious vegetation. Mr. Holland stated City Council discussed this item at its meeting on September 13, 2022, and directed staff to provide amended language for the October 11, 2022, City Council meeting. He stated the current threshold was 18 inches and Mayor Pro Tem Hall is requesting that the height be reduced to 12 inches.

Mayor Talley stated that by the time a high grass notice goes out, the grass was continuing to grow and the amendment was needed.

**Motion:**

Motion by Council Member Whitaker to approve an amendment to the Code of Ordinances, Chapter 12, Article 3, to reduce the allowable height of grass, weeds, and noxious vegetation from 18 inches to 12 inches, seconded by Council Member Parsons. The motion passed unanimously.

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

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

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

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**Chapter 12 – OFFENSES AND MISCELLANEOUS PROVISIONS**

**ARTICLE III. – NUISANCES**

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

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

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

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**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.

**ITEM 5: ARPA FUND REQUEST – RECREATION – BOAT RAMP RENOVATIONS:**

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

City Manager Garner stated that this was one of the items the Council discussed during the preliminary ARPA discussions to renovate the Graham-Mebane Lake boat ramps. She stated Recreation and Lake Staff worked with NC Wildlife Commission on securing estimates to make repairs. She stated if approved, the lake would be closed in late 2023 into early 2024, for renovations and it could take three to four months to complete.

Council Member Parsons asked if the City of Mebane would be sharing any of the cost.

City Manager Garner stated that this was budgeted for Graham's part and she was not sure about any discussions Recreation has had with Mebane regarding their portion of the improvements. She stated if the Graham amount was less, we would not spend the full amount and go back to Council to unencumber that portion that Mebane contributed.

Mayor Talley asked Staff to report back if Mebane would be sharing any of the cost.

**Motion:**

Motion by Mayor Talley to approve ARPA funds in the amount of \$195,000, to be used for the Graham-Mebane boat ramps renovation project, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

**RESOLUTION ESTABLISHING THE BUDGET FOR  
ARPA FUNDS GRANT ORDINANCE**

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this the 11<sup>th</sup> day of October 2022.

#### PUBLIC COMMENT PERIOD:

Mr. Bill Aydt, 132 Windsor Drive, Graham, spoke about the Graham-Mebane Lake's boat ramps. He stated the ramps were not safe especially when the lake levels are low. He also spoke about not having enough boat ramps when a storm comes up and you cannot get out promptly. He shared that boat cushions were needed to protect your boat from the docks.

Mr. Keith Westbrooks, 604 Trockwater Court, expressed concern about the Graham Recreation facility on Maple Street needing repairs to the floors.

#### CITY STAFF COMMENTS

There were no staff comments.

#### CITY COUNCIL COMMENTS

- Council Member Chin shared that on October 17, 2022, the Alamance County Commissioners would be presenting a proclamation to ALCOVETS proclaiming the second week in September to become the annual Balloon Festival in Alamance County.

Mayor Talley shared the following upcoming events:

- Jeepers-Creepers – Grahamtoberfest – Pumpkin Bash – October 28
- Veterans Day Event – November 12 followed by a Veteran’s festival
- Mayor Talley shared this Board was 150% in support of Veterans and its parade and asked law enforcement to help in making the event safe. This year and each year going forward, they want the City to be a part of the event and help in any way. She asked if Council’s consensus was in support of Veterans and all stated yes.
- Parking Enforcement Vacant Position - asked about the progress of getting someone hired to enforce downtown parking. Mayor Talley asked to share the vacancy on social media and make sure it is on the website.
- She asked for Council’s support in directing staff to review the City’s outdated sign ordinance. The council consensus was to direct staff to begin reviewing the sign ordinance.
- Mayor Talley asked staff to simplify the application process for applying for façade grants.
- Mayor Talley spoke about aggressive panhandling going on downtown and efforts to deter it. She asked Staff to review the current ordinance and report back at the next Council meeting.

Mayor Pro Tem Hall thanked the Appearance Committee for decorating the downtown area and reminded Council of the upcoming City-County Association dinner meeting on October 20, 2022, at 6:00 pm at 104 Cone Drive, Haw River.

## ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. The motion passed unanimously. (7:37 pm)

Renee M. Ward. CMC  
City Clerk



# City of Graham

## City Council Meeting Minutes

### November 8, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on November 8, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

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

#### CALL TO ORDER:

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

#### INVOCATION & PLEDGE OF ALLEGIANCE

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

#### ADD-ON: APPOINTMENTS – GRAHAM HISTORICAL MUSEUM BOARD

Mayor Pro Tem Hall motioned to approve an add-on considering appointments to the Graham Historical Museum Board, seconded by Council Member Whitaker. The motion passed unanimously.

Mayor Pro Tem Hall motioned to appoint Russell Compton and Gail Walker to the Graham Historical Museum Board, seconded by Mayor Talley. The motion passed unanimously. Mr. Compton would fill an unexpired term ending June 30, 2024, and Ms. Walker would serve a three-year term ending June 30, 2025.

#### REPORT: Alamance Chamber of Commerce – David Putnam, Senior Economic Development Director

David Putnam, Senior Economic Development Director gave a report on the Chamber's Economic Development Services:

- Product Development – attaining economic development sites or getting buildings up and running
- Business Recruitment – site selection, incentives, attraction, marketing, and negotiating
- Business Retention and Expansion – job retention, new jobs, economic growth, and new investment
- Small Business & Entrepreneurial Development - very important part of the economic development functions and is part of the Invest in Alamance 2.0 campaign to ensure we are fulfilling the vision of economic development
- Workforce Development – resources, Industry x ACC, Apprenticeship Programs, Regional Workforce Board, and Workforce Council. The Chamber continues to work closely with the Career

Accelerator Program and Regional Partnership Workforce Development Board to find qualified workers

- Leadership Development – the Chamber currently offers four opportunities to develop leadership: Leadership Alamance, Leadership Alamance Alumni Association, Community Leader’s Retreat, and Alamance Youth Leadership Academy
- Advocacy – the Chamber works to offer platforms for people to have their voices heard through the Board of Education Candidate Forum, Ambassador Council, and Advocacy Council

### **CONSENT AGENDA:**

Motion by Mayor Talley to remove items c and d from the Consent Agenda, seconded by Council Member Chin. The motion passed 4-1. Council Member Parsons voted no.

- a. To approve the October 11, 2022, City Council meeting minutes.
- b. To approve an amendment to the 2022-23 Fee Schedule to include a Fire Flow Test fee of \$1,200.00, and a Hydrant Meter Deposit of \$2,000.
- c. Removed from the agenda.
- d. Removed from the agenda.
- e. To approve the revised Project Budget and Resolution of Acceptance of funds in the amount of \$82,989,500, for the Waste Water Treatment Plant upgrades and expansion project.

### **CAPITAL PROJECT ORDINANCE WWTP UPGRADE AND EXPANSION**

**WHEREAS**, On February 9, 2021, the City Council of the City of Graham hereby created the initial WWTP Upgrade and Expansion Capital Project Ordinance.

**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 revised Capital Project Ordinance is hereby adopted:

Section 1. The Project authorized is WWTP Upgrade and Expansion.

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	\$ 1,659,790
Proceeds from ASADRA State Loan	\$25,300,000

Proceeds from CWSRF State Loan	\$57,689,500
<b>TOTAL</b>	<b>\$84,649,290</b>

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

Professional Services – Planning & Design	\$ 2,726,845
Professional Services – Construction	\$ 3,479,228
Construction – Crowder	\$74,653,000
Contingencies	\$ 2,130,427
Loan Fees	\$ 1,659,790
<b>TOTAL</b>	<b>\$84,649,290</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 8<sup>th</sup> day of November 2022.

#### **RESOLUTION BY GOVERNING BODY OF APPLICANT**

**WHEREAS,** the North Carolina Clean Water Revolving Loan and Grant of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conversation projects, and

**WHEREAS,** the North Carolina Department of Environmental Quality has offered a (State Revolving Loan, State Grant, or State Bond Loan) in the amount of \$82,989,500 for the construction of the Wastewater Treatment Plant Upgrade, and

**WHEREAS,** The City of Graham intends to construct said project in accordance with the approved plans and specifications.

#### **NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GRAHAM:**

That the City of Graham does hereby accept the (State Revolving Loan, Grant, or State Bond Loan) offer of \$82,989,500.

That the City of Graham does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the (loan or grant) offer, Section II- Assurances will be adhered to.

That Megan Garner (City Manager), the **Authorized Official**, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **City of Graham** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the **8<sup>th</sup> day of November 2022**, at Graham, North Carolina.

- f. To approve the Graham Area Business Association's 61<sup>st</sup> Annual Christmas Parade on December 3, 2022, and to approve the following parade route street closures: beginning at Parker Street from Sideview to Elm Street, preceding down North Main Street to South Main Street, and ending on McAden Street at Graham Middle School's parking lot. The requested closure of these streets would be from 8:00 a.m. to 1:00 p.m. pending approval by NCDOT for State roads.
- g. To approve an engineering contract in the amount of \$1,257,925, with Alley, Williams, Carmen & King, for the 10-inch waterline replacement project and to authorize the City Manager and City Attorney to effectuate the contract.

Motion by Mayor Talley to approve the Consent Agenda with the exception of c and d, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

- c. To approve an amendment to the 2022-2023, Pay Plan adding Police Lieutenant classification at a Pay Grade 24 and to approve hiring two lieutenants.

Mayor Talley suggested waiting until the Pay Plan Study was completed and making sure the pay grade was sufficient for a Lieutenant position. She stated the last pay study was conducted approximately eight years ago and since then pay had changed significantly. She asked the Police Chief to look at the pay study and then consider realignments or positions at that time.

Council Member Chin motioned to table the amendment of adding two lieutenants until after the Pay Plan Study had been finalized and submitted, seconded by Mayor Pro Tem Hall. The motion passed 4-1. Council Member Parsons voted no.

- d. To approve a budget amendment transferring Federal Drug Forfeiture funds in the amount of \$45,100.00, to the Federal Drug Fund account balance for law enforcement use.

Mayor Talley asked City Manager Garner to explain the transfer of \$45,100.00 in Federal Drug funds.

City Manager Garner stated that the police department was purchasing a used BMW motorcycle including the upfits and the production of a recruitment video. She stated Captain Velez may want to speak about other items.

Mayor Talley asked how much the motorcycle cost.

City Manager Garner stated the purchase was around \$7,500, which does not include upfit.

Council Member Parsons stated it was pretty close to being ready and it was a purpose-built motorcycle the same one the Highway Patrol uses. He stated the other item was public relations.

City Manager Garner stated a production video.

Captain Velez stated the funds would also be used for the expansion of the K9 program and equipment for K9 officers.

Council Member Parsons stated this request was not something new. He stated the only thing that had changed was the way the department could access the funds.

Captain Velez stated that was correct and this was not budgetary funds nor was it taxpayers' money, it was drug forfeiture funds placed in a specific account and the department now had to come before Council to request the money be moved to a separate account to be used.

Council Member Whitaker stated in the past the department did not have to come before Council, it was just moved to the appropriate account.

Captain Velez stated that was correct.

Council Member Parsons stated a lot of this money was already spent because it was going to be there.

City Manager Garner stated in accordance with State Statute, the City could not spend funds that had not been appropriated. She stated in the budget Council approved for this year, there was a placeholder of \$100.00 for Federal Forfeiture Funds. The Police Department's expenditures would exceed \$100, and in order to be able to lawfully move forward, we had to take those funds from where they sit and put them into the budget.

Mayor Talley asked if this item could be postponed until next month so Council could see what the Police Department would be spending the money on.

Mayor Talley motioned to postpone transferring Drug Forfeiture money until the December 13, 2022, City Council meeting, seconded by Mayor Pro Tem Hall. The motion passed 4-1. Council Member Whitaker voted no.

## **NEW BUSINESS:**

### **ITEM 1: LOCAL HISTORIC LANDMARK DESIGNATION – NICK'S BUILDING:**

City Council considered designating Nick's building located at 102 South Main Street as a local historic landmark.

Mayor Talley asked to be recused from consideration of this item due to her ownership of the Nick's building.

Motion by Council Member Whitaker to allow Mayor Talley to be recused for the Historic Landmark Designation of Nick's building due to ownership, seconded by Mayor Pro Tem Hall. The motion passed unanimously. Mayor Talley did not vote.

Assistant City Manager Aaron Holland stated the Historic Resource Commission received an application for a Historic Landmark Designation. The Commission decided to forward a recommendation of approval to City Council for the designation of Nick's Building located at 102 S Main Street as a local historic landmark. He stated the building had been in existence as long as the City of Graham had been incorporated. City Staff recommended approval.

Motion by Council Member Chin to designate Nick's building as a historic landmark, seconded by Council Member Parsons. The motion passed unanimously. Mayor Talley did not vote.

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

**ITEM 2: PANHANDLING ORDINANCE – REPEAL CHAPTER 12, ARTICLE 1, SEC. 12-3 AND ADD SEC. 12-20 TO 12-25 – PUBLIC PANHANDLING, BEGGING, CHARITABLE AND POLITICAL SOLICITATION:**

City Council considered an amendment to the Code of Ordinances, repealing Chapter 12, Article 1, Section 12-3 and adding Section 12-20 to 12-25, Public Panhandling, Begging, Charitable and Political Solicitation.

Assistant City Manager Holland stated at the conclusion of the October 11, 2022, City Council meeting, staff was directed by Council, at the request of Mayor Talley, to review current ordinances pertaining to panhandling within the city. While panhandling is considered a form of speech protected by the First Amendment activities that sometimes accompany panhandling like impeding traffic, littering, trespassing or communicating threats are not legally protected and do violate City ordinances. He stated the language addressed regulatory changes in accordance with a legal review by repealing Section 12-3 in its entirety and adding Sec. 12-20 - Public Panhandling, Begging, Charitable and Political Solicitation.

Assistant City Manager Holland stated Council would not adopt the ordinance at this meeting but staff would bring it back to Council at next month's meeting for adoption.

Mayor Talley asked City Attorney Ward if this was the same ordinance as the City of Burlington and how the implementation went.

City Attorney Ward stated the City of Burlington reworked its ordinance back in 2018 and had been in place for the past four years. He stated the ordinance language had not been challenged and when properly enforced, it could be effective in Graham.

Motion by Mayor Pro Tem Hall to move this item to the December 13, 2022, City Council meeting for approval, seconded by Mayor Tally. The motion passed unanimously.

**PUBLIC COMMENT PERIOD**

There were no public comments.

### CITY STAFF COMMENTS

City Engineer Josh Johnson stated water and sewer infrastructure improvements were planned for Long and Albright Streets and could possibly start in the next several weeks.

Mayor Talley inquired about the street striping downtown. Assistant City Manager stated NC DOT was scheduled to begin striping this week.

Assistant City Manager Holland stated that approximately 12 volunteers were needed to serve on a Steering Committee for the Comprehensive Plan update project. He stated he would like to have one or two from Council, a few members from the Planning Board, and various other boards.

### CITY COUNCIL COMMENTS

Mayor Pro Tem Hall reminded everyone of the City of Graham's United Way Hotdog fundraiser luncheon on November 9, 2022.

Council Member Chin shared that at the last Transportation meeting, the matter of a potential sidewalk along Elm Street and US49 was mentioned to DOT staff to possibly take one of the lanes and make it a pedestrian lane. He stated the idea was being explored by DOT staff.

Mayor Talley inquired about the City's Pedestrian Plan update. Assistant City Manager Holland stated it was announced that the City of Graham had received funding and was currently working on logistics to move forward.

### ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. The motion passed unanimously. (6:46 pm)

Renee M. Ward, CMC  
City Clerk

# City of Graham

## City Council Meeting Minutes

### December 13, 2022



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on December 13, 2022, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

#### Council Members Present:

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

#### Staff Present:

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

#### CALL TO ORDER:

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

#### INVOCATION & PLEDGE OF ALLEGIANCE

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

#### CONSENT AGENDA:

- a. To approve the November 8, 2022, City Council meeting minutes.
- b. This item was removed for discussion.
- c. To approve a Budget Amendment in the amount of \$57,570.00, for Recreation facility improvements.

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:					
<b>Section 1.</b>					
<b>GENERAL FUND</b>					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Recreation Improvements	104,500.00	162,070.00	57,570.00		
	104,500.00	162,070.00	57,570.00	-	57,570.00
<b>Section 2.</b>					
<b>GENERAL FUND</b>					
<b>REVENUES</b>					
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Recreation Donations	2,500.00	37,500.00	35,000.00		
Fund Balance	1,249,983.00	1,272,553.00	22,570.00		
	1,252,483.00	1,310,053.00	57,570.00	-	57,570.00
Adopted this 13th day of December 2022.					



- d. To adopt a Resolution declaring the intention of Graham's City Council to consider permanently closing Leonard Drive on the southern right of way of Edgewood Drive and setting a date of public hearing for January 10, 2023.

**RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAHAM TO CONSIDER THE PERMANENT CLOSING OF LEONARD DRIVE AND SETTING A PUBLIC HEARING**

**WHEREAS**, the City of Graham has received a petition from adjoining property owners seeking the permanent closure of unconstructed Leonard Drive, a public street beginning at a point on the southern right of way of Edgewood Drive, at a bearing and distance of S 42° 25' 30" W and 130.02' from the northernmost corner of Lot 21, thence along with Lot 21, S 47° 34' 03" 125.85' to a 3/4" pipe, then continuing with Lot 21, N 76°03'37" E 155.79' to a 3/4" pipe, thence leaving Lot 21, S 35°30'56" E 63.91' to a 3/4" pipe, corner of Lot 13, thence along lot 13, S 75°08'57" W 109.77' to a 3/4" pipe, thence along Lot 12, S 76°52'36" E 101.18' to a 1" pipe, shared corner between Lots 11 and 12, thence along lot 11, N47°44'43"W 157.99' to a 2" pipe, the northernmost corner of Lot 11, thence along the southern right of way of Edgewood Drive N 42°21'31" 59.92' to the point of beginning; and

**WHEREAS**, G.S. 160A-299 authorizes the City Council to close public streets and alleys; and

**WHEREAS**, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of Leonard Drive.

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

- (1) A meeting will be held at 6:00 p.m. on the 10<sup>th</sup> day of January 2023, in the Council Chambers of the Graham City Hall to consider the permanent closing of Leonard Drive.
- (2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Alamance News, or another newspaper of general circulation in the area.
- (3) The City Clerk is hereby directed to transmit by registered or certified mail to each property abutting upon said street a copy of this Resolution of Intent.
- (4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

This the 13th day of December 2022.

- e. To adopt a Resolution setting a date of public hearing for January 10, 2023, to consider a contiguous annexation, pursuant to North Carolina General Statute 160A-31, for a tract of land totaling 35.43 acres located on East Gilbreath Street.

**RESOLUTION FIXING DATE OF JANUARY 10, 2023, FOR A PUBLIC HEARING ON THE QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 35.43 +/- ACRES ON EAST GILBREATH STREET (AN2206)**

**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 annexation of the area described herein will be held at City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on January 10, 2023.

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

**Legal Description GPIN#: 8883885270 & 8883872722:**

Beginning at an existing iron pipe, the southeast corner of AG EHC II (LEN) MULTI-STATE 1 LLC property described in Deed Book 4383, Page 116 as Tract I, and having a North Carolina State Plane Coordinate (NAD 1983/2011) value of North 837569.38 feet, East 1888462.56 feet. Thence N88° 54' 44"W, 268.23' to a nail set in the centerline of East Gilbreath Street (S.R. 2100); thence with the centerline of the aforesaid street N30° 31' 17"W, 464.09' to a nail set; thence N30° 31' 17"W, 405.01' to a nail set; thence leaving East Gilbreath Street N38° 27' 46"E, 360.46' to an existing iron rod; thence N29° 30' 42"W, 98.91' to an existing iron pipe; thence S69° 41' 36"W, 139.66' to an existing iron pipe; thence N31° 14' 30"W, 163.24' to a 5/8" capped iron rod set; thence N54° 00' 20"E, 64.79' to an existing iron rod; thence S89° 44' 19"E, 590.86' to an existing iron pipe; thence S85° 43' 14"E, 570.21' to a 5/8" capped iron rod set; thence continuing S85° 43' 14"E, 75.00' to a point in the centerline of Murphy Branch; thence with the centerline of Murphy Branch the following bearings and distances: S39° 27' 38"E, 6.10'; S16° 47' 10"E, 26.11'; S1° 48' 12"E, 29.66'; S17° 55' 08"W, 32.97'; S9° 39' 11"E, 34.69'; S30° 48' 02"E, 30.89'; S41° 09' 21"E, 32.14'; S45° 15' 25"E, 35.22'; S56° 45' 51"E, 18.28'; N74° 42' 12"E, 18.54'; S36° 37' 10"E, 21.01'; S13° 46' 15"E, 15.38'; S8° 18' 16"W, 24.31'; S1° 23' 01"E, 36.06'; S10° 01' 16"E, 20.63'; S15° 54' 15"E, 19.23'; S38° 01' 16"W, 25.73'; S24° 50' 48"W, 38.07'; S23° 55' 27"W, 31.61'; S16° 36' 41"W, 31.62'; S5° 33' 58"W, 21.44'; S22° 23' 36"E, 13.84'; S56° 53' 58"E, 40.37'; S45° 46' 25"E, 33.15'; S38° 22' 29"E, 35.27'; S25° 03' 47"E, 89.85'; S27° 00' 56"E, 50.46'; S14° 49' 46"E, 46.65'; S20° 40' 37"E, 58.44'; S36° 48' 05"E, 43.36'; S23° 27' 57"E, 28.05'; S6° 02' 25"W, 37.76'; S3° 51' 15"E, 27.86'; S9° 38' 29"W, 34.31'; S1° 18' 05"E, 36.14'; S7° 04' 51"E, 27.64'; S21° 56' 54"E, 25.37'; S48° 25' 16"E, 24.80'; S43° 45' 32"E, 24.42'; S37° 00' 03"E, 19.19'; S0° 39' 05"E, 16.65'; S23° 20' 52"W, 30.16'; S30° 01' 34"W, 25.35'; S50° 41' 06"W, 23.04'; S83° 53' 18"W, 15.99'; N76° 13' 37"W, 30.99'; N84° 23' 10"W, 23.21'; S84° 03' 39"W, 27.65'; S68° 03' 40"W, 30.09'; S50° 48' 27"W, 25.30'; S29° 59' 51"W, 25.43'; S22° 30' 47"W, 24.44'; thence leaving Murphy Branch N87° 42' 17"W, 667.16' to the Beginning, containing 35.43 acres, or 0.0554 square miles more or, less.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED**

**UNDER G.S. 60A-31 FOR PROPERTY ON EAST GILBREATH STREET**

**(GPIN: 8883885270 & 8883872722) (AN2206)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on December 13, 2022, 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.

- f.** To approve tax releases in the amount of \$1,290.48.

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER RELEASES				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
648047	2022	SALEM LEASING COPR - 6 IRP UNITS	TAXED ON ORIGINAL VALUE, NOT DEPRECIATED VALU	\$1,233.65
686259	2021	GANT, TONY	BOAT CODED WRONG, DOES NOT LIVE IN GRAHAM	\$41.77
578131	2022	GARCIA, ROSALIA	SOLD MOBILE HOME 2021	\$15.06

Motion by Mayor Talley to remove Item b for discussion, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

#### Approval of Consent Agenda:

Motion by Mayor Talley, seconded by Council Member Hall, to approve the foregoing Consent Agenda excluding item b. The motion passed unanimously.

#### Consent Agenda Item b:

- b.** To approve a Budget Amendment transferring \$84,100.00 of Federal Drug Forfeiture revenue to the Federal Account Balance for law enforcement use pursuant to North Carolina General Statute 159-8.

Police Chief Cole-Baker stated the funds to be transferred to the Federal Drug Fund totaled \$84,074.19 and the following itemized list was submitted for the transfer of funds:

Crisis Management Communication Development Support and Training	\$30,000.00
Recruitment Video + (5% late fee included)	\$ 8,052.71
Motorcycle	\$ 7,400.00
Eight-week Canine Training, two Officers+ K-9	\$22,000.00
Eight-week lodging, two Officers	\$ 5,200.00
Meals for two Officers	\$ 4,320.00
Canine vehicle up-fit	\$ 7,101.48
<b>TOTAL</b>	<b>\$84,074.19</b>

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 7.					
CAPITAL PROJECTS AND					INCREASE
OTHER SPECIAL FUNDS					
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	( DECREASE)
Federal Drug Monies	100.00	35,100.00	35,000.00		
Federal Drug Fund Balance	-	49,000.00	49,000.00		
	<u>100.00</u>	<u>84,100.00</u>	<u>84,000.00</u>	<u>-</u>	<u>84,000.00</u>
Section 7.					
CAPITAL PROJECTS AND					INCREASE
OTHER SPECIAL FUNDS					
EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Federal Drug Funds	100.00	84,100.00	84,000.00		
	<u>100.00</u>	<u>84,100.00</u>	<u>84,000.00</u>	<u>-</u>	<u>84,000.00</u>
Adopted this 13th day of December 2022.					

Motion by Mayor Pro Tem Hall, seconded by Council Member Chin to approve consent agenda item b. The motion passed unanimously.

### OLD BUSINESS:

#### ITEM 1: PANHANDLING ORDINANCE – REPEAL CHAPTER 12, ARTICLE 1, SEC. 12-3 AND ADD SEC. 12-20 TO 12-25 – PUBLIC PANHANDLING, BEGGING, CHARITABLE AND POLITICAL SOLICITATION:

City Council considered adopting an amendment to the Code of Ordinances, repealing Chapter 12, Article 1, Section 12-3 and adding Section 12-20 to 12-25, Public Panhandling, Begging, Charitable and Political Solicitation.

Assistant City Manager Aaron Holland stated at the conclusion of the October 11, 2022, City Council meeting, staff was directed by Council to review current ordinances pertaining to panhandling within the City. While panhandling was considered a form of speech that is protected by the 1<sup>st</sup> Amendment, activities that sometimes accompany panhandling like impeding traffic, littering, trespassing, or communicating threats are not legally protected and do violate City ordinances. Mr. Holland stated Staff and the City Attorneys reviewed the ordinance and brought forward amended language addressing regulatory changes in accordance with a legal review by repealing Section 12-3 in its entirety and adding a new section under Sec. 12-20- Public Panhandling, Begging, Charitable and Political Solicitation. He stated that no action could not be taken at the last Council meeting due to the timing of the ordinance being introduced to the Council and a discussion was held at that time. He asked Council to consider adopting this Code.

Mayor Talley asked if the City Attorney wanted to add anything to the new ordinance. City Attorney Ward stated that minor changes had been added and thought this was a good start in addressing this problem.

Mayor Talley stated that this ordinance was tailored after the Burlington ordinance and asked how long had the Burlington ordinance been in effect.

City Attorney Ward stated the ordinance was revamped in 2018 and had been in effect in Burlington with minor changes since 2018. He stated that the ordinance met constitutional freedom of speech elements that the City was required to meet. He recommended that the ordinance be adopted.

Motion by Mayor Pro Tem Hall to approve repealing Chapter 12, Article 1, Section 12-3 and adding Section 12-20 to 12-25, Public Panhandling, Begging, Charitable and Political Solicitation, seconded by Council Member Parsons. The motion passed unanimously.

## **AMENDMENT TO CHAPTER 12**

### **STREETS AND SIDEWALKS**

Section I: Section 12-3 entitled Sec. 12-3 Indirect solicitation of alms is hereby repealed in its entirety.

Section II- A new provision now reserved under Article I is to be used by adding an amendment that shall read: Sec. 12-20.- PUBLIC PANHANDLING, BEGGING, CHARITABLE AND POLITICAL SOLICITATION.

Sec. 12-21.- Purpose.

The purpose of this article is to regulate certain behavior to preserve the public order, to protect the residents of Graham, and to insure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression, or conduct.

Sec. 12-22.- Definitions.

(a) *Areas with heightened personal security concerns mean:*

- (1) Areas within, or within twenty (20) feet of a public parking garage;
- (2) Areas within twenty (20) feet of a public bus stop or public transit entrance where a reasonable individual would have a reasonable, justified concern for his or her personal security due to congestion and close proximity to others;
- (3) Areas within twenty (20) feet of access to building entrances, public events venues, public accommodations, or commercial businesses where a reasonable individual would have a reasonable, justified concern for his or her personal security due to congestion and close proximity to others;
- (4) Areas within a designated commercial district in which a high volume of pedestrian traffic or narrow sidewalks and streets give a reasonable person a justified, reasonable concern about his or her personal security due to congestion and close proximity to others; or
- (5) Other areas in which congestion could give a reasonable person justified concern about his or her personal security due to congestion and close proximity to others.

(b) *Areas with heightened personal privacy concerns means:*

- (1) Locations within twenty (20) feet of an automated teller machine or financial institution in which an automated teller machine is located;
- (2) Locations within twenty (20) feet of a sidewalk café during operating hours unless the solicitor's presence is authorized by the proprietor;
- (3) Other locations where a reasonable person would have a reasonable concern about whether congestion and close proximity to others could compromise one's interests in privacy.

(c) *Areas with heightened public safety concerns mean:*

- (1) Streets and Highways; and
  - (2) Traffic medians, where soliciting poses the risk of injury to solicitors and drivers and may endanger vehicular safety.
- (d) Panhandling, begging, charitable or political solicitation means: actions that are conducted in the furtherance of the purpose of immediately collecting contributions for the use of one's self or others. As used in this ordinance, the word, "solicit," and its forms include requests for funding arising from begging, panhandling, and charitable or political fundraising initiatives.
- (1) *Aggressive begging, panhandling, or solicitation* means:
- (i) Confronting someone in a way that would cause a reasonable person to fear bodily harm;
  - (ii) Accosting an individual by approaching or speaking to the individual or individuals in so as to cause a reasonable person to fear imminent bodily harm or commission of a criminal act upon his or her person, or upon property in his or her possession;
  - (iii) Touching someone without his or her consent;
  - (iv) Using obscene or abusive language toward someone while attempting to panhandle or solicit him or her;
  - (v) Forcing oneself upon the company of another by engaging in:
    - Continuing to solicit in close proximity to the individual addressed after the individual has made a negative response, either verbally, or physically by attempting to leave the presence of the solicitor by other negative indication;
    - Blocking the passage of the individual solicited; or
    - Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.
  - (vi) Acting with the intent to intimidate someone into giving money; or
  - (vii) Other conduct that a reasonable person being solicited would regard as threatening or intimidating in order to solicit a contribution of donation.
- (2) *Passive panhandling, begging, charitable or political solicitation* means: conduct described in the definition of "begging, panhandling and charitable or political solicitation" that is oral and not aggressive as described in subsection (1) above or presented in writing.

Sec. 12-23.- Passive begging, panhandling, charitable and political solicitation permitted except in prohibited areas.

Passive Panhandling, begging, charitable or political solicitation as defined in 12-22(d)(2) shall be treated as speech protected under the First Amendment. It is prohibited only in the following areas:

- (1) Areas with heightened personal security concerns defined and listed in section 12-22(a);
- (2) Areas with heightened privacy concerns defined and listed in section 12-22(b);
- (3) Streets, highways, and medians defined in section 12-22(c) as areas with heightened public safety concerns.

Sec. 12-24.- Aggressive panhandling, begging, charitable and political solicitation prohibited.

Aggressive panhandling, begging, and charitable or political solicitation as defined in section 12-22(d)(2) of this article are prohibited within the city. 22

Sec. 12-25.- Distribution of printed materials

Distribution of printed materials by individuals shall not block pedestrian traffic on sidewalks and shall not take place on public streets.

Sec. 12-26.- Violations of this ordinance.

- (a) Any persons violating any provision imposed by this ordinance shall be guilty of a Class 3 misdemeanor punishable upon conviction by a fine not exceeding \$500.00 as provided by G.S. 14-4 and otherwise, except as provided in G.S. 14-4, shall be further subject to any one, all or a combination of provisions of N.C.G.S. 160A-175.
- (b) Each day's continuing violation shall be a separate and distinct offense.

(See State Law References G.S. 160A-179 and G.S. 20-175)

Secs. 12-27 -12-44.- Reserved.

Section III: That this ordinance amendment shall take effect upon adoption.

## **ITEM 2: APPOINTMENTS TO BOARDS AND COMMISSIONS:**

City Council considered appointments to the Recreation Commission and Historic Resources Commission.

Mayor Talley asked if Council had an opportunity to read through the applications and if anyone knew Alex Dimmock.

Council Member Whitaker stated she had read through the applications but did not know Mr. Dimmock.

Mayor Talley asked if Council would like to wait another month to advertise a little longer in order to get more candidates to fill the two vacancies on the Recreation Commission. Currently, there was only one candidate to be considered.

Motion by Mayor Talley to appoint Alex Dimmock to the Historic Resources Commission and wait another month before making appointments to the Recreation Commission, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

## **ITEM 3: CHERRY LANE OVERLAY - DISCUSSION**

Planning Board requests the City Council's direction for the next steps of the proposed Cherry Lane Overlay.

Assistant City Manager Aaron Holland stated that Mr. Chad Huffine had worked most of the year creating an overlay for the area of Cherry Lane. He stated that staff understood and supported the idea that regulatory attention was needed due to rapid growth and the protection of the residents in that area. He stated there were property owners who were willing to sell their investments to the other side of what this overlay was seeking to do. Mr. Holland stated that staff had other alternatives to protect the area by addressing setbacks and landscape buffers within the ordinance to address that particular area. He stated Council had approved staff to move forward with the Comprehensive Plan Update, which would address this area as well. He stated that Staff could do an immediate solution with an ordinance change while at the same time working on the Comprehensive Plan Update to have a long-term solution. He stated the Planning Board had met and reviewed the language that Mr. Huffine presented and was now asking for Council direction before moving forward. Mr. Holland asked Council to give direction to the Planning Board on how to move forward.

Mayor Talley stated, in her personal opinion, every parcel was unique and by requiring setbacks for properties that were far away from the road and also requiring berms seemed like double jeopardy. She shared that encouraging responsible growth was what we all were trying to get to. She stated she would like developers to take into consideration noise, lighting, visibility, and being close to major interstates where logistic companies would want to come. She said she had spoken to several residents who all seem reasonable but some people requested no tractor-trailers on Cherry Lane and that was something this body could not prevent from happening. She stated that some wanted road improvements which could not happen without growth or development. She stated she would like to hear from Mr. Huffine and the residents about what they envisioned for this area. Mayor Talley asked that the other stakeholders, the City of Mebane, Alamance County, and the Alamance Area Chamber be involved and give input into the plan.

Mayor Talley stated when the industrial park was set up years ago, this was a sharing plan that also included Alamance County and the City of Mebane and there were discussions about expanding the industrial park and what that would look like.

Council Member Chin stated that before being elected to City Council, he served on the Planning Board and recognized that Cherry Lane was being developed primarily as distribution warehouses. He stated that he recognized the need to bring in other industries so we are not relying upon a single industry in providing a workforce. He stated in conversations with Mr. Huffine, it was agreed they did not want to make restrictions so strict that it would drive businesses out but wanted an overlay to identify the types of businesses the City would like to have such as robotics, research, etc. He stated the jobs would be well paid and would hire more than folks working in a warehouse. He stated those types of industries could be defined so they would not overwhelm the environment.

Council Member Whitaker stated she agreed we should hear from the residents who would potentially be affected. She cautioned Council to be careful about being too restrictive. She shared this could be dealt with through ordinances and the issue should be tabled.

Mayor Talley asked Assistant City Manager Holland if he had a chance to review the proposed overlay.

Assistant City Manager Holland stated he and City Engineer Johnson had reviewed the plan and the overlay had to play to what the City's abilities were and the Duke Energy had very limited power capabilities in that area so certain industrial uses could not be considered due to the way our wastewater treatment plant is set up. He stated the plant could not handle certain types of uses, such as pharmaceuticals or dairy, because it would wipe out how wastewater was treated and would be very costly to the City. He stated there was a heavy emphasis on addressing setbacks, buffers, lighting, etc., and 95% of those concerns could be covered by staff preparing a one-page address that could be handled in an immediate fashion. He stated that staff could handle what Mr. Huffine was trying to do but doing it in a more fluent way to keep from being so restrictive.

Mayor Talley pointed out concerns with some of the proposed Cherry Lane Industrial Overlay language such as no engine "Jacobs" breaking. She stated that the City could not tell a truck they could not brake and this was an NCDOT road. She stated that the citizens' asks needed to be reasonable, purposeful, and rational. She stated the City did not have the power to restrict traffic on an NCDOT road.



Assistant City Manager Holland stated the City was very limited and any restrictions were the role of NCDOT. He asked Council if staff, City Engineer Josh Johnson, and Planner Cameron West could meet with Chad Huffine along with other Planning Board members to discuss how staff could develop language into the ordinance to be considered at the January meeting.

Mayor Talley stated she liked having a plan giving developers options such as choosing a berm or a 400-foot setback. She stated that trying to keep tractor-trailers off a DOT road was not something the City could control and she did not want people to get false hope thinking this was something Council could do. She asked for Staff to include stakeholders City of Mebane, Alamance County, and the Alamance Area Chamber.

Council Member Parsons stated when speaking to the Planning Board members, it was not necessarily getting the overlay approved but for direction only and something needed to be done in order to have some type of protection before all the land was developed.

Mayor Pro Tem Hall stated he agreed with the Mayor that the stakeholders needed to get together and agreed that some of this could be handled through an ordinance change.

Mr. Hugo Kreuscher, 2005 Cherry Lane, Haw River, NC, shared his vision for the Cherry Lane area.

Ms. Tonya Whitfield, 2300 Cherry Lane, shared her concerns with development around her property, and what would happen with the wildlife. She stated she would never be interested in selling.

Mayor Talley stated that she could not address the wildlife and asked staff if Council would be addressing these concerns through the Land Use Plan.

Assistant City Manager Holland stated the Land Use Plan was currently in the works, and at the first of the year, the steering committee would be reaching out to Council Members, planning board members, citizens, and residents to serve on the committee. He stated that in January they would be working full speed ahead.

Mayor Talley stated she wanted staff and Council to make a greater effort to notify property owners when the City was conducting comprehensive planning.

Mayor Pro Tem Hall made a recommendation to hold off on any decision regarding the Cherry Lane Overlay until the Comprehensive Plan was completed.

Mayor Talley stated there may need to be a smaller group that comes out of the Comprehensive Planning group that meets specifically about the overlay and when you begin looking at the industrial park possibly bringing in the County, City of Mebane, and the Chamber to make sure we are hearing from all our stakeholders.

Assistant City Manager Holland stated that all affected citizens would be contacted and it would be advertised to let folks know that this plan was being discussed. He stated that Cherry Lane was just one of several areas and would make sure that everyone was notified.

Mayor Talley stated that Mayor Pro Tem Hall had made a motion to table any decision regarding Cherry Lane until the Comprehensive Plan was completed and that she agreed. This motion was seconded by Council Member Whitaker. The motion passed unanimously.

### **PUBLIC COMMENT PERIOD**

There were no public comments.

### **CITY STAFF COMMENTS**

There were no City Staff comments.

### **CITY COUNCIL COMMENTS**

Council Member Whitaker asked that staff conduct a traffic study on the cul-de-sacs due to problems with the trash trucks, mail being delivered, and school buses not being able to get in and out.

Assistant City Manager Holland stated that it was concluded that we may not need to prohibit parking in the cul-de-sacs but possibly restrict the time of parking so it would not interfere with trash service, buses, etc. He suggested bringing back language for Council to consider at the next meeting. The consensus of Council was unanimous.

Council Member Parsons asked for an update on the water line on Albright.

Assistant City Manager Holland stated that staff had looked into the replacement of that line and that money had not been budgeted and we would need to look at using ARPA funding for this project. He stated there were contractors currently working in the City and they were actually the lowest bid since they were already working in the City. Other bids were \$80,000 to \$100,000 higher. He stated he may have to ask Council to set a Special Meeting to approve the funding.

Mayor Talley wanted to make it clear that when this water line was replaced it would not have anything to do with private lines from a residence to the main water line. If there are problems with the line leading from someone's house to the newly replaced waterline, it would be at the resident's expense.

Mayor Talley shared some of Staff 2022 accomplishments:

- Received a 75/25 grant from the Department of Justice in order to hire six new patrol officers. Congratulations to Chief Kristi Baker and her team for making this happen.
- Secured over \$75 million in funding to upgrade our wastewater treatment plant. This is the single largest capital improvement in the City's history.
- We have applied for \$2 million in Block Grant funding to pay for Phase 1 of utility upgrades for the Northern area of the City.
- For the first time in Graham's history, we received \$13.75 million dollars in our state budget to do a much-needed replacement of our 70-year-old main water line from the water treatment plant to the center of town. She personally wanted to thank Tonya Mann, Burke Robertson, Tim Covington, Engineer Jason Johnson, and all staff for the hard work put into getting us ready for a complete overhaul of our infrastructure.

- City Council funded 68% of our capital improvement projects.
- City Council overhauled our inspection, utility, and development fees.
- Staff improved the health insurance plan for all our employees and retirees.
- Council gave much-needed raises and CIP increases to our staff.
- We were recently awarded the NC DOT Multimodal Pedestrian grant in the amount of \$36,000, which would improve sidewalks.
- Staff applied for \$10 million in grant funding in the 2021-2022 fiscal year and we will continue to work on funding and recruiting new business to Graham. Mayor Talley personally thanked all department heads, our support staff, and especially City Manager Megan Garner and Assistant City Manager Aaron Holland for working so hard this past year.

## ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting was adjourned at 7:40 pm.

Renee M. Ward, CMC  
City Clerk



## City of Graham City Council Special Meeting Minutes of December 19, 2022

The City Council of the City of Graham held a Special Meeting on December 19, 2022, at noon in the Council Chamber, City Hall Municipal Building, located at 201 South Main Street, Graham, NC.

### Councilmembers Present:

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

### Staff Present:

Megan Garner, City Manager, absent  
Renee M. Ward, City Clerk  
Josh Johnson, City Engineer  
Tonya Mann, Water Resources Director  
Julianne Cordon, Finance Director

### CALL TO ORDER:

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

### NEW BUSINESS:

#### ITEM 1: AMERICAN RESCUE PLAN ACT (ARPA) FUNDING ALLOCATION – ALBRIGHT AVENUE WATER LINE REPLACEMENT:

City Council considered amending the ARPA Project Ordinance allocating \$550,000 for the proposed Albright water line replacement.

City Manager Megan Garner stated the amendment to the ARPA Project Ordinance, if approved, would add a \$550,000 encumbrance for the Albright Avenue water line replacement. She stated the citizens in that area had expressed concerns about water quality. She stated this project was put out for bid through the City's engineers and two contractors had responded. She shared that Triangle Graving and Paving provided the lowest price and this contractor was currently under contract to complete the Long and Albright water and sewer improvements. City Manager Garner stated it was recommended that Council amend the existing contract to include \$550,000 to be funded through ARPA.

Motion by Mayor Pro Tem Hall, seconded by Council Member Chin, to amend the ARPA Project Ordinance, in the amount of \$550,000 for the Albright water line replacement. The motion passed unanimously.

### **RESOLUTION ESTABLISHING THE BUDGET FOR ARPA FUNDS GRANT ORDINANCE**

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

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

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

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

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

**WHEREAS**, On October 11, 2022, the City Council of the City of Graham approved additional projects amounting to \$195,000 for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$937,290.

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

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

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

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

ARPA Revenue	\$4,599,050
<b>TOTAL</b>	\$4,599,050

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

10" Water Line Replacement	\$3,500,000
GPD Positions Equipment	\$62,101
Vehicles	\$204,033
Fuel Master System Upgrade	\$18,000
Civic Center Repairs – Roof & Floor	\$58,788
Camera at Parks - Entrances	\$11,128
GM Lake – Ramp Renovation	\$195,000
Albright Ave Water line Replacement	\$550,000
<b>TOTAL</b>	\$4,599,050

- 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 19<sup>th</sup> day of December 2022.

## **ITEM 2: NCDOT MULTIMODAL GRANT PROGRAM**

City Council will consider approving a budget amendment as a 20% local grant match, in the amount of \$9,000, for the North Carolina Department of Transportation Multimodal Grant Program to update the City's 2006 Pedestrian Transportation Plan.

City Manager Megan Garner stated if the request is for a \$9,000 budget amendment for this project. She stated that the City applied for this grant last fiscal year and was awarded \$36,000 to update the Pedestrian Plan. She stated that NCDOT needed the City's match commitment before the January Council meeting, which is why this item was added today.

Mayor Talley expressed excitement about this plan being updated.

Motion by Mayor Talley, seconded by Mayor Pro Tem Hall, to approve a budget amendment in the amount of \$9,000, for the NCDOT Multimodal Grant Program to be used to update the City's 2006 Pedestrian Transportation Plan. The motion passed unanimously.

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)
Street - Professional Services	12,000.00	21,000.00	9,000.00		
	12,000.00	21,000.00	9,000.00	-	9,000.00

Section 2.

GENERAL FUND

REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance	1,272,553.00	1,281,553.00	9,000.00		
	1,272,553.00	1,281,553.00	9,000.00	-	9,000.00

Adopted this 19th day of December 2022.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk

**ADJOURN**

A motion was made by Council Member Chin to adjourn, seconded by Mayor Pro Tem Hall. The motion passed unanimously. (12:06 p.m.)

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Renee M. Ward, CMC  
City Clerk