

City of Graham

City Council Meeting Minutes

August 13, 2024



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

Pastor Steve Braswell, Graham Presbyterian Church, gave the invocation and all stood for the Pledge of Allegiance.

CONSENT AGENDA:

- a. To approve the July 9, 2024, Council Meeting minutes and sealed Closed Session minutes.
- b. To approve a date change for the previously approved Grahamtoberfest to close the 100 block of W. Elm Street to a new date of September 21, 2024, from 1:00 pm to 11:00 pm.
- c. To approve the Procurement and Financial Management & Internal Control policies for ARPA Project Funding Compliance.
- d. To approve the Drinking Water Emerging Contaminants Construction Project and 2024-2034 Water Capital Improvement Plan Resolutions.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The City of Graham has need for and intends to perform a Drinking Water Emerging Contaminants Construction Project described as Graham-Mebane WTP Improvements, and

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

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

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

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

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

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

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

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

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

Adopted this the 13th day of August 2024, at Graham City Hall, North Carolina.

RESOLUTION TO ADOPT AND APPROVE THE 2024 WATER SYSTEM CAPITAL IMPROVEMENT PLAN

WHEREAS, the City of Graham has developed a water system in and around the City of Graham; and

WHEREAS, said municipal water system is operated and maintained by the City of Graham; and

WHEREAS, the City of Graham recognizes the need for, and advantage of, maintaining adequate short-term and long-term planning for capital improvements for the water system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Graham that the 2024 Water Capital Improvement Plan is hereby adopted and approved.

BE IT FURTHER RESOLVED that the City Council authorizes staff to update the plan as new information becomes available.

Adopted this the 13th day of August 2024.

- e. To set a date of public hearing for September 10, 2024, to consider extending the corporate limits to the City of Graham for a tract of land totaling .79 acres off Jimmie Kerr Road and to direct the City Clerk to investigate the sufficiency of the petition. (AN2403)

**RESOLUTION FIXING DATE OF SEPTEMBER 10, 2024, FOR A PUBLIC HEARING ON
QUESTION OF A CONTIGUOUS ANNEXATION OF TWO LOTS PURSUANT TO G.S. 160A-
31 FOR .79 +/- ACRES LOCATED OFF JIMMIE KERR ROAD
(AN2403)**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Graham, North Carolina that: Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on September 10, 2024.

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

Legal Description GPIN#: 8894676053

Beginning at a 3/4" Rebar on the western margin of a 60' right of way (Jimmie Kerr Road, SR 1928), thence N 57° 35' 00" W a distance of 150.27' to a bent 3/4" Rebar (with nail set at base), thence N 05° 55' 32" E a distance of 83.38' to a 3/4" Iron Pipe, thence S 74° 25' 51" E a distance of 197.79' to a 3/4" Iron Pipe in the western margin of a 60' right of way (Jimmie Kerr Road, SR 1928) thence along with the right of way, S 33° 12' 54" W a distance of 131.96' to the point of beginning, being all of Lot 1 on the Donoho Annexation Plat (#3480) by Reliant Land Survey PLLC

Legal Description GPIN#: 8894666926

Beginning at a 1/2" Iron Pipe on the western margin of a 60' right of way (Jimmie Kerr Road, SR 1928), thence N 56° 46' 57" W a distance of 52.89' to a 3/4" Iron Pipe, thence N 05° 53' 07" E a distance of 212.35' to a bent 3/4" Rebar (with nail set at base), thence S 57° 35' 00" E a distance of 150.27' to a 3/4" Rebar in the western margin of a 60' right of way (Jimmie Kerr Road, SR 1928) thence along with the right of way, S 33° 10' 37" W a distance of 190.75' to the point of beginning, being all of Lot 2 on the Donoho Annexation Plat (#3480) by Reliant Land Survey PLLC

- f. To approve a budget amendment to increase Federal Drug Funds by \$50,000 for use by the Police Department.

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	50,000.00		50,000.00
	-	50,000.00	50,000.00	-	50,000.00
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS					
EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Funds	\$0.00	\$50,000.00	50,000.00		50,000.00
	-	50,000.00	50,000.00	-	50,000.00
Adopted this 13th day of August 2024.					

- g. To approve a Project Ordinance for the Downtown Enhancement Grant Allocation Project for \$600,000.

**RESOLUTION ESTABLISHING THE BUDGET FOR
DOWNTOWN ENHANCEMENTS GRANT ORDINANCE**

WHEREAS, in 2023, Session Law 2023-134 was approved by the North Carolina General Assembly;

WHEREAS, Session Law 2023-134 as amended, included a direct allocation in the amount of \$600,000 for downtown revitalization within the B-1 district of the City of Graham;

WHEREAS, on June 11, 2024, the City Council of the City of Graham approved four projects to be funded with the direct allocation;

WHEREAS, since the June 11, 2024, City Council meeting, Duke Energy has confirmed one approved project (hanging baskets on utility poles) will not be permitted;

WHEREAS, the Graham City Council may amend the project ordinance to allocate the encumbered funding to future projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby revised to include additional projects:

Section 1. The Project authorizes the use of Directed Grant Funds from the State of North Carolina.

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:

Revenue (direct allocation)	<u>\$600,000</u>
TOTAL	\$600,000

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

Downtown street light improvements	\$3,456
Pedestrian crosswalk improvements	\$500,000
Tree replacement	\$12,500
Contingency/Unencumbered	\$84,044
TOTAL	<u>\$600,000</u>

- Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.
- Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.
- Section 7. This ordinance shall take effect upon passage.

This the 13th day of August 2024.

Assistant Police Chief Rodney King shared the \$50,000 increase received from the Federal Drug Fund would be placed in a line item to be used throughout the year.

Mayor Talley asked what the funds would be used for.

Assistant Chief King stated the funds could be used for covert operations, tracking devices, etc., and they were also used for active investigations. He noted a list of different uses approved through the Asset Forfeiture Program, and the funds could not be used to supplant the budget. He shared that the funds were not taxpayer dollars; they were from asset forfeitures.

Mayor Pro Tem Hall motioned to approve the Consent Agenda items, seconded by Council Member Chin. The motion passed unanimously.

PUBLIC HEARING:

ITEM 1: TEXT AMENDMENT – RECREATIONAL OPEN SPACE – AM2402

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 to require recreational open space in all open space subdivisions.

The public hearing was opened and no one spoke.

Mayor Talley expressed concern when developers come in and completely clear-cut property and do not leave any natural buffers. She asked how language could be added to address things such as no clear-cutting, incorporating open space throughout the development keeping mature trees and natural vegetation, landscape buffers, and building with the natural features and topography to avoid excess disruption to soil erosion and take into consideration the surrounding properties.

Assistant City Manager Holland stated the proposed text addresses being conservative with land disturbance automatically and was set up that way to protect sensitive areas. He stated language was already in the text addressing the disturbance areas where you do not have to. He noted the proposed text amendment was based on discussions with the Council to prohibit developers from vaguely using open space. He noted previously developers could just show on plans an open space that checked a requirement but now it is more specific and requires developers to dedicate a certain amount of open space for specific recreation purposes. He noted the additional language now addresses the previous deficiency regarding gathering open space.

Mayor Talley expressed concerns about lot sizes and said that open spaces allow developers to develop smaller lot sizes.

Assistant City Manager Holland stated currently a developer could request an R12 and get a 10,000 square foot provision. Still, the new language would address the open space, making them put more effort into it. He stated addressing lot sizes would be a bigger text amendment than what was being discussed tonight and would require a complete rewrite.

Mayor Talley stated the proposed language would improve it and asked how long it would take to revise this section of the ordinance.

Assistant City Manager Holland stated it could take a few months depending on how many other places of the ordinance a text change could impact.

Council Member Chin stated it would be piecemealing and recommended approving what was presented tonight and preparing to undergo a full rewrite in the next budget year.

Assistant City Manager Holland stated staff could take a look at this particular section to determine if it could be amended to address the concerns of lot sizes. He stated it would take several months before it would come back to the Council for review.

Tom Boney, Alamance News, inquired about changes in the text amendment.

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

Motion by Mayor Talley to approve the 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 to require recreational open space in all open space subdivisions with instructions for staff to look at a full-rewrite of this section over the next two months and come back to Council with recommended verbiage, seconded by Council Member Whitaker. The motion passed unanimously.

ITEM 2: TEXT AMENDMENT - HISTORIC RESOURCES COMMISSION – BOARD REDUCTION

City Council will consider an Ordinance amendment to Chapter 2 (Administration), Article II, Division 3, Boards and Commissions, to the Code of Ordinances to reduce the Historic Resources Commission from seven to five members.

Assistant City Manager Holland stated City Council had requested staff to create a text amendment that would reduce the number of Historic Resource Commission members from a board of seven to five due to the lack of a quorum with the current appointed members. The Planning Board recommended approval of the amendment as it was written.

The public hearing was opened, and the following spoke:

Tom Boney, Alamance News, questioned whether the board had a quorum.

Mayor Talley stated that was the main reason for reducing the number of members from seven to five.

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

Council Member Chin amended his first motion, which stated the incorrect ordinance section, to the following:

Motion by Council Member Chin to approve an Ordinance amendment to Division 10, Section 10.201(c)(1). Historic Resources to the Development Ordinance to reduce the total number of members of the Historic Resource Commission from seven members to five members, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 3: TEXT AMENDMENT – SIGN ORDINANCE – NO SOLICITING SIGNAGE EXEMPTION

City Council considered a Text Amendment to Article 10, Section 10.393. Exemptions in the Development Ordinance to allow no soliciting signs as an exemption.

Assistant City Manager Holland stated staff was requesting a text amendment to the sign ordinance that allows for No-Soliciting signs to be installed at the main entrance of developments subject to certain stipulations. He stated this request stemmed from a previous amendment to the code of ordinances which allowed these types of signs to be approvable in the City limits. He noted when this amendment was approved, there was never a similar amendment added in the Development Ordinance where staff could permit these signs by adding requirements to the size, location, and entity when installing no soliciting signage.

Mayor Talley asked about the rule if a sign was posted and someone was soliciting door to door.

Council Member Whitaker said it would be against the ordinance and they could call the police and have them leave.

The public hearing was opened and the following spoke:

Mr. Keith Westbrook, 604 Trock Wilder Court, Graham, inquired about the numerous small advertising signs around town that were an eyesore.

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

Motion by Council Member Whitaker to approve text amendment to Article 10, Section 10.393. Exemptions in the Development Ordinance to allow No-Soliciting signs as an exemption, and for the signage not to exceed four square feet, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

NEW BUSINESS:

ITEM 4: UPDATE ON NEW DOWNTOWN SIGNATURE EVENT

City Staff presented an update on planning a new downtown signature event.

Ms. Emma Griffin, Program Supervisor, gave the following update:

She stated the purpose of bringing a new signature event to Downtown Graham was to increase the sense of community, featuring a variety of art mediums through vendors, performances, and displays, and providing activities for all ages.

She noted the proposed date was set for Saturday, May 17, 2025, from 10:00 am to 4:00 pm, with planned attractions such as live music, art vendors, artist demonstrations, community organizations, kids zones, food trucks, and more.

Proposed Event Map:



Partnership Opportunities:

Ms. Griffin stated they planned to partner with the Farmer's Market, antique car clubs, and downtown businesses to help strengthen and promote partnerships with local organizations and businesses.

Budget Overview:

Budget		
Expenses		
Vendor	Description	Amount
Music and Entertainment	3 stages x 3 bands each x \$2,000	\$18,000
Sound Tech	4 stages x 6 hours	\$4,000
TCS Event Rentals	2 Covered stages x \$2000	\$4,000
Marketing	Banners, signs, print, media	\$2,500
Interactive Playgrounds	Castle Combo, Colossal Slide, Adrenaline Rush, 3 generators, (not including staff)	\$2,300
Lloyd's Portable Toilet Rentals	Portable Toilets (7 regular, 3 ADA, 3 handwashing units)	\$1,450.00
Activities	Upside Aerial, Gem Mining, Video Game Truck, Face painting	\$2,800.00
Various Artist Demonstrations	Blacksmithing, pottery, Live event painting, pop up artists and music, wood burning	\$6,500.00
Extra Duty Solutions	Officers for Event	\$1,598.40
	Total:	\$43,148
Revenue		
Source	Description	Amount
City of Graham	Budget Allotment	\$50,000
	Total:	\$50,000
Balance		
Expenses		\$43,148
Revenue		\$50,000
	Total Balance	\$6,852

Mayor Talley asked about adding the Burlington Artist League and Alamance Arts to inquire about their participation. She questioned using Extra Duty Solutions versus requiring staff to be present at City-sponsored events and the City should pay officers directly and not go through Extra Duty Solutions.

City Manager Garner stated if the City Council wanted to direct staff to provide police officers from the Graham Police Department for this event, we would coordinate that with the Police Department. She further stated that reviewing EDS as a whole for other City events would be wise and would come back before Council with the pros and cons and the Council could then make an informed decision for moving forward.

Mayor Talley asked if Ms. Griffin would hold a planning session with the downtown businesses and those wanting to volunteer.

Ms. Griffin stated she welcomed any input from those with more experience and knowledge about artists than she and would be open to holding a public interest meeting to gain feedback and determine where people are interested in volunteering.

City Manager Garner stated staff would update the Council periodically as they moved through the process of developing this event.

Mayor Pro Tem Hall asked if there was a name for this event.

City Manager Garner stated she needed Council consensus on reviewing the EDS process and naming the event so staff has direction to move forward.

Mayor Talley suggested Arts Around the Square.

After a brief discussion, it was the Council's consensus to have staff come up with names and bring them back to the Council to consider.

Mr. Tom Boney, Alamance News, asked if the name Arts Around the Square was in any way trademarked. Staff will research the name.

Ms. Griffin asked the Council for permission to request street closures to begin inviting vendors and supplying contracts.

Council agreed.

ITEM 5: ABSS & CITY OF GRAHAM – JOINT USE AGREEMENTS – RECREATION AND PARKS

City Council will consider two joint agreements between the Alamance-Burlington School System (ABSS) and the City of Graham to use multiple recreation facilities.

Recreation and Parks Director Bryan Faucette stated the first Joint Use Agreement would replace a contract signed in 1999 between ABSS and the City, which governs the use of athletic facilities at Graham Middle School (football/soccer field, softball field, walking track) and was set to expire September 2024. The new Joint Use Agreement would continue the current responsibilities and uses.

Changes included; a) the addition of three coordinating meetings between ABSS and the Graham Recreation and Parks Department (GRPD) to establish maintenance schedules, develop and update the GMS master calendar as well as inspect facilities, and b) clarification of maintenance responsibilities outlining the GRPD would perform maintenance to all grounds while ABSS would be responsible for facility maintenance and repairs.

He stated the second Joint Use Agreement would formalize individual arrangements that had governed the City's use of Ray St. Gymnasium and ABSS's use of Room #2 at the Graham Recreation Center and the tennis courts at Bill Cooke Park. The GRPD uses the Ray St. Gymnasium as a secondary site for the youth basketball program. ABSS uses Room #2 at the Graham Recreation Center for pre-K and early intervention programs and the tennis courts at Cooke Park for Graham High School tennis programs.

Motion by Council Member Whitaker to approve the Joint Facility Use Agreement for Graham Middle School Athletic Facilities and a Joint Facility Use Agreement for Ray Street Gym, Bill Cooke Park Tennis Courts, and Room #2 at the Graham Recreation Center, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 6: BOARDS AND COMMISSION APPOINTMENTS

The City Council considered the following appointments to its Boards and Commissions:

Appearance Commission/Tree Board – (Two Vacancies)

Applicants: Benjamin Beushausen | David Bradley | Clell Britt

Historical Museum Board – (Two Vacancies)

Applicant: Melissa Holmes

Planning Board/Board of Adjustment – (One Vacancy)

Applicants: Cheryl Schmidt | Benjamin Beushausen | Emily O'Dell | Jim Young

Recreation Commission – (One Vacancy)

Applicant: Patrick Burnette

Library Committee – (One Vacancy – Recommendation Only)

Applicants: Ernest Lewis, Jr. | Morgan Robinson | Lindsay McKinney

Motion by Mayor Talley to appoint the following to the City's Boards and Commissions:

Appearance Commission/Tree Board – Clell Britt

Historical Museum Board – Melissa Holmes

Planning Board/Board of Adjustment – Jim Young – Alternate for Board of Adjustment

Recreation Commission – Patrick Burnette

Library Committee Recommendation – Lindsay McKinney

Seconded by Mayor Pro Tem Hall. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Ms. Nicole Papetti, 306 W. Pine Street, Graham, spoke about issues with the US Postal System mailbox regulations.

CITY STAFF COMMENTS

No comments.

CITY COUNCIL COMMENTS

Council Member Chin stated the Sesquicentennial Park was continuing to sink and break down. City Manager Garner stated staff would be prepared to give an update in September.

Mayor Pro Tem Hall asked that the Council look at the Solicitation Ordinance regarding door-to-door sales. He suggested having a time set for soliciting such as 9:00 am to 5:30 pm.

Mayor Talley shared she was getting complaints from businesses regarding panhandling and asked if the parking enforcement officer could be trained to handle people who are doing aggressive panhandling. She shared the many issues it is causing downtown businesses and asked if it was possible to make him full-time and not just handle traffic but also panhandling.

City Manager Garner stated it was possible to make the parking enforcement officer full-time and asked if that was something the Council wanted to pursue. She stated it would be a cost and would bring that request forward with the associated cost. Council consensus was to evaluate to determine the best solution for the problem.

Mayor Talley also inquired about a reported AirBnB house located on Main Street that is renting rooms for \$30 a night. She shared it may not have a stove or refrigerator and it was not operating like a typical AirBnB. Staff will look into this issue.

Mayor Talley shared the following events:

- August 24, 2024 – Downtown Businesses Hoe Down
- September 13-15, 2024 – Ballon Festival – Cedarock Park
- September 21, 2024 - Grahamtoberfest – Downtown Graham Elm Street

Mayor Talley asked if it was possible to add a train to the Pumpkin Bash. Staff will look into this. She asked if the staff would come back and report on the budget for the Pumpkin Bash and whether this feature could be added.

ADJOURN

Motion by Council Member Chin to adjourn, seconded by Mayor Pro Tem Hall. The motion passed unanimously. The meeting adjourned at 8:15 p.m.

Renee M. Ward, CMC
City Clerk