

# 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 "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 duly 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, 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 ± 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 duly 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.**

<b>EXPENDITURES</b>					<b>INCREASE ( DECREASE)</b>
<b>DEPARTMENT/ACCOUNT</b>	<b>APPROVED</b>	<b>AMENDED</b>	<b>INCREASE</b>	<b>(DECREASE)</b>	
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
	<b>367,000.00</b>	<b>432,000.00</b>	<b>65,000.00</b>	-	<b>65,000.00</b>

**Section 2.**

<b>REVENUES</b>					<b>INCREASE (DECREASE)</b>
	<b>APPROVED</b>	<b>AMENDED</b>	<b>INCREASE</b>	<b>(DECREASE)</b>	
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
	<b>200,000.00</b>	<b>265,000.00</b>	<b>65,000.00</b>	-	<b>65,000.00</b>

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 13<sup>th</sup> 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 DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fire Department - Maint & Repair Equipment	14,600.00	15,610.00	1,010.00		1,010.00
	<b>14,600.00</b>	<b>15,610.00</b>	<b>1,010.00</b>	-	<b>1,010.00</b>

**Section 2.**

GENERAL FUND REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
General Fund - Insurance Proceeds	1,000.00	2,010.00	1,010.00		1,010.00
	<b>1,000.00</b>	<b>2,010.00</b>	<b>1,010.00</b>	-	<b>1,010.00</b>

Adopted this 13th day of February 2024.

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

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

CURRENT LEVY	2,139,584,689	6,205,543.57
OUTSTANDING REAL PROPERTY TAXES:		278,377.96
OUTSTANDING PERSONAL PROPERTY TAXES:		<u>23,836.24</u>
TOTAL OUTSTANDING TAXES		302,214.20
CURRENT YEAR TAXES COLLECTED:		5,903,329.37
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:		95.13%
<p>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.</p> <p><i>Submitted by Sandy P. Callahan, Tax Collector</i></p>		

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

<b>FEBRUARY</b>				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
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 top-quality 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 13<sup>th</sup> 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 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