City of Graham City Council Meeting Agenda March 12, 2024 6:00 p.m. | City Hall | 201 South Main Street



CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

CONSENT AGENDA:

- **a.** To approve the February 13, 2024, regular meeting minutes and to approve and seal the February 13, 2024, Closed Session minutes for attorney-client privilege.
- **b.** To approve a request to close the 100 Block of E. Elm Street on Saturday, May 11, 2024, for the Big C Community Christian Concert from 7:00 am to 8:00 pm (includes setup and cleanup).
- **c.** To approve a budget amendment updating the American Rescue Plan Act Project Ordinance for \$87,016 to fund equipment for the Fire Department and employer-paid dental plan.
- **d.** To approve a budget amendment to allocate \$242,465 of the General Fund balance for payment on the 2023 Ladder Fire Truck.
- **e.** To approve a resolution accepting an amended funding offer to accept the ASADRA funding increase and revised project budget for the Wastewater Treatment Plant upgrade and expansion.
- **f.** To approve tax releases totaling \$600.26.

OLD BUSINESS:

1. DOWNTOWN STREET CLOSURE REQUESTS – GRAHAM RECREATION EVENTS

City Council will consider the following road closures for the Graham Recreation Department Programs in Downtown Graham continued from the February 13, 2024, City Council meeting:

- **Slice of Summer**: review the attached options for road closures on page 3.
- **Pumpkin Bash**: closure of the 100 blocks of East and West Elm Streets on Friday, October 25, 2024, from 2 pm to 10:30 pm and North and South Main Streets from 4 pm to 10:30 pm.

2. UPDATE – LINE-OF-SIGHT – GILBREATH AND MAPLE AVENUE

City Council will receive an update on the line-of-site issue at the intersection of Gilbreath and Maple Avenue.

PUBLIC HEARINGS:

3. <u>ADOPT RESOLUTIONS – ALAMANCE COUNTY MUNICIPAL TOURISM DEVELOPMENT – MUNICIPAL ROOM OCCUPANCY TAX</u>

A public hearing has been set to consider adopting a resolution joining the Alamance County Municipal Tourism Development Authority and adopting a resolution levying a municipal room occupancy tax.

4. BURLINGTON-GRAHAM JOINT ANNEXATION AGREEMENT

A public hearing has been set to consider approving the Burlington-Graham Joint Annexation Agreement and Ordinance to allow for clarity and delineate authority within the specified area around the Monroe-Holt vicinity.

5. ANNEXATION – 8.70 ACRES – OFF SOUTH MAIN STREET

A public hearing has been set to consider an annexation request to extend the corporate limits for a tract of land totaling 8.70 acres located off South Main Street. AN2401

NEW BUSINESS:

6. SESQUICENTENNIAL PARK SHELTER FLOOR

City Council will discuss options for the Sesquicentennial Park shelter due to the dilapidation of the existing floor.

7. AUDIT SERVICES – AWARD A CONTRACT

City Council will consider awarding the City of Graham's audit contract for fiscal year ending June 30, 2024, to Stout Stuart McGowen & King, LLP.

PUBLIC COMMENT PERIOD

CITY STAFF COMMENTS

CITY COUNCIL COMMENTS

ADJOURN

OLD BUSINESS – ITEM 1 – ROAD CLOSURE OPTIONS – SLICE OF SUMMER

Slice of Summer:

- 1) Option A: 100 blocks of Court Square
 - a. Saturday, June 8: 4:00 pm-8:00 pm (rain date: Saturday, June 22)
 - b. 8:00 am-2:30 pm: Block designated parking spaces (those where hoses need to be run for the attractions from hydrants). Roughly 30 spaces.
 - c. 2:30 pm-9:00 pm: Close 100 Blocks of North and South Main Streets, East and West Elm Street
- 2) Option B: 100 blocks of Court Square
 - a. **Sunday, June 9: 2:00 pm-6:00 pm** (rain date: Sunday, June 23)
 - b. 8:00 am-12:30 pm: Block designated parking spaces (those where hoses need to be run for the attractions from hydrants). Roughly 30 spaces.
 - c. 12:30 pm-7:00 pm: Close 100 Blocks of North and South Main Streets, East and West Elm Street
- 3) Option C: NEW EVENT SITE 100 & 200 blocks of West Elm St./sections of 100 blocks of N. & S. Maple St.
 - a. Saturday, June 8: 3:00 pm-7:00 pm (rain date: Saturday, June 22)
 - b. 8:00 am-1:30 pm: Block designated parking spaces (those where hoses need to be run for the attractions from hydrants). Roughly 20 spaces.
 - c. 1:30 pm-8:00 pm: Close 100 and 200 Blocks of West Elm Street, and 100 Blocks of North and South Maple Street
- 4) Option D: NEW EVENT SITE 100 & 200 blocks of West Elm St./sections of 100 blocks of N. & S. Maple St.
 - a. Sunday, June 9: 2:00 pm-6:00 pm (rain date: Sunday, June 23)
 - b. 8:00 am-12:30 pm: Block designated parking spaces (those where hoses need to be run for the attractions from hydrants). Roughly 20 spaces.
 - c. 12:30 pm-7:00 pm: Close 100 and 200 Blocks of West Elm Street, and 100 Blocks of North and South Maple Street

City of Graham City Council Meeting Minutes February 13, 2024



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on February 13, 2024, 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

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.

CONSENT AGENDA:

- **a.** To approve the January 9, 2024, regular meeting minutes, approve and seal the January 9, 2024, Closed Session minutes for personnel and to approve and seal the January 9, 2024, Closed Session minutes for attorney-client privilege.
- **b.** To set a date for a public hearing on March 12, 2024, to receive public comment regarding the consideration of a local option occupancy tax.
- **c.** To set a date for a public hearing on March 12, 2024, to consider a contiguous annexation pursuant to General Statute 160A-31 for a tract of land totaling 8.70 acres. (AN2401)

RESOLUTION FIXING DATE OF MARCH 12, 2024, FOR A PUBLIC HEARING ON THE QUESTION OF A CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 8.70 +/- ACRES LOCATED OFF S NC 87 HWY (AN2401)

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 March 12, 2024.
- Section 2. The area proposed for annexation is described as follows:

Legal Description GPIN#: 8882392474:

That certain tract or parcel of land lying and being in Graham Township, Alamance County, North Carolina, bounded by South Main Street (S. N.C. 87) on the east, Jean Monnett Ross to the south, Little Alamance Creek to the west, and James Edward Ross Jr. to the north and being more particularly described as follows:

Beginning at a 1" existing iron pipe, on the western margin of the 60 foot right of way of South Main Street (S. N.C. 87), and in the line of Lot 3 of the plat "Exis)ng Parcel Boundary Survey for Jean Monnett Ross" as prepared by Boswell Surveyors, Inc., J. Leo Boswell, Professional Land Surveyor, dated September 13, 2016, Job No. 16-185-400, which plat is dully recorded in Plat Book 78, Page 59, in the Office of the Register of Deeds of Alamance County, North Carolina and being the property of Jean Monnett Ross, and said existing pipe being N 37°43'07" W, 393.23 feet from a 1" existing iron pipe, a corner between the proper)es of William T. Kerr and wife Carolyn W. Kerr and in the line of Slippery Elm Proper)es, LLC;

Thence from said Beginning point, along the line of said Lot 3, Jean Monnett Ross property, N 68°05'41" W, 393.55 feet to a 2" existing iron pipe, a corner with said Lot 3, Jean Monnett Ross property, thence along the line of said Lot 3, Jean Monnett Ross property, N 80°24'35" W, 218.70 feet to a point in the center of Little Alamance Creek, thence along the centerline of Little Alamance Creek the following courses and distances; N 34°23'39" E, 39.78 feet; N 06°24'35" E, 107.83 feet; N 25°34'25" W, 200.00 feet; N 24°04'37" E, 199.92 feet to a 1" existing iron pipe on the north bank of Little Alamance Creek, a corner with Lot 1 of said plat, James Edward Ross Jr. property, thence along the line of said Lot 1, James Edward Ross Jr. property, S 87°59'25" E, 264.50 feet to an existing axle, corner with said Lot 1, James Edward Ross Jr. property, thence along the line of said Lot 1, James Edward Ross Jr. property, S 67°25'23" E, 528.67 feet to a point in the centerline of South Main Street (S. N.C. 87), a corner with said Lot 1, James Edward Ross Jr. property, thence along the centerline of South Main Street (S. N.C. 87) the following courses and distances; S 19°49'21" W, 486.07 feet to a point and S 17°19'38" W, 29.22 feet to a point, a corner with said Lot 3, Jean Monnett Ross property, thence along the line of said Lot 3, Jean Monnett Ross property, N 68°05'41" W, 30.09 feet to the point and place of Beginning, containing 8.70 acres \pm and being all of Lot 2 as shown on plat entitled "Existing Parcel Boundary Survey for Jean Monnett Ross" as prepared by Boswell Surveyors, Inc., J. Leo Boswell, Professional Land Surveyor, dated September 13, 2016, Job No. 16-185-400, which plat is dully recorded in Plat Book 78, Page 59, in the Office of the Register of Deeds of Alamance County, North Carolina.

d. To approve a budget amendment to allocate \$65,000 in received revenue, to the health insurance reserve account at the North Carolina Health Insurance Pool (NCHIP).

CITY OF GRAHAM

BUDGET AMENDMENT ORDINANCE 2023-2024

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT THE 2023 - 2024 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

Section 1.					
EXPENDITURES					INCREASE
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE
GF - Non Departmental - Group Insurance	276,000.00	293,500.00	17,500.00		17,500.00
W/S - Non Departmental - Group Insurance	91,000.00	138,500.00	47,500.00		47,500.00
w// Non Departmental Group Histratice	367,000.00	432,000.00	65,000.00	-	65,000.00
-					
Section 2.					INCREASE
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
GF - Interest on Investments	105,000.00	122,500.00	17,500.00		17,500.00
W/S - Interest on Investments	95,000.00	142,500.00	47,500.00		47,500.00
	200,000.00	265,000.00	65,000.00	-	65,000.00
Adopted this 13th day of February 2024.					

e. To adopt a resolution to apply for funding from the Drinking Water State Revolving Fund to conduct field service investigations on service lines within the water distribution system due to the new Lead Service Line Rule.

RESOLUTION BY GOVERNING BODY OF APPLICANT

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina 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 a need for and intends to conduct a study described as City of Graham LSL Field Service Investigation using Drinking Water State Revolving Fund funding. The project will consist of field service investigations on residential service lines within the water distribution system that may contain lead or lead solder, and
- **WHEREAS.** The City of Graham intends to request a State loan and/or grant assistance for the project.

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 Jennifer Tally, Mayor or 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 13th of February 2024, at the City of Graham Municipal Building, Graham, North Carolina.

- **f.** To approve the following road closures for the Graham Recreation Department Programs in Downtown Graham:
 - Slice of Summer: closure of the 100 blocks of East and West Elm Streets and North and South Main Streets on Saturday, June 8, 2024, from 1 pm-9 pm. Also request approval of the same road closures from 1 pm-9 pm on Saturday, June 15, 2024, as an alternative date.
 - **Pumpkin Bash**: closure of the 100 blocks of East and West Elm Streets on Friday, October 25, 2024, from 2 pm to 10:30 pm and North and South Main Streets from 4 pm to 10:30 pm.
 - Thursdays at Seven Concert Series: closure of the 100 block of West Elm Street on May 23, June 27, July 25, August 22, September 12, and September 26 for the 2024 Thursdays at Seven Concert Series. All closures will begin at 5:00 pm and re-open by 11:30 pm. In the event a concert must be postponed, we also request the same closure as above on the following dates: May 30, June 6, 13, 20; July 11, 18; August 1, 8, 15, 29; September 5, 19; October 3, 10, 17.
 - 9/11 Commemorative 5K Event: Closure of the northbound lane of Maple Street from Pine Street to McAden Street, McAden Street from South Main to Maple Street, the southbound lane of South Main Street from Pine Street to McAden Street, Pine Street from South Main to Maple Street from 6:00 a.m. 11:00 a.m. on Saturday, September 7, 2024.
- **g.** To approve an encroachment agreement provided by Alamance County for 106, 108, and 110 South Maple Street due to a 0.2-foot encroachment of the building onto Maple Street right-of-way.
- **h.** To approve a budget amendment to recognize \$1,010 in insurance proceeds revenue and increase the Fire Department's Maintenance & Repair Equipment budget by \$1,010 to replace a damaged fire hose.

CITY OF GRAHAM

BUDGET AMENDMENT ORDINANCE 2023-2024

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT THE 2023 - 2024 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

Section 1.					
GENERAL FUND					INCREASE
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE
Fire Department - Maint & Repair Equipment	14,600.00	15,610.00	1,010.00		1,010.00
=	14,600.00	15,610.00	1,010.00	-	1,010.00
Section 2.					
GENERAL FUND					INCREASE
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE
Consider the constant	1,000.00	2,010.00	1,010.00		1,010.0
General Fund - Insurance Proceeds					1,010.0

i. To approve the Conflict of Interest policy that would pertain to elected officials, appointed officials, and staff.

Adopted this 13th day of February 2024.

j. To approve the tax collector's Mid-Year report and to set March 14, 2024, as the date to advertise outstanding real and personal property taxes in the Alamance News.

	MID-YEAR REPORT February 2, 2024	Γ	
	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITYWIDE DISCOVERIES:	2,168,973,490	0.2899%	6,287,854.13
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	2,522,383		10,490.85
ANNEXATIONS:	1,856,643		5,091.53
ABATEMENTS:	(33,767,827)		(97,892.93)

CURRENT LEVY	2,139,584,689	6,205,543.57
OUTSTANDING REAL PROPERSONAL P		278,377.96 23,836.24
TOTAL OUTSTANDING TAXES		302,214.20
CURRENT YEAR TAXES COLLECTED:		5,903,329.37
TO DATE, THE PERCENT OF CU	RRENT YEAR COLLECTED:	95.13%

I request that a date be set for the Lien Advertisement on March 14, 2024, in the Alamance News. The cost for the advertising will be \$4.00 per parcel advertised and will be charged one time to the taxpayer.

Submitted by Sandy P. Callahan, Tax Collector

k. To approve tax releases totaling \$2,624.90.

FEBRU	ARY			
_ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
12604	2023	LUNDEEN, SEAN MICHAEL	SOLD BOAT MOTOR	\$1.10
12605	2023	LUNDEEN, SEAN MICHAEL	SOLD BOAT	\$7.34
5035	2023	MCVEY, MARY ANNE HEIRS	APPROVED FOR APPEAL	\$8.88
682	2020	KELLY, JOSHUA	SOLD BOAT 5 YRS AGO	\$27.36
682	2019	KELLY, JOSHUA	SOLD BOAT 5 YRS AGO	\$31.36
4772	2003	SPAULDING/JIMENEZ	UNCOLLECTIBLE FOLLOWING FORECLOSUR	305.01
4772	2004	SPAULDING/JIMENEZ	UNCOLLECTIBLE FOLLOWING FORECLOSUR	\$447.17
4772	2005	SPAULDING/JIMENEZ	UNCOLLECTIBLE FOLLOWING FORECLOSUR	\$449.17
4772	2006	SPAULDING/JIMENEZ	UNCOLLECTIBLE FOLLOWING FORECLOSUR	\$449.17
4772	2007	SPAULDING/JIMENEZ	UNCOLLECTIBLE FOLLOWING FORECLOSUR	\$449.17
4772	2008	SPAULDING/JIMENEZ	UNCOLLECTIBLE FOLLOWING FORECLOSUR	\$449.17

Mayor Pro Tem Hall motioned to approve the Consent Agenda items except for Item f, seconded by Council Member Parsons. The motion passed unanimously.

Ms. Brittany DiStefano, representing Sandy & Company, 142 North Main Street, asked the Council to take the Slice of Summer and the Pumpkin Bash and move them to a Sunday when most businesses are closed or closing early. She stated closing the street where her business is located encroaches on their business.

She stated they, as well as other local businesses, typically make a lot of money on Saturdays.

Ms. Katherine Baird, Gelah Couture, 113 N. Main Street, stated she was not opposed to the events, however, when the roads are closed it hurts her business and she has no customers.

Mayor Talley stated Cheryl Rich owner of Sandy & Company, came to her office about the proposed street closures on Saturdays. Mayor Talley relayed that the Recreation Department had to have time to get the cars off the street and time to set-up.

Ms. Rich asked if those events could be moved to a park or anywhere but downtown.

Mayor Talley stated that the downtown area was a business district, not a festival district, and she had encouraged those with concerns to attend the Council meeting and share those concerns with the rest of the Council. Ms. Talley shared that some businesses did very well during the events.

Ms. DiStefano shared that the people attending these events are not the type to shop in boutiques.

Council Member Whitaker asked about the Pumpkin Bash, which was scheduled on a Friday and not on a Sunday, and what was the issue with that event.

Ms. DiStefano apologized as she thought the Pumpkin Bash was scheduled on a Saturday as well and stated Fridays were busy days too and preferred it not to be held on a Friday but that Sunday would be better.

Mayor Talley asked for a representative from the Recreation Department to speak.

Brian Faucette, Recreation and Parks Director, stated they constantly ask for feedback from downtown businesses, however, some businesses may not be getting emails. He stated Slice of Summer was the most difficult event logistically because of water and parking and it could not be moved anywhere else. He shared there was not adequate water or parking at the parks. He stated moving Slice of Summer to the park would not be possible and the event would die.

Mayor Talley asked if 1:00 pm was the latest the street could be closed for Slice of Summer.

Council Member Chin arrived at 6:36 pm.

Emma Griffin, Program Supervisor, stated the Slice of Summer event over the past several years was pushing it to be ready by 4:00 pm. She stated this past year at 3:30 pm, there were still several cars parked on North Main Street as well as E. Elm Street. She stated for this event there are large hoses that had to run along the curb of the road and could potentially burst and damage cars, therefore, all cars had to be moved off the street. She shared for the Pumpkin Bash they could continue to set up while cars were being moved. She added when the streets are scheduled to be closed, cars simply do not move and it can cause a big problem.

Mayor Talley asked if the morning of an event could signs be put out letting people know what time the street would be closed.

Ms. Griffin stated they had a limited number of barricades and sometimes people just do not read signs. They have had people park right in front of the barricades that state the road is closed. She said an officer has to go into the different stores asking for cars to be moved so they do not get blocked in. She shared they do not want to impede on businesses and try to leave Main Street open as long as possible.

Mr. Faucette stated staff has tried everything to condense the set-up time and be as efficient as possible. He stated there may be other areas within the City to move an event to, but Slice of Summer was the one that could not be moved anywhere but on the streets of downtown because of the water capacity needed and drainage. He stated it was as efficient and compact as it could get.

Mr. Faucette and Ms. Griffin agreed to reach out to the vendors for Slice of Summer to see if up staffing was possible so the streets could remain open longer.

Ms. Bella DiStefano, Sandy & Company, stated as frustrating as it is for businesses on Saturday it seemed that it was just as difficult for Recreation Staff to set up on Saturday with all the cars. She asked to move the events to a Sunday.

Mr. Faucette and Ms. Griffin are going to re-evaluate operations for the Pumpkin Bash and Slice of Summer and report back to the Council in March.

Ms. Griffin asked if the Council would approve September 7, 2024, as the date for 9/11 5K because the Balloon Festival was being held on September 14, 2024.

Mayor Talley motioned to approve the Thursdays at Seven Concert Series as stated in the Consent Agenda and the 9/11 Commemorative 5K event to be held on September 7, 2024, and to table the Slice of Summer and Pumpkin Bash to next month's Council meeting, March 12, 2024, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

NEW BUSINESS:

ITEM 1: RESOLUTION OF INTENT – PURCHASE SANITATION TRUCK

The City Council considered approval of a resolution of intent to purchase a DuraPack Python 28-yard body mounted on a 2024 Peterbilt 520 chassis Sanitation truck to replace a 2010 Sanitation truck.

City Manager Megan Garner stated Public Works had a need to replace a 2010 Sanitation truck and the lead time on these trucks can vary between 12 to 18 months. She stated the vendor needs a resolution of intent to purchase and would be included in the upcoming fiscal year budget either the full amount of \$425,000 or the annual debt service.

Motion by Mayor Pro Tem to approve the resolution of intent for the purchase of a sanitation truck, seconded by Mayor Talley. The motion passed unanimously.

RESOLUTION OF INTENT TO PURCHASE A DURAPACK PYTHON 28-YARD BODY MOUNTED ON A 2024 PETERBILT 520 CHASSIS

WHEREAS, The City of Graham has a need to purchase a new sanitation truck to continue providing topquality service to our citizens; and

WHEREAS, the proposed new truck will be replacing a 2010 sanitation truck, that will be sold via an approved surplus method; and

WHEREAS, due to the COVID pandemic, the lead time on a new truck can vary between 12-18 months; and

WHEREAS, the cost of a new truck is anticipated not to exceed \$425,000, assuming the City locks in before September 2024; and

WHEREAS, the City of Graham may purchase the sanitation apparatus in accordance with N.C.G.S. 143-129(e)(6), which authorizes "Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.";

WHEREAS, the City of Graham has standardized Peterbilt with the last two sanitation trucks that were purchased; and

WHEREAS, the City of Graham will include payment, either in full or debt service via financing, for the sanitation truck in the upcoming Fiscal Year 2024-2025 budget.

NOW, THEREFORE, BE IT RESOLVED, that the City of Graham City Council approves this intent to purchase a DuraPack Python 28-yard body mounted on a 2024 Peterbilt 520 chassis. Adopted this the 13th day of February 2024.

ITEM 2: CONNECTION TO CITY WATER SYSTEM – TERRYWOOD ROAD – HAW RIVER

The City Council will consider a connection to the City's water system without annexation for property located at 1359 Terrywood Road, Haw River.

Assistant City Manager Aaron Holland stated Brandon Kerley, owner of 1359 Terrywood Road in Haw River, had requested special permission from City Council to allow him to connect his non-contiguous property to an existing water transmission line that runs in front of his property. He stated per Section 13-41 of the City of Graham Code of Ordinances, the applicant was seeking special permission to connect to a utility line without annexation. He stated on rare occasions, the City of Graham had allowed properties outside City limits to connect to the water/sewer systems. He stated Staff recommended approval because no services are provided in that location except for utility.

Mr. Brandon Kerley, 1359 Terrywood Road, Haw River, stated he was buying property from his grandfather but needed to make sure he was able to get water access because the existing well had been contaminated by a nearby industry.

Motion made by Council Member Whitaker to approve the request for connection to the City water system at 1359 Terrywood Road without annexation, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 3: RECREATION AND PARKS DEPARTMENT SPONSORSHIP POLICY AND PROCEDURE

The City Council considered a Sponsorship Policy and Procedure for the Graham Recreation and Parks Department to establish guidelines for sponsors wishing to create a relationship with GRPD to sponsor events, projects, programs, and sites.

Brian Faucette, Recreation and Parks Director, stated the goal was to get a set of guidelines to allow staff uniformly to solicit sponsorships for sites, facilities, and programs and a guide for everyone to abide by. The proposed Sponsorship Policy and Procedures would establish guidelines for sponsors wishing to create a relationship with the GRPD. The Sponsorship Policy and Procedures would also establish guidelines for GRPD staff to consider when accepting sponsors. These guidelines and procedures would help protect the City, its staff, and ultimately its citizens by establishing a process for accepting and rejecting potential sponsorships.

He stated the Sponsorship Policy and Procedures had been reviewed by GRPD staff, the Graham Recreation Commission, City Administration, and City Attorneys.

Motion by Mayor Pro Tem Hall to approve the Sponsorship Policy and Procedure, seconded by Council Member Parsons. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Mr. Travers Webb, 619 East Harden Street, spoke about the horrible condition of the Hwy 54/Interstate hotel including the old swimming pool that could be a hazard. He asked if the City could do something about getting it cleaned up. Assistant City Manager Holland said he would have staff assess the property.

Mayor Talley asked about the billboard across the street from this hotel that was currently down and, if it could legally be put back up. Assistant City Manager Holland said he would look into it.

CITY STAFF COMMENTS

Assistant City Manager Holland stated the line of agreement with the City of Burlington had been reviewed by the City Attorney and was ready to bring forward to Council and asked for Council consensus to s a public hearing at the March 12, 2024, Council Meeting.

Council agreed.

Assistant City Manager Holland stated he reviewed a City of Mebane Special Use hearing and suggested changing people having to be sworn in so it would allow people to speak at Planning Board meetings and when it came to Council it would be the normal way of hearing from expert witnesses.

City Manager Garner shared the Council had received its first update on the Council's key strategic actions from the December Budget Planning Retreat. She said each month the Council would receive an update on the 12 key strategic actions and the activity that had occurred during that month.

CITY COUNCIL COMMENTS

Mayor Talley asked if NCDOT could add signage where Graham Housing was located due to several accidents. Assistant City Manager Holland will contact DOT at the next TRC meeting to address that intersection.

Mayor Pro Tem Hall asked staff to remind developers to keep the roads clean during development.

Council Member Chin thanked a citizen for the cleanup at the well house on West Elm Street.

Council Member Whitaker spoke about the ongoing speeding issues on Harden Street and the water that continues to pool on Elm Street.

City Manager Garner relayed the speed issue had been given to the Police Department following last month's City Council meeting and asked them to pay particular attention to that area and the pooling of water issue was given to Public Works who made NCDOT aware of the issue.

Council Member Whitaker expressed concern about the line of sight issue at the intersection of Gilbreath and Maple and asked if staff could continue to stress the potential danger at this intersection to NC DOT and asked if this issue could be placed on the agenda to discuss options.

The consensus of the Council was to add a discussion of the line-of-sight issue on Gilbreath Street and Maple Avenue to the March 12, 2024, agenda.

CLOSED SESSION:

City Council considered going into closed session pursuant to the terms of N.C.G.S. 143-318-11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged regarding Cone Commercial Real Estate Investments, LLC vs City of Graham Alamance County Superior Court case number 23CvS1909.

Motion by Mayor Talley to go into closed session pursuant to the terms of N.C.G.S. 143-318-11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged regarding Cone Commercial Real Estate Investments, LLC vs City of Graham Alamance County Superior Court case number 23CvS1909, seconded by Mayor Pro Tem Hall. The motion passed unanimously. 7:46 pm

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

Motion by Council Member Whitaker to approve the negotiated agreement and settle the law-suit with Cone Commercial Real Estate Investments, LLC vs the City of Graham Alamance County Superior Court case number 23CvS1909 as the agreement is written, seconded by Mayor Pro Tem Hall. The motion passed with a vote of 4-1. Mayor Talley voted no.

ADJOURN

Council Member Chin motioned to adjourn, seconded by Mayor Pro Tem Hall. The motion passed unanimously. The meeting adjourned at 8:30 p.m.

Renee M. Ward, CMC

City Clerk

February 13, 2024 City Council Meeting



SUBJECT:	STREET CLOSURE REQUEST BY JACKIE FORTNER FOR THE BIG C COMMUNITY CHRISTIAN CONCERT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Consider a request to close the 100 block of E. Elm Street for The Big C Community Christian Concert.

BACKGROUND/SUMMARY:

Jackie Fortner of the Big C Community Christian Concert, Inc. has submitted an application requesting to close the 100 block of E. Elm Street for a Community Christian Concert. According to the application, the event is being requested for

May 11, 2024, from 7 am to 8 pm (includes setup and cleanup).

FISCAL IMPACT:

N/A



STAFF RECOMMENDATION:

Approval. The various City departments that may be involved have reviewed the request and have provided the organizer with pertinent information that will need to be satisfied.

SUGGESTED MOTION(S):

I move we approve the request from Jackie Fortner to close the 100 block of E. Elm Street on May 11, 2024, from 7 am to 8 pm for The Big C Community Christian Concert.

CITY OF GRAHAM SPECIAL EVENT APPLICATION

Thank you for considering Graham to host your Special Event, we're glad you see our City as a great place to hang out!

All requests for parade and street events under the City of Graham's ordinance Chapter 20, Article V, Section 171 - 174 and 183 - 185 will be reviewed by the Graham Special Events Committee (SEC). Any Street closures or use of public spaces will need City Council approval.

SEC* - Public Works Director, Fire Chief, Police Captain, Recreation Director, and Assistant City Manager

Next Steps** - Depending on the location of the event and the request(s), applicants may be required to provide event insurance which names the City as an additional insured, schedule public safety through Extra Duty Solutions, provide an event map, give detail for sanitation purposes, and other similar logistical information. Please be sure to notify the affected businesses of the proposed event and provide the City with a copy of the notification.

Applicants are encouraged to reach out to the Assistant City Manager prior to completing this form if they have any questions pertaining to the City's requirements, event locations, event logistics, etc.

City of Graham
Aaron Holland, Assistant City Manager
201 South Main Street
Graham, NC 27253
336.570.6700
aholland@cityofgraham.com

1. Your email: jackie.fortner@alamance-nc.com
2. Event name (if applicable): The Big C Concert
3. Reason for the event (be specific): A Free Christian concert for First Responders and Citizens of Alamance County
4. Event date(s): Saturday May 11, 2024
5. Provide your event's setup, start, end, and cleanup times. (Ex: Name of Event 6:30 a.m 8 a.m. setup 8 a.m. event start 2 p.m. event ends 2 p.m 4 p.m. cleanup):
Set up time 7 a/m, events start at 10 a/m, singing starts at 12 noon ends at 6 p/m, clean up and out by 8 p/m
6. Event category
Please check all that apply appropriate category for your event.
X Concert/Performance
Exhibit
Farmer's Market
Festival/Fair
Parade/Procession
Run/Walk
Food Truck Rodeo
Other:
7. Where are you requesting for your event to occur?
Be specific identifying street names or City facilities being requested for use?
104 E Elem St. Graham, NC 27253 The Graham Amphitheater
8. Does your event include the request to close streets?
Yes XX No
9. Identify the street(s) you are requesting to have closed for your event.
Court Circle and E Elm St. to Marshall St. Graham NC 27253
10. Identify your street closure time(s) and will you anticipate when they will return to normal traffic flow.
Request Times 7 a/m till 8 p/m

11. What is your anticipated event attendance total? 200-500
12. Does your event include musical entertainment?
XX Yes No
13. Where will your musical entertainment be located?
14. Will sound amplification be used? X X Yes No
If yes, provide the start time and end time.
From 10 a/m till 6 p/m
15. Will inflatables or similar devices be used at your event? Yes XX_ No
If yes, please describe. *Please note, Insurance requirements must be met in order to offer this activity.
16. Does your event include the use of fireworks, rockets, lasers, or other pyrotechnics? Yes X No
If yes, please describe. ***Note: These requests will be subject to the approval of the City of Graham Police & Fire Departments in conjunction with State Laws governing this type of activity.
17. Will alcohol be served, sold or consumed at your event?
Yes XXNo
If you answered yes to the question above, please check all that apply to your event.
Alcohol will be available free of charge
Alcohol will be by purchase only
Alcohol being served and or sold at my event includes
Beer only
Wine only
Beer & Wine

18. Describe your security plan to ensure the safe sale and or distribution of alcohol at your event.
N/A
19. Does your event include food concession and/or food preparation areas?
Yes XX_
If yes, please select the method of cooking that pertains to your event.
Gas
Electric
Charcoal
XX Other: Food Trucks
20. Do you plan to provide portable toilets at your event?
Yes XX_ No
If yes, list the total number of portable toilets: 2
21. Portable toilet company name: Piedmont Portables
If no, please explain
22. Explain your plan for cleanup and removal of trash, waste, and garbage during & after your event.
Does your event require additional trash receptacles?
Yes XX No
If yes, what is the requested number of additional trash receptacles? Request extra City trash cans
23. Will there be any tents, canopies or temporary structures at your event?
Yes No XX

24. Applicant name and affiliated agency if applicable	
Jackie Fortner The Big C Community Concert Inc.	
25. Applicant's Address	
7668 Oak Flat Lane Snow Camp 27349	
26. Applicant's phone number	
3 <u>3</u> 6-269-7218	
27. Applicant's email address	
jackie.fortner@alamance-nc.com	
28. Provide the event's point of contact if different from the applicant. (First & number, & Email Address)	Last name, Phone
29. How many years has this event taken place? 5 Years	



SUBJECT:	AMERICAN RESCUE PLAN ACT FUNDS
PREPARED BY:	MEGAN GARNER/MELANIE KING

REQUESTED ACTION:

Approve the Project Ordinance for the identified American Rescue Plan Act projects.

BACKGROUND/SUMMARY:

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law. This bill includes direct financial assistance to local governments that have faced revenue losses and added safety expenses in dealing with the COVID-19 pandemic as well as making investments in water, sewer, and broadband infrastructure. The bill includes over \$1.3 billion for cities and towns in North Carolina. On June 8th, 2021, the Graham City Council approved a resolution to create an ARPA Local Fiscal Recovery Fund to receive the allocation of approximately \$4.9 million. To date, the Graham City Council has approved projects totaling \$4,606,605.00.

ARPA Projects				
Project	Department	Total		
10" Water Line Replacement	Utilities	\$ 3,500,000.00		
SROs & COPS Position Equipment	PD	\$ 62,101.00		
3 Vehicles	PD	\$ 204,033.00		
Fuel Master System Upgrade	IT	\$ 18,000.00		
Civic Center Repairs - Roof & Floor	REC	\$ 66,343.00		
Cameras at Parks - Entrances	IT	\$ 11,128.00		
GM Lake – Ramp Renovation	Lake	\$ 195,000.00		
Albright Ave Water Line Replacement	Utilities	\$ 550,000.00		
Garage Addition	Public Works	\$ 215,000.00		
Subtotal		\$ 4,821,605.00		
ARPA Funding Allocation		\$ 4,986,340.00		
Balance Unencumbered		\$ 164,735.00		

The two items being requested for funding are equipment for the Fire Department (\$33,016) included in the chart below and employer paid dental (\$54,000). Ordinarily, a recurring expense would not be recommended for this type of funding source; however, ARPA guidance recommends using the revenue replacement method and identifying personnel related costs.

Qty	Item	Cost	Total	Priority
2	STIHL MS462 Chain Saws	\$1,400.00	\$2,800.00	1
2	Husqvarna K12 Ventilation Saws	\$2,200.00	\$4,400.00	1
4	Zico Chain Saw Mounts	\$200.00	\$800.00	1
1	Hurst eDraulic Cutter	\$11,029.96	\$11,029.96	1
1	Hurst eDraulic Spreader	\$11,626.68	\$11,626.68	1
1	Chain Set	\$858.57	\$858.57	1
3	Hurst Tool Compartment Mounts	\$500.00	\$1,500.00	1

FISCAL IMPACT:

If both items are approved, the unencumbered ARPA balance would be \$77,719.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S)

I move we update the Project Ordinance for the additional identified American Rescue Plan Act project.

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.

WHEREAS, On December 19, 2022, the City Council of the City of Graham approved additional projects amounting to \$550,000 for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$387,290.

WHEREAS, On January 10, 2023, the City Council of the City of Graham approved an amendment of \$7,555 to the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$379,735.

WHEREAS, On August 8, 2023, the City Council of the City of Graham approved an amendment of \$215,000 to the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$164,735.

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	\$4,908,621	
	TOTAL	\$4,908,621	
Section 4.	on 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	\$ 66,343	
	Camera at Parks – Entrances	\$ 11,128	
	GM Lake – Ramp Renovation	\$ 195,000	
	Albright Ave Water Line Replacement	\$ 550,000	
	Public Works Building	\$ 215,000	
	Fire Department Equipment	\$ 33,016	
	Employee dental	\$ 54,000	
	TOTA	L \$4,908,621	
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.	tion 7. This ordinance shall take effect upon passage.		
This the 12 th	day of March 2024.		
ATTEST:	Jennifer	Talley – Mayor	
Renee Ward -	- City Clerk		



SUBJECT:	BUDGET AMENDMENT – FIRE TRUCK PAYMENT
PREPARED BY:	MEGAN GARNER/MELANIE KING

REQUESTED ACTION:

Approve the budget amendment to allocate \$243,465 of General Fund balance for a payment on the 2023 Ladder Fire Truck.

BACKGROUND/SUMMARY:

The City of Graham did not budget for a fire truck payment in fiscal year 2024 as the loan payment was not intended to begin until a year after truck delivery, which occurred in July 2023. However, the loan funds disbursement from American National Bank & Trust occurred in March 2023 and therefore, the bank is anticipating payments to begin in March 2024.

FISCAL IMPACT:

The budget amendment recognizes a general fund balance appropriation of \$243,465 and increases general fund expenditure by same.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S)

Make a motion to approve the budget amendment to allocate \$243,465 of General Fund balance for a payment on the 2023 Ladder Fire Truck.

CITY OF GRAHAM

BUDGET AMENDMENT ORDINANCE 2023-2024

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT THE 2023 - 2024 RUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

	BUDGET ORDINANCE SHALL			LLOWS:	
Section 1. EXPENDITURES DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Ladder Fire Truck Loan		243,465.00 243,465.00	243,465.00 243,465.00	_	243,465.00 243,465.00
Section 2. REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
GF Fund Balance Appropriation	1,527,157.00 1,527,157.00	1,770,622.00 1,770,622.00	243,465.00 243,465.00	<u> </u>	243,465.00 243,465.0 0
Adopted this 12th day of March 2024.					
Attest:	Mayor Jennifer Talley				
Renee M. Ward, City Clerk					

STAFF REPORT

SUBJECT:	APPROVE RESOLUTION AMENDING FUNDING OFFER ACCEPTING ASADRA
	FUNDING INCREASE AND REVISED PROJECT BUDGET FOR WWTP
	UPGRADE AND EXPANSION
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve resolution amending funding offer to accept the ASADRA funding increase and revised project budget for the WWTP Upgrade and Expansion Project.

BACKGROUND/SUMMARY:

Pursuant to our nutrient capacity study completed in 2019, it concluded that a substantial upgrade to our WWTP is required in order to meet current permit requirements for nutrient removal. The project will also expand our permitted capacity from 3.5mgd to 5.0mgd. The prior approval for the Resolution of Acceptance of Funds and project budget was adopted on November 8th, 2022. This requested action will recognize and accept the Additional Supplemental Appropriations for Disaster Relief Act (ASADRA) funding increase according to the subject funding offer. The ASADRA funding increase will not increase the total loan amount as the funding offer will decrease the State Revolving Fund-Repayable Loan in the same amount.

FISCAL IMPACT:

This funding offer does not adjust the total loan amount or the closing fee. These totals will remain the same.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the resolution amending the funding offer to accept the ASADRA funding increase and revised project budget for the WWTP Upgrade 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, and

WHEREAS, On November 8, 2022, the City Council of the City of Graham hereby approved and adopted the revised WWTP Upgrade and Expansion Capital Project Ordinance in the total amount of \$84,649,290, and

WHEREAS, On March 12, 2024, the City Council of the City of Graham hereby approved and adopted the WWTP Upgrade and Expansion Capital Project Ordinance to reflect the increase in ASADRA State Loan funds.

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
	TOTAL	\$84,649,290

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
	TOTAL	\$84,649,290

- 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 12th day of March 2024.

Jennifer '	Talley -	Mayor
	•	•

Renee M. Ward – City Clerk

ATTEST:

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 <u>City of Graham</u> 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 <u>Megan Garner (City Manager)</u>, 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 12th day of March 2024, at Graham, North Carolina.

(Jennifer Talley) Mayor, City of Graham

CITY OF GRAHAM RELEASE ACCOUNTS

MARCH AMOUNT ACCT # YEAR **NAME** REASON FOR RELEASE RELEASED 12747 2023 SOSA, EFRAIN MH DOUBLE LISTED \$12.84 12001 BOAT & MOTOR IN GUILFORD CO 2023 CRAWLEY, WILLIE MAYS JR \$3.19 11852 2023 YOHO, RONALD TRAILER SOLD \$7.03 11852 2022 YOHO, RONALD TRAILER SOLD \$7.03 11852 2021 YOHO, RONALD TRAILER SOLD \$7.03 4220 2022 ALLEN, TIM MH DOUBLE LISTED 7.57 4220 2020 ALLEN, TIM MH DOUBLE LISTED \$7.83 700 2022 PATTERSON, GLEN E DOUBLE BILLED W/ P#178542 \$17.76 2536 2022 RIVERWALK 54 LLC COMMON AREA \$501.21 2537 2022 RIVERWALK 54 LLC COMMON AREA \$28.77



SUBJECT:	ROAD CLOSURES FOR GRPD PROGRAMS IN DOWNTOWN GRAHAM
	PROGRAM & RAIN DATES FOR SLICE OF SUMMER – PUMPKIN BASH
PREPARED BY:	BRIAN FAUCETTE, DIRECTOR OF RECREATION AND PARKS

REQUESTED ACTION:

The Recreation and Parks Department requests the following street closures for downtown programs in 2024:

Slice of Summer:

- 1) Option A: 100 blocks of Court Square
 - a. Saturday, June 8: 4:00 pm-8:00 pm (rain date: Saturday, June 22)
 - b. 8:00 am-2:30 pm: Block designated parking spaces (those where hoses need to be run for the attractions from hydrants). Roughly 30 spaces.
 - c. 2:30 pm-9:00 pm: Close 100 Blocks of North and South Main Streets, East and West Elm Street
- 2) Option B: 100 blocks of Court Square
 - a. Sunday, June 9: 2:00 pm-6:00 pm (rain date: Sunday, June 23)
 - b. 8:00 am-12:30 pm: Block designated parking spaces (those where hoses need to be run for the attractions from hydrants). Roughly 30 spaces.
 - c. 12:30 pm-7:00 pm: Close 100 Blocks of North and South Main Streets, East and West Elm Street
- 3) Option C: NEW EVENT SITE 100 & 200 blocks of West Elm St./sections of 100 blocks of N. & S. Maple St.
 - a. Saturday, June 8: 3:00 pm-7:00 pm (rain date: Saturday, June 22)
 - b. 8:00 am-1:30 pm: Block designated parking spaces (those where hoses need to be run for the attractions from hydrants). Roughly 20 spaces.
 - c. 1:30 pm-8:00 pm: Close 100 and 200 Blocks of West Elm Street, and 100 Blocks of North and South Maple Street
- 4) Option D: NEW EVENT SITE 100 & 200 blocks of West Elm St./sections of 100 blocks of N. & S. Maple St.
 - a. Sunday, June 9: 2:00 pm-6:00 pm (rain date: Sunday, June 23)
 - b. 8:00 am-12:30 pm: Block designated parking spaces (those where hoses need to be run for the attractions from hydrants). Roughly 20 spaces.
 - c. 12:30 pm-7:00 pm: Close 100 and 200 Blocks of West Elm Street, and 100 Blocks of North and South Maple Street

Pumpkin Bash: closure of the 100 blocks of East and West Elm Streets on October 25, 2024, from 3 pm to 10:30 pm and North and South Main Streets from 4 pm to 10:30 pm.

BACKGROUND/SUMMARY:

GRPD staff hosted three meetings with downtown businesses to discuss street closure options for the Slice of Summer and Pumpkin Bash events. Multiple options were then sent to downtown businesses to solicit input on the preferred closure option. Results will be presented to the Council for consideration at the March meeting.

The City of Graham's Fire, Police, Water, Public Works, and Recreation & Parks Departments reviewed each option and believe public safety can be maintained for each.

City Council has approved similar requested closures in past years with alternative dates to give staff and vendors the option to reschedule on days with possible inclement weather or when other issues arise.

GRPD staff and Graham Police Officers will continue to execute the closures and provide appropriate monitoring and security.

FISCAL IMPACT:

No fiscal impact on the City of Graham aside from the regularly budgeted program expenses.

STAFF RECOMMENDATION:

Staff recommends the following:

- 1. Approve the blocking of designated parking spaces (roughly 30 spaces) where hoses from the fire hydrants need to be run to serve the attractions beginning at 8:00 am and the closure of the 100 blocks of North & South Main Streets and East & West Elm Streets from 2:30pm-9:00pm on Saturday, June 8, 2024 (rain date: Saturday, June 22) for the Slice of Summer.
- 2. Approve the closure of the 100 blocks of East & West Elm Streets from 3 pm-10:30 pm and North & South Main Streets from 4 pm-10:30 pm on October 25, 2024, for the Pumpkin Bash;

SUGGESTED MOTION(S):

I MAKE A MOTION TO APPROVE THE STAFF-RECOMMENDED STREET CLOSURES FOR THE SLICE OF SUMMER AND PUMPKIN BASH.



SUBJECT:	CONSIDERATION OF RESOLUTION TO LEVY A LOCAL OPTION OCCUPANCY TAX
PREPARED BY:	MEGAN GARNER

REQUESTED ACTION:

Hold a public hearing date to receive public comment regarding consideration of a local option occupancy tax.

BACKGROUND/SUMMARY:

The North Carolina General Assembly ratified Senate Bill 154, An Act to Make Various Occupancy Tax Changes, which has been designated Session Law 2023-144, that authorized the municipalities of Graham, Burlington, Elon and Mebane to levy room occupancy taxes and to create the Alamance County Municipal Tourism Development Authority to promote travel and tourism within the aforementioned municipalities in Alamance County. The law further requires any city that levies such a tax join with the other communities to create an Alamance County Municipal Tourism Development Authority to manage the funds raised. The TDA shall be created by the first community to levy the tax, which Burlington did on January 2, 2024.

Before the City Council can levy the tax, they must hold a public hearing on the matter. At the conclusion of the public hearing, City Council may adopt a resolution joining the Alamance County Municipal Tourism Development Authority and adopt a resolution levying a municipal room occupancy tax.

FISCAL IMPACT:

The amount of occupancy tax collected in the City of Graham in Fiscal Year 2022-2023 was \$79,016.10. The City could anticipate an amount similar to this if implemented in the upcoming fiscal year.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S)

Make a motion to adopt a resolution joining the Alamance County Municipal Tourism Development Authority and adopt a resolution levying a municipal room occupancy tax.

CITY OF GRAHAM RESOLUTION

LEVYING A MUNICIPAL ROOM OCCUPANCY TAX

WHEREAS the City Council of the City of Graham is committed to investing in infrastructure and programming that bring visitors to the community; and,

WHEREAS, enhancing the City of Graham's tourism-related assets and the recognition of those assets provide increased economic impact to area hotel/motels, restaurants, and retail establishments; and,

WHEREAS, the North Carolina General Assembly has expressly granted four municipalities within Alamance County, including the City of Graham, the authority to enact an Occupancy Tax to support the promotion of and investment in tourism-related assets, said authority being contained in North Carolina General Statutes Session Law 2023-144.

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

Section 1. Municipal Room Occupancy Tax.

There is hereby created and levied a room occupancy tax of 3% of the gross receipts derived from the rental of an accommodation within Graham's corporate limits that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3).

Section 2. Administration.

The tax shall be levied, administered, collected, and potentially repealed as provided in G.S. 160A-215 with the penalties provided in G.S. 105-236 applied to the room occupancy tax.

The room occupancy tax is due from the accommodation retailer, as defined in N.C.G.S. 105-164.4, and payable to the City of Graham Finance Officer in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the occupancy tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the City of Graham. The return shall state the total gross receipts derived in the preceding month from the rentals upon which the tax is levied. Pursuant to N.C.G.S. 106A-208.1, a room occupancy tax return filed with the City Finance Officer is not a public record and may not be disclosed except in accordance therein.

Section 3. Distribution and Use of Tax Revenue.

The City of Graham shall be responsible for collecting said occupancy tax and will, on a quarterly basis, remit the net proceeds of the occupancy tax to the Alamance Municipal Tourism Development Authority. The Authority, in turn, shall keep segregated the net proceeds into separate accounts based on the municipality from which the proceeds are collected. The Authority shall use at least two-thirds of the funds in each account to promote travel and tourism and the remaining one-third of the funds in each account for tourism-related expenditures in the municipality from which the funds are derived. To the extent funds from one account are used outside of the municipality where the occupancy tax was generated, the expenditure of funds must be consistent with the purposes set out in this section and must provide direct benefit to the municipality expending the funds.

Section 4. Definitions.

The following definitions apply in this resolution:

- (1) Net Proceeds. -- Gross proceeds less the cost to the municipality administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote Travel and Tourism. -- To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-Related Expenditures. -- Expenditures that are designed to increase the use of accommodations, meeting facilities, or convention facilities in the municipality or to attract tourists or business travelers to the municipality. The term includes tourism-related capital expenditures.

Section 5. Effective Date of Levy.

The room occupancy tax imposed shall be levied and become effective on July 1, 2024.

Adopted this the 12 th day of March, 2024.	
Jennifer Talley, Mayor City of Graham	
	ATTEST
	Renee Ward, City Clerk City of Graham

CITY OF GRAHAM, NORTH CAROLINA

RESOLUTION JOINING THE ALAMANCE COUNTY

MUNICIPAL TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the North Carolina General Assembly ratified Senate Bill 154, An Act to Make Various Occupancy Tax Changes, which has been designated Session Law 2023-144 ("the Act"); and

WHEREAS, the Act authorized the municipalities of Graham, Burlington, Elon, and Mebane to levy room occupancy taxes and to create the Alamance County Municipal Tourism Development Authority to promote travel and tourism within the aforementioned municipalities in Alamance County; and

WHEREAS, on January 2, 2024, the Burlington City council adopted a resolution pursuant to Sections 26.2(a) and 26.3 of the Act creating the Alamance Municipal Tourism Development Authority ("Creating Resolution", a copy of which resolution is attached hereto).

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

Section 1. Joinder.

Pursuant to Section 26.2(a)(i) of the Act, the City of Graham hereby joins the Alamance County Municipal Tourism Development Authority.

Section 2. Effective Date.

This Resolution shall become effective upon its adoption and after the adoption of a local occupancy tax levy.

Adopted this the 12 th day of March, 2024.		
Jennifer Talley, Mayor City of Graham		
	ATTEST	
	Renee Ward, City Clerk City of Graham	

Resolution #24-

CITY OF BURLINGTON, NORTH CAROLINA

A RESOLUTION ESTABLISHING THE ALAMANCE COUNTY MUNICIPAL TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 154, An Act to Make Various Occupancy Tax Changes, which has been designated Session Law 2023-144, herein known as "the Act"; and,

WHEREAS, the Act authorized the municipalities of Burlington, Elon, Graham, and Mebane to levy room occupancy taxes and to create the Alamance County Municipal Tourism Development Authority to promote travel and tourism within the aforementioned municipalities in Alamance County; and,

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

Section 1. Establishment.

Pursuant to N.C.G.S. 160A-215, there is hereby established the Alamance County Municipal Tourism Development Authority ("the Authority") which shall be a public authority under the Local Government Budget and Fiscal Control Act.

Section 2. Authority.

This Resolution is enacted pursuant to the provisions of N.C.G.S. 160A-215 as amended by S.L. 2023-144. Accordingly, the Authority shall segregate the net occupancy tax proceeds into separate accounts for each municipal member, the amount based upon the proceeds collected from within each municipality's corporate limits, pursuant to the Act. The Authority shall use at least two-thirds of the funds in each account to promote travel and tourism and the remaining one-third of the funds in each account for tourism-related expenditures in the municipality represented by the account from which the funds are derived.

Section 3. Appointment, Membership, Terms, and Meetings.

Membership and participation with the Alamance County Municipal Tourism Development Authority shall commence with the governing board of the respective municipal government – Burlington, Elon, Graham and Mebane – voting to enact an Ordinance Creating and Levying A Municipal Room Occupancy Tax for its jurisdiction and adopting a Resolution Establishing The Alamance County Municipal Tourism Development Authority.

The Alamance County Municipal Tourism Development Authority shall consist of up to seven (7) members. The Chief Administrative Officer (City/Town Manager) of each participating municipality, having voted to enact the Municipality Room Occupancy Tax for its jurisdiction, shall serve on the Authority, representing the promotion of travel and tourism within their respective municipality. The remaining members of the

seven (7) member Authority shall be individuals affiliated with businesses that collect the tax within the jurisdictions of the member municipalities, namely hoteliers.

Should only three (3) municipalities choose to participate in the Alamance County Municipal Tourism Development Authority by adopting a Municipal Room Occupancy Tax Ordinance for their respective jurisdiction, the Authority shall consist of five (5) members with the Chief Administrative Officer (City/Town Manager) of each participating municipality serving and two (2) remaining Authority members being individuals affiliated with the businesses that collect the tax within the participating jurisdictions, namely hoteliers.

Should fewer than three (3) municipalities choose to participate in the Alamance County Municipal Tourism Development Authority by adopting a Municipal Room Occupancy Tax Ordinance for their respective jurisdiction, the Authority shall consist of three (3) members with the Chief Administrative Officer (City/Town Manager) of each participating Municipality and the remaining Authority members being individual(s) affiliated with the businesses that collect the tax within the participating jurisdictions, namely hoteliers.

The Finance Officer of the City of Burlington shall serve the Authority, ex-officio.

Authority members shall choose the Chair from among its membership to coordinate meetings.

The members of the Authority who are hoteliers (represent the businesses that collect the tax) shall be appointed for terms of three (3) years beginning on July 1 and expiring on June 30. Members may be reappointed for up to two additional three-year terms. Vacancies occurring for reasons other than the expiration of terms shall be filled for the period of the unexpired term. Anyone appointed to complete a vacancy on the Authority of greater than eighteen (18) months duration shall be deemed to have served a full term. The hotelier board members shall be appointed by the Burlington City Council, upon consultation with the governing boards of the other participating member municipalities.

The City/Town Manager of each municipality shall serve on the Authority so long as they are employed by their respective municipalities: provided however, any may designate an employee of the respective municipality to serve as a board member in the City/Town Manager's stead.

The Authority shall hold regular quarterly meetings.

Members of the Authority shall not be compensated but may be reimbursed for direct Authority-related travel and expenses.

Section 4. Definitions.

The following definitions, as outlined in NC General Assembly Session Law 2023-144, apply in this Resolution:

(1) Net Proceeds. -- Gross proceeds less the cost to the respective municipality administering and collecting the tax, as determine by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

- (2) Promote Travel and Tourism. -- To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-Related Expenditures. -- Expenditures that are designed to increase the use of accommodations, meeting facilities, or convention facilities in the municipality or to attract tourists or business travelers to the municipality. The term includes tourism-related capital expenditures.

Section 5. Duties.

The Authority shall expend the net proceeds of the tax levies from the Room Occupancy Tax by segregating the net proceeds into separate accounts based on the municipality from which the proceeds are collected. The Authority shall transfer the net proceeds of each account to the respective municipality which shall, in turn, use at least two-thirds of those funds to promote travel and tourism and the remaining one-third of the funds for tourism-related expenditures within the municipality, pursuant to the Act.

Two or more municipalities may choose to work collaboratively on tourism-related promotion or expenditures so long as the expenditure of funds aligns with the purposes set out in this section and provides a direct benefit to each municipality expending funds.

The City/Town Manager of each participating member municipality is responsible for administering the funds appropriated by the Authority to its respective municipality pursuant to the parameters outlined in the Act.

Section 6. Reports.

The Authority shall:

- (a) Annually review the proposed tourism-related budget of each member municipality to ensure it complies with the uses specified in the statute.
- (b) Annually review the expenditures of each member municipalities' tourism-related funds.
- (c) Report quarterly and at the close of the fiscal year to the governing bodies of the participating member municipalities on its receipts and expenditures for the preceding quarter and for the year in such detail as the governing bodies may require.
- (d) Contract with a qualified auditing firm to perform an annual audit of the Alamance Municipal Tourism Development Authority.

Section 7. Severability.

If any section, clause, or provision of this Resolution shall be found invalid, the validity of the remaining sections, clauses, or provisions shall not be affected thereby.

Section 8. Effective Date.

This Resolution shall become effective on its adoption date.

Adopted this the 2nd day of January, 2024.

lames B. Butler, Mayor City of Burlington

ATTEST

Beverly Smith, City Clerk City of Burlington

Approved \$ to form

David Huffman, City Attorney

STAFF REPORT

SUBJECT:	BURLINGTON-GRAHAM JOINT ANNEXATION AGREEMENT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve joint annexation agreement and ordinance between the City of Burlington and City of Graham.

BACKGROUND/SUMMARY:

As described in the attached joint annexation agreement, the cities of Graham and Burlington recognize the growth demand in the area bordering both municipalities around the Monroe-Holt Road vicinity. In an effort to eliminate any uncertainty concerning future annexation among residents and property owners in the area, staff from both municipalites seek to establish a line of agreement to steer growth in these unicorparated areas responsibly.



FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. Having a formal agreement in place allows for clarity and delineates authority within the specified area within the agreement. In addition, the City of Burlington has the only utilities in the area to serve these properties.

SUGGESTED MOTION(S):

I move to approve the Burlington-Graham Joint Annexation Agreement and Ordinance as presented.

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF BURLINGTON AND THE CITY OF GRAHAM

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in N.C.G.S. Chapter 160A, Article 4A, Part 6 have been met; and

WHEREAS, the City Council has taken into consideration the statements presented at the public hearing held on March 12, 2024, on the proposed Annexation Agreement between the City of Burlington and the City of Graham; and

WHEREAS, the City Council has concluded and hereby declares that it is appropriate and desirable for the City of Graham to enter into the Agreement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham that:

- **Section 1.** The proposed Annexation Agreement between the City of Burlington and the City of Graham is hereby approved and the Mayor of Graham is directed to execute the Annexation Agreement as soon as possible. The Annexation Agreement will be effective as provided under Section 4 of said Agreement.
- **Section 2.** The approved Annexation Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the executed Agreement shall be spread upon the minutes of this meeting.
- **Section 3.** This approving ordinance is effective as provided under Section 4 of the Annexation Agreement.

Adopted this 12th day of March 2024.

ATTEST:		
	Renee M. Ward, City Clerk	
	ATTEST:	

NORTH CAROLINA ALAMANCE COUNTY

BURLINGTON-GRAHAM JOINT ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, made and entered into this the	_day of	, 2024
by and between the City of Burlington, (hereinafter, "Burlington"), and the City	of Graham	(hereinafter,
"Graham"), of the State of North Carolina:		

WITNESSETH

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Part 6 authorizes municipalities to enter into binding agreements in order to enhance orderly planning by such municipalities as well as residents and property owners in areas subject to such municipalities; and,

WHEREAS, the City of Burlington and the City of Graham, both being duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty concerning future annexation among residents and property owners in unincorporated areas adjacent to the two municipalities and also to improve planning by public and private interests in such areas; and,

WHEREAS, N.C.G.S. §160A-58.23 authorizes two or more municipalities to enter into an annexation agreement to designate one or more areas not subject to annexation by one or more of the participating municipalities; and,

NOW, THEREFORE, THE CITY OF BURLINGTON AND THE CITY OF GRAHAM agree as follows:

- 1. This Agreement is executed pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 6, that being N.C.G.S. §160A-58.21 et seq.
- 2. Pursuant to N.C.G.S. §160A-58.24(a)(1) this Annexation Agreement shall terminate twenty (20) years after its effective date.
- 3. Pursuant to N.C.G.S. §160A-58.24(a)(2) and (3), and (b), this Agreement is applicable to these parcels of real property south of Monroe-Holt Road and north of the Great Alamance Creek. The City of Graham shall not annex any areas west of, and the City of Burlington shall not annex any areas east of the Annexation Line of Agreement, there being a legible map, attached hereto and incorporated herein as "Exhibit A" and "Exhibit B," the Final Plat, Burlington-Graham Annexation Line of Agreement-Race Track Road Area, Project #4657-214, dated January 22, 2024.

- 4. Pursuant to N.C.G.S. §160A-58.24(c), this Annexation Agreement will not be effective unless each participating municipality has held a public hearing on this Agreement prior to adopting the ordinance approving this Annexation Agreement. Until such time as the required public hearings are held and the respective approving ordinances are adopted, this Agreement shall be considered a proposed agreement. Pursuant to N.C.G.S. §160A-58.24(a)(4), this Annexation Agreement shall be effective upon the latter of the two municipalities' public hearings, that being the City of Graham public hearing or the City of Burlington public hearing and the governing board's adoption of an ordinance approving this Agreement.
- 5. Pursuant to N.C.G.S. §160A-58.24(a)(5), at least sixty (60) days before the adoption of any annexation ordinance in the areas subject to this Agreement, the participating municipality which is proposing any annexation shall give written notice to the other participating municipality of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to this Annexation Agreement; roads, streams and any other prominent geographical features shall be included on the map. Such notice shall not be effective for more than 180 days.
- 6. This Annexation Agreement may be modified or terminated by a subsequent agreement entered into by the participating municipalities. Any subsequent agreement shall be approved by ordinance after public hearings as provided in N.C.G.S. §160A-58.24(c). Notice of the participating municipalities' respective public hearings shall be given as provided in N.C.G.S. §160A-31(c).
- 7. Pursuant to N.C.G.S. §160A-58.24(d), this Annexation Agreement may not be amended except upon the written agreement of both municipalities, approved by resolution of the governing boards and executed by the mayors of the municipalities, and spread upon their respective minutes.
- 8. This Annexation Agreement shall not be binding beyond three miles of the primary corporate limits of a participating municipality, unless approved by the Alamance County Board of County Commissioners with jurisdiction over the area. Provided, however, that an area where this Agreement is not binding because of failure of said Board of County Commissioners to approve it, shall become subject to this agreement if subsequent annexation brings it within three miles. The approval of the Alamance County Board of County Commissioners shall be evidenced by a resolution adopted after a public hearing as provided in N.C.G.S. §160A-58.24(c) and (e) and §160A-31(c).
- 9. Pursuant to N.C.G.S. §160-A-58.24(f), this Annexation Agreement may be terminated unilaterally by either municipality or either municipality may withdraw from this Agreement by repealing the ordinance that approved this Agreement. The municipality terminating this Agreement must provide five years written notice of termination to the other municipality. Upon expiration of the five-year period, this Agreement shall terminate.

- 10. Pursuant to N.C.G.S. §160A-58.25, from and after the effective date of this Annexation Agreement, no participating municipality may adopt an annexation ordinance as to all or any portion of an area in violation of this Agreement.
- 11. Pursuant to N.C.G.S. §160A-58.26, nothing in the Act or this Annexation Agreement shall be construed to authorize the annexation of any area that is not otherwise subject to annexation under applicable law.
- Pursuant to N.C.G.S. §160A-58.27, any participating municipality which shall believe that a violation of the Act or this Annexation Agreement has occurred shall have available to it all remedies and relief authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.
- 13. Pursuant to N.C.G.S. §160A-58.24(c), the Burlington City Council held a public hearing on March 5, 2024, prior to adopting this ordinance approving the Annexation Agreement. Pursuant to N.C.G.S. §160A-58.24(c), the Graham City Council held a public hearing on March 12, 2024, prior to adopting this ordinance approving the Annexation Agreement.

IN WITNESS WHEREOF, the mayors of the participating municipalities execute this Annexation Agreement, in duplicate, to become effective as provided in paragraph (4) above.

This the ______ day of ________, 2024.

CITY OF BURLINGTON

ATTEST:

BEVERLY D. SMITH, CITY CLERK

JAMES BUTLER, MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF GRAHAM

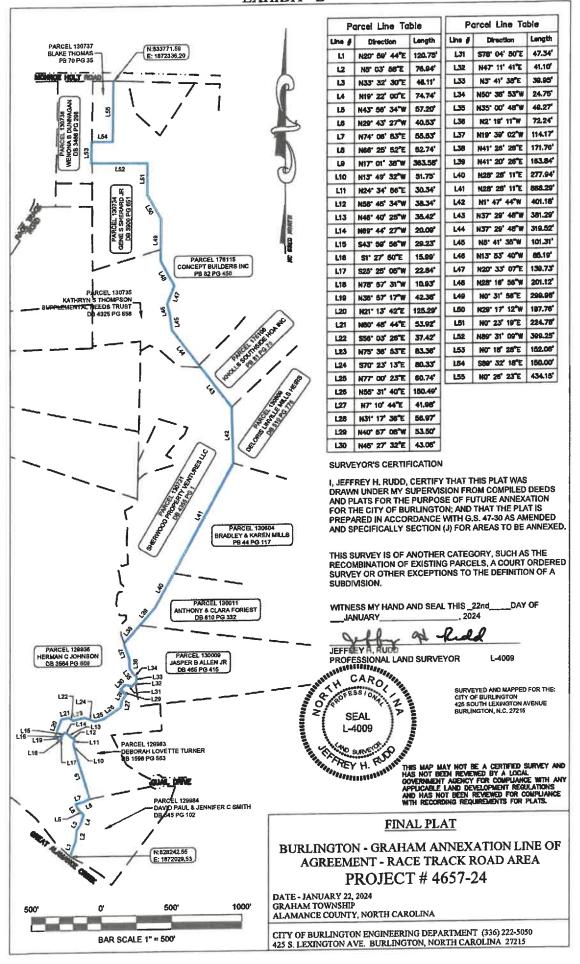
TTEST:	
CITY CLERK	JENNIFER TALLEY, MAYOR
CITY ATTORNEY	

EXHIBIT "A" ANNEXATION LINE OF AGREEMENT

From the POINT OF BEGINNING, a point along the Great Alamance Creek having NC Grid Coordinates of N: 828,242.55 and E: 1,872,029.53; thence N 20° 59' 44" E for a distance of 120.75' to a point, thence N 05° 03' 58" E for a distance of 76.94' to a point, thence N 33° 32' 30" E for a distance of 46.11' to a point, thence N 19° 22' 00" E for a distance of 74.74' to a point, thence N 43° 56' 34" W for a distance of 57.20' to a point, thence N 29° 43' 27" W for a distance of 40.53' to a point, thence N 74° 06' 53" E for a distance of 55.53' to a point, thence N 66° 25' 52" E for a distance of 52.74' to a point, thence N 17° 01' 38" W for a distance of 363.58' to a point, thence N 13° 49' 32" W for a distance of 51.75' to a point, thence N 24° 34' 56" E for a distance of 30.34' to a point, thence N 58° 45' 34" W for a distance of 38.34' to a point, thence N 46° 40' 25" W for a distance of 35.42' to a point, thence N 69° 44' 27" W for a distance of 20.09' to a point, thence S 43° 59' 56" W for a distance of 29.23' to a point, thence S 01° 27' 50" E for a distance of 15.99' to a point, thence S 25° 25' 05" W for a distance of 22.84' to a point, thence N 78° 57' 31" W for a distance of 10.93' to a point, thence N 36° 57' 17" W for a distance of 42.38' to a point, thence N 21° 13' 42" E for a distance of 125.29' to a point, thence N 80° 48' 44" E for a distance of 53.92' to a point, thence S 56° 03' 26" E for a distance of 37.42' to a point, thence N 75° 36' 53" E for a distance of 83.36' to a point, thence S 70° 23' 13" E for a distance of 80.33' to a point, thence N 77° 00' 23" E for a distance of 60.74' to a point, thence N 55° 31' 40" E for a distance of 150.49' to a point, thence N 07° 10' 44" E for a distance of 41.98' to a point, thence N 31° 17' 36" E for a distance of 56.97' to a point, thence N 40° 57' 08" W for a distance of 53.50' to a point, thence N 45° 27' 32" E for a distance of 43.06' to a point, thence S 78° 04' 50" E for a distance of 47.34' to a point, thence N 47° 11' 41" E for a distance of 41.10' to a point, thence N 03° 41' 38" E for a distance of 39.95' to a point, thence N 50° 36' 53" W for a distance of 24.75' to a point, thence N 35° 00' 48" W for a distance of 49.27' to a point, thence N 02° 19' 11" W for a distance of 72.24' to a point, thence N 19° 39' 02" W for a distance of 114.17' to a point, thence N 41° 26' 26" E for a distance of 171.75' to a point, thence N 41° 20' 26" E for a distance of 163.84' to a point, thence N 28° 26' 11" E for a distance of 277.94' to a point, thence N 28° 26' 11" E for a distance of 888.29' to a point, thence N 01° 47' 44" W for a distance of 401.18' to a point, thence N 37° 29' 48" W for a distance of 381.29' to a point, thence N 37° 29' 48" W for a distance of 319.52' to a point, thence N 05° 41' 35" W for a distance of 101.31' to a point, thence N 13° 53' 40" W for a distance of 85.19' to a point, thence N 20° 33' 07" E for a distance of 139.73' to a point, thence N 28° 16' 56" W for a distance of 201.12' to a point, thence N 00° 31' 56" E for a distance of 299.98' to a point, thence N 29° 17' 12" W for a distance of 197.76' to a point, thence N 00° 23' 19" E for a distance of 224.78' to a point, thence N 89° 31' 09" W for a distance of 399.25' to a point, thence N 00° 18' 28" E for a distance of 152.06' to a point, thence S 89° 32' 18" E for a distance of 150.00' to a point, thence N 00° 26' 23" E for a distance of 434.15'

to a point in the south side of Monroe Holt Road Right-of-Way having NC Grid Coordinates of N: 833,771.59 and E: 1,872,336.20; and being shown on Drawing 4657 – "BURLINGTON – GRAHAM ANNEXATION LINE OF AGREEMENT – RACE TRACK ROAD AREA" as prepared by the City of Burlington Engineering Department.

The line of agreement is compiled from various recorded plats and deeds on file at the Alamance County Register of Deeds and is intended to assign future annexation of the parcels as defined between the Great Alamance Creek and Monroe Holt Road. Parcels to the west of the line and along the line are Alamance County PID 129936, PID 130731, PID 130735, PID 130734, PID 130736, and PID 130737 are to be annexed under this agreement at such time under applicable annexation laws by the City of Burlington. Parcels to the east and along the line are Alamance County PID 129984, PID 129983, PID 130009, PID 130011, PID 130804, PID 130809, PID 176106, and PID 176115 are to be annexed under this agreement at such time under applicable annexation laws by the City of Graham.

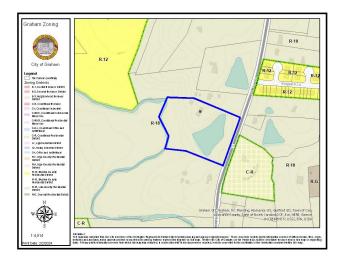




SUBJECT:	ANNEXATION OF 8.70 +/- ACRES
PREPARED BY:	CAMERON WEST, PLANNER

REQUESTED ACTION:

Approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina for a tract of land totaling 8.70 +/- acres located off of South Main Street



BACKGROUND/SUMMARY:

The attached petition is a request for the Council's approval for an extension of the corporate limits to include the subject properties. The area being considered for annexation is located off of South Main Street and contains approximately 8.70 +- acres total. Water and sewer are located adjacent to this property within the South Main Street right of way, and the applicants wish to tie onto the City's infrastructure.

FISCAL IMPACT:

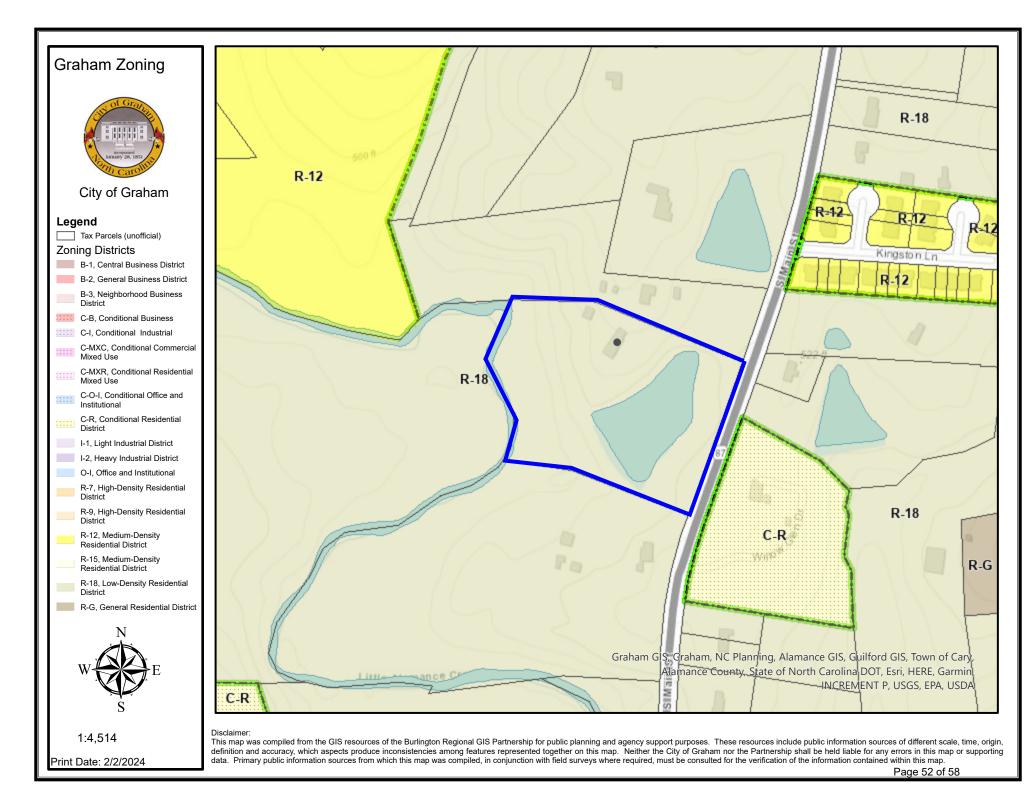
New residential property generally creates positive tax revenue for the City, and because the public services are being connected at this site, the cost to the City is minimal.

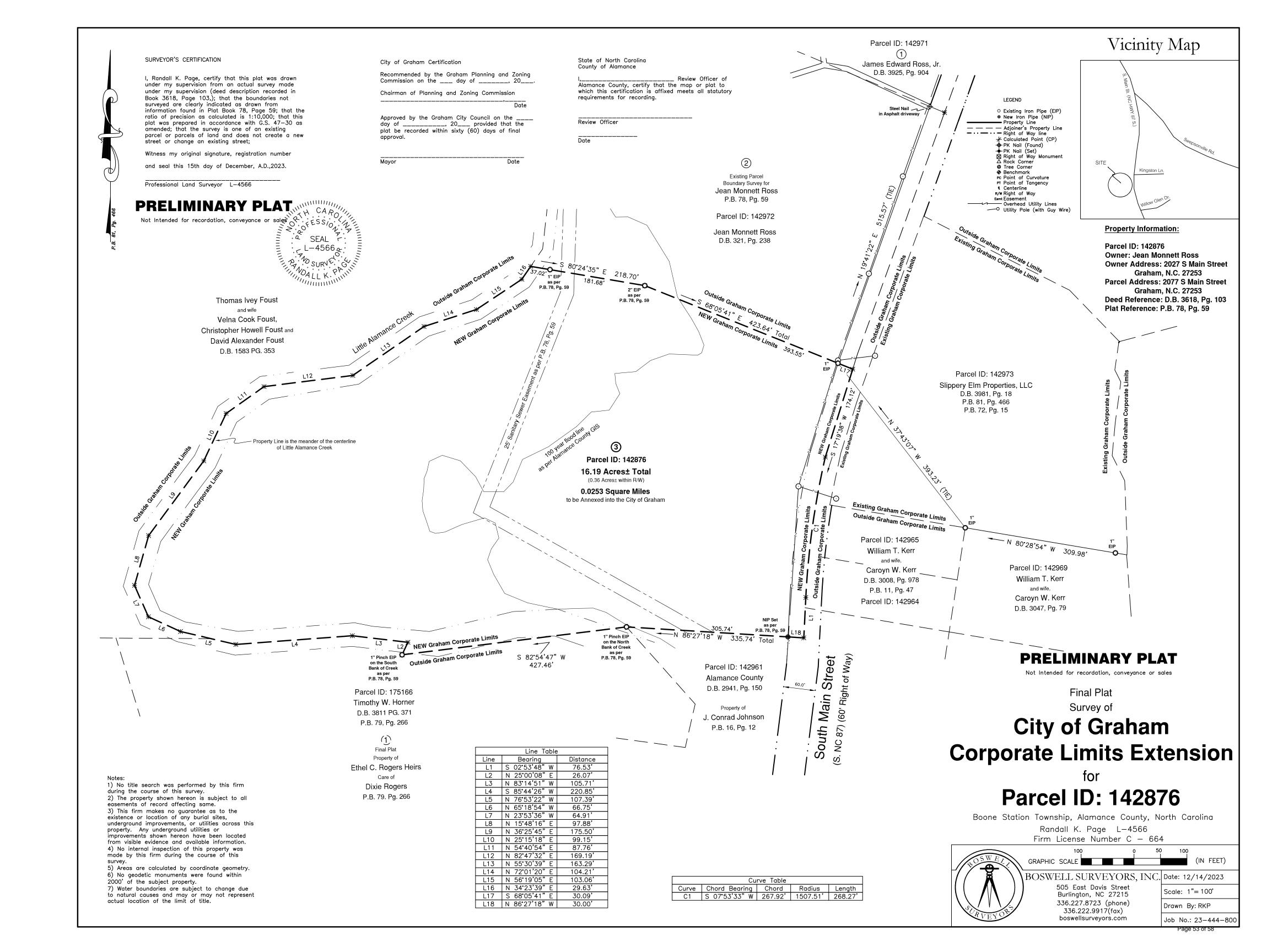
STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

1. I move we approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for 8.70 (+/-)acres off of South Main Street.





ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR 8.70 ACRE TRACT OF LAND OFF OF SOUTH MAIN STREET (AN2401)

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 public hearing on the questions of this annexation was held at City Hall, 201 S Main Street, Graham at 6:00 P.M. on March 12th, 2024, after due notice by publication March 7th, 2023; and

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

NOW, THEREFORE, BE IT ORDINATED 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 March 12th, 2024:

Legal Description GPIN#: 8882392474

That certain tract or parcel of land lying and being in Graham Township, Alamance County, North Carolina, bounded by South Main Street (S. N.C. 87) on the east, Jean Monnett Ross to the south, Little Alamance Creek to the west, James Edward Ross Jr. to the north, and being more particularly described as follows:

Beginning at a 1 "existing iron pipe, on the western margin of the 60-foot right of way of South Main Street (S. N.C. 87), and in the line of Lot 3 of the plat "Existing Parcel Boundary Survey for Jean Monnett Ross" as prepared by Boswell Surveyors, Inc., J. Leo Boswell, Professional Land Surveyor, dated September 13, 2016, Job No. 16-185-400, which plat is dully recorded in Plat Book 78, Page 59, in the Office of the Register of Deeds of Alamance County, North Carolina, and being the property of Jean Monnett Ross, and said existing pipe being N 37°43′07" W, 393.23 feet from a 1" existing iron pipe, a corner between the properties of William T. Kerr and wife Carolyn W. Kerr and in the line of Slippery Elm Properties, LLC; Thence from said Beginning point, along the line of said Lot 3, Jean Monnett Ross property, N 68°05′41" W, 393.55 feet to a 2" existing iron pipe, a corner with said Lot 3, Jean Monnett

Ross property, thence along the line of said Lot 3, Jean Monnett Ross property, N 80°24′35″ W, 218.70 feet to a point in the center of Little Alamance Creek, thence along the centerline of Little Alamance Creek the following courses and distances; N 34°23′39″ E, 39.78 feet; N 06°24′35″ E, 107.83 feet; N 25°34′25″ W, 200.00 feet; N 24°04′37″ E, 199.92 feet to a 1″ existing iron pipe on the north bank of Little Alamance Creek, a corner with Lot 1 of said plat, James Edward Ross Jr. property, thence along the line of said Lot 1, James Edward Ross Jr. property, S 87°59′25″ E, 264.50 feet to an existing axle, corner with said Lot 1, James Edward Ross Jr. property, thence along the line of said Lot 1, James Edward Ross Jr. property, thence along the line of said Lot 1, James Edward Ross Jr. property, thence along the centerline of South Main Street (S. N.C. 87), a corner with said Lot 1, James Edward Ross Jr. property, thence along the centerline of South Main Street (S. N.C. 87) the following courses and distances; S 19°49′21″ W, 486.07 feet to a point and S 17°19′38″ W, 29.22 feet to a point, a corner with said Lot 3, Jean Monnett Ross property, thence along the line of said Lot 3, Jean Monnett Ross property, N 68°05′41″ W, 30.09 feet to the point and place of Beginning, containing 8.70 acres ± and being all of Lot 2 as shown on plat entitled "Existing Parcel Boundary Survey for Jean Monnett Ross" as prepared by Boswell Surveyors, Inc., J. Leo Boswell, Professional Land Surveyor, dated September 13, 2016, Job No. 16-185-400, which plat is dully recorded in Plat Book 78, Page 59, in the Office of the Register of Deeds of Alamance County, North Carolina.

Adopted this, the 12 th day of March 2024.	
	Jennifer Talley, Mayor, City of Graham
ATTEST:	APPROVED AS TO FORM:
Renee M. Ward, City Clerk	Bryan Coleman, City Attorney



SUBJECT:	SESQUICENTENNIAL PARK SHETLER
PREPARED BY:	MEGAN GARNER

REQUESTED ACTION:

Provide direction to staff in advance of the budget process regarding the Council's desire for the Sesquicentennial Park in downtown Graham.

BACKGROUND/SUMMARY:

The floor of the Sesquicentennial Park has begun sinking in recent years; largely due to what is underneath the brick flooring. It is believed the building that used to occupy the space was at least partially buried, causing an uneven base for the shelter and flooring.

In order to appropriately budget for any projects related to the park, staff is requesting direction from City Council. Several initial options are as follows:

- 1). Remove the structure to appropriately repair the base and re-install the shelter and floor. This would require a to-be-determined amount of dirt to be removed and new dirt brought in before the shelter can be reassembled. The estimated cost is \$50,000 but could vary once the work has begun.
- 2). Declare the property surplus and list it to be sold. Name bricks that were purchased would be removed and could either be offered to the individual or re-purposed at another City location.

FISCAL IMPACT:

Cost will depend on the alternative selected by City Council.

STAFF RECOMMENDATION:

Staff is requesting direction from the City Council regarding this property so it can be properly budgeted in the upcoming fiscal year.

SUGGESTED MOTION(S)



SUBJECT:	AUDIT SERVICES RFP
PREPARED BY:	MELANIE KING, FINANCE OFFICER

REQUESTED ACTION:

Award the audit contract to Stout Stuart McGowen & King LLP.

BACKGROUND/SUMMARY:

On January 24, 2024, the City of Graham issued a Request for Proposal (RFP) to provide audit services. Three firms submitted proposals for consideration by the City.

Summary of responses:

Audit Services RFP City of Graham					
Respondent:	FY	24 Audit	Sing	gle Audit	FY25, FY26
RH CPAs, PLLC	\$	27,480	\$	4,000	30,225; 33,245
Stout Stuart McGowen & King, LLP	\$	25,000	\$	4,500	no change
Thompson, Price, Scott, Adams & Co, P.A.	\$	23,500	included		no change - possible inflationary increase

It is the recommendation of the finance officer that the Council approve a contract with Stout Stuart McGowen & King, LLP (SSMK), the current auditor for the City of Graham. SSMK is the only local respondent to the RFP issued by the City and has an established working relationship with the City's accounting firm. Thompson, Price, Scott, Adams & Co, PA (TPSA) submitted the lowest bid, but does not have a local office and has proposed to conduct the City's audit electronically and "be onsite as little as possible". Given the size and complexity of the City of Graham engagement, as well as the financial system upgrades that have occurred during FY23, the finance officer believes an onsite presence is both warranted and prudent. The current fiscal year audit will be challenging due to the multiple software conversions that have and are still occurring; this will undoubtedly be even more challenging for a firm that does not already have a baseline understanding of Graham. SSMK's proposal is not the least impactful financially, but likely fits the needs of the City of Graham more accurately.

FISCAL IMPACT:

The City's annual budget ordinance already includes an appropriation for audit services.

STAFF RECOMMENDATION:

Award the audit contract to Stout Stuart McGowen & King LLP.

SUGGESTED MOTION(S):

I move we award the City of Graham's audit contract for the fiscal year ending June 30, 2024 to Stout Stuart McGowen & King, LLP.