

City of Graham

City Council Meeting Agenda

January 14, 2025



The City Council of the City of Graham held a regularly scheduled meeting on January 14, 2025, at 6:00 p.m. in the Council Chamber, City Hall Municipal Building, 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 - *Absent*
Renee Ward, City Clerk

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE – Mayor Talley gave the invocation, and all stood for the Pledge of Allegiance.

PRESENTATIONS:

- 9/11 Commemorative 5K Event check presentation – Children of Fallen Heroes
- 9/11 Commemorative 5K Event First Responders Team Cup – Graham Fire Department



Graham Fire Fighters win the First Responders Team Cup



Check presentation to Ken Wasley – Children of Fallen Heroes

CONSENT AGENDA:

- A. To approve the December 10, 2024, City Council Meeting and December 16, 2024, Special Meeting minutes.

- B.** To approve a request for the ACC Reinhartsen 5K run/walk event, which will occur beyond campus on March 15, 2025, from 7:00 a.m. to 10:30 a.m., and to close a small portion of Jimmie Kerr Road (pending NCDOT approval).
- C.** To approve a budget amendment in the amount of \$25,000 in Federal Drug Forfeiture Revenue to the Federal account balance 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)
Federal Drug Fund Balance	50,000.00	75,000.00	25,000.00		25,000.00
	50,000.00	75,000.00	25,000.00	-	25,000.00
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS					
EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Funds	\$50,000.00	\$75,000.00	25,000.00		25,000.00
	50,000.00	75,000.00	25,000.00	-	25,000.00
Adopted this 14th day of January 2025.					

- D.** To approve a budget amendment in the amount of \$103,607 for additional Powell Bill funds.

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)
Streets - Surfacing	600,000.00	703,607.00	103,607.00		103,607.00
	600,000.00	703,607.00	103,607.00	-	103,607.00
Section 2.					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Powell Bill	\$551,000.00	\$654,607.00	103,607.00		103,607.00
	551,000.00	654,607.00	103,607.00	-	103,607.00
Adopted this 14th day of January 2025.					

- E.** To approve a budget amendment in the amount of \$17,279 in insurance proceeds revenue due to pump damages and to increase the Wastewater Capital Outlay Equipment budget by \$17,279.

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					INCREASE
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Wastewater - Capital Outlay Equipment	45,000.00	62,279.00	17,279.00		17,279.00
	45,000.00	62,279.00	17,279.00	-	17,279.00
Section 2.					
REVENUES					INCREASE
	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Utilities Fund - Insurance Proceeds	-	17,279.00	17,279.00		17,279.00
	-	17,279.00	17,279.00	-	17,279.00
Adopted this 14th day of January 2025.					

F. To approve tax releases for \$458.04 and tax refunds for \$5,516.49.

CITY OF GRAHAM				
REFUNDS				
JANUARY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
145336	2023	PATEL, HARENDRA J ETAL	BOER ADJUSTED VALUE FOR 2023	\$222.51
147225	2023	JOGI, 2012 LLC (PATEL)	BOER ADJUSTED VALUE FOR 2023	\$5,293.98

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

PUBLIC HEARINGS:

ITEM 1: REZONING – 6.27 ACRES – Off IVEY ROAD AND EAST GILBREATH STREET

A public hearing was scheduled to consider rezoning 6.27 acres of property from R-18, Low-Density Residential, to C-R, Conditional Residential, to construct 29 townhomes off Ivey Road and East Gilbreath Street. (Planning Board Recommended Approval 5-0 with conditions)

Assistant City Manager Aaron Holland shared the following staff report:

This was a request to rezone 6.27 acres of property from R-18 (Low-Density Residential) to C-R (Conditional Residential) to construct 29 townhomes. The site plans to have private roadways and connect to water and sewer through the existing utilities surrounding the property. The property is fully inside of the Suburban Residential future land use zone. The future land use plan mentions that the principal uses in this zone are predominantly detached single-family homes and that new neighborhoods may include a range of duplexes, townhomes, and small-scale multi-family dwellings of twelve units or less. The development falls in around

4.62 dwelling units per acre, which meets the appropriate density in the suburban residential land use zone of 3-6 units per acre. The site plans to have one entrance into the development on Ivey Road, as comments from NCDOT during the TRC review suggested that there should be no driveway connection on the East Gilbreath side due to distance requirements and potential traffic impacts. The applicant requested conditions with the development that can be found on the site plan and the owners' conditions provided in the packet. He shared all aspects of the R-MF zoning district are being met outside these conditions.

He stated that since the development was over five acres, the applicant was required to provide open space within the development, as indicated on the site plan. The Planning Board recommended approval of the project at a vote of 5-0. Along with the recommendation, the Planning Board recommended multiple conditions as well. To accept the updated owners' conditions presented during the meeting, an 8-foot tall, evergreen tree buffer must be required when planting to supplement the Type C buffer required on the southeastern portion of the property. Plantings shall be spaced to 90% opacity to decrease visibility into the development. A berm will be installed in the same southeastern portion to divert water from the neighboring property. Work with the gas company and NCDOT to relocate the driveway further east to provide more space between the Strout driveway. Open space grilling area along the Strout property line to be changed to undisturbed open space, including berm on Ivey Road Street planting, acceptance of alternative turnaround approved by Fire Marshall, SCM to meet pre/post calculations required by ordinance and require streets to be public. He stated the staff recommended that the streets remain private as requested by the petitioner.

Attorney Amanda Hodiern, Partner, Isaacson Sheridan, gave the following presentation for the proposed rezoning of 901 and 905 E Gilbreath Street.



SUMMARY OF REQUEST

- ▶ Property known as 901 and 905 E. Gilbreath Street
- ▶ 6.27 Acres
- ▶ Currently zoned R-18
- ▶ Proposed Zoning is Conditional Residential
 - ▶ Binding site plan included with zoning with specific commitments, restrictions and enhancements
 - ▶ Applicant is agreeable to the conditions recommended by the Planning Board and will be presenting those adjustments here this evening for consideration
 - ▶ Townhomes; limited to 29 Homes

OWNER / DEVELOPER
UNLIMITED RELOAD, LLC
216 WALNUT AVENUE, UNIT B
CHARLOTTE, NC 28208

CHAD MEREEDTH
336-689-4533
QWESTREALESTATE@GMAIL.COM

DESIGN ENGINEER
POB ENGINEERING, PLLC
FRANK CANTRELL, PE
16429 BATTLE DR.
CHARLOTTE, NC 28279
704-564-3824
FRANK@POBENGINEERING.COM

SURVEYOR
CANOY SURVEYING
ADAM R. CANOY
11204 SHONELLE LANE
STEM, NC 27381
984-377-2626
canoysr@gmail.com



Attorney Hodierne shared the following TRC/Planning Board conditions:

- CR = Site Plan Commitment
- Maximum of 29 units
- Guest Parking Provided
- Internal/Frontage Sidewalks
- Intentional Perimeter Buffering
- Privacy Fences
- Active Open Space with Recreation Elements and Intentional Gathering Areas
- On-Site Stormwater Management
- Preserved Area behind SF homes on Ivey Road
- Evergreen buffer requirement on southeastern property line per Planning Board
- Berm along the southeastern property line per Planning Board
- Undisturbed Area adjacent to SF neighbor on Southwest per Planning Board
- Berm utilization in Streetscape Buffer along Ivey Road per Planning Board
- Public Roads per Planning Board – Attorney Hodierne asked that the streets be private.

ADDITIONAL ZONING CONDITIONS

- ▶ 1. Internal Setback shall be permitted as shown on the Preliminary Sketch Plan:
 - ▶ Front 20 ft.
 - ▶ Rear 15 ft.
 - ▶ Side 5 ft.
- ▶ 2. Perimeter Buffers shall be required as shown and detailed on the Preliminary Sketch Plan.
- ▶ 3. No plantings shall be required within the gas easement.
- ▶ 4. Property owner/applicant shall work with the Gas Company and NCDOT to adjust the access drive location as far to the east as possible to provide as much distance as possible from the existing driveway serving the 821 Ivey Road property.
- ▶ (5. The alternative turnaround shown on the Preliminary Sketch Plan shall require Fire Marshall approval.)
- ▶ (6. Stormwater Management shall meet all requirements of the City ordinance.)

- ▶ Future Land Use Plan Designation is Suburban Residential
 - ▶ Compact
 - ▶ Walkable
 - ▶ Diverse
 - ▶ Connected
 - ▶ Proximity for Residents to Meet Daily Needs
 - ▶ Appropriate Density is 3-6 units/acres
- ▶ Meets Policy 5.1.1 for Housing Variety
- ▶ Meets Policy 2.2.1 for Focused Development
- ▶ Meets Policy 4.3.1 for Land Use Patterns
- ▶ Meets Policy 5.2.1 for Diverse Neighborhood

Example of proposed townhomes with an HOA.



Neighborhood Outreach:

- ▶ Letter sent to 21 Neighboring Property Owners
- ▶ Invited all to an informational Zoom Meeting
- ▶ Held additional one on one meetings with interested neighbors
- ▶ Knocked on doors and left information soliciting dialogue

Mayor Talley inquired about the berms and whether they would be constructed before townhomes began, which could help with runoff during construction.

Attorney Hodierne stated that the berm would be created to balance the site at the initial construction step. She shared that as the grading began, the extra dirt would be used to create the berm.

Mayor Talley asked about the requirement to create handicapped parking spaces and why it was needed.

Mr. Frank Cantrell, POD Engineering, 16439 Best Hill Drive, Charlotte, the Civil Engineer for this project, stated that the parking spaces were meant specifically for the mail kiosk and included a handicapped parking space for someone to park and get mail. He added that the City ordinance required this.

Mayor Talley shared concerns about excessive parking on the streets in Riley's Meadow neighborhood and the number of complaints she receives. She asked if the engineer could push the homes back so that two cars could park in the driveway without the cars blocking the sidewalks.

Attorney Hodierne stated it was unfortunate to have a site plan that fully meets the parking requirements and the public street right of way, which was 31 feet with overflow parking. She stated it sounded like they needed to adjust further beyond that very defined goalpost in the ordinance. If you push the units back, you would lose the rear yard and separation to Ivey Road and the parameter yards to the neighbors. She said you could widen the driveway and put cars side by side, but you would lose the front green space. She asked the Council for direction.

Mayor Talley stated the Planning Board had parking concerns and suggested a plan was needed based on people having mini-vans or larger vehicles.

Attorney Hodierne stated they met the standard vehicle allowance of two spaces per home. She again asked for guidance.

Mayor Talley said she did not know who created the ordinance, but she had been a huge proponent of changing the width of the streets to 31 feet.

Mr. Cantrell stated they went to the wider street because of the request of the Fire Department.

Mayor Talley stated she understood the expense, but Riley's Meadow has many parking complaints.

Attorney Hodierne stated, for the record, that the new plan being offered had a 31-foot cross-section of streets.

Mayor Talley thanked Ms. Hodierne for making that change and expressed concern about three-bedroom townhomes with only two parking spaces per home and how the parking could be addressed so it does not look like a parking lot.

Attorney Hodierne shared that the site plan could be adjusted to add more parking spaces to the front, which would be at the expense of either the rear yard or the front lawn and could be brought back for Council consideration.

Mayor Talley commented on the photos taken at Riley's Meadow, which show cars having to park over the sidewalk and every overflow parking space occupied.

Attorney Hoderne stated the engineer could go back and brainstorm the options of eating into those rear yards and some of the perimeter buffer. She stated if the cars are compact, it could potentially get you one car or add more overflow parking in some of the previously designated open spaces. She said another option was to make the driveway wide enough to have cars side by side at the expense of the front lawn.

Council Member Whitaker inquired about the acreage where the townhomes would actually be built.

Mayor Talley stated she measured 3.89 acres.

Council Member Whitaker stated that was high density for that amount of acreage.

Attorney Hoderne stated that the Council would be applying a different density measure than anywhere else in the City.

Mayor Talley stated you are taking open space property that you cannot build on anyway.

Attorney Hoderne stated that was how the ordinance worked, but now they were saying that open space could not be counted, and this development was being held to a completely different standard than anything else in the City.

Mayor Talley stated she was not holding her to a different standard but holding her to the intent of the density, which was three to six dwellings per acre, and that Ms. Hoderne was measuring property that you could not build on.

Attorney Hoderne stated open space was better served as passive open space, and that is why planning ordinances across the country allow open space to be counted towards the density because you still benefit from it. She stated it was called cluster planning, and by putting everything in a more focused area, the neighborhood and the whole region benefit from the open space.

Mayor Talley inquired if the language was changed to be more toward usable space.

Assistant City Manager Holland stated it was changed, and the petitioner met the definition. He noted that any piece of property would have areas you could not build on, such as creeks, streams, topography, etc.

Council Member Chin inquired about the number of bedrooms in each townhome.

Attorney Hoderne stated they would all have three bedrooms.

The public hearing was opened, and the following spoke:

Ms. Linda Jones, 4167 Jones Lane, Graham, owns the industrial property that backs up to the proposed project. She inquired about the runoff pond, whether that would flood her buildings, and how mosquitoes would be controlled because of the retention pond.

Mr. Carson Coe, E. Gilbreath Street, spoke in opposition to the rezoning due to concerns with sewer and water runoff from Ivey Road flooding his yard and parking issues. He stated the condos would block his view of

the sun, the 4-way stop was congested and dangerous, and he worried the project would devalue his property. He asked if a privacy fence would be built between the individual homes.

Mayor Pro Tem Hall stated that the backyard areas would be HOA-maintained property without individual fences.

Mr. Brian King, 818 Ivey Road, spoke in opposition to the rezoning due to concerns with traffic and parking. He inquired about the berm height for privacy. The council answered that it would be 8 feet.

Mr. Tom Boney, Alamance News, inquired about Mayor Talley's parking concerns and why the Council was changing its policy universally. He asked why they were singled out regarding the parking requirements, which have been met per the City's ordinance. He suggested the City reconsider its standards for one-car garage houses and/or townhouses.

Mayor Talley addressed the parking concerns. She stated she was not picking on this development but saw the issues resulting from putting too many houses in a dense area. She reiterated that there was not enough parking.

Mr. Boney asked about the City's policy for on-street parking in these developments.

Mayor Talley stated until it was presented, the Council thought they were proposing 26-foot-wide roads. She said the developer had listened to the people and made several concessions. She shared she liked keeping the natural vegetation and buffering. She said she would like to see additional parking spaces even if they needed to lose townhomes to get that additional parking. She liked that they added berms, keeping the backyards open, but did not like having the required handicapped space at the mail kiosk because it could be used for overflow parking. She also expressed concern about safety in an emergency, with only one way in and one way out.

Mr. Boney noted the staff report stated the project had met the City's requirements.

Assistant City Manager Holland replied that they met the requirements; however, the Council was referring to Riley's Meadow and its parking issues, which the Council wanted to avoid with this development.

Mayor Talley stated she was trying to be consistent in the future and would not put conditions on one particular property and then do something different on another.

Mr. Boney stated that was his underlying question because that was what the discussion sounded like earlier.

Mayor Talley responded that she did not vote for Riley's Meadow.

Mr. Boney said he understood that, but he did not understand when a developer was complying with the City's standards as they exist today, why you would start adding conditions to make them do something else.

Mayor Talley and Council Member Whitaker stated it was conditional zoning, which was the whole point.

Assistant City Manager Holland stated that conditional rezoning opens you up to different challenges. For example, different conditions can be applied to the same project, which may present different challenges.

Mr. Boney stated it sounded like the City needed to reconsider its universal townhouse standards with one-car garages for a more consistent approach.

Mayor Pro Tem Hall stated we could, but rewriting the ordinance would cost \$250,000 to \$300,000.

Council Member Whitaker stated that these things come with conditional rezoning. She said they met all the ordinance requirements and even exceeded them in some areas. She noted the whole intent of conditional rezoning was to allow the Council, if they wish, to ask or impose other types of conditions outside of what was required by the ordinance.

Mayor Talley continued expressing her concern with parking and the number of cars three-bedroom townhouses would create.

Ms. Charlene McKee, 717 Ivey Road, Graham, spoke in opposition to the rezoning due to additional water runoff and traffic.

Mr. Barry Coe asked what was being built across the intersection on the corner of Ivey and Gilbreath.

Assistant City Manager Holland said he was not sure but would check. He later shared that a house was being built.

Amanda Hodierne stated that it was important to remember we do not have to design and regulate this project tonight as engineers and traffic experts. She noted the project had been vetted and reviewed and had gone through the rigors by the experts who were educated and employed to look at exactly these things. She stated they could massage it and improve harmony and the subdivision as a whole. She stated it was dangerous to speculate trip generation instead of the ITD Trip Generation Manual that NCDOT uses, which NCDOT responded to when this plan went through TRC. She asked the Council not to speculate how stormwater management needed to be handled as opposed to what the City, State, and County regulations require, which had also been applied to this site and would be enforced. She reminded everyone that the plan had gone through the current rigorous process, which was why the City had a Development Ordinance that projects must adhere to. She stated it was not that they could not make things experientially better or more harmonious but that they needed to be careful that we all acknowledge that the starting point and the baseline is a rigorous review of experts. She stated it sounded like the Council wanted them to go back and look at parking but asked for feedback because they had met the parking requirement and public roadway requirement for width and excessive places for overflow parking. She stated they were planning against a phantom standard that was anecdotally in the Council's heads that no one really knows. She noted the transparency and predictability provided to developers and builders through the City's ordinances and regulations have now been removed from this situation.

Mayor Talley asked if there was a traffic study.

Attorney Hodierne stated that with 29 units, a traffic study was not warranted. She noted it went through an NCDOT review to look at safety controls, such as where the driveways go. She stated NCDOT did not want an entrance on Gilbreath due to spacing, but mainly, they did not want cut-through traffic going through the neighborhood. She noted if the trip generation data had warranted a signalization at this intersection, the experts would have told us that. She stated that 29 townhomes were considered de minimis in regard to trip generation.

Mayor Talley asked what was Ms. Hodierne's expert opinion on how many trips the development would generate.

Attorney Hodierne stated it would be reckless for her to render an expert opinion when trip generation models are used to give that data that NCDOT had used. She noted the North Carolina's fire and building code statutes state that 100 homes would warrant a second entrance for fire access. She said if the Council was now scaling that back to be applied at 29 homes, that was a completely different measurement and regulation that was being taken out of the hands of the experts, and now the Council was saying it needed to be something different here.

Mayor Talley stated that the issue was the State changed that number in the past year or two, and before that, the Fire Chief recommended two exits.

Attorney Hodierne stated the previous State limit was 50 units.

Mayor Talley stated that was not the reason that was presented; it was presented as connected streets, not having cul-de-sacs, and not having dead-end streets, those were the reasons. She stated you can do that here because of the intersection.

Attorney Hodierne stated her point was they were not undercutting those things; they were meeting all those requirements which are there because they all work together to create a functional and safe subdivision. She asked if there was a different standard out there; she needed more guidance on meeting it if we were being asked to go back and look at it. She stated it was difficult to do that when the goalpost had been moved from what was in the ordinance, and we are not sure what standard it was now. She clarified that conditional zoning has to be offered by the applicant. It cannot be imposed on by the Council because that was legal contract zoning. She stated they wanted to be responsive and offer conditions that speak to things we have heard, but we cannot do that if we do not have better intel and if we are to go in a different direction than what the ordinance has told us to do.

Attorney Hodierne asked to answer some of the speakers' specific questions, one of which was how the pond would not overflow. She stated that Frank Cantrell could speak to this. She noted that the pond overflow had to be designed so that it would not overflow, and again, the engineers would make sure when building the overflow pond that it would be a dry pond, meaning when it rains, it will dissipate in the sand drains, and the pond will stay dry. She shared that stormwater was highly enforced by notice of the violation process. If DWQ received a complaint and came out to see requirements not being met, you get put on "stop work" until it is fixed. She responded to the question about mosquitoes and shared this was not a wet pond. She addressed Mr. Coe's concern and stated he was correct; they would not connect to the sewer in East Gilbreath Street. She said they would connect to the sewer down Ivey Road to the south. She shared the berm would divert and help with the runoff to be redirected and would not be allowed to let runoff be directed to Mr. Coe's property. She shared that the berm and plantings were added along his property line, and they would grow taller and faster to meet the 35-foot height requirement.

Mr. Cantrell stated the berm height along Ivey Road would be an 8-foot buffer with a two-foot berm, and the berm on the backside would be four feet in height, with plantings on top along the east side on Gilbreath.

Mayor Talley asked about a traffic count.

Mr. Cantrell stated that NCDOT did not require a traffic count for this subdivision. He shared there would be approximately 290 daily trips at peak hours in the morning and evening.

Mayor Talley asked if additional parking could be added to the units.

Mr. Cantrell stated the driveways could be widened to park two cars side-by-side in front of the house.

Mayor Talley asked if setting the townhomes back would be an issue.

Mr. Cantrell said it would involve rear setback requirements and sidewalks on only one side of the street.

Mayor Talley asked the Council what they thought about the setback.

Council Member Chin stated as long as you have one sidewalk and asked why you would need sidewalks on both sides.

Council Member Parsons said you would have to walk down the street and cross the street to get to the mailbox.

Council Members Whitaker, Hall, and Parsons were okay with one sidewalk and lengthening the driveway on the side without a sidewalk.

Amanda shared you would be eliminating internal setbacks.

The mayor asked to get more space in front of the unit or if there is a place to have more overflow parking.

Mr. Cantrell asked how many extra spots Council wanted.

After a lengthy discussion, it was decided to consider 16-foot-wide by 34-foot-long driveways on the south side for 17 units without a sidewalk, two parking spaces near the T-turn-around, and 5-6 spaces at the gas easement area with the gas company's approval.

Mayor Talley asked if they would develop fewer homes, going from 29 homes to 27 homes.

Attorney Hodierne stated it runs afoul of statutory requirements as part of zoning, and we would like to keep that separate as part of the neighborhood development and programming if zoning is achieved.

Mayor Talley stated that part of the conditions was the maximum number of homes and asked if they would offer fewer homes.

Attorney Hodierne said she would have to speak with her client. She stated it was difficult to bring forth a plan that was what your Comprehensive Plan called for, which was just over four units per acre, and we are in the middle. She said it seemed like now we were arbitrarily trying to hit some magic number that feels right based on something not transparent or predictable to us. She said what we have here to offer, we know it can work and economically can be built and sold.

Mr. Cantrell stated there were 29 parking spaces. Two more could be at the mail kiosk, and five more spaces could be added at the gas easement, for 36 additional parking spaces.

Mayor Talley asked if her client wanted to move forward tonight or make changes and come back before the Council.

Council Member Chin stated Council had asked them to remove the sidewalk so they could add additional spaces and questioned why they were now asking for more.

Council Member Whitaker stated she had two issues, density and parking, and asked to eliminate units 23, 24, 7, and 6 to help alleviate some of the parking issues.

Council Member Parsons noted that eliminating two to four units would not drastically reduce traffic and add more parking spaces.

Mr. Cantrell stated they could make the parking a condition.

Mayor Taylor asked if there was something illegal about the Council only considering the developed acres, not the undeveloped areas.

Attorney Hodierne said that would be equitably applying your ordinance, yes, and holding us to the published and required standards.

Mayor Talley said if we did it consistently across the board.

Attorney Hodierne said introducing a change without any change or notice to anyone or anybody and just suddenly starting with this project would not be a way to do so.

Attorney Hodierne shared that, per the discussions tonight, her client would like to table the rezoning and present a revised site plan for the next regular Council meeting.

Motion by Council Member Whitaker to table the rezoning from R-18, Low-Density Residential, to C-R, Conditional Residential, to construct 29 townhomes off Ivey Road and East Gilbreath Street to the February 11, 2025, meeting and allow the builders to develop a new site plan, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

NEW BUSINESS:

ITEM 2: REQUEST FOR ORDINANCE TEXT AMENDMENT – CHAPTER 4 – ANIMALS AND FOWL

City Council considered amending Chapter 4 – Animals and Fowl, Article 1, Section 4-5(b) Hogs, to increase the number of pot-belly pigs allowed from one to two if the property is a minimum of two acres.

Assistant City Manager Aaron Holland stated the request submitted was to change the allowable number from one pot belly pig per lot to two per lot for lots that are a minimum of 2 acres.

Motion by Mayor Pro Tem Hall to approve an Ordinance amendment to CHAPTER 4 - ANIMALS AND FOWLS, ARTICLE I- IN GENERAL, Section 4-5 Hogs; keeping hogs and pigs in the corporate limits prohibited, exception, to increase the number of pot-belly pigs allowed from one to two if the property is a minimum of 2 acres, seconded by Council Member Whitaker. The motion passed unanimously.

ITEM 3: ROAD CLOSURES FOR GRAHAM RECREATION AND PARKS PROGRAMS – DOWNTOWN GRAHAM

City Council will consider approving the following road closures for the Graham Recreation Department Programs in Downtown Graham:

- **Slice of Summer:** closure of the 100 blocks of East and West Elm Streets and North and South Main Streets on Saturday, June 28, 2025, from 1 - 9 pm. We also request approval of the same road closures from 1 – 9:00 pm on Sunday, June 15, 2024, as an alternative date.

TABLED TO THE FEBRUARY 11, 2025, COUNCIL MEETING

- **Pumpkin Bash:** closure of the 100 blocks of East and West Elm Streets on Saturday, October 25, 2024, from 2 -10:30 pm and North and South Main Streets from 4 -10:30 pm.
- **Thursdays at Seven Concert Series:** closure of the 100 block of West Elm Street on May 23, June 27, July 25, August 22, September 12, & September 26 for the 2024 Thursdays at Seven Concert Series. All closures will begin at 5:00 pm and re-open by 11:30 pm. In the event a concert must be postponed, we also request the same closure as above on the following dates: May 30, June 6, 13, 20; July 11, 18; August 1, 8, 15, 29; September 5, 19; October 3, 10, 17.
- **9/11 Commemorative 5K Event:** closure of the northbound lane of Maple Street from Pine Street to McAden Street, McAden Street from South Main to Maple Street, the southbound lane of South Main Street from Pine Street to McAden Street, Pine Street from South Main to Maple Street from 6:00 – 11:00 am on Saturday, September 14, 2024. If the event date needs to be rescheduled, we request the same closure as above for Saturday, September 7, 2024.

Mayor Pro Tem Hall asked if Slice of Summer could be moved back to Main Street due to the number of complaints from businesses downtown who lost money.

City Manager Garner stated that would be a City Council decision. She stated staff modified the location in 2024 based on the feedback received at the time, held public input sessions, and ultimately, the City Council approved changing the location.

Emma Griffin explained that all the closures were the same as last year. She shared letters were delivered to all downtown businesses, letting everyone know what was being proposed. She also shared that for the ones who were happy to see Slice of Summer moved, there were just as many who were unhappy to see the event moved from Main Street. Ms. Griffin shared that not everyone would be happy, and she could plan the event in either space approved by the Council.

Motion by Mayor Pro Tem Hall motioned to approve the road changes except for Slice of Summer, change to North Main Street, South Main Street, East and West Elm. (The motion failed for lack of a second.)

Mayor Talley stated there were just as many gripping that they did not want it back.

Council Member Whitaker stated then you please the other half this year.

Motion by Mayor Pro Tem Hall to approve the street closures for the Pumpkin Bash, Thursday at Seven Concert Series, and 9/11 commemorative 5k event and come back on February 11, 2025, to consider the original location of the Slice of Summer event, seconded by Council Member Whitaker. The motion passed unanimously.

ITEM 4: VOTING DELEGATE – NCLM BIENNIUM LEGISLATIVE GOALS

City Council will consider assigning a City of Graham delegate to vote on the proposed North Carolina League of Municipalities 2025-26 Biennium Legislative Goals.

City Manager Megan Garner stated that the League of Municipalities was requesting that all jurisdictions that are members appoint a voting delegate to submit 10 of the 16 proposed goals.

Motion by Mayor Talley to appoint Mayor Pro Tem Ricky Hall as the NCLM 2025-26 Biennium Legislative Goals voting delegate, seconded by Council Member Chin, and to recommend the below listed goals. The motion passed unanimously.

- Establish long-term funding streams that adequately address water, sewer, stormwater, transportation, and other infrastructure needs.
- Expand state transportation funding streams for construction and maintenance of municipal and state-owned secondary roads.
- Increase funds to remediate contamination in local water supplies.
- Create incentives that encourage and adequately fund regionalized water and sewer solutions.
- Reduce regulatory conflicts between state agencies that discourage voluntary consolidation, merger, and interconnection of municipal utility systems.
- Create an orphan road program whereby the state improves those roads to N.C. Department of Transportation standards before municipalities assume maintenance responsibilities.
- Provide local revenue options beyond the property tax.
- Support technical assistance programs to assist municipalities with securing or maintaining grants or other necessary municipal resources.
- Update the annexation petition thresholds to make voluntary annexations easier to initiate.
- Preserve authority for extraterritorial jurisdiction to ensure that growth is well-planned and investments by homeowners and business owners are protected.

OLD BUSINESS:

ITEM 5: 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, November 12, 2024, and December 10, 2024, Council meetings.)

Assistant City Manager Aaron Holland stated he thought this was a good plan. The amendments the Mayor made did make it more suitable for Graham, and Staff had no issues making those changes. He stated that this plan gives Staff flexibility when pursuing grant opportunities and changes that we would love to see. When NCDOT comes through, we could recommend projects within the projects that they are working on.

Specific Edits were:

- E Elm Street sidewalk in project priority table and priority table on page 50
- Pricing Disclaimer on priority table page and page 42
- Changed 64 to 54 on page 16
- Roundabout sentence removed on Master Plan page 25
- Changed all instances of I-40 to I-85/40
- Redacted the Westover and Swepsonville road diet mentioned on page 53
- Redacted Chicanes on page 53

- Added road diet information on MUP-24 for McAden Street Improvements
- Changed the picture on page 72
- Added blurb about New Leaf Society on page 90

Motion by Mayor Talley to adopt the City of Graham 2024 Pedestrian Plan Update with edits, seconded by Council Member Whitaker. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Zipporah Clark-Baldwin, 219, W. Harden Street, Graham, Chair of the Appearance Commission, asked the Council to extend the Business Beautification grant deadline by 30 days.

Mayor Talley asked to be recused due to owning businesses downtown and applying for grants.

Motion by Mayor Pro Tem Hall to allow Mayor to be recused, seconded by Council Member Whitaker. The motion passed unanimously.

Mayor Pro Tem Hall motioned to allow the Appearance Commission to extend the Business Beautification grant deadline by 30 days, seconded by Council Member Whitaker. The motion passed unanimously.

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

CITY STAFF COMMENTS

City Manager Garner stated that staff would consider the request to offer the Business Beautification grant for a fiscal year and bring it back to the Council for consideration.

CITY COUNCIL COMMENTS

Mayor Pro Tem Hall addressed complaints of individuals sleeping on benches and asked staff to bring back language and adjustments to the code of ordinances for consideration.

The Council's consensus was to have staff examine Greensboro's recent ordinance change and submit language for Council consideration at the March 11, 2025, Council meeting.

CLOSED SESSION:

City Council considered going into closed session pursuant to the terms of N.C.G.S.143-318-11(a)(3) to consult with an attorney employed or retained by the public body to preserve the attorney-client privilege between the attorney and the public body.

Mayor Pro Tem Hall motioned to allow Mayor Talley to be recused from the closed session, seconded by Council Member Whitaker. The motion passed unanimously.

A closed session was held, and no action was taken.

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

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

ADJOURN

Motion by Mayor Pro Tem Hall to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting adjourned at 9:53 p.m.

Renee M. Ward, CMC
City Clerk