

City of Graham City Council Meeting Minutes December 10, 2024



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on December 10, 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 – Council Member Chin gave the invocation, and all stood for the 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, including 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.

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
	<u>90,000.00</u>	<u>91,449.00</u>	<u>1,449.00</u>	-	<u>1,449.00</u>
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)
	<u>11,800.00</u>	<u>1,449.00</u>	<u>(10,351.00)</u>	-	<u>(10,351.00)</u>

Adopted this 10th day of December 2024.

- F. To approve a budget amendment in the amount of \$15,000 in State Drug Forfeiture Revenue to the State 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)
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.					

- G. To approve a resolution prohibiting pornography viewing on City networks and devices as required by NCGS 143-805(c) and to approve a budget amendment for \$16,000 for software implementation.

**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 2024.

- H.** To 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					
DEPARTMENT/ACCOUNT	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.					

- I.** To approve tax releases for \$1,868.73 and tax refunds for \$588.19.

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 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)

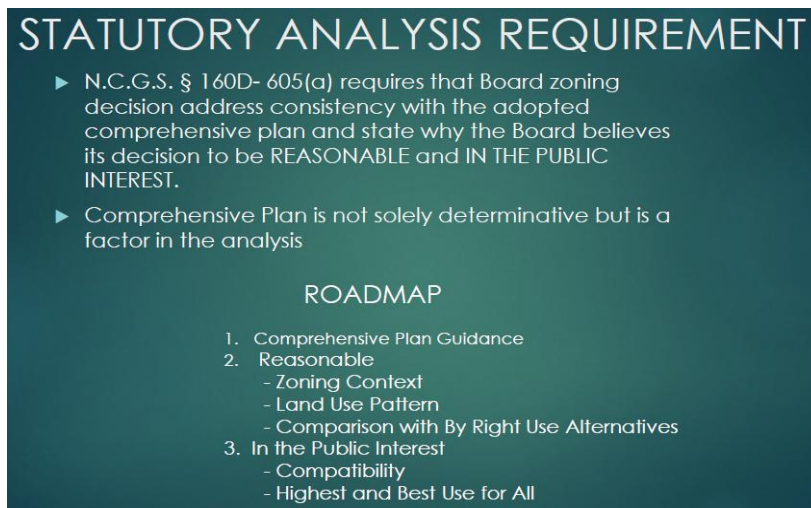
Mayor Talley asked to be recused due to owning property near the proposed rezoning.

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

Mayor Pro Tem Hall stated everyone would be allowed to speak and would be limited to three minutes.

Assistant City Manager Aaron Holland stated this request was to rezone 4.7 acres of property from I-1(Light-Industrial) and R-G (General Residential) to C-R (Conditional Residential) to construct 41 townhomes. The property is fully inside the Industrial/Warehousing future land use zone. 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 one garage parking space. The project meets the R-MF density requirement listed in Section 10.245 of the City of Graham Development Ordinance. The Planning Board recommended denial of the initial project with 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 residents. The adjustments to the plan include dropping the number of 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, increasing the planting widths to the suggested type C criteria, adding opaque fencing around the northern and southern residential properties, increasing the active open space area and relocating and increasing the guest parking. The developers are requesting a condition of a reduced building separation of 12 feet from the required 25 feet.

Attorney Amanda Hodiernie stated she was here on behalf of the property owner and the contract purchaser, Citizen's Properties, LLC. She presented the following presentation on the proposed property development:



STATUTORY ANALYSIS REQUIREMENT

- ▶ N.C.G.S. § 160D- 605(a) requires that Board zoning decision address consistency with the adopted comprehensive plan and state why the Board believes its decision to be REASONABLE and IN THE PUBLIC INTEREST.
- ▶ Comprehensive Plan is not solely determinative but is a factor in the analysis

ROADMAP

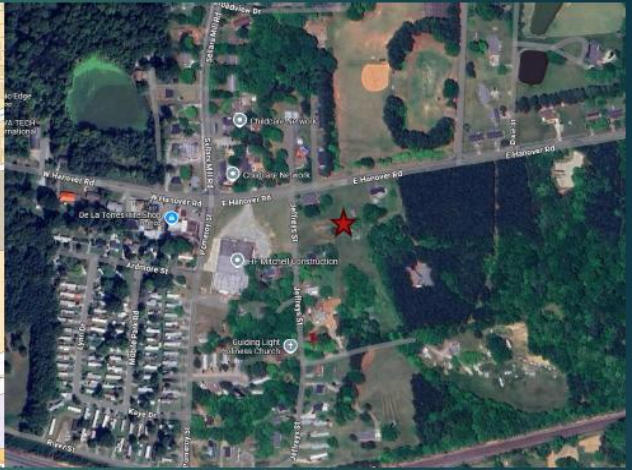
1. Comprehensive Plan Guidance
2. Reasonable
 - Zoning Context
 - Land Use Pattern
 - Comparison with By Right Use Alternatives
3. In the Public Interest
 - Compatibility
 - Highest and Best Use for All



SUMMARY OF REQUEST

- ▶ Property known as GPIN 8884295359
- ▶ 4.7 Acres
- ▶ Currently zoned R-G and I-1
 - ▶ Allows for large variety of By Right Uses
- ▶ Proposed Zoning is Conditional Residential
 - ▶ Consolidates zoning into single land use classification
 - ▶ Binding site plan included with zoning with specific commitments, restrictions and enhancements

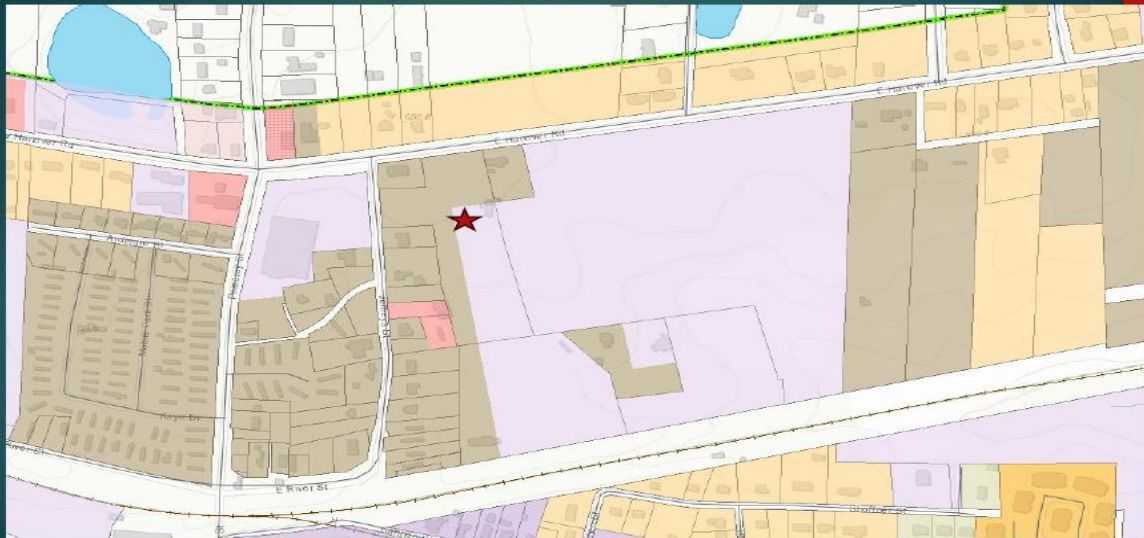
SUBJECT PROPERTY



COMPREHENSIVE PLAN GUIDANCE

- ▶ Future Land Use Plan Designation is Industrial... **HOWEVER**
 - Site cannot meet Plan specified attributes of this designation: No Easy Access to Interstate Corridor, No ability to heavily buffer residential uses
 - Industrial Site Selection Criteria do not favor this parcel
 - Small Size
 - Adjacent to Residential
 - 2 Schools across the street where main access would be located
 - Not along railway
 - Poor access to 85/40 Interstate Corridor
 - Market has proven this fact, ie Copeland Mills property next door
- ▶ Meets Policy 5.1.1 for Housing Variety
- ▶ Meets Policy 3.3.2 for Focused Development
- ▶ Meets Policy 4.3.1 for Land Use Patterns
- ▶ Meets Policy 5.2.1 for Diverse Neighborhood

ZONING CONTEXT



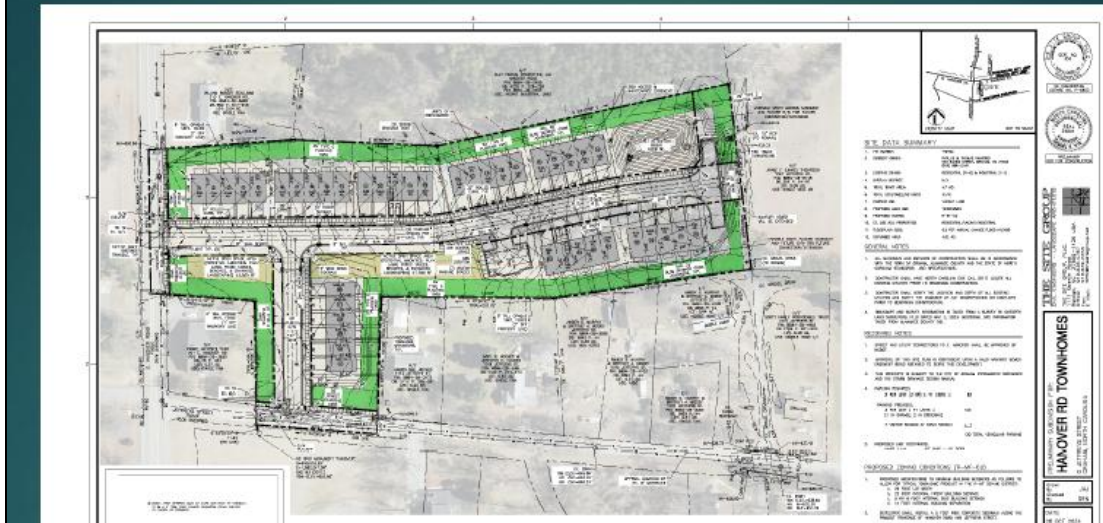
LAND USE PATTERN



BY RIGHT USE ALTERNATIVES

- ▶ R-G District:
 - ▶ 61 Unit Apartment Complex
 - ▶ with a 25 foot buffer
 - ▶ And simultaneous 25 foot Setback
- ▶ I-1 District:
 - ▶ Auto Body Repair Shop
 - ▶ Food Processing
 - ▶ Metal Fabricator
 - ▶ Bottling Plant

TRC REVIEWED SITE PLAN



TRC REVIEWED SITE PLAN



HANOVER ROAD TOWNHOMES
GRAHAM, NORTH CAROLINA



- Conditional Residential Request
- Site Plan Commitment
- Maximum of 41 units
- Parking in Excess of Requirement
- Internal and Project Frontage Sidewalks
- Enhanced Buffering on Perimeter
- Privacy Fences
- Open Space with Play Areas and Intentional Gathering Areas
- On Site Stormwater Management
- Project provides infrastructure planning for public road connection to land locked properties to the East



Attorney Hodierna stated the project provides infrastructure planning for public road connection to land locked properties to the east. She shared the T-turn was a variable right-of-way into future public dedication, and when the properties around begin to develop, they were prepared to be a part of that road network. She stated for now, it was just a turn-around for mail delivery, trash trucks, etc. She specified, for the record, that when the Council was ready to build out the rest of the property, they would extend the road to the property edges at their cost.

CHANGES SINCE PLANNING BOARD

PREVIOUS PLAN	CURRENT, REVISED PLAN
53 Townhomes Proposed	41 Townhomes Proposed
5 Guest Spaces	7 Guest Spaces; Relocated more central to community
15 Foot Perimeter Setback Proposed	25 Foot Perimeter Setback Proposed
Type D Planting Yard at 10 Feet	Type C Planting Yard at 25 Feet
No Fencing Proposed	Fencing along shared property lines with all requesting residential neighbors
Active Open Space at 5,000 square ft.	Active Open Space at 11,000 square ft. Removal of Dog Park
T Turn Around at Terminus of Street	Ability to Convert to Future Public ROW

APPLIED STATUTORY ANALYSIS

1. Comprehensive Plan Guidance
2. Reasonable
 - Zoning Context
 - Land Use Pattern
 - Comparison with By Right Use Alternatives
3. In the Public Interest
 - Compatibility
 - Highest and Best Use for All

The public hearing was opened, and the following spoke:

Mr. Tom Boney, Alamance News, inquired about the size of the future townhomes, exterior features, target market, and whether they were two stories.

Attorney Hodiern stated the townhomes were two stories, 1,400 to 1,500 square feet, modern farmhouses, and one-car garages in each unit.

Council Member Whitaker asked what the targeted pricing would be.

Attorney Hodiern stated anywhere between \$265,000 and low \$300,000s.

Mr. Keith Westbrook, 604 Trockwilder Court, Graham, spoke in favor of the rezoning and stated the project was good for the area.

Mr. Steve Moser lives at the corner of the proposed property and spoke in opposition to the rezoning. He expressed concern that if the townhomes did not sell, they would become low-income housing. He also stated parking concerns and that he had not granted an easement for the project.

Mr. Tom Boney stated that Mayor Talley had recused herself due to owning property near the proposed property and expressed concern that if the Talley's jointly owned property in the proposed neighborhood, could the Mayor's husband, Mr. Chuck Talley, be permitted to speak. Mr. Boney asked the City Attorney for his opinion.

City Attorney Ward stated it had been discussed, and he did not see a problem with Mr. Talley speaking. Furthermore, nothing in the state statutes prevents a husband or spouse from speaking.

Mr. Chuck Talley, 808 Sideview Street, Graham, spoke in opposition to the rezoning, stating it was not consistent with the 2035 Comprehensive Plan. He shared that the City Council needed to ensure the proposed zoning was harmonious with the neighborhood. He further stated the front of the homes should not all be driveways; the entire front would be concrete. He also expressed traffic issues.

Mr. Billy Stallings, 213 East Hanover Road, spoke in opposition to the development. He expressed that the price was steep and forty townhomes were too many. He also spoke about the overcrowded schools.

Ms. Peggy Teer, 201 East Hanover Road, spoke in favor of the rezoning.

Mr. Jerry Linens, 223 Banks Street, spoke in favor of the rezoning, which was the best use for the area.

Attorney Hodiern stated several asked about the pricing and whether it was realistic. She said discussing economics and home pricing in a rezoning context was dangerous. Still, at some point, you needed a catalyst if you wanted to invest in the community and create something everyone wanted to be a part of. She expressed the developer was in town, would continue to be in the community, and wanted to invest in the community. She shared that the pricing was not something you start on day one and build your project around it. Instead, you see a piece of property, see what would work best for the community, and try to get it done. She asked Council to be careful to focus on the land use, how it fits, how it is compatible, and what it does for the City of Graham, and then focus on the fact the project is an investment in an area that a lot of people we heard from are looking forward to.

Attorney Hodierné went on to explain that zoning did not mean it was ready to go tomorrow but meant the project was ready to move forward to finalize all the other details that come after the rezoning. She stated a neighbor commented that he would like to keep his property industrial but wanted to point out that this project did not preclude any property owner from doing that. She stated that, in fact, the proposed project would further that goal because you cannot develop that property industrially without access to a public road, and it could be done on a private easement.

Council Member Parsons asked about the easement and whether water was available.

Attorney Hodierné stated it was for sewer, and water was readily available on Hanover Road.

Mr. John Thompson, representing the heirs of 1001 Jeffreys Street, stated that the family had been there for 125 – 130 years and spoke in opposition to the rezoning. He said the developer should buy his property along with Chuck Talley's and develop the whole area.

Mr. Chuck Talley asked if the utilities were in place, which was a key item. He stated he understood the purpose of rezoning and said it should be pushed back to the Planning and Zoning Board to iron out all the details. He further stated he was unsure why it did not go back before the Planning and Zoning Board since they turned it down. He said he did not see the purpose of passing this project until they got the rights-of-way. He noted that personally getting the rights-of-way and putting Hughes Street back in was a win for him.

Attorney Hodierné stated that this did not go back to the Planning Board. Rather, they communicated with staff, and staff could have sent them that route if they wanted to, but it was not sent back because everything done was discussed and directed by the Planning Board. She stated that if you watched the meeting video and read the minutes, modifications they felt needed to be made were exactly what was brought forward tonight.

The public hearing was closed.

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

Council Member Chin stated the project was a good idea but that the whole area needed to be examined. He said if you look at the whole area, it is zoned industrial, and this would be an ink spot on the border. He stated that Graham was challenged by not having enough property to be developed industrially. He stated Graham was challenged by not having enough property for small industry and did not want Graham to become a bedroom community. He said when that happens, the revenue depends on property tax, and many of our residents live on a fixed income. When we fall into that spiral and have to depend upon property tax, those living on a fixed income would have to leave. He stated Graham was challenged with land that could be developed for businesses. He said they needed to have the vision to speculate as to what could be done if you had all the land, and he was sure some investors would be interested if you had a proposal that addressed that. He said this was a visionary project and asked them to consider the full picture and the property between Jeffreys Street and Pomeroy. He stated if there were a vision for all the property, the Council would probably support it because it would move Graham forward.

Council Member Whitaker stated they did not own all the property. She stated it was an industrial area and shared concerns about the schools, infrastructure, and adding more places to live. She said if we keep putting in more and more places to live, we would end up being a bedroom community, and if we give up industrial

spaces, our taxes would go up. She said many businesses were interested in coming to Graham, and if we keep giving up all the industrial-zoned areas, there would be nowhere to go.

She said it was a nice project but was concerned about the pricing in that area and was not sure you could get that for the area. She said this had nothing to do with the zoning but was just a comment.

Mayor Pro Tem Hall stated his biggest concern was turning around tomorrow, applying, and putting up apartments in that area, which is not where we want to go. He said the proposed price point was in line with the housing market and it takes baby steps to bring an area out of blight. He said regardless of whether the Council approves the project, the schools are already overburdened and did not hold up when other cities are developing areas that also affect schools. He said if we lose the industrial property, we could end up with another parking lot to park trucks.

Council Member Chin asked if the developer had considered approaching the owners along Jeffreys to acquire their land in exchange for a unit in the development.

Attorney Hodiern stated it would be an economic transaction or negotiation between a willing seller and a willing buyer. She noted that the conversation was putting an option on those properties for those owners to tie this property's evolution of highest and best use to them. She stated it would artificially diminish this property because it has been said to go hand in hand with theirs, and now we are further apart in the negotiations. She shared there was a reason you do not talk about other properties outside the subject property in rezoning hearings.

Council Member Chin said, "Instead of thinking small, think big." He said she would set a trend if she had all that land and your project was the first piece of it, then incorporating a small-town center with shopping. He asked Ms. Hodiern to think outside of just developing a residential neighborhood because that was what was being proposed.

Attorney Hodiern stated that Council Member Chin's proposal was more in line with the long-range small-area planning that the City's Planning Staff would typically do, and the developer can only control the subject property.

Council Member Chin stated it was one of those things where you sit around the table with fellow developers and discuss. He said we are doing things piece meal. He said those who are living in the area that is being acquired should be offered something besides just buying them out.

Attorney Hodiern stated that tying one property's fate to its neighbor and diminishing and impairing this property owner's abilities and future because of what the neighbor may or may not agree to do in an economic contest outside of this was problematic for the property owner who has actually come to the table and wants to contribute something.

Council Member Chin stressed that it was not a "you win, I lose" situation but seemed to be our model.

Attorney Hodiern stated, "But now this property loses because its fate is now tied to other property owners, who have been told their property holds the key to its future."

Council Member Parsons asked if the Council approved the rezoning request, but the developer could not get an easement; the Council would be put in an awkward position of having property that could not be developed. He said the city was lacking in industrial property.

Assistant City Manager Holland stated that the Council had the right to rezone it to whatever they wanted. He noted that the zoning was conditional based on the parameters set, and if progress is not made, the Council can rezone it to something else.

Attorney Hodiern stated an industrial user would also need a sewer easement, and any user coming to the property would have to figure that out.

Mr. Tom Boney asked to ask a question.

City Manager Garner informed the Council that the public hearing had been closed and if they wanted to continue hearing public comments, she asked Mayor Pro Tem Hall to reopen the hearing.

Mayor Pro Tem Hall asked if the Council would like to reopen the public hearing. Council Member Whitaker stated no.

Mr. Boney continued to ask his question.

City Manager Garner restated that if the Council elects to take questions or comments it should please reopen the public hearing.

Mayor Pro Tem Hall moved to reopen the public hearing, but the motion failed because it lacked a second.

Motion by Council Member Chin to deny the rezoning of 4.7 acres located off Hanover Road and Jeffreys Street from I -1, Light Industrial and R-G, General Residential to CR, Conditional Residential to construct 42 townhomes and that it would not be consistent with policies 5.1.1, 3.3.2, and strategy 4.3.1, as put forth by the Graham 2035 Comprehensive Plan and the plan itself does not meet the Industrial/Warehousing requirements of the Future Land Use Plan, seconded by Council Member Whitaker. The motion passed 3-1 to deny the rezoning. Council Members Chin, Whitaker, and Parsons voted to deny the rezoning, and Mayor Pro Tem Hall voted against the denial.

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

The council took a ten-minute recess. (7:40 pm – 7:50pm)

2. AMENDMENT – DEVELOPMENT ORDINANCE – BOARDING HOUSES

A public hearing was 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.

Assistant City Manager Holland stated this was one of two ordinance amendments the Council had asked staff to bring forward. He shared that currently, the City does not address boarding houses or short-term rentals. The City Council tasked staff with defining and creating use types for Boarding Houses inside the City of Graham Development Ordinance.

Boarding House Definition - A residential establishment that 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.*

Mr. Holland stated the definition was boilerplate with nothing controversial, and the Planning Board wanted to add more to the definition to make it stronger; however, enforcement would be challenging and recommended denial.

Mayor Talley asked how Burlington dealt with boarding houses.

City Attorney Ward shared that the Burlington City Attorney looked at this broadly and decided the first thing was to do an inventory and see if there were any existing boarding houses. He said if they were already existing, they would have to address the issue of non-conformity. He shared that Burlington did adopt a boarding house regulation; however, it has not been easy to enforce because it would be complaint-driven unless you were willing to get an administrative search warrant to determine if they complied with the ordinance. According to Senate Bill 300, which was passed several years ago, he said you could not make it a misdemeanor. He stated that if the Council adopted the change tonight, it would require a special use permit, giving you some control.

Mayor Talley stated for clarity, that anyone wanting to have a boarding house would have to get a special use permit and meet the six criteria of a Special Use Permit and the additional criteria as proposed tonight.

Council Member Chin asked why we keep adding ordinances when no one has complained.

Council Member Parsons stated the City would have language in an ordinance to enforce if someone complained.

The public hearing was opened, and no one spoke.

Motion by Council Member Chin 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 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, seconded by Mayor Pro Tem Hall. The motion passed 4-1. Council Member Chin voted no.

3. AMENDMENT – DEVELOPMENT ORDINANCE – SHORT TERM RENTALS

A public hearing was 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 Short-Term Rentals.

Assistant City Manager Holland stated the City Council had asked staff to define and create use types for Short Term Rentals inside the City. He shared the new amendment would now permit Short Term Rentals to operate inside 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 use that would require further regulation. The Planning Board recommended approval of the text amendment by a vote of 4-2. Discussing the number of occupants per bedroom was a concern for an opposition member.

Short-Term Rental Definition: 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. One parking space per bedroom is required, not including on-street parking. Overnight occupancy will not exceed two persons per bedroom. 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, recreation, or employment. *This does not include hotels, motels, boarding homes, or bed and breakfasts.*

Assistant City Manager Holland stated the point of the definition would not allow for bedrooms to be rented. You would now have to rent the whole house.

Mayor Pro Tem Hall stated he would like to see no on-street parking.

Mayor Talley disagreed, saying that parking was an issue during the day, but at night, you would be recycling the parking, which was the highest and best use of parking.

Tom Boney, Alamance News, asked if this was aimed at Airbnbs.

Mayor Talley stated that the complaint came in regarding a residential house that was used as a short-term rental but more like a boarding house.

Mr. Boney stated he was under the impression that the State had defined Airbnbs and given certain parameters that the City could not change.

Assistant City Manager Holland stated there were challenges to Airbnb's ordinance in other locations, and it failed when it went to court because it was too restrictive beyond what a city could do.

Mr. Boney asked Mayor Talley if she owned or operated any Airbnbs.

Mayor Talley stated she does.

Mr. Boney asked if it would create a conflict similar to the rezoning by voting and discussing it.

Mayor Talley stated she pays taxes and votes on taxes but would defer to the City Attorney.

City Attorney Ward stated 160(d) impacted all Airbnbs City-wide and not just the mayors individually.

Mr. Boney asked if the Mayor's Airbnb relied on on-street parking.

Mayor Talley stated she had parking downtown and that getting a downtown boutique hotel that would rely on on-street parking had been discussed. She further stated she had no plans of having a boutique hotel.

The public hearing was closed.

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

Motion by Council Member Whitaker 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 Short Term Rentals, seconded by Mayor Talley. The motion passed unanimously.

OLD BUSINESS:

4. 2024 PEDESTRIAN PLAN UPDATE

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

Mayor Talley asked to postpone one more time to finish up the changes.

Motion by Mayor Pro Tem Hall to table this item to the January 12, 2025 Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

NEW BUSINESS:

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

City Council considered 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.

Assistant City Manager Holland stated the request was to increase the number of pot-belly pigs allowed per lot. He noted currently, you are restricted to only one per lot with other requirements in place. He explained that Ms. Ramsey had proposed the City increase the number to no more than two per lot and it would have to be two acres or more. He stated if the Council agreed to move forward with the Ordinance, he asked the Council to direct staff to bring the change back for approval.

Ms. Crystal Ramsey, 720 West Harden Street, shared that ivy and invasive plants were taking over her property of 4.6 acres. She said that she did have goats trying to help, but the goats eat from the top down but do not kill the ivy. She stated that the pigs have the ability to kill the ivy. She said pigs are a herd species; having only one pig causes single-pig syndrome and can become aggressive.

Mr. Keith Westbrook reiterated that she does need two pigs.

Motion by Council Member Whitaker to direct City staff to rewrite the ordinance allowing two pot-belly pigs per property with two or more acres.

PUBLIC COMMENT PERIOD

Mr. Chuck Talley, 808 Sideview Street, Graham, asked the Council to review RG, Residential General. He stated that RG zoning was in most of the northern part of the City and was concerned that a single-wide trailer could be put in its place if an older house was removed. He did not want people to feel disadvantaged

if something went wrong with the house next door. It should be put back as a permanent fixture.

Assistant City Manager Holland asked to clarify the request and if it was something the Council wanted staff to review.

Mayor Talley said Mr. Talley was concerned that you could put in a single-wide trailer if someone in an RG zoning house were to burn down.

Mr. Talley said he wanted to ensure that RG would not allow single-wide manufactured housing into an established neighborhood with permanent houses.

Assistant City Manager Holland stated the challenge would be making a lot of properties non-conforming. He asked the Council if they wanted staff to bring back to Council removing the use by right in RG single-wide mobile homes. He stated he would need to confer with the attorneys because you would now create a non-conforming situation for anyone sitting on an RG property in a mobile home.

The consensus of the Council was to have staff look at RG areas and report back to the Council.

Mr. Keith Westbrook, 604 Trockwilder Court, Graham, spoke about parking issues at Graham High School, parking on both sides of the road to pick up kids, and that it was a safety issue.

CITY STAFF COMMENTS

There were no comments.

CITY COUNCIL COMMENTS

The City Council wished everyone a Merry Christmas and thanked staff for all their hard work.

ADJOURN

Motion by Mayor Pro Tem Hall to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting adjourned at 8:50 p.m.

Renee M. Ward, CMC
City Clerk