

City of Graham

City Council Meeting Agenda

December 10, 2024



6:00 p.m. | City Hall | 201 South Main Street | Graham, NC

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

CONSENT AGENDA:

- A.** To approve the November 7, 2024, Special Meeting and November 12, 2024, City Council Meeting minutes.
- B.** To award a contract to Park Construction of NC, Inc., for \$8,160,012 that includes a 5% contingency for Phase 1 of the 10" waterline replacement project.
- C.** To approve an amendment to the audit contract with Stout, Stuart, McGowen & King to allow a time extension to February 28, 2025.
- D.** To approve an amendment to the 2024-25 Fee Schedule to reduce Backflow Annual Testing (For Irrigation Accounts) from \$10.42 to \$3.48 effective January 1, 2025.
- E.** To approve a budget amendment recognizing \$1,449 in insurance proceeds revenue and increase the Police Department Vehicle Maintenance budget by \$1,449.
- F.** To approve a budget amendment in the amount of \$15,000 in State Drug Forfeiture Revenue to the State account balance for use.
- G.** To approve a resolution prohibiting the viewing of pornography on City networks and devices as required by NCGS 143-805(c) and to approve a budget amendment for \$16,000 for software implementation.
- H.** To approve a budget amendment recognizing \$425,000 in loan proceeds for the purchase of a sanitation truck.
- I.** To approve tax releases for \$1,868.73 and tax refunds for \$588.19.

PUBLIC HEARINGS:

1. REZONING – 4.7 ACRES – Off HANOVER ROAD AND JEFFREYS STREET

A public hearing has been continued to consider rezoning 4.7 acres from I-1, Light Industrial, and R-G, General Residential, to C-R, Conditional Residential, to construct 41 townhomes off Hanover Road and Jeffreys Street.

(Continued from the November 12, 2024, City Council meeting) (Planning Board recommended denial 5-0)

2. AMENDMENT – DEVELOPMENT ORDINANCE – BOARDING HOUSES

A public hearing has been scheduled to consider an Ordinance amendment to Article 2, Section 10.16, Article 4, Section 10.135, and Article 4, Section 10.149, to add language to the Development Ordinance to define and create a use type for Boarding Houses.

3. AMENDMENT – DEVELOPMENT ORDINANCE – SHORT TERM RENTALS

A public hearing has been scheduled to consider an Ordinance amendment to Article 2, Section 10.16, Article 4, Section 10.135, and Article 4, Section 10.136 adding language to the Development Ordinance to define and create a use type for Boarding Houses.

OLD BUSINESS:

4. 2024 PEDESTRIAN PLAN UPDATE

The City Council will consider approving the City of Graham 2024 Pedestrian Plan Update.
(Continued from the September 10, October 8, and November 12, 2024, Council meetings.)

NEW BUSINESS:

5. REQUEST FOR ORDINANCE TEXT AMENDMENT – CHAPTER 4 – ANIMALS AND FOWL

City Council will consider a request from a citizen to amend Chapter 4 – Animals and Fowl, Article 1, Section 4-5(b) to allow an additional domesticated pot-belly pig in an area over two acres.

PUBLIC COMMENT PERIOD

CITY STAFF COMMENTS

CITY COUNCIL COMMENTS

ADJOURN

City of Graham City Council

Special Meeting Minutes

November 7, 2024



The City Council of the City of Graham held a Special Meeting on November 7, 2024, at 9:00 a.m. in the Council Chamber, City Hall Municipal Building, 201 South Main Street, Graham, NC.

Councilmembers Present:

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

Staff Present:

Megan Garner, City Manager
Aaron Holland, Assistant City Manager
Renee M. Ward, City Clerk

CALL TO ORDER:

Mayor Pro Tem Hall called the meeting to order at 9:00 a.m. and presided.

STREET CLOSURE – ALCOVETS' VETERANS DAY FESTIVAL

The City Council considered the ALCOVETS' request to close the 100 Block of East Elm Street from 8:00 a.m. to 7:00 p.m. on Saturday, November 9, 2024, for the Veterans Day Festival.

Assistant City Manager Holland stated that the ALCOVETS requests the approval of closing the 100 block of East Elm Street from 8:00 a.m. to 7:00 p.m. for the Veterans Day Festival. He stated the Special Events Committee had reviewed and approved the request. He shared that the Certificate of Insurance had been received.

Mr. Chuck Talley stated the purpose of the street closing was to place the food trucks within the 100 block of East Elm Street.

Motion by Council Member Whitaker to approve closing the 100 block of East Elm Street from 8:00 a.m. to 7:00 p.m. on Saturday, November 9, 2024, for the Veterans Day Festival, seconded by Mayor Pro Tem Hall.

ADJOURN

Motion by Mayor Pro Tem Hall to adjourn, seconded by Council Member Parsons. The motion passed unanimously. The meeting was adjourned at 9:04 a.m.

Renee M. Ward, CMC
City Clerk

November 7, 2024
Special Meeting

City of Graham

City Council Meeting Minutes October November 12, 2024



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on November 12, 2024, in the Council Chamber, City Hall Municipal Building at 201 South Main Street, Graham, NC.

Council Members Present:

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

Staff Present:

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

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE – Mayor Pro Tem Hall gave the invocation and all stood for the Pledge of Allegiance.

RECOGNITION: Graham Firefighters and Police Officers – Deployed to Western NC – Hurricane Helene

The City Council recognized officers from the Fire and Police Departments for aiding services in Western NC due to Hurricane Helene.



Pictured left to right: **Fire:** Captain Michael Quigley, Engineer John Perez, Engineer Ryker Pawloski, Engineer Matthew Bradsher, Engineer James Allen, Engineer Clay Davis, Engineer Daniel Holt, and Captain Jason Moore
Police: COP Officer Maldonado, Lt. T. Barnes, COP Sgt. Kimball, COP Cpl. Sakin, COP Officer Jordan

REPORT: NCLM – Joseph Graziano – Police Department Risk Assessment Results

Due to an unforeseen conflict, the presentation will be heard at a later Council meeting.

CONSENT AGENDA:

- A. To approve the October 8, 2024, Council Meeting minutes.
- B. To approve a budget amendment recognizing \$1,400.00 in the State Drug Forfeiture Revenue account for use.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS					
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
State Drug Fund Balance	-	1,400.00	1,400.00		1,400.00
	-	1,400.00	1,400.00	-	1,400.00
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS					
EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Funds	\$0.00	\$1,400.00	1,400.00		1,400.00
	-	1,400.00	1,400.00	-	1,400.00
Adopted this 12th day of November 2024.					

- C. To approve the following 2025 City Council meeting dates and 6:00 pm meeting time:
(Please note, due to Veteran's Day, the November Council Meeting will be held on November 4th)

January 14	February 11	March 11	April 8	May 13	June 10
July 8	August 12	September 9	October 14	November 4	December 9

- D. To approve a budget amendment of \$595,000 for the purchase of three parcels totaling 12.056 acres adjacent to Bill Cooke Park from the Teer Family.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Athletic Facilities - Capital Outlay (10-6220-7300)	30,000.00	625,000.00	595,000.00		595,000.00
	30,000.00	625,000.00	595,000.00	-	595,000.00
Section 2.					
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	\$1,286,532.00	\$1,881,532.00	595,000.00		595,000.00
	1,286,532.00	1,881,532.00	595,000.00	-	595,000.00
Adopted this 12th day of November 2024.					

- E. To approve a budget amendment of \$162,155 for the cost of upgrading four traffic signals at the intersections of Marshall Street and Elm Street, Pine Street and Marshall Street, Pine Street and Melville Street, and Marshall Street and Albright Avenue.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Street Lights - Capital Outlay (10-5500-7400)	63,000.00	225,155.00	162,155.00		162,155.00
	63,000.00	225,155.00	162,155.00	-	162,155.00
Section 2.					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	\$1,881,532.00	\$2,043,687.00	162,155.00		162,155.00
	1,881,532.00	2,043,687.00	162,155.00	-	162,155.00
Adopted this 12th day of November 2024.					

- F. To approve a Project Budget Ordinance for the Recreation Center's Accessible Parks Grant Improvements Project for \$119,437 with a local match of \$26,250 for ADA entryway doors and an ADA Family restroom.

CAPITAL PROJECT ORDINANCE

Recreation Center's Accessible Parks Grant Improvements Project

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

Section 1. The Project authorized is the Recreation Center's Accessible Parks Grant Improvements Project.

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

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

Accessible Parks Grant Funding \$119,437

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

Local Match \$26,250

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 November 2024.

- G. To approve a budget amendment appropriating funds for \$150,000 to purchase additional water meters.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Meter Valves & Hydrants	300,000.00	450,000.00	150,000.00		150,000.00
			150,000.00	-	150,000.00
Section 2.					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Water Connection Fees	250,000.00	325,000.00	75,000.00		75,000.00
Sewer Connection Fees	250,000.00	325,000.00	75,000.00		75,000.00
		650,000.00	150,000.00	0.00	150,000.00
Adopted this 12th day of November 2024.					

- H. To approve the acceptance of a Kaleidoscope Sculpture created by Robert C. Anderson as a gift honoring Cary Worthy, retired Executive Director of Alamance Arts, and to install the sculpture at Graham Regional Park.

- I. To approve a revision to the Personnel Policy regarding the Christmas holiday schedule for employees except for Public Works and Utilities Departments to Tuesday, December 23, Wednesday, December 24, and Thursday, December 25.

- J. To approve tax releases in the amount of \$1,549.70.

CITY OF GRAHAM			
RELEASE ACCOUNTS			
NOVEMBER			
ACCT #	YEAR	NAME	REASON FOR RELEASE
			AMOUNT RELEASED
148889	2024	ROGER E OWENS LIFE ESTATE	RECVD VALUE APPEAL IN 2023, FIX FOR 2024
143701	2024	MINOR, RANDY & JULIA	QUALIFIED FOR SENIION CITIZEN EXEMPTION
15170	2024	10 FEDERAL LLC	VALUE ERROR IN LISTING AT ALA CO
15171	2024	10 FEDERAL LLC	VALUE ERROR IN LISTING AT ALA CO
16169	2024	10 FEDERAL LLC	DOUBLE BILLED WITH #15170
16170	2024	10 FEDERAL LLC	DOUBLE BILLED WITH #15171
16690	2024	OBAUGH, JOSHUA	DOES NOT LIVE IN CITY LIMITS
13178	2023	OBAUGH, JOSHUA	DOES NOT LIVE IN CITY LIMITS
16558	2024	ELLIOT, SANDRA (VI-DELL'S)	BUSINESS CLOSED JAN 2023
16150	2024	BRITT, WILLIAM	DOES NOT LIVE IN CITY LIMITS (HAD PO BOX)
15191	2024	MORGAN, STEVEN LYNN	DOES NOT LIVE IN CITY LIMITS
15149	2024	ESCUDEIRO, OMAR	MH DOUBLE LISTED IN WIFE'S NAME
14289	2024	CRESO CAPITAL INC	SOLD VEH JUNE 2023
16159	2024	BRITT, SHARA	DOES NOT LIVE IN CITY LIMITS
15059	2024	THORNTON, CHARLES	BOAT NOT IN THE CITY LIMITS
11918	2024	THORNTON, CHARLES	BOAT NOT IN THE CITY LIMITS
14589	2024	STANFIELD, TOBY	DID NOT OWN JAN 2024
340	2024	CARTER, JANICE LEONARD	QUALIFIED FOR SENIION CITIZEN EXEMPTION

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

PUBLIC HEARINGS:

1. REZONING – 4.7 ACRES – Off HANOVER ROAD AND JEFFREYS STREET

A public hearing was scheduled to consider rezoning 4.7 acres from I-1, Light Industrial, and R-G, General Residential, to C-R, Conditional Residential, to construct 53 townhomes off Hanover Road and Jeffreys Street.

Mayor Talley stated the petitioner had requested to table the rezoning at the December 10, 2024 Council meeting.

Mayor Talley stated she owned property close to the proposed property to be rezoned and asked to be recused from any considerations of this item.

Council Member Whitaker motioned to allow Mayor Talley to be recused from consideration of the rezoning located off Hanover Road and Jeffrey's Street, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Motion by Council Member Whitaker to table the rezoning for 4.7 acres located off Hanover Road and Jeffrey's Street to the December 10, 2024, City Council meeting, seconded by Council Member Parsons. The motion passed unanimously. (Mayor Talley did not vote.)

Motion by Council Member Whitaker to allow Mayor Talley back to open session, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

2. AMENDMENT – DEVELOPMENT ORDINANCE – DISTANCE OF RECREATIONAL OPEN SPACE

City Council considered an Ordinance amendment to Article 4, Division 12, Section 10.249, Open Space Provisions for R-12, R-15, and R-18 Zoning Districts in the Development Ordinance adding location requirements for Recreation Open Space.

Assistant City Manager Holland stated Council had asked staff to revisit the recently approved open space language and include a requirement of distance from dwellings where the recreational open space requirement from $\frac{1}{4}$ to $\frac{1}{8}$ is placed within specific areas throughout a subdivision. He stated he did not think it was necessary based on the language Council approved a few months ago since it forces the developer to integrate an open space within the flow of the subdivision.

The council will keep the original language in place. No action is required.

NEW BUSINESS:

3. BOARDS AND COMMISSION APPOINTMENTS

City Council will consider appointments to the following Boards and Commissions:

Appearance Commission/Tree Board

Vacancy – 1

Applicants: Emily O'Dell | Ben Beushausen

Graham Historical Museum Board

Vacancy – 1

Applicants: Gail Walker | Dr. Thomas Matherly

Historic Resources Commission

Vacancies – 2

Applicants – Ben Beushausen | Dr. Thomas Matherly

Mayor Talley nominated Gail Walker for the Graham Historical Museum, Emily O'Dell for the Appearance Commission/Tree Board, and Ben Beushausen for the Historic Resources Commission.

Mayor Pro Tem Hall motioned to approve Mayor Talley's recommendations, seconded by Council Member Parsons. The motion passed unanimously.

4. SELECT FIRM – GRAHAM REGIONAL PARK MASTER PLAN

City Council will consider selecting Benesch as the vendor for the Graham Regional Park Master Plan and approve a budget amendment not to exceed \$55,000.

Recreation and Parks Director Brian Faucette stated that he had read the three proposals before the Council to consider and was ready to answer questions.

Mayor Talley stated there was an astounding difference in price and could he explain the difference.

Mr. Faucette stated Master Plans were not in his realm of expertise. However, after holding meetings with the community and getting to know the community's needs there were differences in the number of plans that were proposed to be developed. He stated each firm offered from one plan to three draft plans.

Mayor Pro Tem Hall asked if the staff was comfortable with the recommended firm.

Mr. Faucette stated he was comfortable with either WithersRavenel or Benesch, who both had previously worked in the city.

City Manager Megan Garner stated last year at the December City Council Planning Retreat one of the key strategic actions was to explore options to build a sports/multi-use complex. She stated Recreation sent out an RFP and received three proposals. Ms. Garner highlighted details from the following email sent by a WithersRavenel representative identifying the differences between the various price points. She stated City staff had not prepared this.

Email: October 21, 2024

From: Kristen Herndon, WithersRavenel

The differences between our services and those defined by the other consultants are process-related, particularly the level of effort associated with community engagement as well as environmental due diligence and design. Our approach and the level of effort for engaging the community are directly related to our earlier conversations and some of your experiences in the past. Other strengths of our team are

- Our expertise in funding
- Local presence and knowledge
- Commitment to quality and level of detail. This master plan needs to be compliant with permitting regulations and serve as a solid foundation for construction documents ...i.e. limited surprises moving into construction plans
- **Community involvement:** More community involvement to create support and a sense of ownership.
 - **Community engagement:**
 - More inclusive plan for community engagement with more opportunities for input and involvement.
 - Not reflective of the necessary level of community engagement.
 - **Community workshops:**
 - Four community events and more than two community surveys.
 - Only providing one community workshop and one survey
 - **Community review:**
 - Allows for community review and input on alternative concepts and draft master plan.
 - No allowance for community review or input on the proposed master plan.
- **Environmental documentation:**
 - Deeper documentation of environmental constraints and focus on permitting.
 - **Site constraints:**
 - Includes evaluation of environmental factors critical for compliance with permit regulations.
 - No mention of considering existing site constraints (e.g., streams, wetlands).
- **Design:**
 - **Concept Plan Alternatives:**
 - Providing three conceptual design alternatives for consideration
 - Combining ideas into a final plan based on community and stakeholder input.
 - Only providing one draft and final proposed master plan.
- **Funding experience:** More experience in funding.
- **Staff location:**
 - Local staff with a history with the project.
 - Primarily from Charlotte.
- **Detail level:**
 - More detailed in terms of service and clearly defined deliverables
 - Generally vague and limited in detail.

Our proposed level of effort is comprehensive and aligns with the Council's end goals, our previous discussions, and our understanding of what Graham deserves. Building community support for this project requires a thorough process as outlined in our proposal. Our project approach will ensure a sense of ownership within the community by providing multiple and varied opportunities for input and providing multiple options and choices through design. We are committed to delivering what it takes to achieve success and would love to work with you on this project.

Mayor Talley expressed the importance of community input and the consultants' familiarity with the community. She asked if the City chose Benesch, could the Council have an opportunity to review the initial draft to give input and direction before the final plan was produced and not just give us the plan and walk away.

City Manager Garner stated each area had its uniqueness so you cannot necessarily plug and play a plan that would work for Graham in the same way as other jurisdictions. She stated staff would work with any firm selected, and said you would get more community engagement and a wider shot at your plan with WithersRavenel, but it would come at a cost. Ms. Garner stated you would get the drafts and community and Council input to determine the best direction for the community. She said staff wanted a plan that would not sit on a shelf but be a usable plan that would be used as a guide for Recreation.

Mayor Talley stated this was a professional hiring and was not obligated to take the low bid.

City Manager Garner stated Council would not have to take the low bid.

Council Member Whitaker asked what the price difference was between the bids.

Mayor Talley stated it was from \$55,000 to 90,000 to \$115,000.

Tom Boney, Alamance News, shared that if you go above \$100,000, it would require a bid process.

City Manager Garner stated the statutes dealt with the purchase of apparatus, equipment, or construction, and this was a service contract, which is largely absent from the statutes and the process. She stated that staff issued an RFP and received three proposals, but did not require them to be an engineer, architect, or construction manager at risk, which was a subset of how to move within the statutes.

After the Council weighed in on the quality of work needed for the study and the importance of having multiple community meetings for input, it was determined that WithersRavenel would produce a more prolific study that would serve as a guide for years to come.

Motion by Council Member Whitaker to approve WithersRavenel as the vendor for the Graham Regional Park Master Plan and approve a budget amendment not to exceed \$115,000, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

OLD BUSINESS:

5. PEDESTRIAN PLAN UPDATE DISCUSSION

City Council will discuss the proposed City of Graham Pedestrian Plan Update.

(Continued from the September 10 and October 8, 2024, Council meetings.)

Assistant City Manager Holland stated he met with Mayor Talley to review her concerns and wanted her to have enough time to review the changes. He stated Council could approve the plan at next month's meeting.

PUBLIC COMMENT PERIOD

John Wooten, 387 Carolina Circle, Graham, shared concerns about a portion of Hanford Road, a four-way traffic stop at the Maaco Body Shop where there is excessive speeding. City Manager Garner will share this

with the police department to investigate and hopefully curb this issue.

Mayor Talley stated there was another traffic issue at Gilbreath Street with speeders.

Mayor Talley asked about the progress made regarding regulating boarding houses and Airbnb.

Assistant City Manager Holland stated the Planning Board was still reviewing it. He shared the challenges were due to court cases that have limited the enforcement levels the City can take on with Airbnb particularly because they are not looked at any differently from someone leasing out a house. He stated the biggest challenge was writing up something that could legally be enforced.

Dean Ward, Chair of the Planning Board, stated the biggest obstacle they are seeing is with boarding houses and how to enforce them.

Assistant City Manager Holland stated City staff was not legally allowed to go into someone's house and tell them they could not lease their house.

Mr. Ward stated the City did not have the means to enforce ordinances if language could be drafted. He stated the Planning Board was on a good path at drafting language to regulate boarding houses that can be enforced by City staff.

The committee had nothing but rave comments.

CITY STAFF COMMENTS

Assistant City Manager Holland asked if the Council wanted to hold a special meeting to approve the street closings for the Christmas Parade.

Mayor Talley asked if that could be done tonight if there was a consensus.

Mayor Talley motioned to approve the road closures for the December 7, 2024, Christmas Parade from 8:00 am to 1:00 pm from Parker Street to Main Street to McCadden Street to Graham Middle School, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

CITY COUNCIL COMMENTS

Mayor Talley asked for more police presence downtown on the weekends due to a recent shooting and excessive drinking downtown.

Mr. Dean Ward shared an issue from a developer they were having with Alley, Williams, Carmen, and King, not getting information back to builders and developers in a timely manner.

Mayor Pro Tem Hall thanked everyone who helped make the Veteran's Day parade successful.

City Manager Garner reminded the Council of its December 16, 2024, Planning Retreat.

Council Member Whitaker asked about hiring a City engineer.

City Manager Garner stated that information had been provided in the list of Key Strategic Actions cost estimates for what it would take to hire an engineer, and there was no indication of support to move forward.

She stated staff submitted cost estimates on what it would take to fund an engineering department because you could not hire one engineer.

Assistant City Manager Holland stated it would take six to seven engineers to cover the same amount of area that Alley, Williams, Carmen, and King cover, which would cost about \$700,000 to \$800,000 per year.

City Manager Garner shared that the City issued an RFQ two fiscal years ago to bring on other engineering firms, so the City does not have to exclusively use one engineering firm. She stated the City had brought on WithersRavenel, not only for the Public Works side, but also for utilities or anything else that would come up, and the City brought on Hazen, not just for the Waste Water Treatment Plant project but also for day-to-day engineering needs.

Council Member Chin inquired about the review process through TRC and if they were doing their due diligence or requiring developers to take unnecessary steps.

Assistant City Manager Holland stated there were instances when the developer would have to make changes, especially when dealing with stormwater.

ADJOURNED

Motion by Mayor Pro Tem Hall to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting adjourned at 7:52 p.m.

Renee M. Ward, CMC
City Clerk

STAFF REPORT

SUBJECT:	AWARD CONTRACT AND APPROVE PROJECT BUDGET FOR 10" WATER MAIN REPLACEMENT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Award contract to Park Construction of NC, Inc. for the 10" water main replacement Phase I project.

BACKGROUND/SUMMARY:

Bids were received for the 10" waterline replacement project on November 14th, 2024. The City received five (4) bids for the project ranging from \$7,771,440 to \$9,989,000 for Phase I. All bids complied with the bidding requirements and Park Construction of NC, Inc. submitted the lowest responsive base bid in the amount of \$7,771,440. The low bid for this project is consistent with the Engineer's Estimate for this phase and inside the total project budget. With the intent to fund this project with funds administered by the North Carolina Division of Water Infrastructure (NCDWI), the award is recommended to be tentative, based upon NCDWI's approval.

FISCAL IMPACT:

The total estimated cost including a 5% contingency for Phase I brings the total costs to \$8,160,012 which is within the Engineer's Estimate for this phase:

<u>City of Graham</u> <u>10" Water Main Replacement - Phase I</u>	
Base Bid	\$7,771,440.00
Project Contingency	\$ 388,572.00
Total Construction Project Funding Required	\$8,160,012.00

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the resolution awarding the contract to Park Construction of NC, Inc. for the 10" water main replacement Phase I project.

November 22, 2024

Megan Garner
City Manager
City of Graham
201 South Main Street
Graham, NC 27253

Subject: 10" Water Main Replacement – Phase I
NCDWI Project No.: SRP-D-ARP-0174
AWCK Project No. 22089
Recommendation of Tentative Award

Ms. Garner:

Bids for the subject project were received on Thursday, November 14th, 2024, at 2:00 pm in the City of Graham Council Chamber at Graham City Hall. Four (4) bids were received, opened, and read aloud in the presence of bidders and staff with the lowest bid received from Park Construction of NC, Inc. Attached with this letter is a certified copy of the Tabulation of Bids showing each bidder's name and the amount of each bid received. We have reviewed the bids, and all complied with the bidding requirements.

Park Construction of NC, Inc. is out of Morrisville, NC and has been a licensed general contractor in the state of North Carolina since 1995. Park Construction of NC is a reputable contractor who has successfully completed numerous utility projects in the Triangle and Triad areas, including both water and sewer projects inside of the City of Graham and neighboring municipalities. Park Construction of NC has a project history that makes them well-suited for a project of this size and importance.

The low bid for this project is consistent with the Engineer's Estimate for this phase and inside of the total project budget. This allows significant funds to remain available for Phase 2 to be bid at a later time this fiscal year.

As illustrated in the table below, a 5% project contingency is included in the recommended award as contingency was not included directly on the bid form. Inclusion of this contingency allows for any unanticipated changes, field adjustments, or minor field work to be more easily funded as it is available within the Project Budget.

<u>City of Graham</u>	
<u>10" Water Main Replacement - Phase I</u>	
Base Bid	\$7,771,440.00
Project Contingency	\$ 388,572.00
Total Construction Project Funding Required	\$8,160,012.00

We recommend that the City tentatively award a contract to Park Construction of NC, Inc. in the amount of \$7,771,440.00 as they were the lowest responsible and responsive bidder. With the intent to fund this project with moneys administered by the North Carolina Division of Water Infrastructure (NCDWI), the award is recommended to be tentative, based upon NCDWI's approval. Following NCDWI's approval, we will issue a Notice of Award to Park Construction of NC, Inc. and request a project schedule and earliest expected Notice to Proceed.

Sincerely,

ALLEY, WILLIAMS, CARMEN & KING, INC.

A handwritten signature in black ink, appearing to read "S. Brent Mills". The signature is fluid and cursive, with the first name "S." and last name "Mills" clearly distinguishable.

S. Brent Mills, P.E.

CC: Josh Johnson, P.E.
Tonya Mann, Utilities Director

Enclosures: Certified Bid Tabulation
Resolution of Tentative Award

TABULATION OF BIDS

City of Graham

10" Water Main Replacement - Phase I

Thursday, November 14, 2024 @ 2:00 PM

201 South Main Street, Graham, NC 27253

Project No. 22089

Bids Opened By: Brent Mills, PE

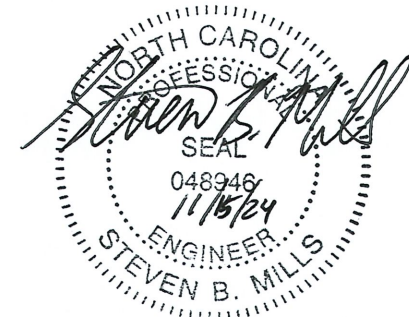
Witnessed By: Tonya Mann, Utilities Director

Josh Johnson, PE

<u>CONTRACTOR</u>	<u>LICENSE NO.</u>	<u>BID SECURITY</u>	<u>ADDEN. #1</u>	<u>ADDEN. #2</u>	<u>CQS</u>	<u>E- VERIFY</u>	<u>MBE/ WBE</u>	<u>IRAN CERT.</u>	<u>Total Base Bid</u>
PARK CONSTRUCTION OF NC	61200	✓	✓	✓	✓	✓	✓	✓	\$7,771,440.00
CLEARY CONSTRUCTIO, INC.	80668	✓	✓	✓	✓	✓	✓	✓	\$9,042,055.00
JIMMY R. LYNCH & SONS, INC.	7706	✓	✓	✓	✓	✓	✓	✓	\$9,247,149.50
JF WILKERSON CONTRACTING CO., INC.	4499	✓	✓	✓	✓	✓	✓	✓	\$9,989,000.00

Brent Mills

THIS IS CERTIFIED TO BE A TRUE COPY OF BIDS RECEIVED



RESOLUTION OF TENTATIVE AWARD

WHEREAS, the City of Graham, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the 10" Water Main Replacement – Phase 1, and

WHEREAS, Alley, Williams, Carmen & King, Inc., the Consulting Engineers have reviewed the bids; and

WHEREAS, Park Construction of NC, Inc. was the lowest bidder for the 10" Water Main Replacement – Phase I, in the total bid amount of \$7,771,440.00, and

WHEREAS, the consulting Engineers recommend **TENTATIVE AWARD** to the lowest bidder(s).

NOW, THERE FORE, BE IT RESOLVED that **TENTATIVE AWARD** is made to the lowest bidder(s) in the Total Bid Amount of \$7,771,440.00.

Name of Contractor	Amount
1. <u>Park Construction of NC, Inc.</u>	<u>\$7,771,440.00</u>
2. <u>Cleary Construction, Inc.</u>	<u>\$9,042,055.00</u>
3. <u>Jimmy R. Lynch & Sons, Inc.</u>	<u>\$9,247,149.50</u>
4. <u>JF Wilkerson Contracting Co., Inc.</u>	<u>\$9,989,000.00</u>

BE IT FURTHER RESOLVED that such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Department of Environmental Quality.

Upon motion of _____, seconded by _____, the above **RESOLUTION** was unanimously adopted.

This is _____ day of _____, 2024.

(Name and Title of Authorized Representative)

(Seal)

Attest:

(Name, Clerk)



STAFF REPORT

SUBJECT:	AUDIT CONTRACT AMENDMENT
PREPARED BY:	MEGAN GARNER

REQUESTED ACTION:

Approve an amendment to the audit contract with Stout, Stuart, McGowen & King to allow for a time extension to February 28, 2025.

BACKGROUND/SUMMARY:

The City Council approved an audit contract with Stout, Stuart, McGowen & King on March 12, 2024. Due to the financial software conversion and the need to ensure for accurate bank reconciliations, the City has been delayed in completing the annual audit. Both auditing firms, Stout, Stuart, McGowen & King and Cobb, Ezekiel & Loy, have been kept informed of the status and provided with all documentation currently available so they can begin their audit work.

FISCAL IMPACT:

No additional financial impact is included in this amendment; only a time extension.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S)

I move to approve an amendment to the audit contract with Stout, Stuart, McGowen & King to allow for a time extension to February 28, 2025.

Whereas	Primary Government Unit
and	Discretely Presented Component Unit (DPCU) (if applicable)
and	Auditor

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for Fiscal Year Ending and originally to be submitted to the LGC on Date

hereby agree that it is now necessary that the contract be modified as follows.

Modification to date submitted to LGC	Original date	Modified date
Modification to fee	Original fee	Modified fee

Primary Other
(choose 1)(choose 0-2)

Reason(s) for Contract Amendment

Change in scope
Issue with unit staff/turnover/workload
Issue with auditor staff/turnover/workload
Third-party financial statements not prepared by agreed-upon date
Unit did not have bank reconciliations complete for the audit period
Unit did not have reconciliations between subsidiary ledgers and general ledger complete
Unit did not post previous years adjusting journal entries resulting in incorrect beginning balances in the general ledger
Unit did not have information required for audit complete by the agreed-upon time
Delay in component unit reports
Software - implementation issue
Software - system failure
Software - ransomware/cyberattack
Natural or other disaster
Other (please explain)

Plan to Prevent Future Late Submissions

If the amendment is submitted to modify the date the audit will be submitted to the LGC, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years. Audits are due to the LGC four months after fiscal year end. Indicate NA if this is an amendment due to a change in cost only.

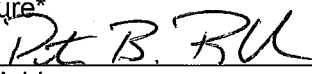
Additional Information

Please provide any additional explanation or details regarding the contract modification.

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
STOUT STUART MCGOWEN & KING, LLP	
Authorized Firm Representative* (typed or printed) Patricia B. Rhodes	Signature* 
Date* 11/27/24	Email Address pbrhodes@ssmkllp.com

GOVERNMENTAL UNIT

Governmental Unit*	
City of Graham	
Date Primary Government Unit Governing Board Approved Amended Audit Contract* (If required by governing board policy)	
Mayor/Chairperson* (typed or printed) Jennifer Talley	Signature*
Date	Email Address jtalley@cityofgraham.com

Chair of Audit Committee (typed or printed, or "NA") Jennifer Talley	Signature
Date	Email Address jtalley@cityofgraham.com

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* Aaron Holland	Signature*
Date of Pre-Audit Certificate*	Email Address* aholland@cityofgraham.com

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU	
Date DPCU Governing Board Approved Amended Audit Contract <small>(If required by governing board policy)</small>	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE
ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT
(Pre-audit certificate not required for hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

STAFF REPORT

SUBJECT:	AMEND 2024-25 FEE SCHEDULE FOR BACKFLOW ANNUAL TESTING
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Amend 2024-25 Fee Schedule to reduce the Backflow Annual Testing (For Irrigation Accounts) from \$10.42 to \$3.48.

BACKGROUND/SUMMARY:

For irrigation accounts, backflow testing is typically required annually to verify that the backflow preventer is working correctly to prevent contaminated water from flowing back into the public water supply. The State recently adopted new regulations to change the frequency of testing from annually to every 3 years. Therefore, the current fee outlined in the fee schedule will need to reflect this change by reducing to 1/3 of the amount.

FISCAL IMPACT:

The current fee schedule will be reduced by 1/3 to reflect the required testing frequency and will begin January 2025.

STAFF RECOMMENDATION:

Approval. The City can only charge fees that are reflected in the fee schedule.

SUGGESTED MOTION(S):

I move we approve the amendment to the 2024-25 Fee Schedule to reduce the Backflow Annual Testing (For Irrigation Accounts) from \$10.42 to \$3.48 beginning January 2025.

*Water Deposit (Outside Residential)	\$160
*Water Deposit (Inside Non-residential)	\$100
*Water Deposit (Outside Non-Residential)	\$200
Meter Tampering Fee	\$100
**Meter Testing Fee (Inside)	\$10
**Meter Testing Fee (Outside)	\$20
Service Initiation Fee	\$10
Backflow Annual Testing (For Irrigation Accounts)	\$10.42 \$3.48 per month
Hydrant Meter Deposit	\$2,000

*No deposit is required for property owners. Deposits are required for rental or leased property and are refundable when final bills are paid.

**During testing, if meter checks out of limits estimated by AWWA, the money shall be refunded and an adjustment made to the water bill. If meter tests are within AWWA Standards, the fee shall remain with the City.



STAFF REPORT

SUBJECT:	BUDGET AMENDMENT – INSURANCE PROCEEDS
PREPARED BY:	MEGAN GARNER

REQUESTED ACTION:

Approve a budget amendment in the amount of \$1,449 in insurance proceeds revenue and increase the Police Department Vehicle Maintenance budget by \$1,449.

BACKGROUND/SUMMARY:

The 2022 Ford Explorer vehicle #761 was damaged during prisoner transport/arrest on 10/05/2024. The vehicle prisoner transport area sustained damage and the vehicle was taken out of service for repair. The City of Graham received reimbursement to cover funds used from the existing budget. Check from Interlocal Risk Financing Fund of NC totaling \$1,448.62 to reimburse for vehicle damage repairs.

FISCAL IMPACT:

There is no cost to the City of Graham as these funds come from outside sources and are to reimburse the department line items.

Source	Affected Line Item	Amount
Interlocal Risk Financing Fund of NC	Vehicle Maintenance 10-5100-1700	\$1,448.62
		Total: \$1,449.00

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S)

Make a motion to approve a budget amendment recognizing \$1449 in insurance proceeds revenue and increase the Police Department Vehicle Maintenance budget by \$1449.

CITY OF GRAHAM

**BUDGET AMENDMENT ORDINANCE
2024-2025**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

Section 1.

EXPENDITURES

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Police Department - Repair/Maintenance	90,000.00	91,449.00	1,449.00		1,449.00
	90,000.00	91,449.00	1,449.00	-	1,449.00

Section 2.

REVENUES

	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
General Fund - Insurance Proceeds	11,800.00	1,449.00	(10,351.00)		(10,351.00)
	11,800.00	1,449.00	(10,351.00)	-	(10,351.00)

Adopted this 10th day of December 2024.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk



STAFF REPORT

SUBJECT:	STATE FORFEITURE FUND BUDGET AMENDMENT 2024-2025
PREPARED BY:	SERGEANT B.T. EDWARDS

REQUESTED ACTION:

The Graham Police Department requests Council approve a budget amendment in the amount of \$15,000 in state drug forfeiture revenue to the state account balance for use.

BACKGROUND/SUMMARY:

The Graham Police Department participates in the Department of Justice Asset Forfeiture Program. This program “is a nationwide law enforcement initiative that removes the tools of crime from criminal organizations, deprives wrongdoers of the proceeds of their crimes, recovers property that may be used to compensate victims, and deters crime” (DOJ, 2009). “One of the ancillary benefits of asset forfeiture is the potential to share federal forfeiture proceeds with cooperating state and local law enforcement agencies through equitable sharing” (DOJ, 2018). Being one of the recipient agencies, the Police Department receives these funds as we participate in certain investigations.

To use these funds, as directed by NCGS 159-8 contained in the Local Government Budget and Fiscal Control Act, the law enforcement agency’s governing body must authorize the transfer of these revenue funds to a required, separate, budgeted account for its use. The use of these funds rest with the law enforcement agency head. Equitably shared funds shall be used by law enforcement agencies for law enforcement purposes only to add to the department’s budget, not supplement.

The Police Department is requesting a budget amendment on behalf of Chief MK Baker for the use of these funds. This request is in compliance with the rules and regulations for the use of forfeiture funds under Federal guidelines.

FISCAL IMPACT:

There is no cost to the City of Graham as transferred funds come from the equitable sharing program. The funds to be transferred to the state drug fund budget total \$15,000.00.

- Purchase additional security equipment into existing police vehicles. \$13,000
- Training and travel expenses to support agency wellness - portion funded by scholarship. \$ 2,000

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S)

Make a motion to approve a budget amendment recognizing \$15,000 in state drug forfeiture revenue.

CITY OF GRAHAM

**BUDGET AMENDMENT ORDINANCE
2024-2025**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

Section 7.

**CAPITAL PROJECTS AND OTHER SPECIAL FUNDS
REVENUES**

	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
State Drug Fund Balance	1,400.00	15,000.00	13,600.00		13,600.00
	1,400.00	15,000.00	13,600.00	-	13,600.00

Section 7.

**CAPITAL PROJECTS AND OTHER SPECIAL FUNDS
EXPENDITURES**

	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
State Drug Funds	\$1,400.00	\$15,000.00	13,600.00		13,600.00
	1,400.00	15,000.00	13,600.00	-	13,600.00

Adopted this 10th day of December 2024.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk

STAFF REPORT

SUBJECT:	NEW PORNOGRAPHY LAW RESOLUTION AND BUDGET AMENDMENT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve a resolution prohibiting viewing of pornography on City networks and to approve a budget amendment for monitoring software in accordance with G.S. 143-805(c).

BACKGROUND/SUMMARY:

G.S. 143-805(c) requires each public agency to adopt a policy governing the use of its network, as well as the use of devices owned, leased, maintained, or otherwise controlled by that public agency, no later than January 1, 2025. While the City currently has policies in place to address the usage, the new provisions of G.S. 143-805 will reflect the new prohibitions on allowing pornography to be viewed, the exceptions to those prohibitions, and disciplinary actions for potential policy violations.

FISCAL IMPACT:

The monitoring software required will have an annual cost of \$16,000. This is currently not budgeted and will also need to be included moving forward.

STAFF RECOMMENDATION:

Approval. Adoption of the resolution will allow us to be in compliance with State Law.

SUGGESTED MOTION(S):

I move we approve the resolution prohibiting viewing of pornography on City networks and to approve a budget amendment for monitoring software in accordance with G.S. 143-805(c).

**RESOLUTION PROHIBITING VIEWING OF PORNOGRAPHY ON
CITY OF GRAHAM NETWORKS AND DEVICES**

WHEREAS, House Bill 971 / North Carolina General Statute §143-805 requires all public agencies to adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by the City of Graham; and

WHEREAS, the City of Graham prohibits viewing pornography by its employees on the City's network or devices owned or maintained by the City as stated in the City of Graham's recently revised Technology Use Policy effective July 14, 2022.

NOW, THEREFORE, be it resolved that the following policies shall apply in the City of Graham:

1. No employees of the City of Graham, elected officials, or City appointees shall view pornography on any computer network owned, leased, maintained, or otherwise controlled by the City, whether on a City-owned and maintained device, or a privately owned or controlled device.
2. No employee, elected official, or appointee of the City shall view pornography on a device owned, leased, maintained or otherwise controlled by the City.
3. Each year, and no later than August 1, the City shall report information required in NCGS §143-805 to the State Chief Information Officer.
4. This policy shall not apply to an investigation, law enforcement training, or actions related to law enforcement purposes; identifying potential security or cyber security threats, establishing, testing, and maintaining firewalls, protocols, and otherwise implementation of this policy; or other exceptions as specifically outlined in NCGS §143-805(d).
5. The terms used herein shall be defined as outlined in NCGS §143-805(g).
6. Any employee, elected official, or appointee of the City who has saved pornography to a device owned, leased, maintained, or otherwise controlled by the City shall remove, delete, or uninstall the pornography immediately, no later than January 1, 2025.
7. Any employee of the City who violates any provision of this policy shall be subject to disciplinary action under the City's personnel policy.
8. Any City appointee who violates this policy's provision shall be subject to removal by the City Council.
9. Any elected official who violates any provision of this policy shall be subject to censure proceedings.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption. This the 10th day of December November 2024.

Jennifer Talley, Mayor
City of Graham

ATTEST:

Renee Ward, City Clerk

CITY OF GRAHAM

**BUDGET AMENDMENT ORDINANCE
2024-2025**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

**Section 1.
EXPENDITURES**

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
IT - Software	115,850.00	131,850.00	16,000.00		16,000.00
	115,850.00	131,850.00	16,000.00	-	16,000.00

**Section 2.
REVENUES**

	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	\$2,158,687.00	\$2,174,687.00	16,000.00		16,000.00
	2,158,687.00	2,174,687.00	16,000.00	-	16,000.00

Adopted this 10th day of December 2024.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk

SUBJECT:	BUDGET AMENDMENT FOR SANITATION TRUCK
PREPARED BY:	MEGAN GARNER, CITY MANAGER/BURKE ROBERTSON, PUBLIC WORKS DIRECTOR

REQUESTED ACTION:

Approve a budget amendment recognizing \$425,000 in loan proceeds for the purchase of a sanitation truck.

BACKGROUND/SUMMARY:

At the February 13, 2024 meeting, City Council approved a resolution of intent to purchase a DuraPack Python 28-yard body mounted on a 2024 Peterbilt 520 chassis. The City issued a request for proposals for financing and received proposals from seven banks as indicated below. United Financial had the lowest rate and will be financing the purchase.

Bank	Rate
United Financial	4.24%
Atlantic Union	4.59%
First Bank	5.00%
DLL	5.19%
Fidelity	5.49%
First Bank	6.33%
First Horizon	8.00%

FISCAL IMPACT:

Total financed cost is \$425,000. In the current year's budget, City Council approved the first year of debt service for financing of the vehicle.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve a budget amendment recognizing \$425,000 in loan proceeds for the purchase of a sanitation truck.

CITY OF GRAHAM
BUDGET AMENDMENT ORDINANCE
2024-2025

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

Section 1.
EXPENDITURES

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Sanitation - Capital Outlay Equipment	-	425,000.00	425,000.00		425,000.00
	-	425,000.00	425,000.00	-	425,000.00

Section 2.
REVENUES

	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Loan Proceeds	\$0.00	\$425,000.00	425,000.00		425,000.00
	-	425,000.00	425,000.00	-	425,000.00

Adopted this 10th day of December 2024.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk

**CITY OF GRAHAM
RELEASE ACCOUNTS**

DECEMBER

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
12171	2024	STECCA, ANGELA CARMELIA	QUALIFIED FOR HOMESTEAD EXEMPTION	\$497.06
7461	2024	CURTISM, GEORGE & DEMETRICI	QUALIFIED FOR DISABLED VETERAL EXEMPTION	\$130.46
2815	2024	PEGUES, MAHLON	QUALIFIED FOR HOMESTEAD EXEMPTION	\$362.10
2639	2024	WORTH, DEBBIE	QUALIFIED FOR HOMESTEAD EXEMPTION	\$290.92
4889	2024	FOUST, ANNE	QUALIFIED FOR HOMESTEAD EXEMPTION	\$588.19

TOTAL RELEASES \$1,868.73

CITY OF GRAHAM

REFUNDS

DECEMBER

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
4889	2023	FOUST, ANNE	QUALIFIED FOR HOMESTEAD EXEMPTION 2023 taxes have been paid in full.	\$588.19

TOTAL REFUNDS ***588.19***



STAFF REPORT

Prepared by Cameron West, Planner

Jeffreys Street Townhomes (CR2402)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on October 15, 2024

City Council on November 12, 2024 &

December 10, 2024

Summary

This is a request to rezone 4.7 acres of property from I-1(Light-Industrial) and R-G (General Residential) to C-R (Conditional Residential)for the purpose of construct 41 town homes. The site plans to connect public roadways, water, and sewer through the existing utilities surrounding the property. The sewer connection will have to be acquired via easement that the TRC has asked to list as a note on the plans as required prior to acceptance of TRC approval. No sewer connection is shown on the plans due to the multiple options the developer has to choose from to connect on site. The property is fully inside of the Industrial/Warehousing future land use zone. The future land use plan mentions nothing about residential uses inside of them and suggests the area should be made up of large one and two story industrial buildings with easy access to I-85 and I-40. The Site falls under the 5 acre threshold for requiring open space, but it has been provided. All lots will have two driveway parking spaces and 1 garage parking space. The project does meet the R-MF density requirement listed in Section 10.245 of the City of Graham Development Ordinance. Planning Board recommended denial of the initial project at a unanimous vote of 5-0. Since the Planning Board meeting, the developers have updated their plan to address comments made by the Planning Board members and surrounding resident comments. The adjustments to the plan were dropping the units from 53 to 41, increasing the exterior property line setbacks from 15 to 25 to meet the R-MF standards noted in the Development Ordinance, increased the planting widths to the suggested type C criteria, added in opaque fencing around the northern and southern residential properties, increased the active open space area, and relocated and increased the guest parking. The developers are requesting a condition of a reduced building separation of 12 feet from the required 25 feet.

Contact Information:

Citizen Properties LLC

3132 Brook Valley Court Mebane, NC 27302

(336) 380-2487

brennan@societyrealtygroup.com

Location

Off Hanover and Jeffreys Road

GPINs:

8884295359

Current Zoning

I-1 (Light Industrial) and R-G (General Residential)

Proposed Zoning

C-R (Conditional Residential)

Overlay District

N/A

Surrounding Zoning

R-G, I-1, B-2 and R-7

Surrounding Land Uses

Single Family, Industrial, Vacant

Size

4.7 Acres

Public Water & Sewer

Yes

Floodplain

No



Graham Zoning



City of Graham

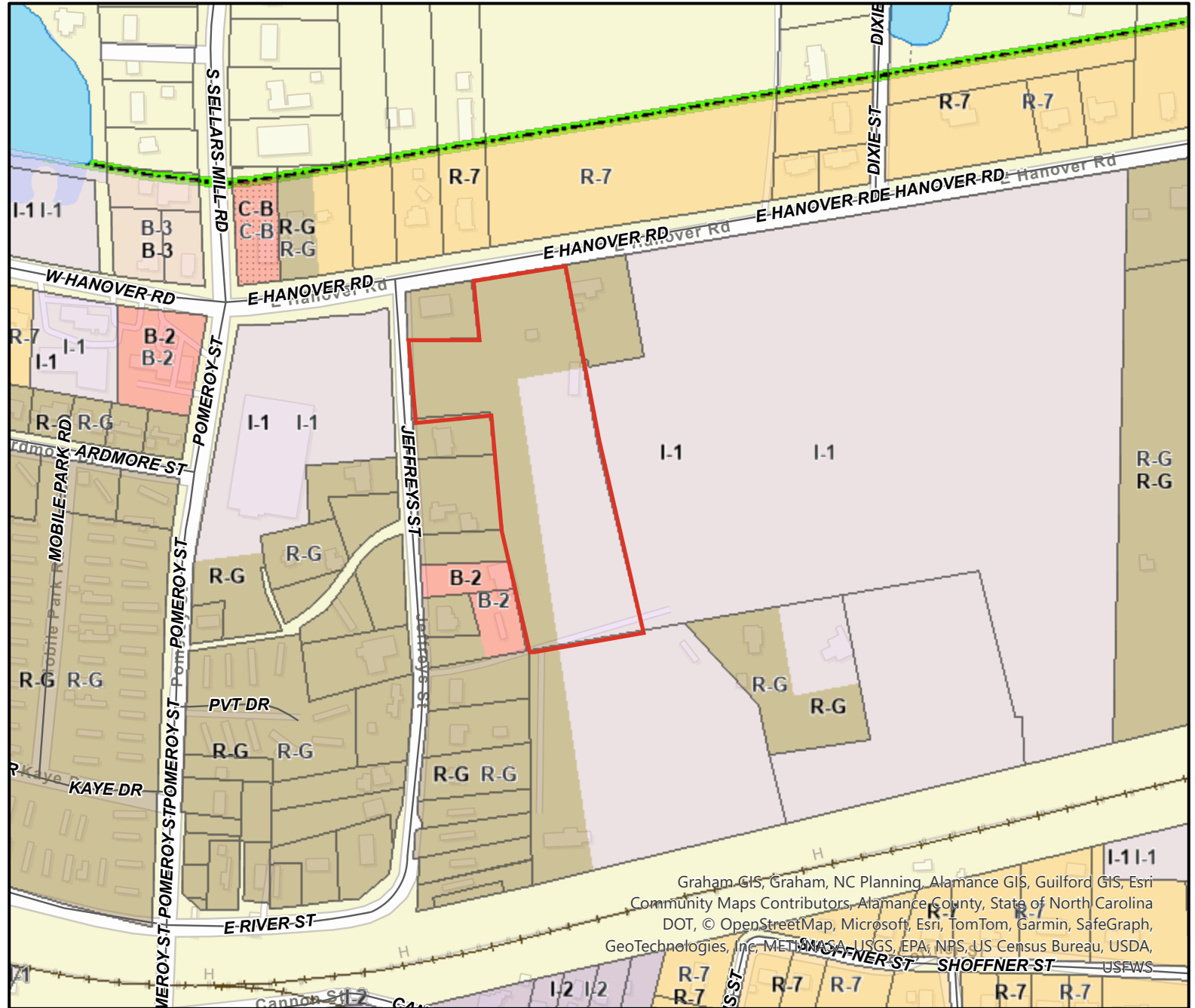
Legend

- Streets
- Tax Parcels (unofficial)
- Zoning Districts**
- B-1, Central Business District
- B-2, General Business District
- B-3, Neighborhood Business District
- C-B, Conditional Business
- C-I, Conditional Industrial
- C-MXC, Conditional Commercial Mixed Use
- C-MXR, Conditional Residential Mixed Use
- C-O-I, Conditional Office and Institutional
- C-R, Conditional Residential District
- I-1, Light Industrial District
- I-2, Heavy Industrial District
- O-I, Office and Institutional
- R-7, High-Density Residential District
- R-9, High-Density Residential District
- R-12, Medium-Density Residential District
- R-15, Medium-Density Residential District
- R-18, Low-Density Residential District



1:4,514

Print Date: 10/3/2024



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USFWS

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Graham Zoning



City of Graham

Legend

- Streets
- Tax Parcels (unofficial)
- Future Land Use**
 - Downtown District
 - Mixed Use Commercial
 - Education District
 - Employment District
 - Industrial / Warehousing
 - Mixed Use Residential
 - Downtown Residential
 - Suburban Residential
 - Commercial Corridor
 - Rural Residential
- Future LandUse Annotation
- Graham ETJ
- Graham City Limit
- Alamance Lakes, Ponds, etc.
- Surface Streams
- Railroads

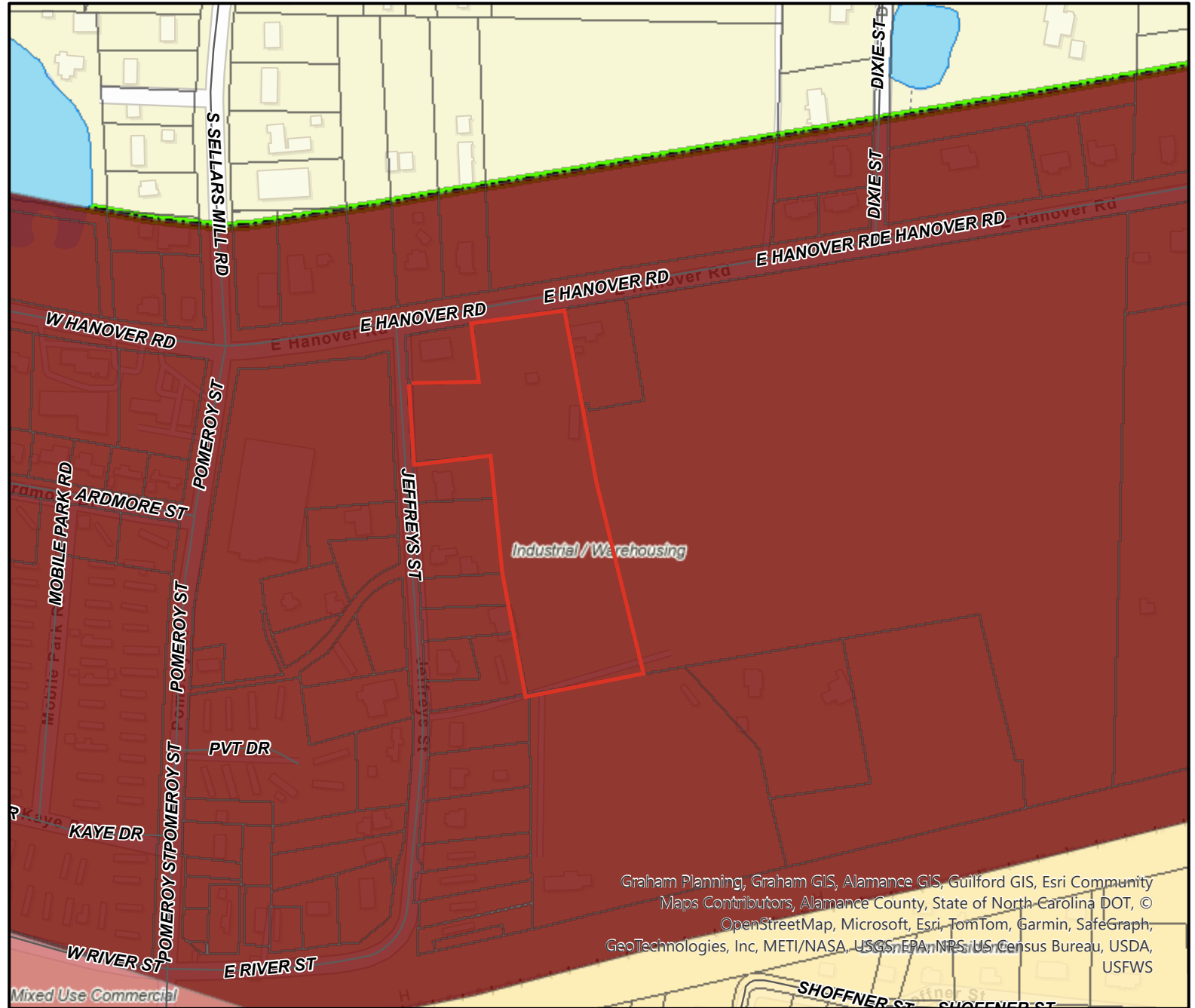
ALAM_INTEREST_POINT

- ✈ Airport
- ✠ Cemetery
- 🎓 Education/School
- 🚒 Fire Station



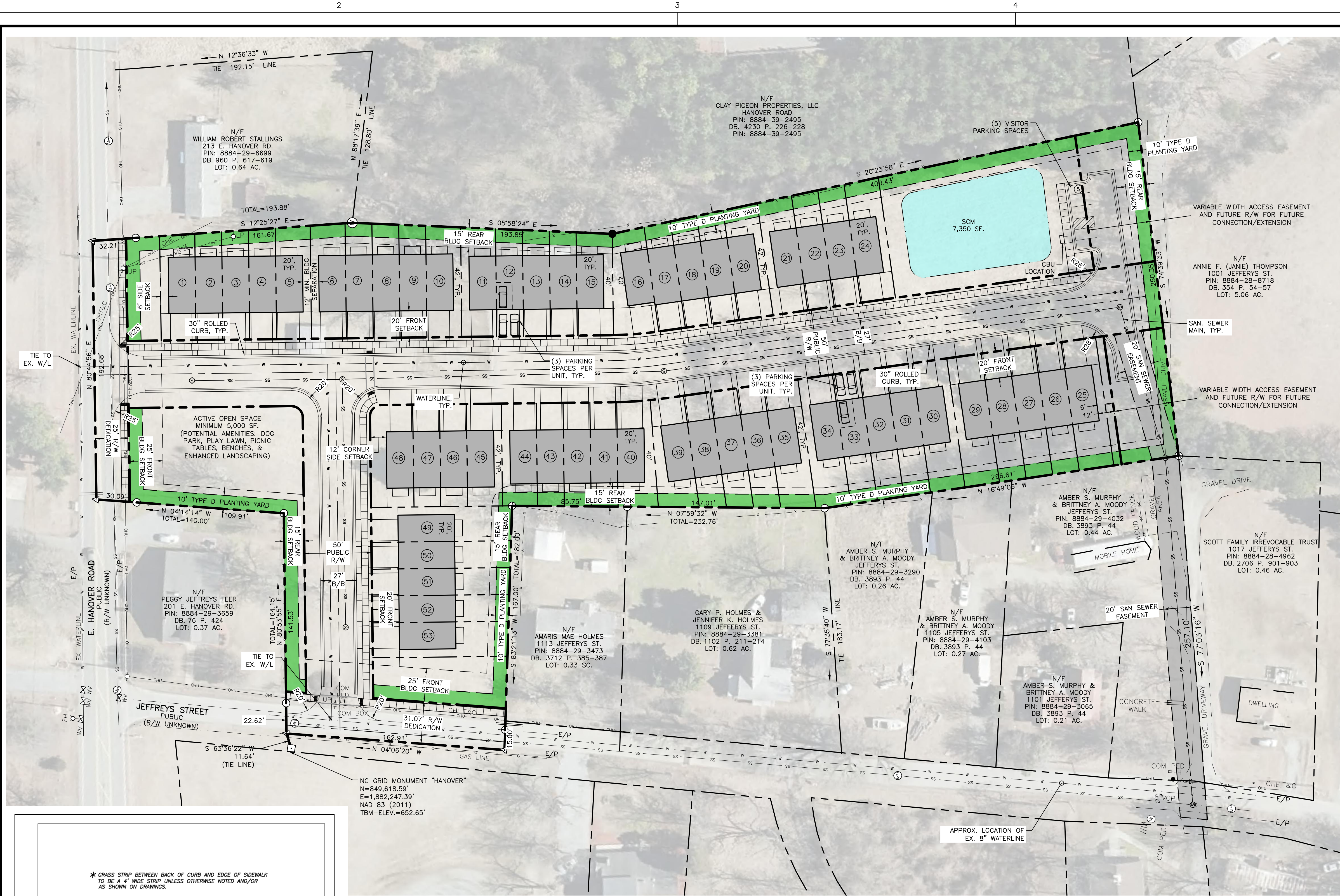
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Print Date: 10/8/2024

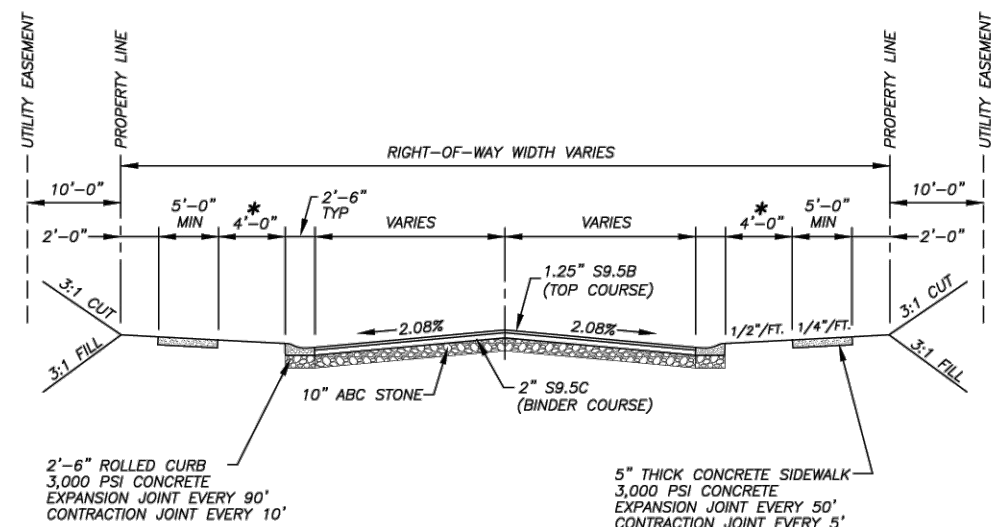


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* GRASS STRIP BETWEEN BACK OF CURB AND EDGE OF SIDEWALK TO BE A 4' WIDE STRIP UNLESS OTHERWISE NOTED AND/OR AS SHOWN ON DRAWINGS.



NOTES:

1. CONTRACTOR MUST PRESENT INSPECTOR WITH ASPHALT TICKETS.
2. REFER TO THE CITY OF GRAHAM DEVELOPMENT ORDINANCE FOR APPROPRIATE DIMENSIONS. ALTERNATIVE STREET WIDTHS AND PAVEMENT SECTIONS MAY BE APPROVED FOR THE UDD AND CITY OF GRAHAM TRC.
3. ALL ASPHALT CEMENT PLANT MIX AND METHOD OF PLACEMENT SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS.
4. ALL WORK SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS.
5. TOP COURSE TO BE PLACED WITHIN 12 MONTHS OF ASPHALT BINDER COURSE.
6. ALL ROADWAYS SHALL BE PROOFROLLED PRIOR TO PLACEMENT OF ABC STONE, BINDER COURSE AND TOP COURSE. ALL DEFECTS IN SUBGRADE AND/OR PAVEMENT SHALL BE REPAIRED.

CITY OF GRAHAM

RESIDENTIAL STREET SECTION

ST-1
DWG NO. REV.
11/1/2020

GENERAL NOTES

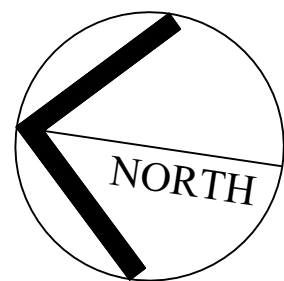
1. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF GRAHAM, ALAMANCE COUNTY AND THE STATE OF NORTH CAROLINA STANDARDS AND SPECIFICATIONS.
2. CONTRACTOR SHALL HAVE NORTH CAROLINA ONE CALL (811) LOCATE ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION.
3. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO BEGINNING CONSTRUCTION.
4. BOUNDARY AND SURVEY INFORMATION IS TAKEN FROM A SURVEY BY GOFORTH LAND SURVEYORS, PLLC DATED MAY 2, 2023. ADDITIONAL SITE INFORMATION TAKEN FROM ALAMANCE COUNTY GIS.
5. ALL CONSTRUCTION SHALL CONFORM TO A.D.A. STANDARDS.

REZONING NOTES

1. STREET AND UTILITY CONNECTIONS TO E. HANOVER SHALL BE APPROVED BY NCDOT.
2. APPROVAL OF THIS SITE PLAN IS CONTINGENT UPON THE SANITARY SEWER EASEMENT BEING OBTAINED THROUGH THE MURPHY/MOODY PROPERTY TO SERVE THIS DEVELOPMENT.
3. THIS PROPERTY IS SUBJECT TO THE CITY OF GRAHAM STORMWATER ORDINANCE AND THE STORM DRAINAGE DESIGN MANUAL.
4. PARKING REQUIRED:
2 PER UNIT (3 BR) X 53 UNITS = 106
PARKING PROVIDED:
3 PER UNIT X 53 UNITS = 159
[1 IN GARAGE, 2 IN DRIVEWAY]
5 VISITOR SPACES AT TURNAROUND = 5
164 TOTAL VEHICULAR PARKING
5. PROPOSED UNIT FOOTPRINTS:
UNITS 1-10 20' WIDE X 42' DEEP
UNITS 11-16 20' WIDE X 40' DEEP
UNITS 17-39 20' WIDE X 42' DEEP
UNITS 40-44 20' WIDE X 40' DEEP
UNITS 45-53 20' WIDE X 42' DEEP

PROPOSED ZONING CONDITIONS (R-MF-CU)

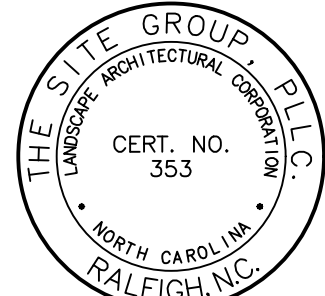
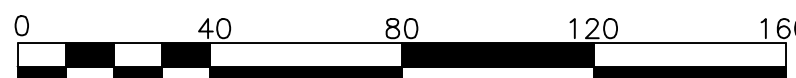
1. PROPOSED MODIFICATIONS TO MINIMUM BUILDING SETBACKS AS FOLLOWS TO ALLOW FOR TYPICAL TOWNHOME PRODUCT IN THE R-MF ZONING DISTRICT:
a. 20 FOOT LOT WIDTH
b. 20 FOOT FRONT BUILDING SETBACK
c. 6 FOOT SIDE BUILDING SETBACK
d. 12 FOOT CORNER SIDE BUILDING SETBACK
e. 15 FOOT REAR BUILDING SETBACK
f. 12 FOOT BUILDING SEPARATION
2. PROPOSED MODIFICATIONS TO MINIMUM YARD WIDTH AS FOLLOWS:
a. 10 FOOT TYPE D PLANTING YARD FOR FRONT, SIDE, SIDE ABUTTING STREET, REAR YARD DEPTH
3. DEVELOPER SHALL INSTALL A 5 FOOT WIDE CONCRETE SIDEWALK ALONG THE PROJECT FRONTAGE OF HANOVER ROAD AND JEFFREYS STREET.
4. DEVELOPER SHALL PROVIDE ACTIVE OPEN SPACE NEAR THE HANOVER ROAD CONNECTION WITH A MINIMUM AREA OF 5,000 SF. POTENTIAL AMENITIES INCLUDE A DOG PARK, PLAY LAWN, PICNIC TABLES, BENCHES AND ENHANCED LANDSCAPING.



REZONING EXHIBIT

SCALE: 1" = 40'

(DRAWING SCALED FOR 24x36 INCH PLOTS)



PRELIMINARY
NOT FOR CONSTRUCTION

THE SITE GROUP
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
THE SITE GROUP, PLLC
11110666th Rd
Raleigh, NC 27605-1136 USA
Office: 919.835.4787
Fax: 919.839.2255
E Mail: SRN@thesitegroup.net

PRELIMINARY SUBDIVISION FOR:
HANOVER RD TOWNHOMES
0 JEFFREYS STREET
GRAHAM, NORTH CAROLINA

Drawn By: JHJ
Checked By: SRN

DATE:
08 OCT 2024

PRELIMINARY
SUBDIVISION

REZONING
EXHIBIT

Job Code: SCHRG

Dwg No.
EX 1.0



Conformity to the *Graham 2035 Comprehensive Plan (GCP)* and Other Adopted Plans

Future Land Use Industrial/Warehousing Desired Pattern: Industrial districts should have limited setbacks between the front of the property line and between adjacent industrial uses in order to use land and infrastructure efficiently. These uses should be heavily buffered from residential neighborhoods, parks and open space, and streams. Such areas should follow orderly development patterns and seek to maintain minimal adverse environmental impacts.

Applicable Policies:

- **Policy 5.1.1 Housing Variety.** Encourage a mix of housing types within Graham to increase choice. These can include single family dwellings units, multifamily dwelling units, small units, pre-fabricated homes, co-housing and clustered housing. *This project would construct additional high-density housing.*
- **Policy 3.3.2: Focused development.** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use, built environments.
- **Strategy 4.3.1 Land Use Patterns.** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *The site would connect to existing city infrastructure, with redundant access and water and sewer connections and could be extended through future roadway connections if developed.*

Planning Type

Neighborhoods

Development Type

Industrial/ Warehousing

Industrial districts contain large one and two story buildings with easy access to the major roads like state highways and Interstate 40/85 for heavy freight vehicles.

Some of these uses may be considered noxious and therefore adequate buffers must exist between industrial uses and other land uses, as well as natural areas. Graham's wastewater treatment plant is also located in an industrial area.

Appropriate Density

N/A

Staff Recommendation

Based on the *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff provides the following statement below:

- Rezoning the property would be in consistence with the policies 5.1.1, 3.3.2, and strategy 4.3.1, as put forth by the Graham 2035 Comprehensive Plan. However, the plan itself does not meet the Industrial/Warehousing requirements of the Future Land Use Plan

Planning Board Recommendation:

Planning Board recommended denial of the project with a unanimous vote of 5-0

Graham Zoning



City of Graham

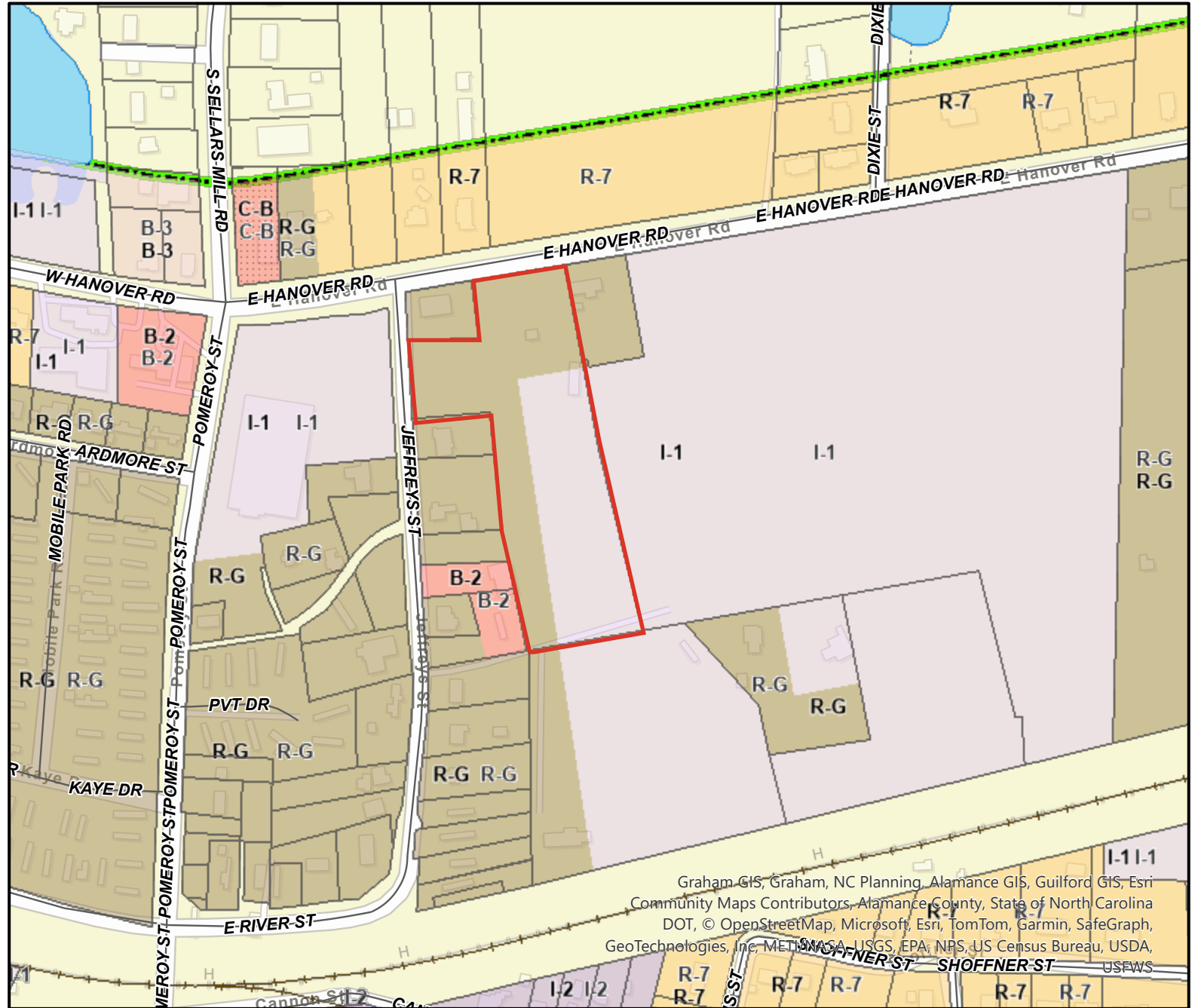
Legend

- Streets
- Tax Parcels (unofficial)
- Zoning Districts**
- B-1, Central Business District
- B-2, General Business District
- B-3, Neighborhood Business District
- C-B, Conditional Business
- C-I, Conditional Industrial
- C-MXC, Conditional Commercial Mixed Use
- C-MXR, Conditional Residential Mixed Use
- C-O-I, Conditional Office and Institutional
- C-R, Conditional Residential District
- I-1, Light Industrial District
- I-2, Heavy Industrial District
- O-I, Office and Institutional
- R-7, High-Density Residential District
- R-9, High-Density Residential District
- R-12, Medium-Density Residential District
- R-15, Medium-Density Residential District
- R-18, Low-Density Residential District



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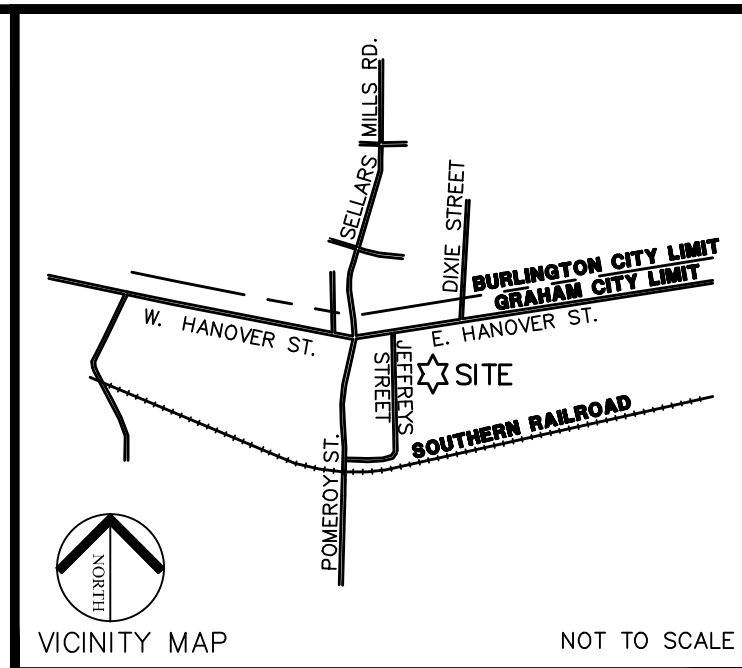
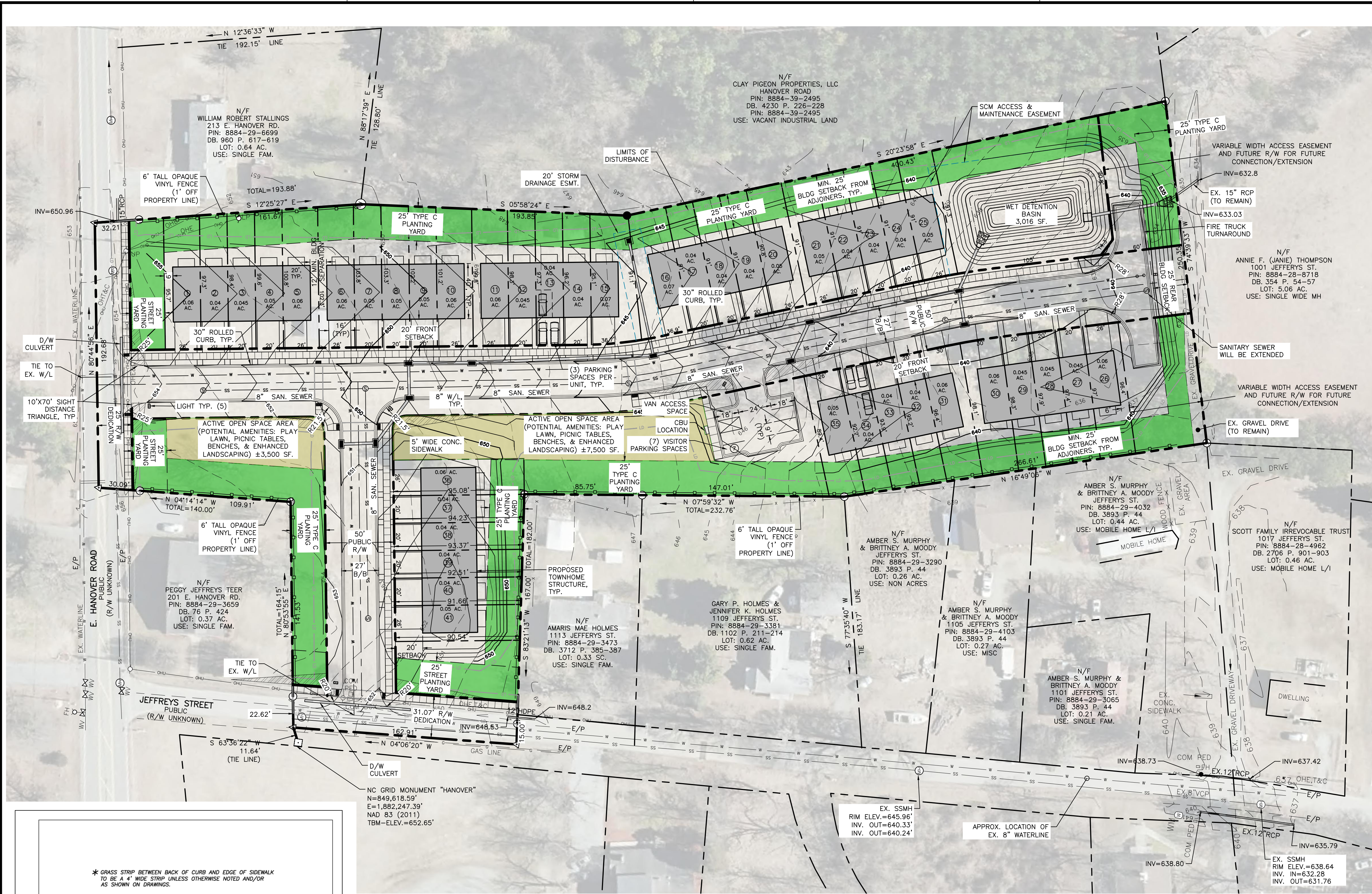
Print Date: 10/3/2024



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USFWS

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SITE DATA SUMMARY

- PIN NUMBER: 146462
- CURRENT OWNER: PHYLLIS & THOMAS HANFORD
223 BANKS STREET, GRAHAM, NC 27253
(910) 886-2146
- EXISTING ZONING: RESIDENTIAL (R-G) & INDUSTRIAL (I-1)
- OVERLAY DISTRICT: N/A
- TOTAL TRACT AREA: 4.7 AC.
- TOTAL LOTS/DWELLING UNITS: 41/41
- EXISTING USE: VACANT LAND
- PROPOSED LAND USE: TOWNHOMES
- PROPOSED ZONING: R-MF-CU
- EX. USE ADJ. PROPERTIES: RESIDENTIAL/VACANT/INDUSTRIAL
- FLOODPLAIN 2022: 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- DISTURBED AREA: 4.02 AC.

GENERAL NOTES

- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF GRAHAM, ALAMANCE COUNTY AND THE STATE OF NORTH CAROLINA STANDARDS AND SPECIFICATIONS.
- CONTRACTOR SHALL HAVE NORTH CAROLINA ONE CALL (811) LOCATE ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO BEGINNING CONSTRUCTION.
- BOUNDARY AND SURVEY INFORMATION IS TAKEN FROM A SURVEY BY GOFORTH LAND SURVEYORS, PLLC DATED MAY 2, 2023. ADDITIONAL SITE INFORMATION TAKEN FROM ALAMANCE COUNTY GIS.

REZONING NOTES

- STREET AND UTILITY CONNECTIONS TO E. HANOVER SHALL BE APPROVED BY NCDOT.
- APPROVAL OF THIS SITE PLAN IS CONTINGENT UPON A VALID SANITARY SEWER EASEMENT BEING OBTAINED TO SERVE THIS DEVELOPMENT.
- THIS PROPERTY IS SUBJECT TO THE CITY OF GRAHAM STORMWATER ORDINANCE AND THE STORM DRAINAGE DESIGN MANUAL.
- PARKING REQUIRED:
2 PER UNIT (3 BR) X 41 UNITS = 82
PARKING PROVIDED:
3 PER UNIT X 41 UNITS = 123
[1 IN GARAGE, 2 IN DRIVEWAY]
7 VISITOR SPACES AT OPEN SPACE = 7
130 TOTAL VEHICULAR PARKING
- PROPOSED UNIT FOOTPRINTS:
UNITS 1-41 20' WIDE X 40' DEEP

PROPOSED ZONING CONDITIONS (R-MF-CU)

- PROPOSED MODIFICATIONS TO MINIMUM BUILDING SETBACKS AS FOLLOWS TO ALLOW FOR TYPICAL TOWNHOME PRODUCT IN THE R-MF ZONING DISTRICT:
a. 20 FOOT LOT WIDTH
b. 20 FOOT INTERNAL FRONT BUILDING SETBACK
c. 0 OR 6 FOOT INTERNAL SIDE BUILDING SETBACK
d. 12 FOOT INTERNAL BUILDING SEPARATION
- DEVELOPER SHALL INSTALL A 5 FOOT WIDE CONCRETE SIDEWALK ALONG THE PROJECT FRONTAGE OF HANOVER ROAD AND JEFFREYS STREET.
- DEVELOPER SHALL PROVIDE ACTIVE OPEN SPACE NEAR THE HANOVER ROAD CONNECTION WITH A MINIMUM AREA OF 11,000 SF. POTENTIAL AMENITIES INCLUDE A PLAY LAWN, PICNIC TABLES, BENCHES AND ENHANCED LANDSCAPING.
- APPROVAL IS CONTINGENT UPON A VALID SEWER CONNECTION APPROVED BY THE CITY OF GRAHAM TECHNICAL REVIEW COMMITTEE.
- DEVELOPER SHALL INSTALL A 6' TALL OPAQUE VINYL FENCE ALONG THE SHARED PROPERTY LINES OF THE ADJOINING TEER, HOLMES, STALLINGS, & MURPHY/MOODY PROPERTIES.
- DEVELOPER PROPOSES A 25' WIDE TYPE C PLANTING YARD ALONG ADJOINING PROPERTIES.
- DEVELOPER PROPOSES A 25' WIDE STREET YARD ALONG ADJOINING STREETS.

ALTERNATE SEWER CONNECTION NOTE:

GRAVITY SEWER CONNECTION TO CITY SEWER TO EAST OF PROJECT MAY BE EVALUATED BY DEVELOPER. LINE TO EAST HAS INSUFFICIENT CAPACITY FOR THIS PROJECT. IMPROVEMENTS DOWNSTREAM ESTABLISHING AVAILABLE CAPACITY ARE REQUIRED PRIOR TO APPLICATION OF A SANITARY SEWER PERMIT BEGIN SUBMITTED.

SEWER CONNECTION NOTE:

OFFSITE SEWER CONNECTION IS FEASIBLE BUT REQUIRES OFFSITE SEWER EASEMENT ACQUISITION AT DEVELOPERS EXPENSE. SEWER CONNECTION IS SUBJECT TO AVAILABILITY OF CAPACITY.

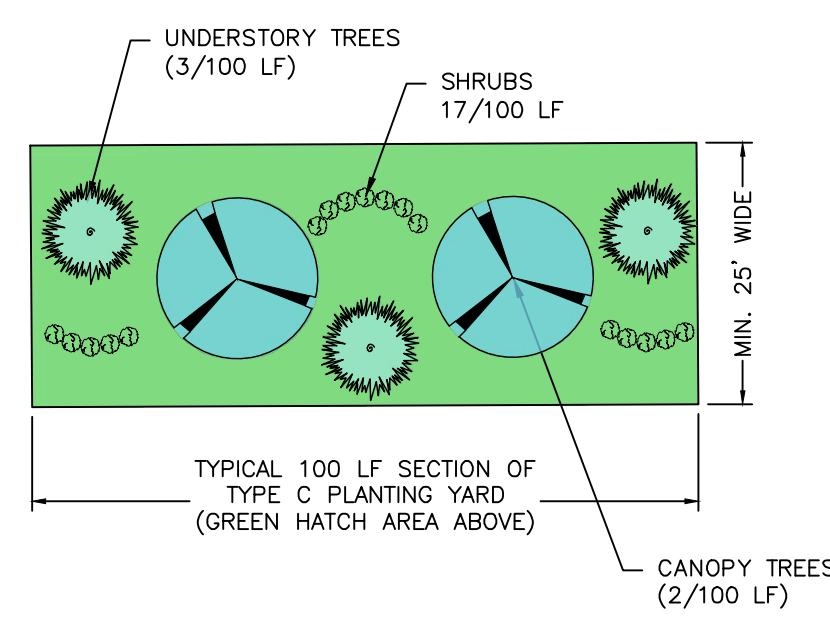
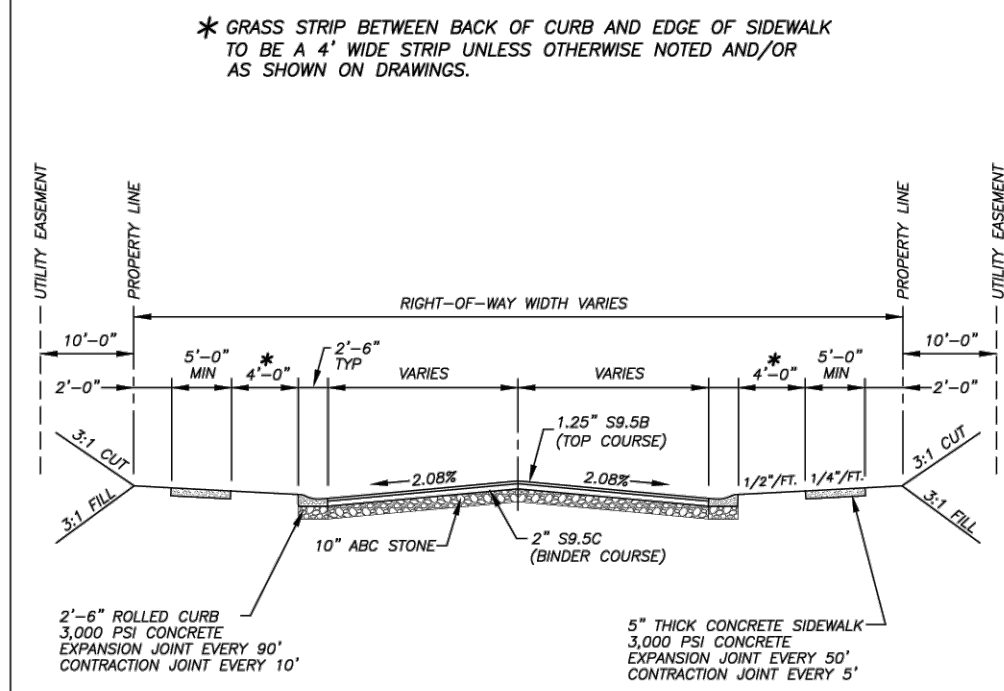


TABLE 10.274a
PLANTING YARD RATE CHART

Yard Type	Planting Yard Rates					
	Minimum Width (ft.)	Min. Avg. Width (ft.)	Maximum Width (ft.)	Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Street Yard	8	8	25	2/100 lf ^a	NC ^c	17/100 lf
Type A Yard	40 ^a	50 ^a	75	4/100 lf/oc	10/100 lf/oc	33/100 lf/oc
Type B Yard	25 ^a	30 ^a	50	3/100 lf	5/100 lf	25/100 lf
Type C Yard	15 ^a	20 ^a	40	2/100 lf ^b	3/100 lf	17/100 lf
Type D Yard	5	5	10	-	2/100 lf	18/100 lf
Parking Lot	NA	NA	NA	1/12 parking spaces ^b	NC ^c	NA

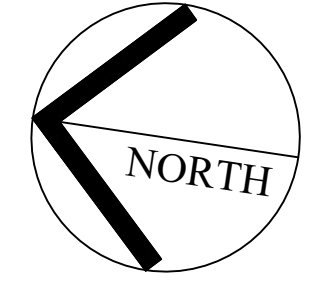
PLANTING YARD NOTE: 25' TYPE C PLANTING YARD IS PROPOSED THROUGHOUT THIS PROPERTY. PLANTINGS PROPOSED AT THE RATE LISTED IN TABLE 10.274a WILL INCLUDE OAKS, MAPLES, PINES, REDBUDS, HOLLIES AND ABELIAS.



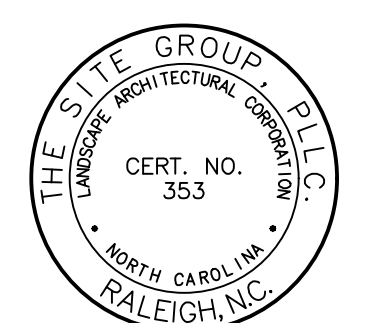
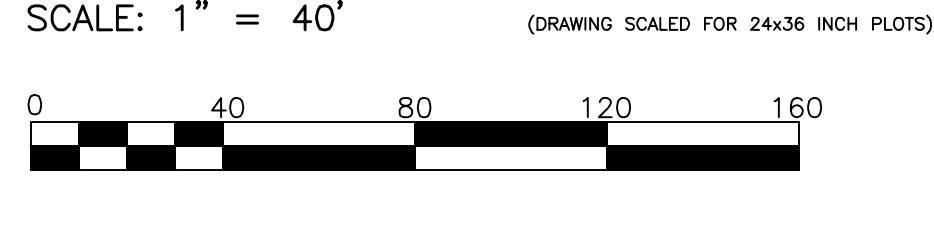
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 - ALL WORK SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS.
 - TOP COURSE TO BE PLACED WITHIN 12 MONTHS OF ASPHALT BINDER COURSE.
 - ALL ROADWAYS SHALL BE PROOFROLLED PRIOR TO PLACEMENT OF ABC STONE, BINDER COURSE AND TOP COURSE. ALL DEFECTS IN SUBGRADE AND/OR PAVEMENT SHALL BE REPAIRED.

CITY OF GRAHAM		ST-1
RESIDENTIAL STREET SECTION		REV.
DWG NO.	11/1/2020	
DETAILS/REVISED		

DEVELOPER
CITIZEN PROPERTIES, LLC
BRENNAN & DAVID WYATT
4030 WAKE FOREST RD. SUITE 100
RALEIGH, NC 27609
EMAIL: brennan@citizenproperties.com
PHONE: 336-380-2487



REZONING EXHIBIT



PRELIMINARY
NOT FOR CONSTRUCTION



PRELIMINARY
NOT FOR CONSTRUCTION

THE SITE GROUP
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
THE SITE GROUP, PLLC
1111 Olden Rd.
Raleigh, NC 27605-1136 USA
Office: 919.835.4787
Fax: 919.839.2255
E Mail: SRN@thesitegroup.net

PRELIMINARY SUBDIVISION FOR:
HANOVER RD TOWNHOMES
0 JEFFREYS STREET
GRAHAM, NORTH CAROLINA

Drawn By: JHJ
Checked By: SRN

DATE:
08 OCT 2024
REVISED:
01 NOV 2024
18 NOV 2024
20 NOV 2024
26 NOV 2024

PRELIMINARY
SUBDIVISION

REZONING
EXHIBIT

Job Code: SCHRG

Dwg No.
EX 1.0

Graham Zoning



City of Graham

Legend

- Streets
- Tax Parcels (unofficial)
- Future Land Use**
 - Downtown District
 - Mixed Use Commercial
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 - Mixed Use Residential
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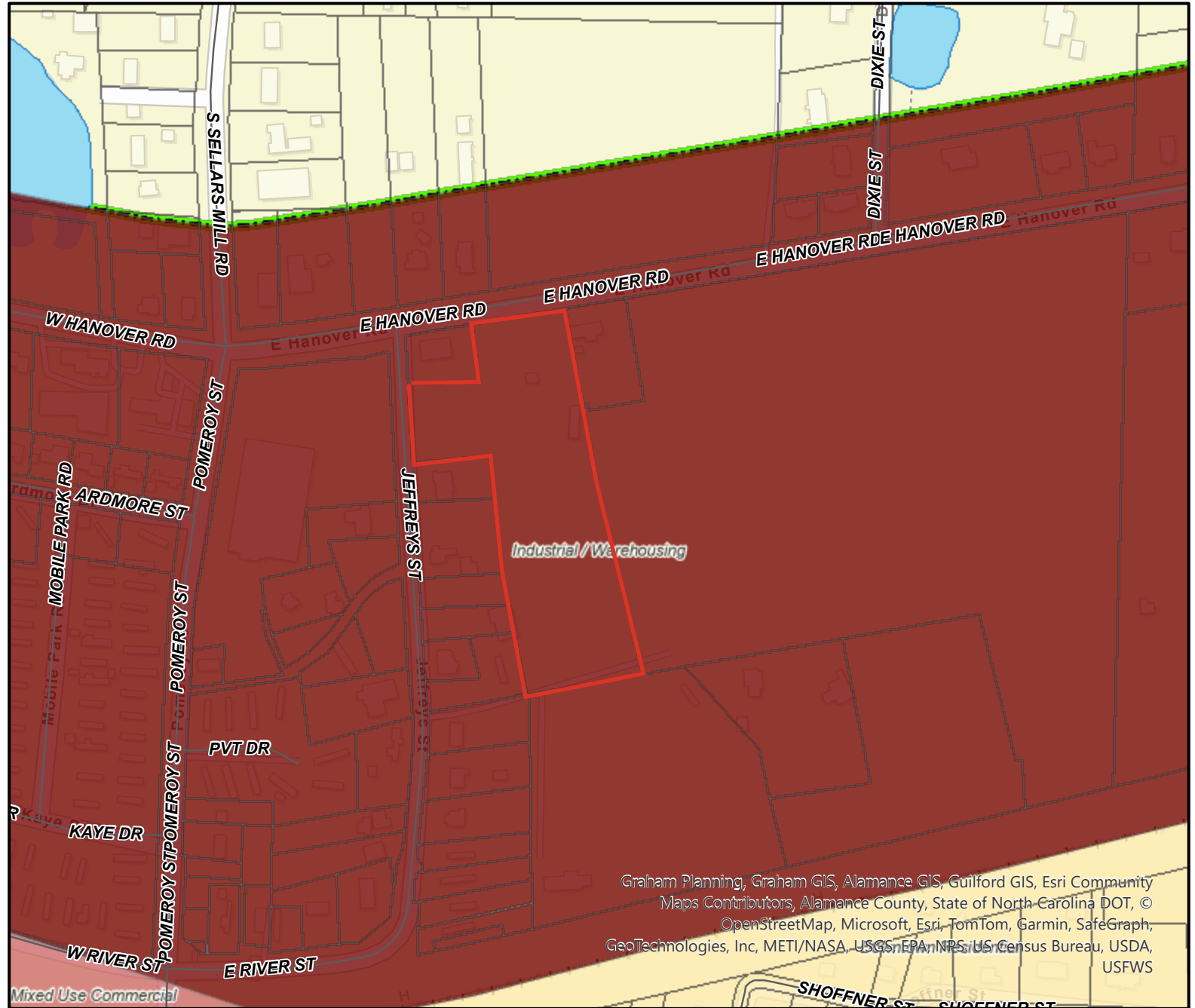
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- ✠ Cemetery
- 🎓 Education/School
- 🚒 Fire Station



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Print Date: 10/8/2024



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STAFF REPORT

SUBJECT:	BOARDING HOUSE TEXT AMENDMENT
PREPARED BY:	CAMERON WEST, PLANNER

REQUESTED ACTION:

Amend Development Ordinance to add language to the Development Ordinance to define and create a use type for Boarding Houses.

BACKGROUND/SUMMARY:

City Council has tasked staff with defining and creating use types for Boarding Houses inside the City of Graham Development Ordinance. This new amendment would now permit Boarding Houses to operate inside of the City Limits via an approved special use permit only in the R-G, R-7, & R-9 Zoning Districts. Additional notes were created for the special use permit approval that would require further regulation of the potential Boarding House use. Planning Board recommended denial of the text amendment of a vote of 6-0. This denial stemmed from the legal uncertainty of regulating and enforcement of supposed boarding houses in violation of the proposed ordinance change and how it may impact the City in future litigation.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to Article 2, Section 10.16, Article 4, Section 10.135, and Article 4, Section 10.149 to add language to the Development Ordinance to define and create a use type for Boarding Houses.

Boarding House - A residential establishment which accommodates single-room occupancies of unrelated individuals for compensation. Guests are expected to stay on a long-term basis, at least 90 days consecutively, as these establishments cater to people who need temporary or semi-permanent accommodation. Guests may have access to a number of communal services including but not limited to: a kitchen, housekeeping, meals, and laundry services. *This does not include hotels, motels, bed and breakfasts, and short-term rentals.*

Boutique Shop— Retail establishments with fewer than 3,500 square feet of gross floor area that specialize in one type or line of merchandise not otherwise listed in the Table of Permitted Uses. Such stores include, but are not limited to retail sales of clothing, shoes and accessories, music, art supplies including framing, bicycles, small electronics, books, stationary, collectables, consumer goods, art or craft objects, gifts, and musical instruments. Boutique Shops may also sell a specialized type or category of foods, gourmet/imported food stores, bakeries, cafes, specialty non-drive through restaurants, delicatessens, and organic food and beverage stores.

Buffer - (Along a stream or other body of water) An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not form a channel and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building - Any structure enclosed and isolated by exterior walls or columns constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, manufactured homes, freestanding billboards and signs, fences, and similar structures whether stationary or movable. The term "building" shall be construed as if followed by the words "or parts thereof."

Building, height of - The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building line - A line that establishes the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot.

Comprehensive Plan— A Comprehensive Plan is not a law, rather the Plan overviews the City's policies, goals, and plans. A Comprehensive Plan consolidates a vast amount of information into a single document that can be understood and used as a guide for making decisions for developing sustainable, efficient, and prosperous community. The Comprehensive Plan should keep the health, safety, and welfare of all residents and future residents in mind. The plan was created with resident input, and may be expanded and amended with future study area information as needed.

Condominium— Two or more single units in a multi-unit structure with common areas and facilities, on one tract of land. Unit owners own only the interior portions of their unit and accessory space and have an undivided interest in the common areas and facilities. Condominium ownership may be created by initial development or by an owner or the co-owners of a structure by an express declaration of their intention to submit such property to the provisions of the "Unit Ownership Act," of North Carolina (Chapter 47A of the North Carolina General Statutes).

Congregate Care Facility - A facility providing shelter and services for ambulatory individuals at least 55 years of age who by reason of their age, functional impairment, or infirmity may require meals



issuance of the permit whose ownership or employment would have originally prevented issuance of the permit; violation of a zoning, building, or fire prevention ordinance by the permittee.

Use: **Antique and Other Specialty Shops in Structures Designed for Residential Use**

Special Use Districts: **O-I**

General Restrictions

1. No more than two salespersons may be employed on the premises at any given time.
2. No flashing lights or fluttering designed and used to attract attention shall be permitted.
3. No lights shall be so arranged as to direct light into any residence.
4. If the shop is within 100 feet of any dwelling, other than that of the shop operator, the shop shall not operate between the hours of 6:00 p.m. and 9:00 a.m.

Use: **Boarding House**

Special Use Districts: **R-9, R-7, R-G**

General Restrictions

1. No signs permitted advertising the Boarding House on site.
2. Lighting shall be residential in nature
3. One resident per 500 square feet of the home.
4. 1 parking space per bedroom is required, not including on-street parking

Use: **Car Wash**

Special Use Districts: **B-3 District**

General Restrictions

1. No flashing lights or fluttering devices designed and used to attract attention shall be permitted.
2. No outdoor storage of any equipment, merchandise, or rubbish shall be permitted.
3. All floodlights shall be turned off at the close of business or at 11:06 p.m., whichever is earlier.
4. No lights shall be so arranged as to direct or reflect light into any residence.
5. No curb cut shall be less than 25 feet from the intersection of any two street curb lines. Curb cuts shall not be wider than 25 feet. No more than two curb cuts shall be permitted on each abutting street.



Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
Vehicle Towing Services, See Note 3												X		C	X	X	C			4
Bank, Savings and Loan, Credit Union, similar financial institutions									X	C	X	X	X	C	X	X	C	C	C	2
Banquet Hall						C			X	C		X	X	C	X		C	C	C	3
Bars (as principal use), See Note 4												X	X	C			C	C	C	3
Barber Shop, Beauty Shop, Nail Salon											X	X	X	C	X		C	C	C	3
Batting Cages, Outdoor, See Note 5															X	X	C			4
Bed and Breakfast (tourist home)	S	S	S	X	X	C	X	X	X	C	X	X	X	C				C	C	2
Boarding House				S	S			S												
Billiard Halls, Bingo Games, Bowling Alleys, other public amusement establishments												X	X	C	X		C		C	3
Shops or Bulk Sales (with storage yard), See Note 6															X	X	C			4
Distribution Center															X	X	C			3
Bus station												S		C						3
Cabinet, woodworking and upholstery shops												X		C	X	X	C		C	3
Campgrounds, commercial												S			S	S	C			4
Car Wash, including Self Service, See Note 7											S	X	X	C	X	X	C		C	4
Cellular or Digital Communication Tower															S	S	C			5
Cemetery or Mausoleum. See Note 8	S							S				S		C	S	S	C			2
Religious Services	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X		C	C	C	2
Communication or Broadcasting Facility, without Tower											X	X	X	C	X	X	C		C	3
Community Centers, not including gymnasiums or stadiums	S	S	S	S	S	C	S	S	S	C	S	S	S	C	S	S	C	C	C	3
Contractors Offices, no outdoor storage									X		X	X	X	C	X	X	C		C	3
Convenience Store (with gasoline pumps >15' from property line)											X	X		C	X	X	C	C	C	3
Convenience Store (without gasoline pumps)									X		X	X	X	C	X	X	C	C	C	3
Data processing facilities (see Section 10.291)																	C			5



Boarding House - A residential establishment which accommodates single-room occupancies of unrelated individuals for compensation. Guests are expected to stay on a long-term basis, at least 90 days consecutively, as these establishments cater to people who need temporary or semi-permanent accommodation. Guests may have access to a number of communal services including but not limited to: a kitchen, housekeeping, meals, and laundry services. *This does not include hotels, motels, bed and breakfasts, and short-term rentals.*

Boutique Shop— Retail establishments with fewer than 3,500 square feet of gross floor area that specialize in one type or line of merchandise not otherwise listed in the Table of Permitted Uses. Such stores include, but are not limited to retail sales of clothing, shoes and accessories, music, art supplies including framing, bicycles, small electronics, books, stationary, collectables, consumer goods, art or craft objects, gifts, and musical instruments. Boutique Shops may also sell a specialized type or category of foods, gourmet/imported food stores, bakeries, cafes, specialty non-drive through restaurants, delicatessens, and organic food and beverage stores.

Buffer - (Along a stream or other body of water) An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not form a channel and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building - Any structure enclosed and isolated by exterior walls or columns constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, manufactured homes, freestanding billboards and signs, fences, and similar structures whether stationary or movable. The term "building" shall be construed as if followed by the words "or parts thereof."

Building, height of - The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building line - A line that establishes the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot.

Comprehensive Plan— A Comprehensive Plan is not a law, rather the Plan overviews the City's policies, goals, and plans. A Comprehensive Plan consolidates a vast amount of information into a single document that can be understood and used as a guide for making decisions for developing sustainable, efficient, and prosperous community. The Comprehensive Plan should keep the health, safety, and welfare of all residents and future residents in mind. The plan was created with resident input, and may be expanded and amended with future study area information as needed.

Condominium— Two or more single units in a multi-unit structure with common areas and facilities, on one tract of land. Unit owners own only the interior portions of their unit and accessory space and have an undivided interest in the common areas and facilities. Condominium ownership may be created by initial development or by an owner or the co-owners of a structure by an express declaration of their intention to submit such property to the provisions of the "Unit Ownership Act," of North Carolina (Chapter 47A of the North Carolina General Statutes).

Congregate Care Facility - A facility providing shelter and services for ambulatory individuals at least 55 years of age who by reason of their age, functional impairment, or infirmity may require meals



issuance of the permit whose ownership or employment would have originally prevented issuance of the permit; violation of a zoning, building, or fire prevention ordinance by the permittee.

Use: **Antique and Other Specialty Shops in Structures Designed for Residential Use**

Special Use Districts: **O-I**

General Restrictions

1. No more than two salespersons may be employed on the premises at any given time.
2. No flashing lights or fluttering designed and used to attract attention shall be permitted.
3. No lights shall be so arranged as to direct light into any residence.
4. If the shop is within 100 feet of any dwelling, other than that of the shop operator, the shop shall not operate between the hours of 6:00 p.m. and 9:00 a.m.

Use: **Boarding House**

Special Use Districts: **R-9, R-7, R-G**

General Restrictions

1. No signs permitted advertising the Boarding House on site.
2. Lighting shall be residential in nature
3. One resident per 500 square feet of the home.
4. 1 parking space per bedroom is required, not including on-street parking

Use: **Car Wash**

Special Use Districts: **B-3 District**

General Restrictions

1. No flashing lights or fluttering devices designed and used to attract attention shall be permitted.
2. No outdoor storage of any equipment, merchandise, or rubbish shall be permitted.
3. All floodlights shall be turned off at the close of business or at 11:06 p.m., whichever is earlier.
4. No lights shall be so arranged as to direct or reflect light into any residence.
5. No curb cut shall be less than 25 feet from the intersection of any two street curb lines. Curb cuts shall not be wider than 25 feet. No more than two curb cuts shall be permitted on each abutting street.



Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
Vehicle Towing Services, See Note 3												X		C	X	X	C			4
Bank, Savings and Loan, Credit Union, similar financial institutions									X	C	X	X	X	C	X	X	C	C	C	2
Banquet Hall						C			X	C		X	X	C	X		C	C	C	3
Bars (as principal use), See Note 4												X	X	C			C	C	C	3
Barber Shop, Beauty Shop, Nail Salon											X	X	X	C	X		C	C	C	3
Batting Cages, Outdoor, See Note 5															X	X	C			4
Bed and Breakfast (tourist home)	S	S	S	X	X	C	X	X	X	C	X	X	X	C				C	C	2
Boarding House				S	S			S												
Billiard Halls, Bingo Games, Bowling Alleys, other public amusement establishments												X	X	C	X		C		C	3
Shops or Bulk Sales (with storage yard), See Note 6															X	X	C			4
Distribution Center															X	X	C			3
Bus station												S		C						3
Cabinet, woodworking and upholstery shops												X		C	X	X	C		C	3
Campgrounds, commercial												S			S	S	C			4
Car Wash, including Self Service, See Note 7											S	X	X	C	X	X	C		C	4
Cellular or Digital Communication Tower															S	S	C			5
Cemetery or Mausoleum. See Note 8	S							S				S		C	S	S	C			2
Religious Services	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X		C	C	C	2
Communication or Broadcasting Facility, without Tower											X	X	X	C	X	X	C		C	3
Community Centers, not including gymnasiums or stadiums	S	S	S	S	S	C	S	S	S	C	S	S	S	C	S	S	C	C	C	3
Contractors Offices, no outdoor storage									X		X	X	X	C	X	X	C		C	3
Convenience Store (with gasoline pumps >15' from property line)											X	X		C	X	X	C	C	C	3
Convenience Store (without gasoline pumps)									X		X	X	X	C	X	X	C	C	C	3
Data processing facilities (see Section 10.291)																	C			5



STAFF REPORT

SUBJECT:	SHORT TERM RENTALS TEXT AMENDMENT
PREPARED BY:	CAMERON WEST, PLANNER

REQUESTED ACTION:

Amend Development Ordinance to add language to the Development Ordinance to define and create a use type for Short Term Rentals.

BACKGROUND/SUMMARY:

City Council has tasked staff with defining and creating use types for Short Term Rentals inside the City of Graham Development Ordinance. This new amendment would now permit Short Term Rentals to operate inside of the City Limits as an approved use by right in the R-G, R-7, R-9, R-12, B-1, & B-2 Zoning Districts. Additional notes were created for the permitted that would require further regulation of the potential Short Term Rental use that would be approved by staff upon application. Planning Board recommended approval of the text amendment of a vote of 4-2. The discussion of number of occupants per bedroom was a concern for a member of the opposition.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to Article 2, Section 10.16, Article 4, Section 10.135, and Article 4, Section 10.136 to add language to the Development Ordinance to define and create a use type for Boarding Houses.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Short-Term Rental - A furnished dwelling that is rented as a whole for periods of less than 30 days consecutively for compensation. These should be rented for traveling activities including, but not limited to: vacation, leisure, recreational, or employment. *This does not include hotels, motels, boarding homes, or bed and breakfasts.*

Sign - A sign is any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used to attract attention.

Site-specific Development Plan - A plan of land development submitted for approval by the City council for the purpose of obtaining a vested right pursuant to NCGS 160D-102 and 160D-108.

Solar Farm – A utility-scale commercial solar energy system, the full size of which (including all equipment, accessory buildings, and planting yards) is one acre or more. Solar Farm site plans shall require the approval of the TRC. *(Added 2/2/2016)*

Special Use Permit - A special use permit may be granted by the City council or Board of adjustment for a specified land use which is permitted in a given zoning district under ordinance provisions which authorize the use when the Board makes specified findings. Special use features introduce flexibility into the zoning ordinance so that uses that might otherwise be unsuitable in a district can be made satisfactory to the neighbors.

Stormwater Control Measure (SCM or BMP) – A permeant structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration or mimic the natural hydrologic cycle by promoting infiltration, evapo-transportation, post-filtration discharge, reuse of stormwater, or a combination thereof.

Stormwater Runoff - The direct runoff of water resulting from precipitation in any form.

Stream - A water course that collects surface runoff.

Stealth - The technology of, or the structure containing telecommunications or telephone communications antennae in a structure or building so that the antennae are disguised to look like something else. Examples include steeples, bell and clock towers, silos, pine trees, office buildings and others.

Street - A public thoroughfare which affords the principal means of access to abutting property.



23. **Group Care Facilities and Group Homes, Development Standards** – Off-street parking, as required by Section 10.240, shall be located to the side and/or rear of the building. Group Care Facilities and Group Homes should be located in areas where employment, goods and services can readily be reached by a variety of means of transportation. Access to transit, a sidewalk network and/or close proximity to employment, goods, and services are encouraged for approval of a special use permit unless the applicant can satisfactorily demonstrate that the intended residents of the group home or facility do not require this service. For halfway houses, there shall be on-site supervision at all times by persons employed by or volunteers trained by the agency operating the halfway house. Rules of conduct shall be established and enforced by the agency operating a halfway house. These rules shall prohibit the use or possession of drugs, alcohol or weapons, as well as disorderly conduct. *(Section 10.136(23) added 1/8/2013)*
24. **Solar Farms** – Power inverters and other sound producing equipment shall be no less than 150' from any property line. All solar farms shall be enclosed with a minimum of six feet high security fencing. Solar farms shall be constructed with at least a Type C planting yard, and shall abide by higher requirements when applicable. The height of no panel can exceed fifteen feet. A setback of 100 feet is required for any installation adjacent to a residential use or a residentially zoned parcel. Prior to final approval of the electrical permit, a Decommissioning Plan (see definitions) shall be submitted to the City. *(added 2/2/2016)*
25. **Short-Term Rentals** – A Zoning Permit is required to operate the use. No signage advertising the use is permitted on site. All exterior lighting shall be residential in nature. 1 parking space per bedroom is required, not including on-street parking. Overnight occupancy will not exceed two-persons per bedroom.

DIVISION 7. SPECIAL USES

Section 10.137 Purpose of special use regulations

Permitting special uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedure, property uses that would otherwise be undesirable in certain districts can be developed to minimize any undesirable effects they may have on surrounding properties.

Section 10.138 Special uses shown in Table of Permitted Uses

Each use for which a special use permit is required is indicated in the Table of Permitted Uses, by an "S" in the column for a particular zoning district. The "S" indicates that such use may be placed in that zoning district only after a special use permit has been approved by the City council and issued by the zoning enforcement officer.

Section 10.139 Application for a Special Use Permit

Applicants for a special use permit are advised to confer with the Planner before formal application for a permit in order to ascertain what information must accompany the formal application. Applications for special use permits shall be submitted to the Planner. Depending on the character and size of the



Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
School, commercial, vocational									S	C	S	X	X	C	X	X	C	C	C	1
School, music, art, martial arts, or dancing											X	X	X	C	X		C	C	C	1
Septic Tank Installation and Servicing Businesses															X	X	C			3
Sexually Oriented Business												S			S					5
Shooting Range, Indoor															X	X	C			3
Shooting Range, Outdoor																S				4
Short-Term Rental			X	X	X			X				X	X							
Solar Farm (See Note 24)						C				C				C	X	X	C	C	C	2
Stable, including riding facilities	S														S	S	C			1
Storage Yard, See Note 13															X	X	C			5
Tanning Salon									X	C		X	X	C				C	C	3
Tattoo Business												X			X	X				3
Taxidermist												X		C	X		C		C	3
Temporary Construction or Real Estate Office, Storage Facilities – use to be terminated upon completion of construction	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	X	C	C	C	n/a
Theater (indoor)												X	X	C	X		C	C	C	3
Tire Recapping and Retreading (principal use)															X	X	C			3
Tire Sales												X		C	X		C		C	3
Towers, Radio, Television, Cellular and Digital Communication															S	S	C			5
Truck and Utility Trailer Rental and Leasing												X		C	X	X	C			4
Trucking or Freight Terminal, Storage, Repair, Wash, or Stop															S	S	C			4
Unattended facilities for public utilities, See Note 16	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	X	C	C	C	2
Utility building sales, sales of storage sheds and trailers												X			X	X	C			
Unified Business Development, Heavy									S	C		S	S	C	S		C	C	C	3



- c) [REDACTED]
- d) [REDACTED]
- e) [REDACTED]
- f) [REDACTED]
- g) [REDACTED]

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School, commercial, vocational									S	C	S	X	X	C	X	X	C	C	C	1
School, music, art, martial arts, or dancing											X	X	X	C	X		C	C	C	1
Septic Tank Installation and Servicing Businesses															X	X	C			3
Sexually Oriented Business												S			S					5
Shooting Range, Indoor															X	X	C			3
Shooting Range, Outdoor																S				4
Short-Term Rental			X	X	X			X				X	X							
Solar Farm (See Note 24)						C				C				C	X	X	C	C	C	2
Stable, including riding facilities	S														S	S	C			1
Storage Yard, See Note 13															X	X	C			5
Tanning Salon									X	C		X	X	C				C	C	3
Tattoo Business												X			X	X				3
Taxidermist												X		C	X		C		C	3
Temporary Construction or Real Estate Office, Storage Facilities – use to be terminated upon completion of construction	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	X	C	C	C	n/a
Theater (indoor)												X	X	C	X		C	C	C	3
Tire Recapping and Retreading (principal use)															X	X	C			3
Tire Sales												X		C	X		C		C	3
Towers, Radio, Television, Cellular and Digital Communication															S	S	C			5
Truck and Utility Trailer Rental and Leasing												X		C	X	X	C			4
Trucking or Freight Terminal, Storage, Repair, Wash, or Stop															S	S	C			4
Unattended facilities for public utilities, See Note 16	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	X	C	C	C	2
Utility building sales, sales of storage sheds and trailers												X			X	X	C			
Unified Business Development, Heavy									S	C		S	S	C	S		C	C	C	3



STAFF REPORT

SUBJECT:	2024 PEDESTRIAN PLAN UPDATE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve City of Graham Pedestrian Plan Update.

BACKGROUND/SUMMARY:

With the approval to proceed by City Council in 2023, the City of Graham and the NCDOT Integrated Mobility Division (IMD) proceeded with an update to the existing Graham Pedestrian Plan. The current plan was adopted in 2006 with several areas needing to be revised due to the growth of the city in areas not currently highlighted in the existing plan. With consideration to the steering committee and public engagement input, recommendations were carefully integrated into the plan. Recommendations include prioritized implementation and funding strategies supporting near-term (within five years) to long-range projects, facility standards, and a cohesive vision to improve safety, comfort, and promote economic development.



In addition to supporting multimodal, Complete Streets, and community goals, the plan also looks to comply with IMD Bicycle and Pedestrian Planning Grant Initiative. The plan focuses on potential improvements, with special focus on safe crossings and connecting the City's new growth with pedestrian and multi-use path facilities.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. Having an updated plan will better position the City to pursue funding opportunities for projects.

SUGGESTED MOTION(S):

I move we approve the City of Graham 2024 Pedestrian Plan Update.



Executive Summary

This executive summary provides a brief overview of the City of Graham Pedestrian Plan and key recommendations.

About This Plan

The City of Graham Pedestrian Plan (“the Plan”) provides guidance for the City, North Carolina Department of Transportation (NCDOT), Alamance County, Burlington-Graham Metropolitan Planning Organization (BGMPO), and other stakeholders in developing improvements to the City of Graham pedestrian infrastructure, programs, and policies.

The Plan was developed through extensive public outreach, review of existing conditions, coordination with a dedicated Steering Committee, and consideration of the City’s vision and goals. Graham seeks to become a more pedestrian friendly City that encourages the choice to walk, advance the community’s mobility and quality of life, and improve pedestrian connectivity to key destinations for residents and visitors of all ages and abilities. During the planning process, Graham residents and stakeholders voiced their concerns and hopes for walking throughout the City and to other destinations in Alamance County.

The Plan is primarily focused on infrastructure improvements in support of walking, improving crossings at roadways, and building out and connecting to a regional greenway network. The benefits of walking and recommended policies and programs to support active transportation are reviewed as part of the Plan appendices.

Priority Recommendations (Top Eight Combined Projects)

The Plan identified a total of eight priority project bundles (made up of 30 individual projects – including 13 linear pedestrian projects and 17 intersection-related projects) to improve walking in Graham. These projects were selected through a process that began with identifying the City’s vision and goals, mapping priority and secondary corridors, and creating projects to match the City’s mobility and safety needs. Finally, all recommended projects were ranked according to criteria developed with the City and Steering Committee that prioritized connections to key destinations, extending the existing pedestrian network, safety, equitable pedestrian access, recreation, and cost effectiveness. The top 8 projects are as described in Table I-1 and illustrated in the map in Figure I-1.



City of Graham
201 S Main Street
Graham, NC 27253
Phone (336) 570-6700
www.cityofgraham.com

APPLICATION FOR ORDINANCE TEXT AMENDMENT

This application shall be submitted for all City of Graham Code of Ordinances text amendments. Incomplete applications or inaccurate information will delay or prevent processing and review. The application must be submitted in accordance with the adopted submittal schedule.

Petitioner Name: Crystal Ramsey

Address: 720 W Harden St.

City: Graham **State:** NC **Zip:** 27253

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Section Number of City Code of Ordinances to be Amended: 4-5 (b)

Ordinance Change Requested, Including Exact Language Proposed:

We are seeking an exemption for our property to change the ordinance from: Domesticated pot-belly pigs shall be allowed within the corporate limits of the city, and shall be limited to one per lot.

To: Domesticated pot-belly pigs shall be allowed within the corporate limits of the city, and shall be limited to two per lot permitting the pot-belly pigs are on over 2 acres of land.

Please provide a statement regarding the changing conditions in the area or City generally, if any, that make the proposed amendment reasonably necessary to promote the public health, safety and general welfare. Provide any additional justification necessary to warrant the ordinance text amendment:

Please see attached documentation.

Petitioner Signature:  **Date:** 12/2/2024

Our property is over 4 acres but is in corporate limits. We are currently attempting to manage the insurmountable, invasive plant species on our property including English ivy, tree of heaven, privet, autumn olive, poison ivy, sumac, and poison oak. This species cannot be managed simply by cutting them down because they are so prolific. Because our trees are dying from the invasive plants, we consulted with the local forestry department who inspected our property, and recommended using strong herbicides, which would be problematic to local wildlife and water sources and would cause non-target damage to native plants in the area.

We would like permission to have two pot-bellied pigs to assist in uprooting the invasive plants and improve soil quality in a sustainable, eco-friendly way. We would provide vet records, have two pigs of the same sex or a female and a barrow (fixed male), and provide evidence of shelter and fencing. We would utilize portable electric, Premier 1 fencing to keep the pot belly pigs well within our property limits.

All pigs are herd animals, and they need another pig to be happy, so it would be unkind for us to adopt only 1 pot-belly pig. Pigs develop depression if they are kept as a single pig which leads to aggression towards people and other animals if they are kept without others of their kind. This can be found by searching "Single Pig Syndrome". Over 90% of all pet pigs are surrendered, taken to shelters, or abandoned at some time in their lives after showing aggression to their people due to loneliness, once among their kind this behavior stops. There is such an overpopulation of unwanted pigs due to them not getting the situation they need. I consulted with several local rescues, including Blind Spot Animal Sanctuary who will not adopt only 1 pot-belly pig for this reason. They affirmed that one pig will not be content with other herd animals, such as goats.

We currently have 5 wethered Nigerian Dwarf goats to assist in managing the ivy. While this has helped eat some of the ivy off our trees, it does not kill the ivy, allowing it to return and preventing the growth of native trees that are smothered by the ground cover. If we first allow the goats to eat the ivy and then have pigs root up the vines on the ground, it would be more effective in irradiating the ivy vs. the current method which is merely pruning the ivy. Additionally, if we cut down the invasive trees and allow the pigs to root the ground, it will more effectively kill the plant, preventing resprouting.

We appreciate the ordinance to avoid oppressive smells and sanitary concerns in the city limits but were hoping for an exception due to our land being over 4 acres and the pigs predominantly being in the wooded areas of our property.