City of Graham City Council Meeting Agenda May 13, 2025 6:00 p.m. | City Hall | 201 South Main Street | Graham, NC



CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

RECOGNITION:

- Mr. Clint Morrow 100th Birthday
- Ms. Angie Solomon Queens in Pearls

CONSENT AGENDA:

- A. To approve the April 8, 2025, City Council Meeting and Closed Session minutes.
- **B.** To approve a resolution awarding a police badge and service sidearm to Retired Police Officer Marcus Pollock.
- C. To approve a request from adjoining property owners to abandon an existing sewer easement between Cherry Lane and Jimmie Kerr Road that is no longer needed and to authorize the City Manager and City Attorney to effectuate a quit claim deed with all parties for lots 37, 104, 105 Cherry Creek Phase 2, and 2038 Jimmie Kerr Road.
- **D.** To approve a resolution setting a date of public hearing for June 10, 2025, to consider a contiguous annexation for a tract of land totaling 24.22 acres, located off Jim Minor Road, pursuant to General Statute 160A-31.
- **E.** To approve an agreement to share costs in the operation of the Animal Services Center to continue providing professional, humane animal sheltering and placement services for pets in respective jurisdictions.
- **F.** To approve the following street closure for the Arts Around the Square event to be held on Saturday, May 17, 2025, adding one extra hour for set up:
 - 100 blocks of North and South Main Street and the 100 blocks of East and West Elm Street from 5:00 a.m. to 6:00 p.m.
- **G.** To approve an amendment to the Municipal Materials Management Agreement between the City of Graham and Republic Services of North Carolina, LLC, dba Republic Waste Services of Greensboro, extending the term of the Agreement for one year, expiring June 20, 2026.
- **H.** To approve a Resolution opposing changes to Local Planning and Zoning as stated in House Bill 765 and related bills by the North Carolina General Assembly.

- I. To approve a budget amendment in the amount of \$24,000, to cover unforeseen maintenance issues with Engine 10 (2014 Sutphen Engine).
- **J.** To approve a budget amendment recognizing \$57,000 in realized tap fee revenue and increasing the meter valve and hydrant expense (Water & Sewer Distribution) by the same amount.
- **K.** To approve tax releases in the amount of \$269.77.

PUBLIC HEARINGS:

1. <u>REZONING – 6.27 ACRES – OFF IVEY ROAD AND EAST GILBREATH STREET</u>

A public hearing has been continued to consider rezoning 6.27 acres of property from R-18, Low-Density Residential, to C-R, Conditional Residential, to construct 29 townhomes located off Ivey Road and East Gilbreath Street. (Planning Board Recommended Approval 5-0 with conditions) (Continued from the January 14, February 11, and April 8, 2025, Council meetings) (The petitioner has requested to table this item to the June 10, 2025, Council meeting.)

2. <u>REZONING - 0.51 ACRE LOT – 200 S MARSHALL STREET</u>

A public hearing has been continued to consider rezoning a 0.51-acre lot, located on 2090 S. Marshall Street, from O-I (Office and Industrial) to B-2 (General Business). (Continued from the April 8, 2025, Council meeting.) (Planning Board recommended denial 6-0) (The Petitioner has requested to table this item to the June 10, 2025, Council meeting.)

3. <u>REZONING – 113 W GILBREATH STREET</u>

A public hearing has been set to consider rezoning 0.83 acres located at 113 W Gilbreath Street from R-7 (High Density Residential) to C-B (Conditional Business) to allow for a single-chair hair salon. (Planning and Zoning recommended approval 7-0)

4. JOINT ANNEXATION ORDINANCE- BURLINGTON-GRAHAM - RACE TRACK ROAD

City Council will consider approving an Ordinance and a Memorandum of Understanding for a joint annexation agreement between the Cities of Graham and Burlington for the area of Race Track Road.

NEW BUSINESS:

5. <u>DEVELOPMENT ORDINANCE AMENDMENT – MULTI-TENANT INDUSTRIAL</u> <u>BUILDINGS</u>

City Council will consider amending the Development Ordinance by adding language to define and create a use type for Multi-Tenant Industrial Buildings. (Planning and Zoning recommended approval)

6. POTENTIAL SIGNS AND BANNERS – OCCUPANCY TAX FUNDS

City Council will consider reviewing potential sign options for City Hall and banners for Downtown Graham using Occupancy Tax funds.

7. <u>SESQUICENTENNIAL PARK PROJECT OPTIONS</u>

City Council will review and consider options for the Sesquicentennial Park.

8. OVERCHARGE CLAIM – TRASH PICKUP

City Council will receive an update, at Council Member Parsons's request, regarding an overcharge claim by Graham Furniture Mart for trash pickup.

9. DOWNTOWN MASTER PLAN REWRITE

City Council will discuss the rewriting of the Downtown Master Plan.

10. FY2025-2026 BUDGET PRESENTATION

City Manager Garner will present the Fiscal Year 2025-2026 Budget Proposal.

PUBLIC COMMENT PERIOD

CITY STAFF COMMENTS

CITY COUNCIL COMMENTS

CLOSED SESSION:

City Council will consider going into closed session pursuant to the terms of N.C.G.S. 143-318.11(a)(3) and N.C.G.S. 143-318.11(a)(6) 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. The closed session is for two separate legal matters: a personnel issue and consulting with the attorney.

ADJOURN

City of Graham City Council Meeting Agenda April 8, 2025



The City Council of the City of Graham held a regularly scheduled meeting on April 8, 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 Renee Ward, City Clerk

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Hall gave the invocation, and all stood for the Pledge of Allegiance.



RECOGNITION: City Council recognized Mr. Tommy Purcell as the 2024 Volunteer of the Year for keeping downtown Graham clean, serving as a docent at the Graham Historical Museum, assisting with numerous repair projects, and making park benches.

PROCLAMATION: "Litter Sweep" – April 12 – 26, 2025

Mayor Tally encouraged citizens to participate in *Litter Sweep* to help keep Graham beautiful.

CONSENT AGENDA:

- A. To approve the March 11, 2025, City Council Meeting and the March 24, 2025, Special Budget Planning Session Minutes.
- **B.** To approve a request to close the eastbound lane of W. Elm Street from the 212 W. Elm Street parking lot (Judge J.B. Allen Jr. Criminal Courthouse) to Maple Street for the Alamance County Memorial Day Service.

- **C.** To approve a donation of 21 sections of 5-inch Large Diameter (LDH) Supply Hose to the Alamance Community College Fire Academy.
- **D.** To authorize the Recreation and Parks Department to apply for a 2025 PARTF Grant for 50% reimbursement of the recently purchased Teer Property for the expansion of Bill Cooke Park.
- **E.** To award a contract to Pipeline Utilities, Inc., for the Home, Banks, and McBride water main replacement and to adopt a Project Ordinance for \$288,000.

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

PUBLIC HEARINGS:

ITEM 1: REZONING - 6.27 ACRES - OFF IVEY ROAD AND EAST GILBREATH STREET

A public hearing was tabled to consider rezoning 6.27 acres of property from R-18, Low-Density Residential, to C-R, Conditional Residential, to construct 29 townhomes located off Ivey Road and East Gilbreath Street. (Planning Board Recommended Approval 5-0 with conditions) (Continued from the January 14, 2025, and February 11, 2025, Council meetings) (Petitioner has requested to table the rezoning to the May 13, 2025, City Council Meeting)

Assistant City Manager Holland shared the petitioner had requested to table the rezoning to the May 13, 2025, City Council meeting.

Motion by Mayor Pro Tem Hall to table the rezoning to the May 13, 2025, Council meeting, seconded by Council Member Chin. The motion passed unanimously.

ITEM 2: REZONING - 0.51 ACRE LOT – 200 S MARSHALL STREET

City Council will consider rezoning a 0.51-acre lot, located on 2090 S. Marshall Street, from O-I (Office and Industrial) to B-2 (General Business). (Planning Board recommended denial 6-0)

Assistant City Manager Holland shared the petitioner had requested to table the rezoning to the May 13, 2025, City Council meeting.

Motion by Council Member Whitaker to table the rezoning to the May 13, 2025, Council meeting, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 3: REZONING – 3.29 ACRES – 1133 S MAIN STREET

City Council will consider rezoning 3.29 acres of land located at 1133 S Main Street from B-2 (General Business) to C-R (Conditional Residential) to develop a single three-story, 60-unit, age-restricted (55+) multifamily development. (Planning Board recommended denial 6-0)

The public hearing was opened, and the following spoke:

Assistant City Manager Holland stated this lot was currently vacant and abutted single-family homes on the North and vacant commercial and residential land on the south. This property is listed on the Future Land Use Map as a Commercial Corridor and Suburban Residential. He shared the Planning Board recommended denial by a vote of 6-0 at its March 10, 2025, meeting. He stated since the Planning Board meeting, the applicant had updated the site plan based on comments received. He noted the Blair Street connection had been removed, ten additional parking spaces were added, and a privacy fence was proposed along the northern portion of the lot.

Mr. Pete Schwiegeraht, Senior Vice President of Development, Pivotal, 9100 Center Point Drive, Westchester, Ohio, stated he was proposing a 60-unit senior independent living facility, which would be age-restricted, 55+, with a mix of one- and two-bedroom units, high energy efficient. He presented a site plan change that included the removal of the Blair Street connections, reversed the building and the parking lot to allow for a 100-foot set back, and a 40-foot green space the entire length of the property, a six-foot privacy fence the full length of the property line with a landscape buffer.

Ms. Janet Cates, 1115 South Main, who also owned property at 1111 South Main, voiced concerns about increased traffic and a multi-age restriction, which is 55 and above; however, others less than 55 years old could live there as well. She also expressed concern about the required income, and 80% had to meet the 55+ age requirement, and 20% did not. She shared property values would decrease and vandalism could be an issue.

Mr. Burton Cates, 115 South Main Street, suggested a 65+ age requirement, and the location was not ideal.

Mr. Schwiegeraht shared that all residents would be held at the 55+ age standard unless someone had a child under 18 who could live there until they turned 18. He shared that a condition would be accepted for a deed restriction of 62+, and no one under 62 would be allowed to occupy the property.

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

Mayor Talley stated the goal of this area was for business, and the majority of the residents would eventually be turned into the business district. She said she did not like changing the zoning in the middle of what was planned as the business district, and it does not fit with the 2035 Comprehensive Plan.

Council Member Whitaker voiced concerns about the location and the fact that it would be three stories high.

Council Member Chin stated he agreed with Council Member Whitaker.

Mr. Schwiegeraht stated his company was offering a need for Graham, and he did not want to be off the major thoroughfare.

Council Member Parsons concurred with the other Council Members, and he did not want to give up business for residential.

Motion by Mayor Talley to deny the rezoning of 3.29 acres located at 1133 South Main Street from B-2 (General Business) to C-R (Conditional Residential) for the development of a single three-story, 60-unit, age-restricted (62+) multifamily development and that it would not be consistent with the Suburban

Residential and Commercial Land Use areas due to the density of the development and was not consistent with policies 2.2.1, 4.3.1, 5.1.2, and 5.2.1 as put forth by the Graham 2035 Comprehensive Plan and it was not the Mayor's desire to change commercial property to multi-family, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

NEW BUSINESS:

ITEM 4: ORDINANCE AMENDMENT – CHAPTER 12 – ARTICLE I - IMPEDING PUBLIC RIGHTS- OF-WAY

City Council will consider approving an Ordinance amendment adding Section 12-17: Blocking or impeding street or highway, public sidewalk, and public passageway access to Chapter 12-Offenses and Miscellaneous Provisions, Article I: In General, Division I: Generally. (Continued from the March 11, 2025, Council Meeting)

Mr. Christian Ferlan, Attorney, Hall Booth Smith, P.C., stated this was an amendment to Chapter 12 and adding Section 12-17, placing restrictions on blocking public rights-of-way to keep pedestrian traffic moving and safe access to buildings from the sidewalk.

Motion by Mayor Pro Tem Hall to approve the ordinance amendment adding Section 12-17, seconded by Council Member Chin. The motion passed unanimously.

ITEM 5: OPTIONS – ALCOHOL SALES – ARTS AROUND THE SQUARE

City Council will consider Forgotten Road Ales' request to sell and serve alcohol during the Arts Around the Square event on May 17, 2025.

Brian Faucette, Director of Recreation and Parks, reviewed the following options suggested by the Graham Police Department:

Option 1: Allow vendors to sell and serve alcohol on North Main Street, West Elm Street, the adjacent city parking lot, East Elm Street, and Court Square.

Option 2: Allow vendors to sell and serve alcohol on West Elm Street and the adjacent city parking lot.

Mr. Ben Farrar, Forgotten Road Ales, stated the request was for four vendors to have a mix of two breweries in town, possibly a distally in Burlington, and a wine vendor. He further stated it was discussed not to have alcohol vendors near the kid's events.

Council Member Whitaker stated she was okay with serving alcohol but would like to spread them out as stated in Option 1.

Mayor Talley stated she was in favor of Option 1.

Council Member Parsons stated he did not think alcohol should be at the event at all, that it was a family event, and that alcohol had nothing to do with an arts festival.

Kiersten Holloman and husband Donald Hicks, owners of Little Oblivion, shared they have a gallery wall and a photography wall where art from local artists was displayed in their brewery. She shared arts were very important to them. She also shared that they watched the people they serve carefully to ensure no one was overindulging.

Mayor Pro Tem Hall stated that if the Council allowed alcohol, he suggested option 2.

Tom Boney, Alamance News, stated he supported Council Member Parsons' instinct that this was inconsistent with a family-oriented arts event. He suggested that if the Council allowed alcohol, it should only allow two Graham-based vendors and limit the sales to the area of West Elm Street only.

Mayor Talley noted that the City did not solicit alcohol vendors; they came and requested permission to sell. She shared she did not like telling someone they could not participate in a city event for something legal.

Motion by Council Member Whitaker to allow four alcohol vendors and **Option 1** for the Arts Around the Square event, seconded by Mayor Talley. The motion passed 3-2. Mayor Pro Tem Hall and Council Member Parsons voted no.

ITEM 6: ADOPTION – GRAHAM PERSONNEL POLICY

City Council will consider approving a resolution to adopt a revised City of Graham Personnel Policy.

Megan Garner stated the City's Personnel Policy was adopted in 2014, and very few revisions had been made since. She noted the City had contracted with Susan Nunn, retired Human Resources Director, Performance Potential Uncorked, LLC employee, to conduct a comprehensive rewrite. She stated the document before the Council for consideration was the culmination of input and feedback using true City scenarios to develop the most comprehensive policy. Even with such, there will be necessary revisions from time to time that will come before the City Council for consideration. She stated the policy was written to reduce existing and future liabilities to the City while providing a fair, uniform application. She noted the policy would be effective May 1, 2025, with a few exceptions as noted in the resolution to adopt.

Mayor Talley said that one issue she brought up was working remotely, and she wanted to clarify that this must be approved by a supervisor or the city manager.

City Manager Garner stated in Section 5-1. Work Schedule: It states that the department heads shall establish work schedules, including but not limited to remote work, with the approval of the City Manager, that meet the operational needs of the department in the most cost-effective manner possible. She stated all employees had been back in person for over three years since COVID.

Mayor Talley stated she was proud of the City Manager for implementing career goals to give employees a chance for advancement.

Motion by Council Member Whitaker to approve a resolution adopting Graham's Personnel Policy, with the effective date of May 1, 2025, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Resolution to Adopt the City of Graham Personnel Policy

WHEREAS, the Mayor and City Council of the City of Graham recognize the importance of municipal employees in meeting the service needs of City residents; and

WHEREAS, the Mayor and City Council desires to maintain a municipal workforce composed of qualified, competent, dedicated employees; and

WHEREAS, pursuant to North Carolina General Statute 160A-164, the City of Graham seeks to maintain a Personnel Policy to direct the manner in which employment with the City of Graham is conducted; and

WHEREAS, the Mayor and City Council desires to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment consistent with the needs of the City and the circumstances of the situation, which the employee or administration may be faced with from time to time.

WHEREAS, the City Council, from time to time, may choose to modify this policy in keeping with the needs of the City; and

WHEREAS, the Personnel Policy previously adopted July 1, 2024, has been rescinded; and

WHEREAS, in accordance with Section 5-5, the following familial relationships are hereby acknowledged to exist, and said employees are not within one another's chain of supervision:

- Lorrie Andrews (Human Resources) and Rodney King (Police) Not immediate family
- Sue Routh (Finance) and Crispian Routh (Wastewater) Married
- Kenny Hill (Water and Sewer Distribution) and Justin Hill Not immediate family
- Shelby Smith (Water Treatment Plant) and Reis Smith (Water and Sewer Distribution) Mother and son

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Graham, has adopted the Personnel Policy with an effective date of May 1, 2025 with the following exceptions:

- Vacation accruals will begin with the first full payroll period processed in the new payroll system, estimated to be May 2025 but may be delayed;
- City employees who currently have secondary employment have 30 days from the date of adoption to complete the Secondary Employment Form and submit it to their respective Department Head;
- Compensation for serving on-call pay will begin no earlier than July 1, 2025; and
- City employees have 30 days from the date of adoption to complete the Acknowledgement of the revised Personnel Policy.

ADOPTED, this the 8th day of April 2025.

PUBLIC COMMENT PERIOD

Mr. Danial Alvis, 1092 Noah Road, Graham, asked the Council and Staff to consider forming a committee to allow a downtown social district for events.

Mr. Keith Westbrook, 604 Trock Wilder Court, Graham, inquired about the selection process for vendors at the Arts Around the Square and was told he was on a waiting list.

Ms. Tanya Bolton, 1635 Palmer Drive, Graham, Westfield Reserves, inquired about 31 no-parking signs erected on a 0.2-mile street this week. She shared the signs look terrible. Five other residents shared the same issues with the parking signs and asked if they could park on one side of the street. They asked the Council to offer a resolution. They also expressed concerns about not being able to have any visitors because they would not have anywhere to park.

Assistant City Manager Holland shared that this was one of the newest subdivisions. When approved, the streets were 25 feet wide, with no parking on the street, and the developer never installed the signs.

Mayor Talley stated the previous Council approved this, and this Council would no longer approve a street less than 31 feet. She said it would be a safety issue if a house were on fire and emergency vehicles could not get through because of the number of cars parked on the street.

Council Member Chin suggested that the citizens offer solutions and return to the next Council meeting to be considered.

Staff will look into the number of signs posted.

CITY STAFF COMMENTS

Assistant City Manager Holland shared that Mayor Pro Tem Hall, who currently served on the Alamance County Community Services Agency Board, could no longer serve, and he asked the Council to appoint another person. He shared that the board meets on the second Thursday of every month at Company Shops Train Station, Burlington, from 5:30 p.m. to 8:00 p.m. Mayor Talley volunteered to serve on the board.

City Manager Garner received an email from the North Carolina League of Municipalities asking for a voting delegate for the League's Board of Directors election process. This individual would vote between April 14 and April 21st.

The consensus of the Council was for Mayor Pro Tem Hall to be the voting delegate.

CITY COUNCIL COMMENTS

Council Member Parsons inquired about Graham Furniture Mart's claim that he was overcharged for trash pick-up. He asked staff to review the claim, determine if he should be refunded, and bring it back to the May Council meeting for consideration.

Mayor Talley reminded citizens of the Kinfolk Concert Series and Car Cruise-In, held from 4:00 p.m. to 9:00 p.m. at the Graham Amphitheater, 104 E Elm Street, sponsored by the ALCOVETS. Bands start at 7:00 p.m.

- April 19 Favored Band
- May 17 Jordan Pickett
- June 21 Dalton Davis
- July 19 Clint Horton & The Magnificents
- August 16 The Mason Lovette Band
- September 20 Kristy Wilkins
- October 18 Dr. Captain and the Fleet

Strolling Easter Egg Hunt – 100 Block of Court Square, Saturday, April 19^{th} – 1:00 p.m. – 6:00 p.m. – Ages 2 - 11.

Thursday's at Seven Concert Events: Downtown Graham • West Elm Street

Concert Series Lineup:

- May 22 **The Holiday Band**
- June 26 Phatt City
- July 24 **The Main Event Band**
- August 28 **North Tower Band**
- September 11 **The Castaways**
- September 25 Mason Lovette Band

Mayor Talley asked the Council to direct staff to consider adding vape shops to the special use permit requirements because a special use permit could control some of the issues. Council consensus was to direct staff to add vape shops to the special use permit.

Mayor Talley asked Staff to place on the May 13, 2025, Council agenda to discuss the Downtown Master Plan rewrite. Council consensus was to discuss the plan's rewrite process at the May Council meeting.

Mayor Talley inquired about tiny homes in the RG zoning, which were trailer parks.

Assistant City Manager Holland said you could build a small home if it met the requirements.

Mayor Talley asked about citizens being able to pay for additional trash cans.

City Manager Garner said the City currently could not fund the cost of offering an extra can. This request would also require additional trucks and drivers, and staff was already struggling to meet the current demand with the new developments. She stated there would also be tipping fees, truck maintenance, and additional employee costs.

Mayor Talley stated people were doing it anyway and did not see that having another can would increase our consumption because they were putting it in the recycling can.

City Manager Garner noted that the City does not collect recycling cans.

Council Member Chin inquired about the Economic Development Committee and its membership criteria. He asked if potential members needed to live in Graham or have a business in Graham.

Mayor Talley suggested having three members who live in Graham and maybe others who own a business or have owned a business.

City Manager Garner noted this board was not governed by any State Statute and that it would be up to the governing body to set the rules for appointment.

Council Member Chin asked about comments he had heard second and third hand that Graham was becoming less business-friendly.

Mayor Talley shared there were delays in the planning process, engineering, and TRC.

City Council Member Parsons disagreed with that statement and asked what businesses had been turned away or had issues with the planning process.

Mayor Talley said they are saying it is hard to get stuff through TRC and that they have to go back multiple times.

Council Member Chin said businesses, especially those in Graham with submitted expansion plans, are being made to jump through hoops.

City Manager Garner asked if there were specific examples that would be helpful for staff to know so we can backtrack the process and identify the circumstances that may have led to that.

Assistant City Manager Holland stated that the City had to follow specific state requirements because of Graham's size and location. For anyone doing any development where you are moving dirt, there are state requirements that are beyond the City's control. He asked if someone could give specifics. He shared that the general turnaround time was quick and the fastest in the area regarding when the application came in and when they could start their development.

Mayor Talley asked staff to look into advertising Arts Around the Square event and whether staff had applied for funding through the Visitor's Bureau.

City Manager Garner stated Recreation had applied for that grant, and the CVB said they were revamping the program and did not fund our request, Burlington's request for the Carousel Festival, and others. She further stated there was discussion about whether they should continue offering funding to municipalities that now have an occupancy tax that municipalities did not have before.

Mayor Talley asked if funds could be used towards advertising.

City Manager Garner said advertising funds were built into the \$50,000 budget for Arts Around the Square.

Mayor Talley stated she would be willing to give up one of her billboards for advertisement.

Mayor Talley inquired about public art funding.

City Manager Garner said she does not recall funds being earmarked for public art.

Mayor Talley asked the Council what they thought about a public art piece.

Mayor Pro Tem Hall stated he would not be in favor until we could fund all the departments and meet their needs. He said he would be in favor if it was free.

Mayor Talley asked about replacing the downtown banners and if that could be discussed at the next meeting.

Mayor Talley inquired about the cemetery at Cooper Road and Gilbreath Street, which needs to be cleaned up. Assistant City Manager Holland said the Staff would check it out.

Recreation and Parks Director Brian Faucette announced that the first community engagement session for the Graham Regional Park Master Plan will be held on April 14, 2025, from 10:00 a.m. to 12:00 p.m. to receive citizen input on the park's future.

CLOSED SESSION:

The City Council will consider holding a closed session pursuant to G.S. 143-318.11(a)(6).

The motion by Mayor Pro Tem Hall to go into closed session pursuant to G.S. 143-318.11(a)(6) was seconded by Council Member Chin. The motion passed unanimously.

Motion by Mayor Pro Tem Hall to go out of closed session, seconded by Council Member Chin. The motion passed unanimously.

OPEN SESSION:

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

Mayor Talley stated the Council went into closed session pursuant to G.S. 143-318.11(a)(6) to discuss City Manager Garner's performance review. As a result of the evaluation, the Council agreed to increase her salary to \$200,000 effective the next pay period.

Motion by Council Member Whitaker to approve the Manager's salary at \$200,000, seconded by Mayor Pro Tem Hall. 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 11:29 p.m.

<u>Renee M. Ward, CMC</u> City Clerk

> April 8, 2025 City Council Meeting



RESOLUTION AWARDING POLICE BADGE AND SERVICE SIDE ARM TO POLICE OFFICER I MARCUS FERZELL POLLOCK

WHEREAS, Marcus F. Pollock was an employee of the City of Graham as a member of the Graham Police Department for eight years and 7 months (with over 25 years of law enforcement); and

WHEREAS, G.S. 20-187.2 permits the awarding of badges and service side arms to deceased or retiring members of State, City, and County Law Enforcement agencies.

NOW, THEREFORE, BE IT BE RESOLVED BY THE GOVERNING BODY OF THE CITY OF GRAHAM, NORTH CAROLINA THAT: The City of Graham does hereby award the service side arm (Glock Model 21 Serial # BLEZ048) and police badge to Marcus F. Pollock for his years of service to the City of Graham upon securing the necessary permit(s) according to G.S. 14-402 and receipt of one dollar (\$1.00).

Adopted this the 13th day of May 2025.

Jennifer Talley Mayor

ATTEST:

Renee M. Ward, CMC City Clerk

§ 20-187.2. Badges and service side arms of deceased or retiring members of State, city, and county law enforcement agencies; weapons of active members.

(a) Surviving spouses, or in the event such members die unsurvived by a spouse, surviving children of members of North Carolina State, city, and county law enforcement agencies killed in the line of duty or who are members of such agencies at the time of their deaths, and retiring members of such agencies shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a law enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired. Governing body shall mean for county and local alcohol beverage control officers, the county or local board of alcoholic control; for all other law enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for all other law enforcement officers with countywide jurisdiction, the board of county commissioners; for all State law enforcement officers, the head of the department.

(b) Active members of North Carolina State, city, and county law enforcement agencies, upon change of type of weapons, may purchase the weapon worn or carried by such member at a price which shall be the average yield to the State, city, or county from the sale of similar weapons during the preceding year.

(c) For purposes of this section, certified probation and parole officers shall be considered members of a North Carolina State law enforcement agency. (1971, c. 669; 1973, c. 1424; 1975, c. 44; 1977, c. 548; 1979, c. 882; 1987, c. 122; 2013-369, s. 19; 2016-77, s. 9(b); 2021-116, s. 1.3.)

STAFF REPORT

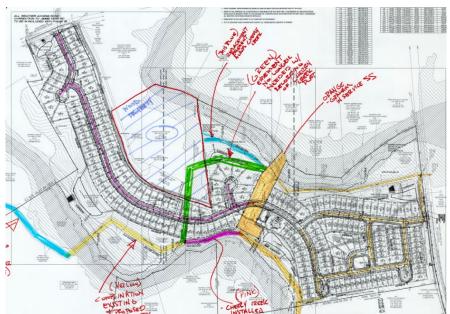
| PREPARED BY: | AARON HOLLAND, ASSISTANT CITY MANAGER |
|--------------|---|
| SUBJECT: | REQUEST TO ABANDON EASEMENT BETWEEN CHERRY LANE AND JIMMIE KERR RD |

REQUESTED ACTION:

Approve the request from adjoining property owners between Cherry Lane and Jimmie Kerr Rd to abandon the City's sewer easement that is no longer needed.

BACKGROUND/SUMMARY:

The City recently received a request from property owners between Cherry Land and Jimmie Kerr Rd requesting the City abandon an existing sewer easement. Due to development of this area and utilities being installed accordingly, the easement is no longer needed and can be abandoned. The City's legal staff have reviewed this request and has recommended a quit claim deed be executed between the City and the adjoining property owners.



FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. The various City departments that may be involved have reviewed the request and agree to recommend abandoning the easement.

SUGGESTED MOTION(S):

I move that we approve the requests from the adjacent property owners between Cherry Lane and Jimmie Kerr to abandon the City's sewer easement within this area and authorize the City manager and attorney to effectuate a quit claim deed with all parties involved (Meritage Homes, contracted home buyers for lots 37, 104, 105 Cherry Creek Phase 2, and 2038 Jimmie Kerr Rd).

4/21/2025

James Craig Wood & Christen S. Wood 2038 Lot G (and M) Haw River, NC 27258

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

Re: Release of Easement

Dear Ms. Garner,

As advised by Cameron West, we are writing to request that the easement owned by the City of Graham, located on our parcels of land #152381 and 182382 be removed. It was made evident to us that the city no longer needs the easements. We would like to have this property be quit claimed from the city to the present fee owners.

Please let me know if you require additional information or have any questions.

Respectfully submitted,

James Craig Wood Juster S. Wood

Christen S. Wood and James Craig Wood

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April 25, 2025

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

> Re: Lot 37, Cherry Creek Phase 2, Plat Book 85, Pages 163-170, Alamance County Registry Easements Previously Recorded: Book 2444, Pages 933 and 960, Alamance County Registry

Dear Ms. Garner:

The undersigned prospective owner of the above described Lot 37, Cherry Creek, Phase 2 property, joins with Meritage Homes of the Carolinas, Inc. request that the City formally abandon the easement instruments described above and as previously agreed to by the City by reference to its signature on the plat.

Thank you for your help and let me know if you need any additional information.

Sincerely, -Signed by: Garisha Davis 4/28/2025 Gansha Davis, Contract Purchaser Lot 37 Cherry Creek

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April 25, 2025

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

> Re: Lot 104, Cherry Creek Phase 2, Plat Book 85, Pages 163-170, Alamance County Registry Easements Previously Recorded: Book 2444, Pages 933 and 960, Alamance County Registry

Dear Ms. Garner:

The undersigned prospective owner of the above described Lot 104, Cherry Creek, Phase 2 property, joins with Meritage Homes of the Carolinas, Inc. request that the City formally abandon the easement instruments described above and as previously agreed to by the City by reference to its signature on the plat.

Thank you for your help and let me know if you need any additional information.

Sincerely, -Signed by: 4/25/2025 Swati Gupta Straff Couples, Contract Purchaser Lot 104 Cherry Creek

Page 20 of 111

April 25, 2025

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

> Re: Lot 105, Cherry Creek Phase 2, Plat Book 85, Pages 163-170, Alamance County Registry Easements Previously Recorded: Book 2444, Pages 933 and 960, Alamance **County Registry**

Dear Ms. Garner:

The undersigned prospective owner of the above described Lot 105, Cherry Creek, Phase 2 property, joins with Meritage Homes of the Carolinas, Inc. request that the City formally abandon the easement instruments described above and as previously agreed to by the City by reference to its signature on the plat.

Thank you for your help and let me know if you need any additional information.

Sincerely, -DocuSigned by: MARA 4/26/2025 Mora@EngerContract Purchaser Lot 105 Cherry Creek

Sincerely, Signed by:

4/26/2025

Regnaisan Ganot Reversion 2006 Reversion Contract Purchaser Lot 105 Cherry Creek Page 21 of 111



April 25, 2025

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

> Re: Cherry Creek Phase 2, Plat Book 85, Pages 163-170, Alamance County Registry Easements Previously Recorded: Book 2444, Pages 933 and 960, Alamance County Registry

Dear Ms. Garner:

Meritage Homes of the Carolinas, Inc. ("Meritage") the owner of the above described Cherry Creek, Phase 2 property, requests the City formally abandon the easement instruments described above and as previously agreed to by the City by reference to its signature on the plat.

The easements were initially dedicated to the City of Graham by the recording of deeds in Book 244, Pages 933 and 960, Alamance County Registry. The easements are no longer necessary to service the property as currently platted and should be abandoned. The new plat at Plat Book 85, Pages 163-170 intended to show both easements as abandoned.

As part of the current development, the easement areas being abandoned do not contain any water lines nor are needed as part of a utility or pipeline easement and should be quit claimed to Meritage Homes of the Carolinas, Inc. and/or to the respective homebuyers of Lots 37, 104 and 105. In the event the City's quit claim of the easement areas occurs on or after or in conjunction closing of homebuyers of Lots 37, 104 or 105, then Meritage will procure appropriate signed requests by the respective homebuyers.

Thank you for your help and let me know if you need any additional information.

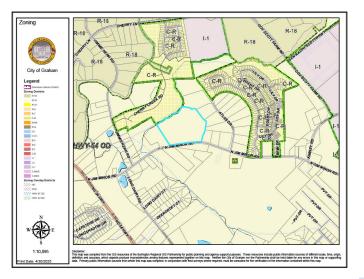
Sincerely, -DocuSigned by: Lauren Roseborough 4/25/2025 Meritage Momes of the Carolinas, Inc. BY: Lauren Roseborough



| SUBJECT: | ANNEXATION OF 24.22 +/- ACRES |
|--------------|-------------------------------|
| | |
| PREPARED BY: | CAMERON WEST, PLANNER |

REQUESTED ACTION:

Approve the resolution fixing a date of June 10, 2025, for a public hearing on the question of a contiguous annexation pursuant to G.S. 160A-31 for a tract of land totaling 24.22 +/- acres.



BACKGROUND/SUMMARY:

The 24.22 -acre area being considered for annexation is contiguous. The property owner is planning to connect to public water to this site for their residential property.

Approval of this resolution does not finalize the annexation as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance. Following a public hearing, approval of an Annexation Ordinance is the final step for Council in the

FISCAL IMPACT:

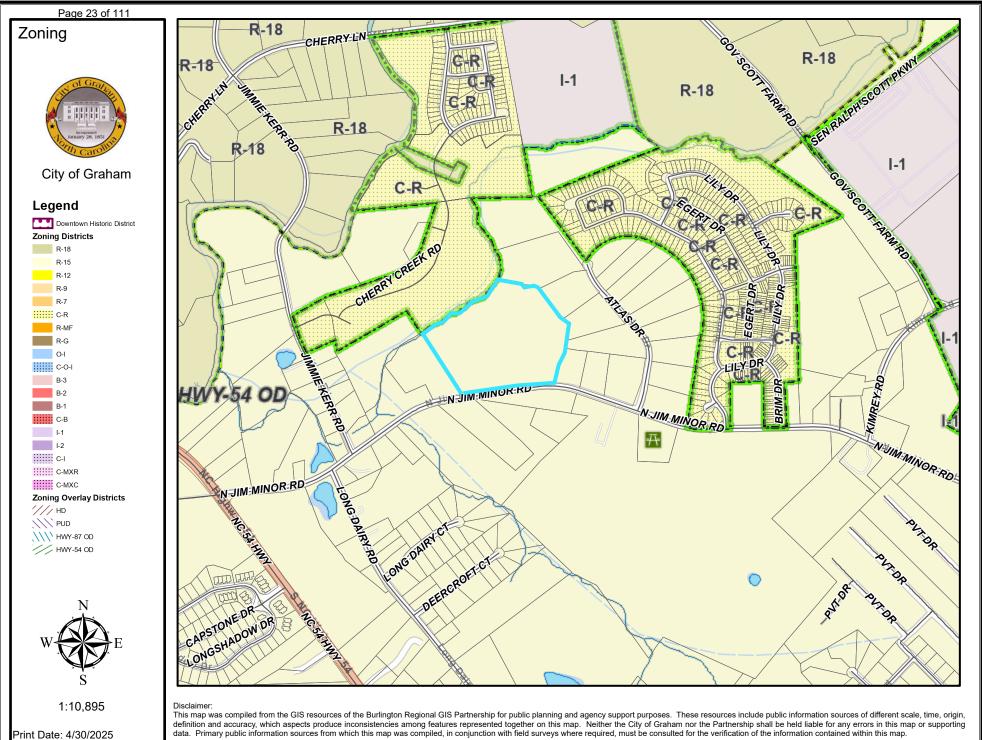
New residential property generally creates positive tax revenue for the City, and because the public services are being connected at this site, the cost to the City is minimal.

STAFF RECOMMENDATION:

Approval.

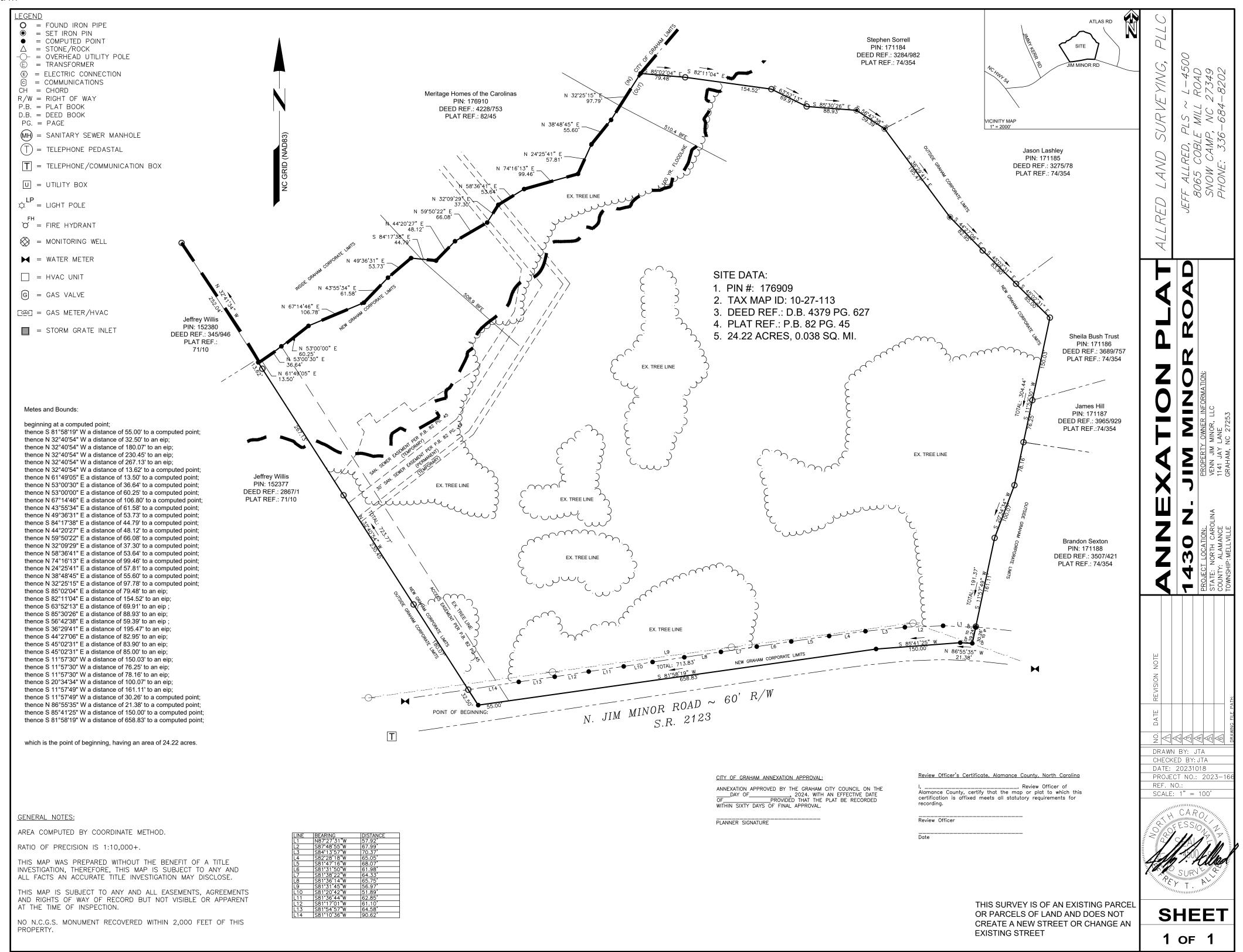
SUGGESTED MOTION(S):

- 1. I move we approve the resolution directing the City clerk to investigate a petition received under G.S. 160A-31 for potential contiguous annexation of GPIN 8893569560.
- 2. I move we approve the resolution fixing date of June 10, 2025 for a public hearing on the question of annexation pursuant to G.S. 160A-31 for 24.22 (+/-) acres.



Page 23 of 111

Page 24 of 111



| _INE | BEARING | DISTANCE |
|-----------------|-------------|----------------|
| _1 | N87*27'31"W | 57.92' |
| _2 | S87*48'55"W | 67.99' |
| _2 _3 | S84*13'57"W | 70.37' |
| | S82*28'18"W | 65.05' |
| _5 | S81°47'16"W | 68.07 ' |
| _4 _5 _6 | S81°31'50"W | 61.98' |
| _7 | S81*38'22"W | 64.33' |
| _8 _9 _10 | S81°36'14"W | 65.75' |
| _9 | S81°31'45"W | 56.97' |
| _10 | S81°20'42"W | 51.89' |
| _11 | S81°36'44"W | 62.85' |
| _12 | S81°17'01"W | 61.10' |
| _13 | S81*54'57"W | 64.58' |
| _14 | S81°10'36"W | 90.62' |
| | | |

Page 25 of 111 <u>RESOLUTION FIXING DATE OF JUNE 10, 2025, FOR A PUBLIC HEARING ON OUESTION OF A</u> <u>CONTIGUOUS ANNEXATION OF TWO LOTS PURSUANT TO G.S. 160A-31 FOR 24.22+/- ACRES LOCATED</u> <u>OFF JIM MINOR ROAD</u> <u>(AN2501)</u>

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 June 10, 2025.

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

Legal Description GPIN#: 8893569560

Legal Description:

Beginning at a computed point; thence S 81°58'19" W a distance of 55.00' to a computed point; thence N 32°40'54" W a distance of 32.50' to an eip; thence N 32°40'54" W a distance of 180.07' to an eip; thence N 32°40'54" W a distance of 230.45' to an eip; thence N 32°40'54" W a distance of 267.13' to an eip; thence N 32°40'54" W a distance of 13.62' to a computed point; thence N 61°49'05" E a distance of 13.50' to a computed point; thence N 53°00'30" E a distance of 36.64' to a computed point; thence N 53°00'00" E a distance of 60.25' to a computed point; thence N 67°14'46" E a distance of 106.80' to a computed point; thence N 43°55'34" E a distance of 61.58' to a computed point; thence N 49°36'31" E a distance of 53.73' to a computed point; thence S 84°17'38" E a distance of 44.79' to a computed point; thence N 44°20'27" E a distance of 48.12' to a computed point; thence N 59°50'22" E a distance of 66.08' to a computed point; thence N 32°09'29" E a distance of 37.30' to a computed point; thence N 58°36'41" E a distance of 53.64' to a computed point; thence N 74°16'13" E a distance of 99.46' to a computed point; thence N 24°25'41" E a distance of 57.81' to a computed point; thence N 38°48'45" E a distance of 55.60' to a computed point; thence N 32°25'15" E a distance of 97.78' to a computed point; thence S 85°02'04" E a distance of 79.48' to an eip; thence S 82°11'04" E a distance of 154.52' to an eip; thence S 63°52'13" E a distance of 69.91' to an eip; thence S $85^{\circ}30'26''$ E a distance of 88.93' to an eip; thence S $56^{\circ}42'38''$ E a distance of 59.39' to an eip; thence S 36°29'41" E a distance of 195.47' to an eip; thence S 44°27'06" E a distance of 82.95' to an eip; thence S 45°02'31" E a distance of 83.90' to an eip; thence S 45°02'31" E a distance of 85.00' to an eip; thence S 11°57'30" W a distance of 150.03' to an eip; thence S 11°57'30" W a distance of 76.25' to an eip; thence S 11°57'30" W a distance of 78.16' to an eip; thence S 20°34'34" W a distance of 100.07' to an eip; thence S 11°57'49" W a distance of 161.11' to an eip; thence S 11°57'49" W a distance of 30.26' to a computed point; thence N 86°55'35" W distance of 21.38' to a computed point; thence S 85°41'25" W a distance of 150.00' to a computed point; thence S 81°58'19" W a distance of 658.83' to a computed point; which is the point of beginning, having an area of 24.22 acres.

Attest:

Jennifer Talley, Mayor

Renee M. Ward, Interim City Clerk



Petition for ANNEXATION

P.O. Drawer 357 201 South Main Street Graham, NC 27253 (336) 570-6705 Fax (336) 570-6703 www.cityofgraham.com

To the City Council of the City of Graham, NC:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed into the City of Graham.

If applicable as "income-based": We believe that this petition meets the requirements of G.S. 160A-31(b1).

If applicable as "distressed": We believe that this petition meets the requirements of G.S. 160A-31(j).

2. The area to be annexed is 🛛 🗹 contiguous, as defined by 160a-31 🔲 non-contiguous, as defined by 160a-58 to the City of Graham and the boundaries of such territory are as follows:

General description of area to be annexed

The property of 1430 N Jim Minor Road which is bounded by the centerline of North Jim Minor Road to the south, the centerline of creek to the north, the Atlas drive neighborhood to the east and the Angela II & Jeffrey N Willis Property to the west. The property currently sits vacant, but is under review to be rezoned as C-R and to be developed with townhomes

Attach the following:

- Annexation Plat 1 paper copy, 2 mylars and 1 pdf. In addition to standard plat information, also include tax map numbers of all parcels and total square miles and acreage of area to be annexed.
- Metes and Bounds Description 1 paper and 1 digital copy
- 3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate yes below and attach proof.)

| Name | Address | Vested rights? | Signature |
|-----------------|-----------------------|-------------------|-------------------|
| Shawn Cummings | 1430 N Jim Minor Road | N | Shin 1. Cur |
| Cindy G Gilliam | 1430 N Jim Minor Road | N | Circle De Kullian |
| | | | 00 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

attach additional sheets if necessary ...

NORTH CAROLINA

ALAMANCE COUNTY

AGREEMENT TO OPERATE BURLINGTON ANIMAL SHELTER & PET ADOPTION CENTER

THIS AGREEMENT made and entered into this ______ day of ______, 2025, by and between the City of Burlington, a political subdivision and body politic of the State of North Carolina (hereinafter, "City") and the City of Graham, (hereinafter "____") a political subdivision and body politic of the State of North Carolina.

WITNESSETH:

BACKGROUND AND HISTORY

WHEREAS, N.C.G.S. 160A-460 and 461 provide for the coordination and cooperation of units of local government to enter into contracts and agreements with one another in order to execute joint undertakings; and,

WHEREAS, pursuant to N.C.G.S. §130A-184 et seq., and Chapter 19A of the State statutes, the local County health director is responsible for administering here in Alamance County, through the Sheriff's Department, animal control enforcement services as they relate to public health issues which include the capture, quarantine and evaluation of rabid animals and the capture, control and euthanasia of dogs officially declared "dangerous" or "vicious." Other animal control services, including the construction, maintenance and operation of an animal shelter, are not statutorily required of the County government and are deemed elective services and are the responsibility and choice of each respective local governmental entity; and,

WHEREAS, pursuant to N.C.G.S. §160A-493 and N.C.G.S. §153A-442, cities and counties "may establish, equip, operate and maintain an animal shelter or may contribute to the support of an animal shelter, and for these purposes may appropriate funds not otherwise limited as to use by law. The animal shelters shall meet the same standards of animal shelters regulated by the Department of Agriculture pursuant to its authority under Chapter 19A of the General Statutes"; and,

WHEREAS, prior to the 1970s, several of the municipalities in Alamance County operated their own "dog pounds" for the citizens and residents of their jurisdictions, and the County of Alamance operated an animal shelter facility for the citizens residing outside of said municipal jurisdictions; and,

WHEREAS, the City now operates the Animal Shelter and Pet Adoption Center under the auspices of "Burlington Animal Services"; and,

WHEREAS, in the 1970s, the County of Alamance ceased operating an animal shelter and contracted with the City of Burlington to provide such animal sheltering services for the citizens in Alamance County outside of the City of Burlington's corporate limits; and,

WHEREAS, the City of Burlington and the County of Alamance previously entered into an Agreement on August 7, 1990, to cooperate in the construction and operation of the Burlington Animal Services shelter and intake facility located at 221 Stone Quarry Road, Haw River, North Carolina; and,

WHEREAS, in 2004 the City of Burlington, the County of Alamance and the Pet Adoption and Welfare Society (hereinafter, PAWS) financed the construction of the Pet Adoption Center located at 221 Stone Quarry Road, Haw River, North Carolina, on the campus of the Burlington Animal Services and adjacent to the current Burlington Animal Shelter; and,

WHEREAS, during the period of 2005-2006, the City of Burlington entered into separate agreements with each of the designated Local Government Entities (sometimes referred to as Entity) to share in the annual operating costs of the Animal Shelter and Pet Adoption Center:

Village of Alamance: 03/21/2005
City of Mebane: 2004
City of Gibsonville: 02/17/2005
Town of Elon: 12/14/2004
Town of Swepsonville: 03/14/2005
Town of Ossippee: 2005
Town of Haw River: 06/07/2004
Town of Green Level: 12/7/2006
City of Graham: 04/05/2005

WHEREAS, on October 4, 2016 the City of Burlington, the County of Alamance and PAWS entered into an agreement captioned Memorandum of Understanding Agreement for the Purpose of Constructing and Financing the Construction of a Joint Animal Shelter Facility (hereinafter Animal Services Center) to provide for the sharing of the costs of the renovation of portions of the existing Pet Adoption Center and construction of a new animal shelter (facility) to be located at 221 Stone Quarry Road, Haw River, North Carolina, on the site of the current Burlington Animal Services Department's Animal Shelter and the Pet Adoption Center.

STIPULATIONS

WHEREAS, the parties to this agreement believe cost benefits will be realized by sharing the costs of the operation of the Animal Services Center, rather than each jurisdiction providing such services independently; and

WHEREAS, each party to this agreement is committed to appropriating and furnishing the funds necessary to fund the operation of the Animal Services Center; and,

WHEREAS, the parties to this agreement desire to enter into this agreement to provide professional, humane animal sheltering and placement services that are oriented towards providing positive outcomes for pets in their jurisdictions; and,

WHEREAS, the purpose of this Agreement is to provide for the equitable sharing of costs for the operation of the Burlington Animal Services' Animal Services Center located at 221 Stone Quarry Road, Burlington, North Carolina. This Agreement serves to supersede the previous agreements entered into by the City and the entities set out above.

NOW, THEREFORE, in consideration of the mutual agreements and considerations set out above, it is agreed as follows:

- 1. The City of Burlington shall provide qualified personnel to operate the Animal Services Center, and said personnel shall be employed by the City of Burlington.
- 2. The City shall operate the Animal Services Center under its policies and procedures in accordance with applicable state statutes governing animal shelters.
- 3. The City shall provide animal sheltering services for the animals originating from the local governments party to this agreement (hereinafter "Entity" or "Entities"). Entities shall follow current Burlington Animal Services standards, policies, and procedures for the admission and care of animals. Standards, policies, and procedures are updated periodically by the Animal Services Director to ensure consistency with the most current industry standards and best practices is maintained.
- 4. Beginning in fiscal year 2022-2023, each of the Local Government Entities agrees to pay its share of the Animal Services Center operating costs based on the local sales tax distribution formula using the most recent municipal population estimates published by North Carolina Office of Budget Management. The calculation shall be performed as follows:
 - a. The sales tax distribution rate shall be determined by dividing the estimated net operating costs of the upcoming fiscal year by the sum of the County population plus the populations of each municipality.
 - b. If a municipality of Alamance County is not a party to this agreement, the nonparticipating municipal population will not be counted or included in determining the sales tax distribution formula.
 - c. The share of the operating expense responsible by the Local Government Entity shall be determined by multiplying the sales tax distribution rate by the total population of the Local Government Entity.
- The City shall send estimated costs to each Entity on an annual basis, not later than April 1st. An invoice will be issued, and such fee shall be paid to the City of Burlington annually, not later than October 1st.

ATTEST:

- 6. Any annual increase of the estimated net operating cost of 10% or over the previous year will trigger a conference of the chief administrative officers (Managers) of the Local Government Entities.
- 7. Any revenues generated by the operation of the Animal Services Center and any grants applied for and received shall be used to offset the cost of the operations of the Animal Services Center.
- 8. All billing and collection of fees shall be administered by the City of Burlington.
- 9. Any amendments to this Agreement shall be in writing and signed by the appropriate representatives of each Entity.
- 10. This agreement shall be effective from execution until December 31, 2026.
- 11. Early termination of this agreement by participating entities may occur after the Entity gives notice to the City of Burlington no later than December 31 of the previous year of the Entity's intent not to participate in the subsequent fiscal year.
- 12. In the event payment of fees by a party to this Agreement has not been received by December 31 of each year, the City may cease or modify providing services for the Entity until payment is received.

IN WITNESSETH WHEREOF, the City of Burlington and the <u>City of Graham</u> have caused this agreement to be duly executed on its representative's behalf and attested.

CITY OF BURLINGTON

| City Clerk | City Manager |
|---------------------------|---|
| | Finance Officer Pre-audit Certification: |
| | This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal |
| | Control Act. |
| | City Finance Officer |
| ATTEST: | CITY OF GRAHAM |
| | |
| Renee M. Ward, City Clerk | Megan Garner, City Manager |



| SUBJECT: | ADJUSTED ROAD CLOSURE TIME FOR ARTS AROUND THE SQUARE |
|--------------|---|
| | |
| PREPARED BY: | BRIAN FAUCETTE, DIRECTOR OF RECREATION AND PARKS |

REQUESTED ACTION:

The GRPD requests the following street closure for Arts Around the Square (Saturday, May 17, 2025)

- Close the 100 blocks of North and South Main Street and the 100 blocks of East and West Elm Street from 5:00 am - 6:00 pm.

BACKGROUND/SUMMARY:

The GRPD collaborates with several independent contractors who need ample time to load in and set up. Adding one hour for the street closing will allow everyone time to set up safely.

City Council previously approved the closure of the event space from 6:00 am to 6:00 pm.

GRPD staff and Graham Police Officers will continue to execute the closures and provide appropriate monitoring and security.

FISCAL IMPACT:

Aside from the regularly budgeted program expenses, there is no fiscal impact on the City of Graham.

STAFF RECOMMENDATION:

Staff recommends approving the closure of the 100 blocks of North and South Main Street and the 100 blocks of East and West Elm Street from 5:00 a.m. to 6:00 p.m.

SUGGESTED MOTION(S):

I MAKE A MOTION TO APPROVE THE STAFF RECOMMENDED STREET CLOSURE OF THE 100 BLOCKS OF NORTH AND SOUTH MAIN STREET AND THE 100 BLOCKS OF EAST AND WEST ELM STREET FROM 5:00 AM-6:00 PM.

STAFF REPORT

| SUBJECT: | RECYCLING CONTRACT EXTENSION |
|--------------|---|
| PREPARED BY: | PUBLIC WORKS DIRECTOR BURKE ROBERTSON & CITY MANAGER MEGAN GARNER |

REQUESTED ACTION:

Approve a one-year contract extension with Republic for recycling collection to expire June 30, 2026.

BACKGROUND/SUMMARY:

The current agreement expires at the end of the fiscal year, June 30, 2025. City staff solicited prices from other vendors but only one (GFL) was able to consider taking Graham as a new customer. GFL's price was \$7.03 per cart per month. The contract before you with Republic has a price of \$6.30 per cart per month.

The City will issue a request for proposals in January 2026 for the following fiscal year.

FISCAL IMPACT:

Graham's estimated cost for fiscal year 2025-2026 is \$465,000.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

Make a motion to approve a one-year contract extension with Republic for recycling collection to expire June 30, 2026.

FIRST AMENDMENT TO MUNICIPAL MATERIALS MANAGEMENT AGREEMENT

THIS FIRST AMENDMENT TO MUNICIPAL MATERIALS MANAGEMENT AGREEMENT (the "Amendment") is entered into effective as of July 1, 2025 ("Effective Date") by and between City of Graham ("City") and Republic Services of North Carolina, LLC, dba Republic Waste Services of Greensboro ("Company").

A. The parties entered into that certain Contract for Municipal Materials Management Agreement effective July 1, 2022 ("Agreement"), pursuant to which Company provides waste services to City.

B. The parties desire to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Agreement, and for good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree that the Agreement is amended as follows:

- 1. <u>Section 6, Term:</u> The parties agree that the term of the Agreement is hereby extended for an addition period of one (1) year from its Effective Date until June 30, 2026. Thereafter, the Agreement may be extended for one (1) year upon mutual consent of the parties.
- 2. <u>Exhibit B, Section 3, Collection and Processing</u>: The parties agree that a new rate for collection and processing of Recyclable Materials from Residential Units and Municipal Facilities is \$6.30 per unit.
- 3. <u>Capitalized Terms</u>. Capitalized terms used but not otherwise defined in this Amendment shall have the meanings assigned to them in the Agreement. In the case of a conflict in meaning between the Agreement and this Amendment, this Amendment shall prevail.
- 4. <u>Continuing Effect</u>. Except as expressly modified or amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the second date set forth below.

COMPANY

City of Graham

Republic Services of North Carolina, LLC, dba Republic Waste Services of Greensboro

| By: | Ву: |
|--------|--------|
| Name: | Name: |
| Title: | Title: |

STAFF REPORT

| SUBJECT: | RESOLUTION OPPOSING HB 765 |
|--------------|---------------------------------------|
| | |
| PREPARED BY: | AARON HOLLAND, ASSISTANT CITY MANAGER |

REQUESTED ACTION:

Approve a resolution opposing HB 765.

BACKGROUND/SUMMARY:

House Bill 765 and similar bills that the North Carolina General Assembly is considering would drastically reduce local control regarding planning and zoning, fast-track development in our community, and remove the City's ability to manage growth and shape our future. Staff recommends approving the following resolution, as HB 765 would:

- Retroactively void local development ordinances.
- Remove authority from planning or governing boards to approve preliminary or final subdivision plats.
- Restricts local government zoning authority in residential development by removing the authority to require parking, set driveway requirements, require sidewalks unless they connect to existing ones, and require building design standards, among other restrictions.
- Eliminate public hearings and citizen input for subdivision decisions.
- Require local governments to allow at least five housing units per acre.
- Expand the right to sue local government officials and staff for development regulation decisions.
- Expand the circumstances when a local government decision-making board can be held personally liable for involvement in board decisions and allow for the award of attorneys' fees and other costs.

FISCAL IMPACT:

HB 765 could require a rewrite of ordinances and policies that would ultimately be expensive.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move that we approve the resolution to oppose HB 765.



CITY OF GRAHAM

RESOLUTION OPPOSING CHANGES TO LOCAL PLANNING AND ZONING IN HOUSE BILL 765 AND RELATED BILLS BY THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, House Bill 765 has been introduced in the 2025 session of the North Carolina General Assembly that changes many aspects of local planning and zoning and dramatically affects the ability of local governments to reflect the will of their citizenry; and

WHEREAS, local governments have historically been the final guardian of the rights of the people, and local government zoning has made in-person attendance and comment easier for proponents and opponents of zoning decisions, thereby allowing citizens to participate in matters that affect them through the Public Hearing Process; and

WHEREAS, House Bill 765, now pending in the General Assembly, will effectively mandate many planning and zoning decisions that are now made by local governments through the public participation process and will drastically change the process and destroy the local community's authority to uphold public health, safety, and welfare; and

WHEREAS, Chapter 160D of the North Carolina General Statutes mandates comprehensive planning and zoning, and this Chapter of the Statutes would be severely eroded by passage of House Bill 765 by diminishing the input and trust of the citizens, including those who voluntarily serve on the Town's advisory boards; and

WHEREAS, House Bill 765 creates an unnecessary paperwork burden that will increase the cost of providing Planning and Zoning services with no real benefit to the citizens who pay the taxes to support government services; and

WHEREAS, proposed changes in the local planning and zoning approval process will severely restrict or destroy the ability for residents to participate in the planning and zoning process; and

WHEREAS, the City of Graham strongly feels that local governments are best suited to represent their citizens on local matters.

NOW THEREFORE BE IT RESOLVED, that the City of Graham Mayor and Council Members urges the North Carolina General Assembly to reconsider SB495, SB497, SB499, SB688, and HB765 and to consult with local municipalities to develop meaningful and appropriate solutions that do not seize local authority and to respect the interest of the residents they represent.

BE IT FURTHER RESOLVED that the City of Graham calls upon local elected officials and residents across the state to voice their concerns to the North Carolina General Assembly and advocate for the preservation of local planning and zoning authority that aligns with local community values and sound long-term development goals.

Adopted this the 13th day of May 2025.

ATTEST:

Jennifer Talley, Mayor

Renee M. Ward, City Clerk



| SUBJECT: | BUDGET AMENDMENT FOR FD APPARATUS MAINTENANCE |
|--------------|---|
| | |
| PREPARED BY: | CHIEF TOMMY COLE |

REQUESTED ACTION:

The Fire Department is requesting a budget amendment in the amount of \$24,000 due to unforeseen maintenance issues with Engine 10 (2014 Sutphen Engine). The increased funds would be applied to budget line 10-5300-1700 of the 2024-2025 Fire Department Operating Budget.

BACKGROUND/SUMMARY:

Engine 10, a 2014 Sutphen engine, serves as the primary response unit for the Graham Fire Department and responds to approximately 2,400 calls for service annually. Staff identified a significant water leak originating from the apparatus pump. Engine 10 was transported to the Atlantic Emergency Solutions maintenance facility in Colfax for a comprehensive evaluation.

Upon inspection, it was determined that the pump had experienced extensive wear and required a complete overhaul, including the replacement of most internal components. The estimated cost for the repair is between \$18,000 and \$20,000 while replacing the pump entirely is estimated at \$25,000. Given the critical role of Engine 10 in emergency response and the cost-effectiveness of repair over replacement, staff recommends proceeding with the overhaul.

FISCAL IMPACT:

Due to the significant cost of recent repairs, our current apparatus maintenance budget will be substantially impacted. Without a budget amendment, these necessary expenses will cause us to exceed our allocated budget.

We are requesting a budget amendment in the amount of \$24,000 to cover the cost of the current repairs and to ensure adequate funding is available for any additional, unexpected repairs that may arise before the end of the fiscal year.

STAFF RECOMMENDATION:

Staff recommends that Council approve the requested budget amendment in the amount of \$24,000 to be applied to the Fire Department budget for apparatus maintenance.

| | CITY OF G | RAHAM | | | | | |
|---|---------------------------------------|---------------------------------------|-------------------------------|------------|-------------------------------|--|--|
| 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: | | | | | | | |
| | | | | | | | |
| FD - Maintenance & Repair/Vehicles | 35,000.00 | 59,000.00 | 24,000.00 | | 24,000.00 | | |
| | 35,000.00 | 59,000.00 | 24,000.00 | - | 24,000.00 | | |
| Section 2. REVENUES | APPROVED | AMENDED | INCREASE | (DECREASE) | INCREASE (DECREASE) | | |
| Fund Balance Appropriation | \$2,174,687.00 2,174,687.00 | \$2,198,687.00 2,198,687.00 | 24,000.00 24,000.00 | - | 24,000.00 24,000.00 | | |
| Adopted this 13th day of May 2025. | | | | | | | |
| Attest: | Mayor Jennifer Talley | | | | | | |
| Renee M. Ward, City Clerk | - | | | | | | |



| SUBJECT: | BUDGET AMENDMENT FOR UTILITIES – BADGER METER SERVICE |
|--------------|---|
| | |
| PREPARED BY: | UTILITIES DIRECTOR TONYA MANN & CITY MANAGER MEGAN GARNER |

REQUESTED ACTION:

Approve a budget amendment recognizing \$57,000 in revenue already collected for tap fees and increase the Water & Sewer Distribution budget by \$57,000.

BACKGROUND/SUMMARY:

The City has collected beyond the original revenue estimated of \$60,000 in tap fees and is requesting a portion of this revenue be recognized in a budget amendment to allow for meter related expenses to be paid this fiscal year.

FISCAL IMPACT:

The \$57,000 will increase the expenditures 31-4600-7800 (meter valves and hydrants) and the tap fee revenue.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S)

I move to approve the budget amendment recognizing \$57,000 in realized tap fee revenue and increase the meter valve and hydrant expense by the same.

| | CITY OF GR | AHAM | | | |
|--|---|---------------------------------|-------------------------------|------------|-------------------------------|
| | BUDGET AMENDMEN 2024-20 | | | | |
| BE IT ORDAIN THE 2024 - 2025 BUDG | ED BY THE CITY COUNCI ET ORDINANCE SHALL B | | | LOWS: | |
| Section 1. EXPENDITURES DEPARTMENT/ACCOUNT | APPROVED | AMENDED | INCREASE | (DECREASE) | INCREASE (DECREASE) |
| Meter Valves & Hydrants | 450,000.00 | 507,000.00 | 57,000.00 57,000.00 | - | 57,000.00 57,000.00 |
| Section 2. REVENUES | APPROVED | AMENDED | INCREASE | (DECREASE) | INCREASE (DECREASE) |
| Water & Sewer Taps | 60,000.00 | 117,000.00 117,000.00 | 57,000.00 57,000.00 | | 57,000.00 57,000.0 |
| | | | | | |
| Adopted this 13th day of May 2025. | | | | | |
| Attest: | Mayor Jennifer Tall | ley | | | |
| Renee M. Ward, City Clerk | | | | | |

CITY OF GRAHAM RELEASE ACCOUNTS

MAY

| ACCT # | <u>YEAR</u> | NAME | REASON FOR RELEASE | AMOUNT <u>RELEASED</u> |
|--------|-------------|-------------------------|------------------------------------|---------------------------|
| 14400 | 2024 | WHITE, WILLIAM TODD | SOLD BOAT | \$89.71 |
| 14400 | 2024 | WHITE, WILLIAM TODD | SOLD BOAT MOTOR | \$30.46 |
| 11227 | 2023 | WHITE, WILLIAM TODD | SOLD BOAT | \$89.71 |
| 11228 | 2023 | WHITE, WILLIAM TODD | SOLD BOAT MOTOR | \$30.46 |
| 16584 | 2024 | GOODMAN, CRYSTAL MORRIS | MH NEVER LOCATED IN CITY OF GRAHAM | \$14.47 |
| 13073 | 2023 | GOODMAN, CRYSTAL MORRIS | MH NEVER LOCATED IN CITY OF GRAHAM | \$14.96 |

TOTAL RELEASES \$269.77



STAFF REPORT

Prepared by Cameron West, Planner

Ivey Road Townhomes (CR2401)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on December 17, 2024 City Council on January 14, 2025, February 11, 2025, April 8, 2025, & May 13th, 2025

Summary

This is a request to rezone 6.27 acres of property from R-18 (Low Density Residential) to C-R (Conditional Residential) for the purpose of construct 29 town homes. 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 the principle uses in this zone are predominantly detached single family homes and that new neighborhoods may include a range of duplexes, town homes, 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 dwelling 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 be no driveway connection on the East Gilbreath side due to distance requirements and potential traffic impacts. The applicant has requested some conditions with the development that can be found on the site plan and on the owners conditions sheet provided in the packet. Outside of these conditions, all aspects of the R-MF zoning district are being met. Since the development is over 5 acres in size the applicant was required to provide open space within the development and all areas can be found on the site plan. 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. Those are: To accept the updated owners conditions presented during the meeting, Require an 8 foot tall, at time of planting, evergreen tree buffer to supplement the Type C buffer required on the South Eastern portion of the property. Plantings shall be spaced to 90% opacity to decrease visibility into the development, In the same South Eastern portion, a berm is to be installed to divert water away from the neighboring property, work with Gas Company and NCDOT to relocate driveway further east to provide more space between Strout driveway, Open space grilling area along the Strout property line to be changed to undisturbed open space, include 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.

Contact Information:

Jawkaw Properties LLC 144 42nd Ave Ct NW Hickory, NC 28601 (336) 609-5137 amanda@isaacsonsheridan.com

Location

Off of Ivey Road and E Gilbreath Street

<u>GPINs:</u> 8883689826, 8883687363

Current Zoning

R-18 (Low Density Residential)

Proposed Zoning

C-R (Conditional Residential)

Overlay District N/A

Surrounding Zoning R-18, I-1, R-MF, & C-MXR

Surrounding Land Uses Single Family, Industrial,

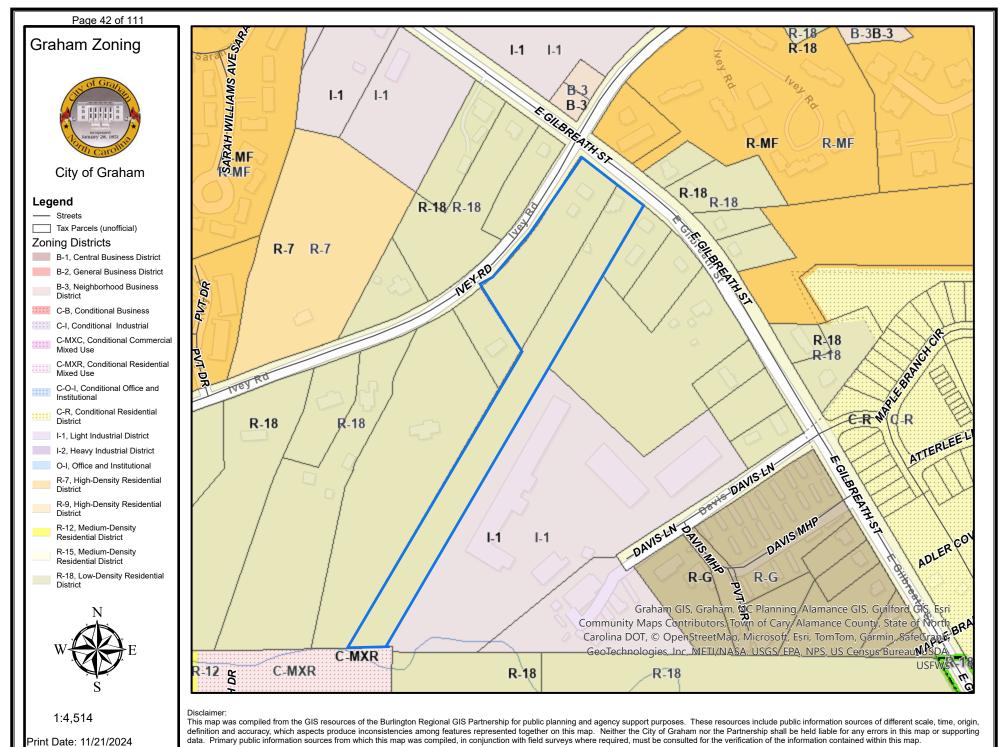
Multi-Family

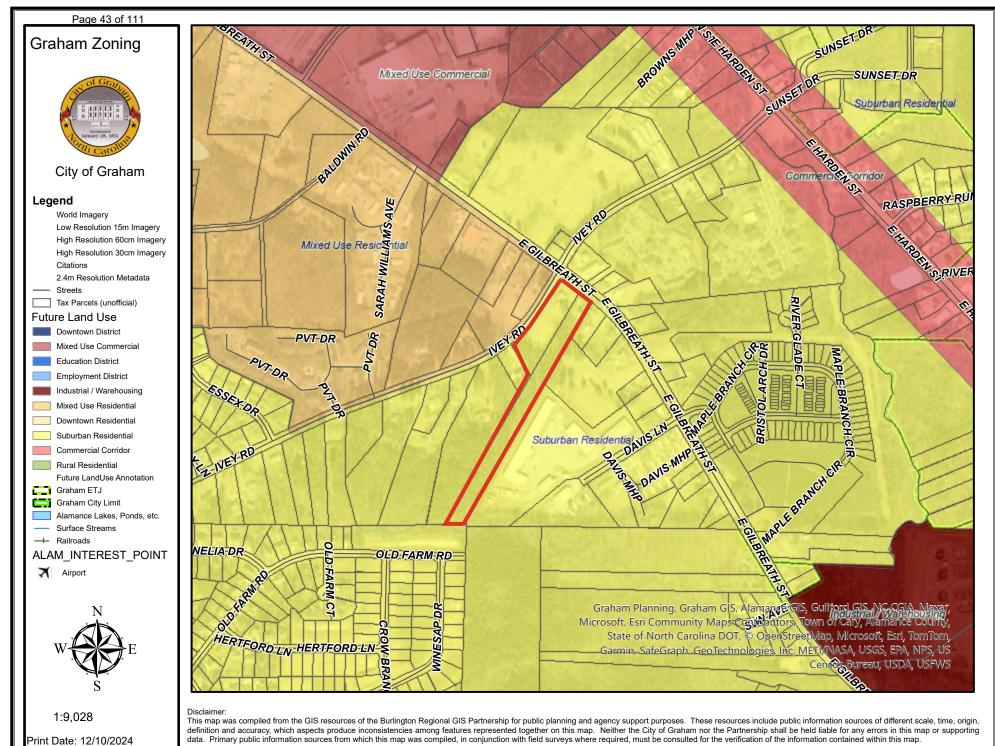
<u>Size</u> 6.27 Acres

Public Water & Sewer

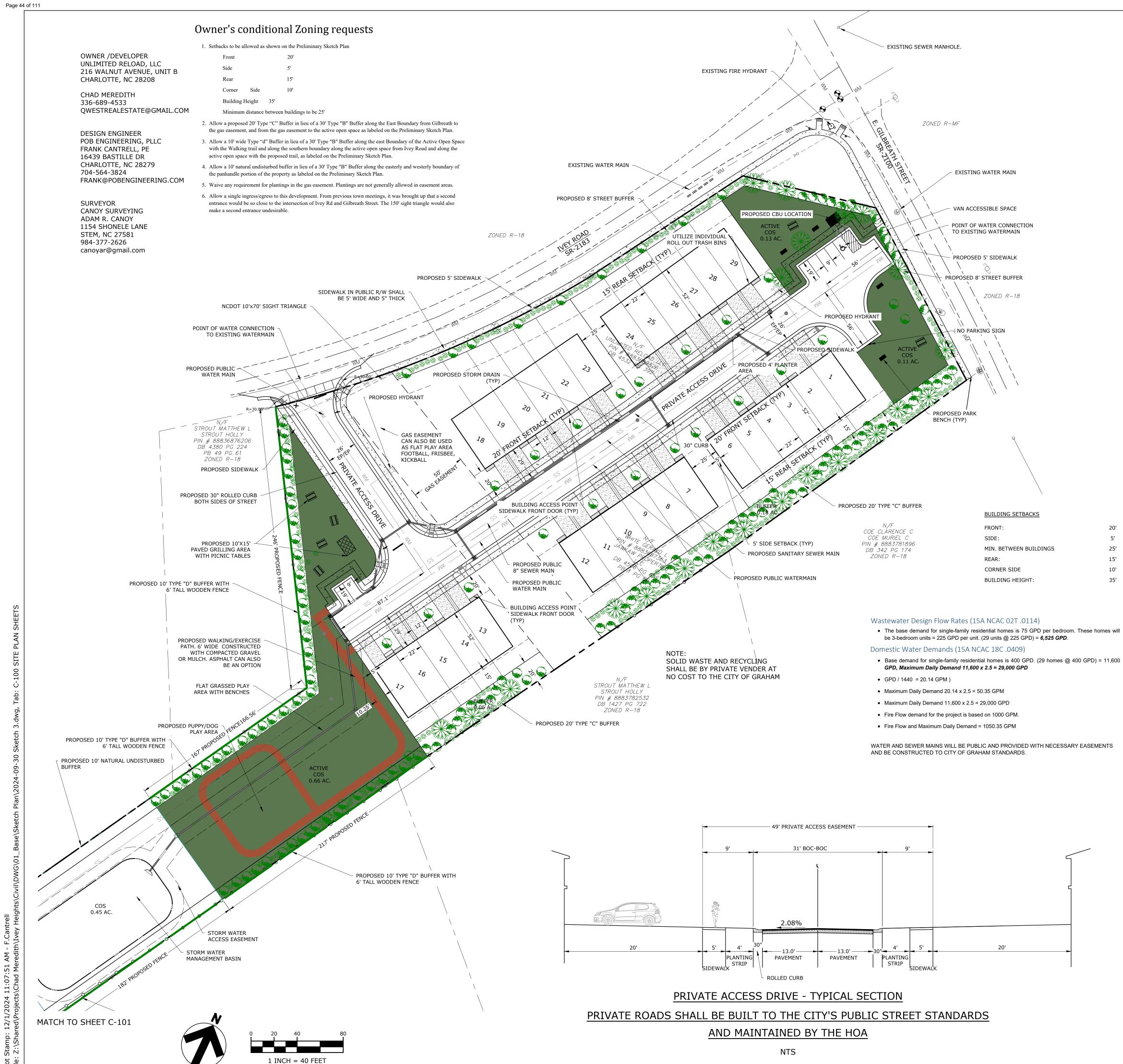
Yes

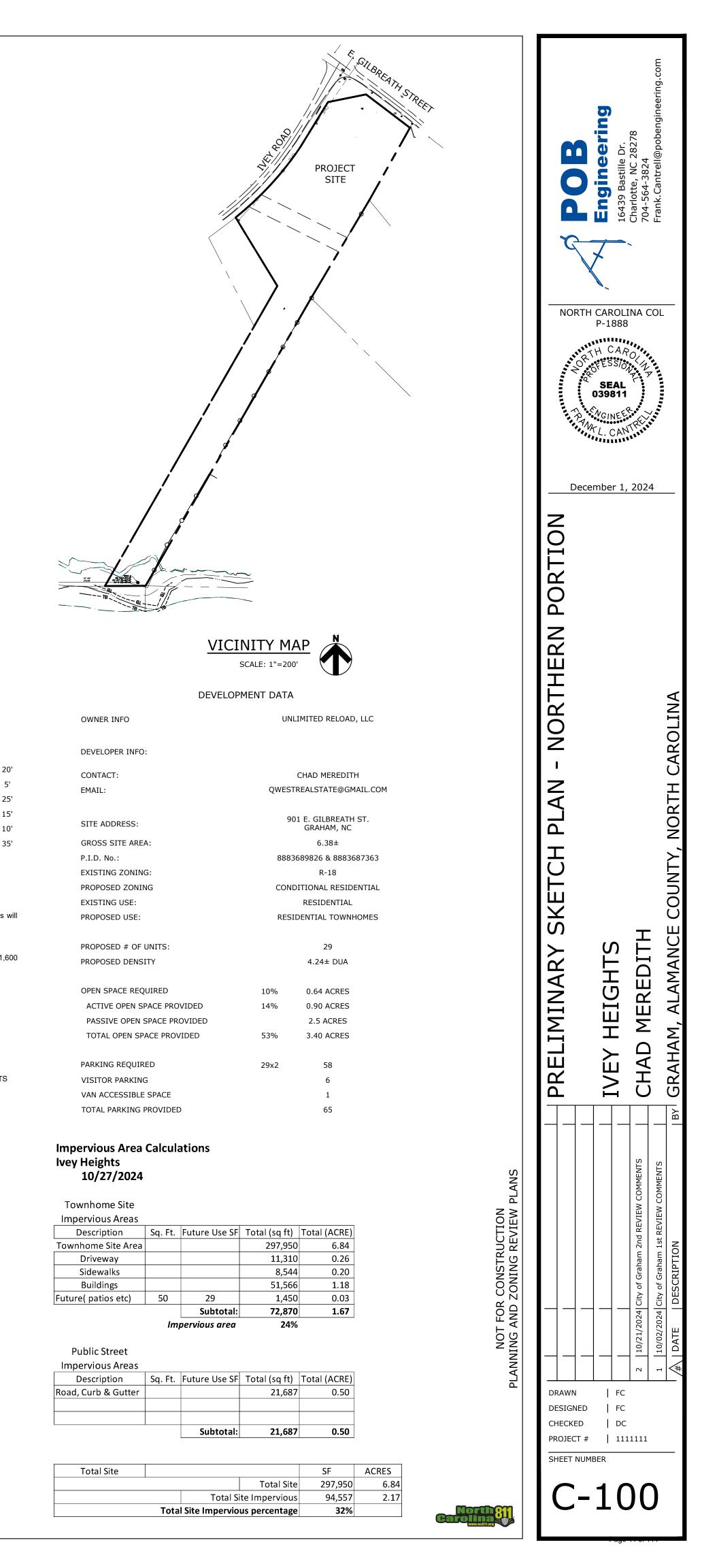
Floodplain No

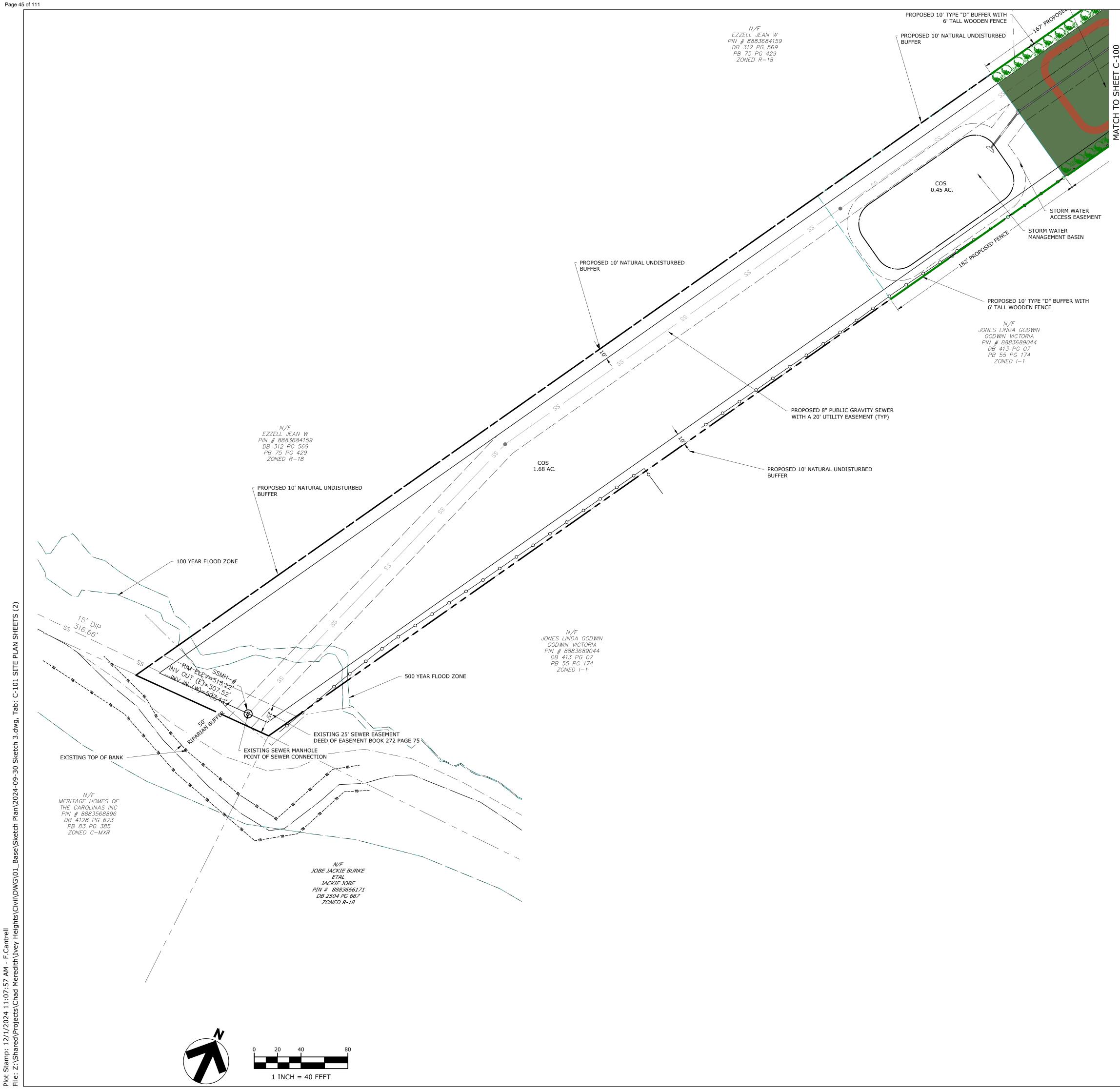


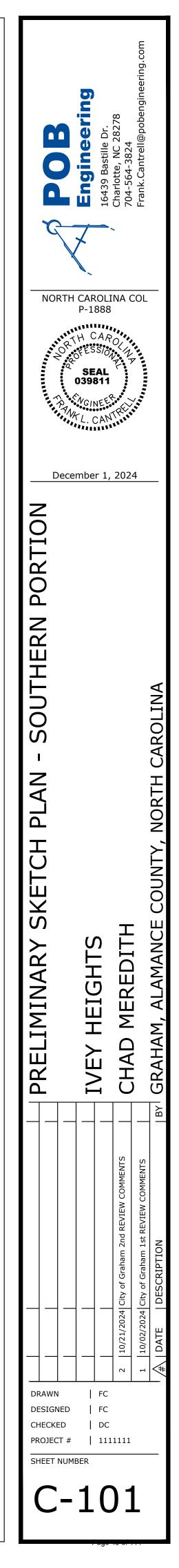


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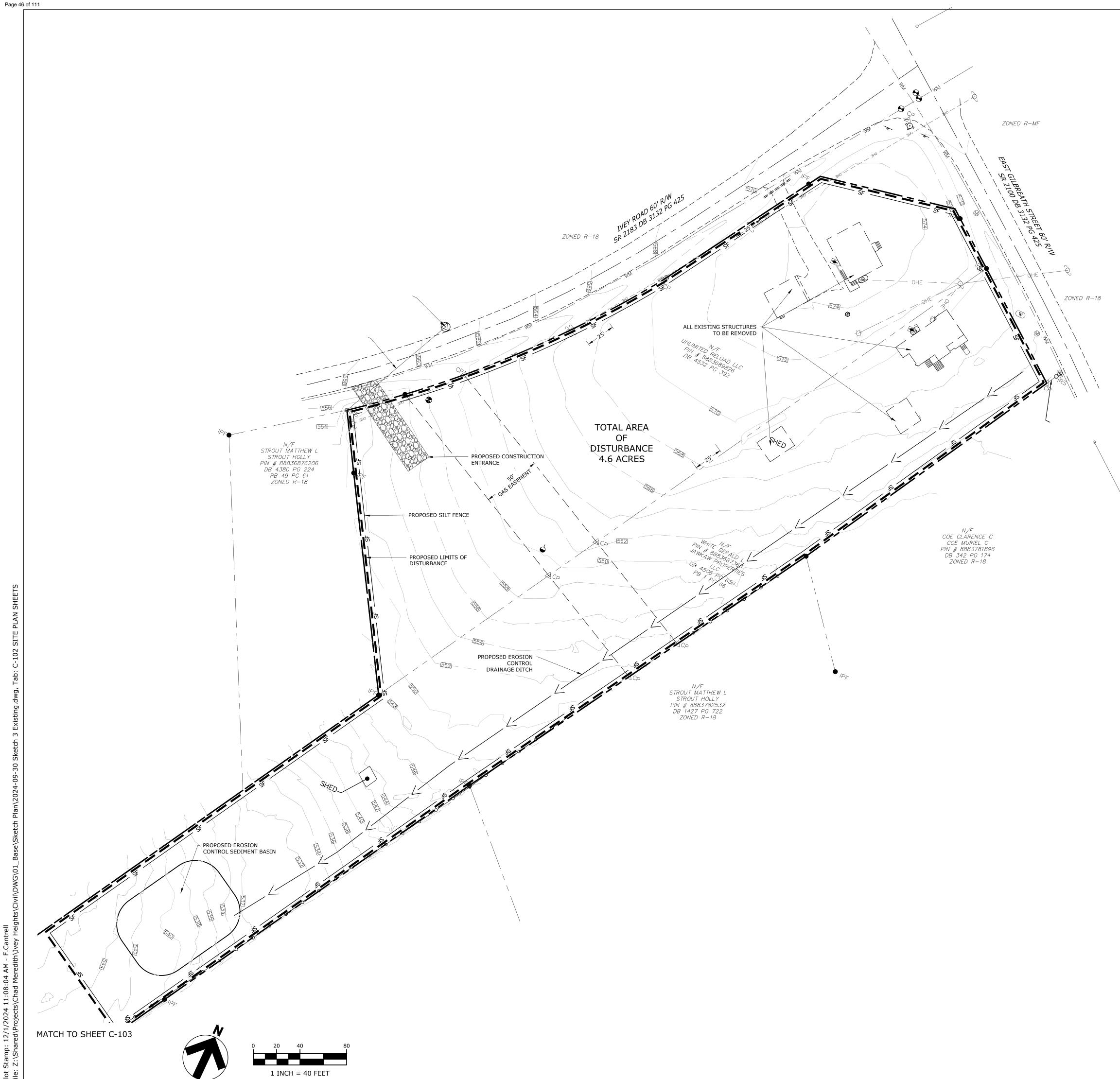


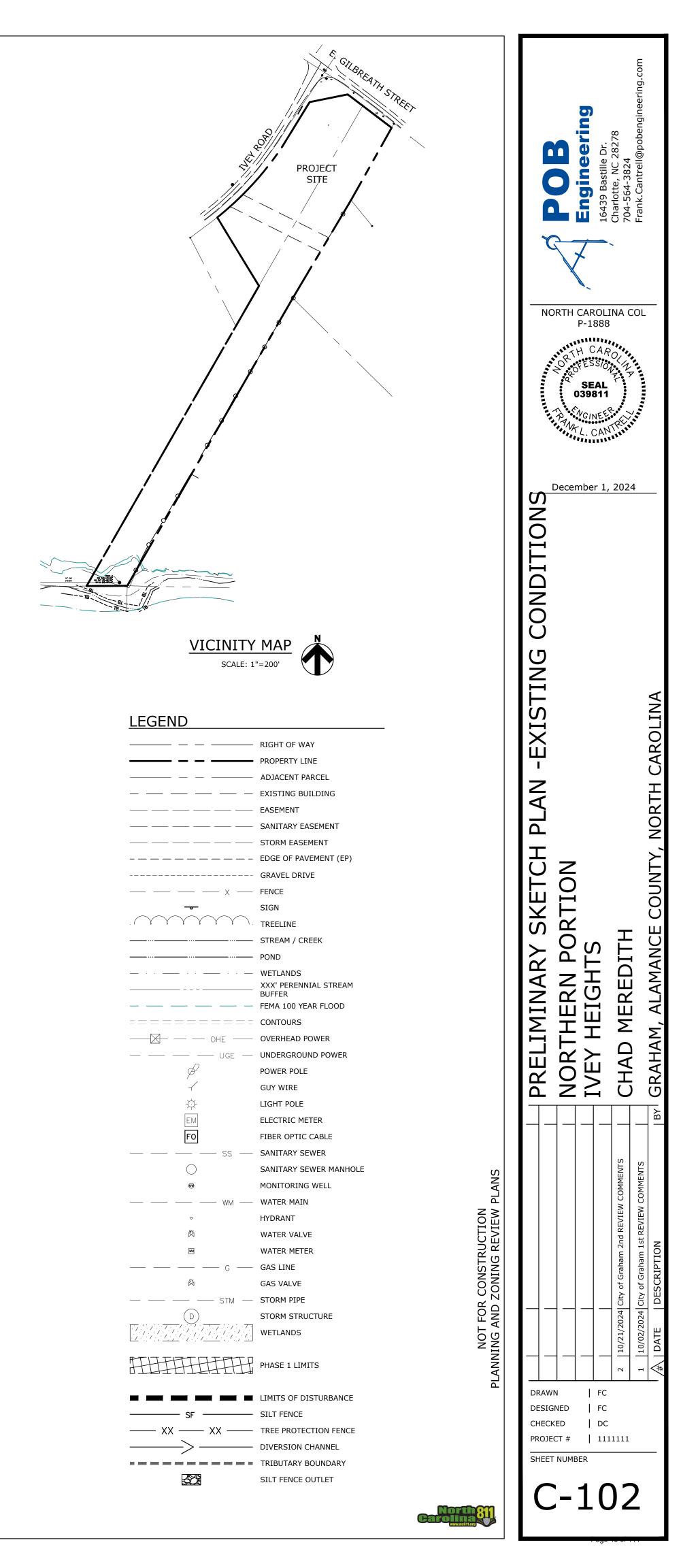


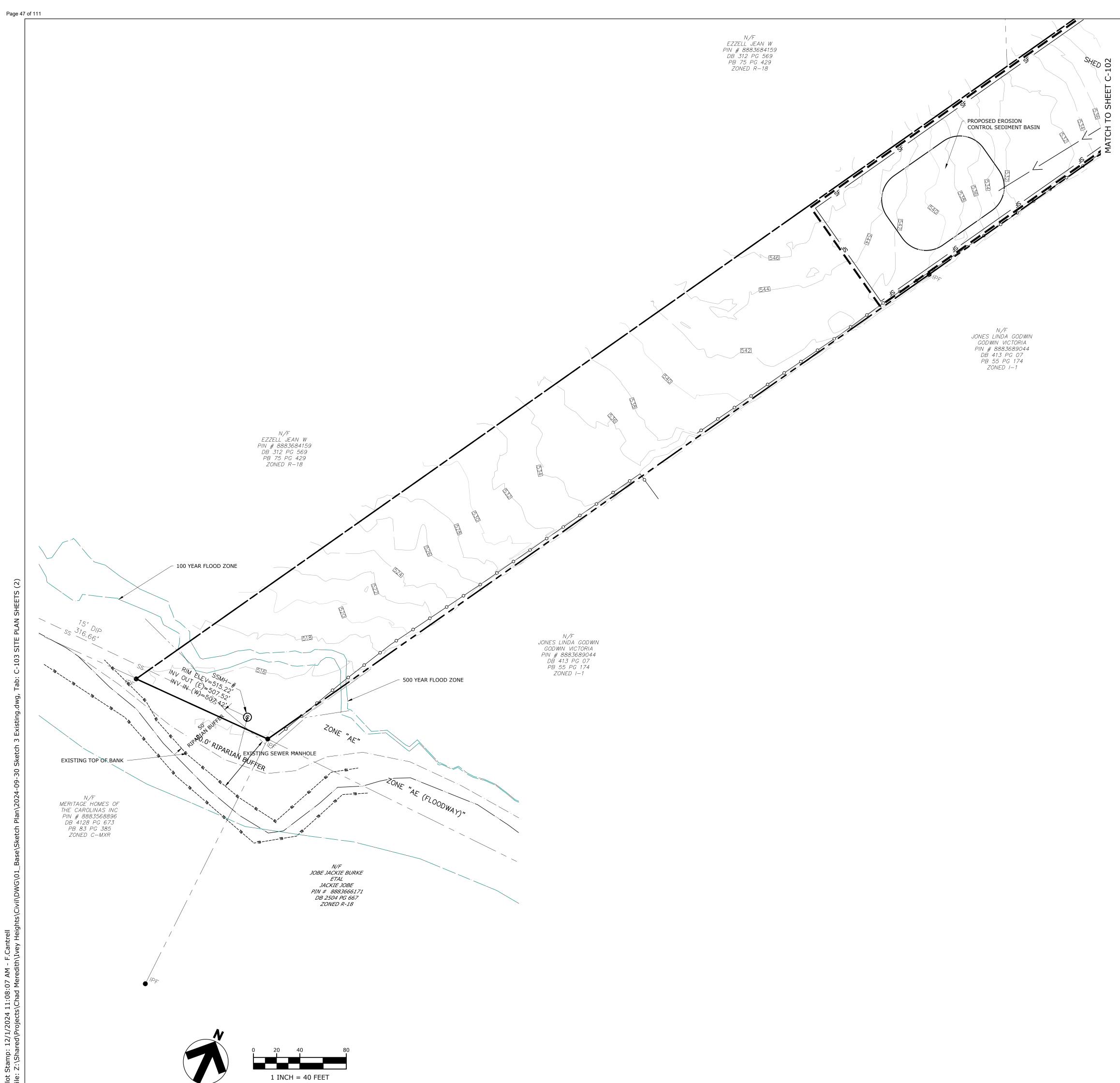




PLANS R CONSTRUCTION ZONING REVIEW FOR NOT NG A







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| PRELIMINARY SKETCH PLAN - EXISTING CONDITIONS | SOUTHERN PORTION | | | CHAD MFRFDITH | | BV GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA |
| | | | | 2 10/21/2024 City of Graham 2nd REVIEW COMMENTS | 1 10/02/2024 City of Graham 1st REVIEW COMMENTS | A DATE DESCRIPTION |
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NOT FOR CONSTRUCTION ANNING AND ZONING REVIEW PLANS

Owner's conditional Zoning requests

1. Internal Setbacks to be allowed as shown on the Preliminary Sketch Plan Front 20'

Side 5' (Does not Occur) Rear 15' Corner Side 10' (Does not Occur) Building Height 35' (per the Ordinance) Minimum distance between buildings to be 25' (per the Ordinance)

2. Allow a proposed 20' Type "C" Buffer in lieu of a 30' Type "B" Buffer along the East Boundary from Gilbreath to the gas easement, and from the gas easement to the active open space as labeled on the Preliminary Sketch Plan. No Buffer required here along the streetscape. 8 Foot Planted Streetyard provided per the Ordinance.

3. Allow a 10' wide Type "D" Buffer with 6 foot tall opaque fence in lieu of a 20 30' Type "CB" Buffer along the east Boundary of the Active Open Space with the Walking trail and along the southern boundary along the active open space from Ivey Road and along the active open space with the proposed trail, as labeled on the Preliminary Sketch Plan.

4. Allow a 10' natural undisturbed buffer in lieu of a 30' Type "B" Buffer along the easterly and westerly boundary of the panhandle portion of the property as labeled on the Preliminary Sketch Plan. No development proposed on the panhandle, so no buffer requirement, however if it were, the required buffers would be Type C on the East (20 ft. average) and Type D on the West (5 ft. average).

5. Waive any requirement for plantings in the gas easement. Plantings are not generally allowed in easement areas.

6. Allow a single ingress/egress to this development. From previous town meetings, it was brought up that a second entrance would be so close to the intersection of Ivey Rd and Gilbreath Street. The 150' sight triangle would also make a second entrance undesirable. 29 Townhomes does not trigger a 2nd entrance requirement.

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

Future Land Use Suburban Residential Principal Uses: Suburban residential neighborhoods are primarily settings for existing and future single family detached housing, but may also contain additional housing typologies and low-impact supporting uses in neighborhood activity centers. Affordable detached homes within attractive walkable neighborhoods will continue to make Graham an attractive place to live for people who work in Graham and surrounding communities.

Applicable Policies:

- **Policy 5.1.1 Housing Variety.** Encourage a mix of housing types within Graham to increase choice. These can include single family dwellings units, multifamily dwelling units, small units, pre-fabricated homes, co-housing and clustered housing. *This project would construct additional high-density housing*.
- **Policy 2.2.1: Focused development.** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use, built environments.
- Strategy 4.3.1 Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. The site would connect to existing city infrastructure, with redundant access and water and sewer connections and could be extended through future roadway connections if developed.

Staff Recommendation

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

 Rezoning the property would be in consistence with the Suburban Residential Land Use type and policies 5.1.1, 2.2.1, and strategy 4.3.1, as put forth by the Graham 2035 Comprehensive Plan

Planning Board Recommendation:

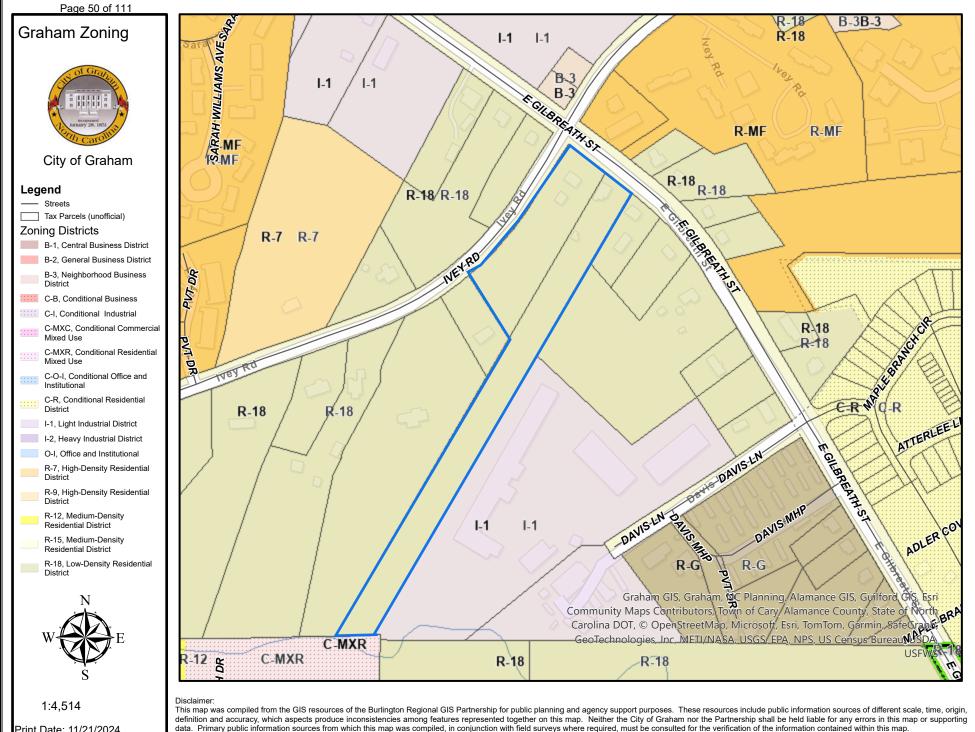
Planning Board Recommended approval of the project at a vote of 5-0. Along with the recommendation, the Planning Board recommended multiple conditions as well. Those are: To accept the updated owners conditions presented during the meeting, Require an 8 foot tall, at time of planting, evergreen tree buffer to supplement the Type C buffer required on the South Eastern portion of the property. Plantings shall be spaced to 90% opacity to decrease visibility into the development, In the same South Eastern portion, a berm is to be installed to divert water away from the neighboring property, work with Gas Company and NCDOT to relocate driveway further east to provide more space between Strout driveway, Open space grilling area along the Strout property line to be changed to undisturbed open space, include 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.

Planning Type Neighborhoods

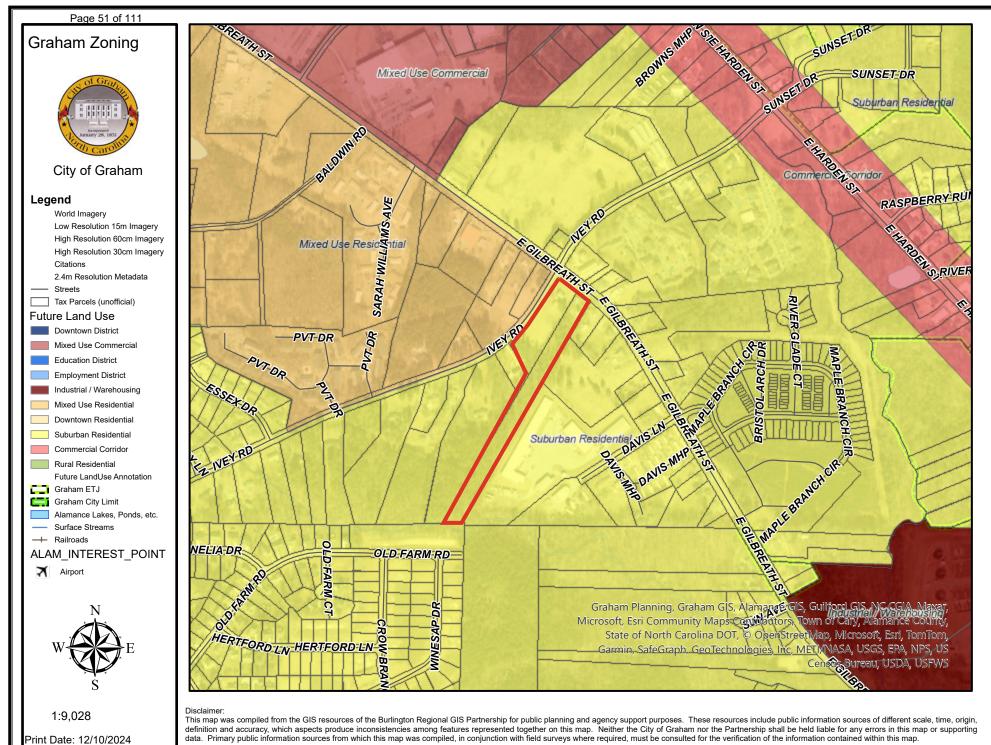
Development Type Suburban Residential

The term neighborhood refers to the idea of a compact, walkable, diverse, and connected community. As the building blocks of City urban fabric, neighborhoods should be organized around small scale activity centers that provide civic and commercial functions within a five to ten-minute walk for residents to meet their daily needs. Neighborhoods should be well connected internally and externally for bicyclists, pedestrians, and commuters. Small blocks and high connectivity ratios should be established and maintained both within and between neighborhoods

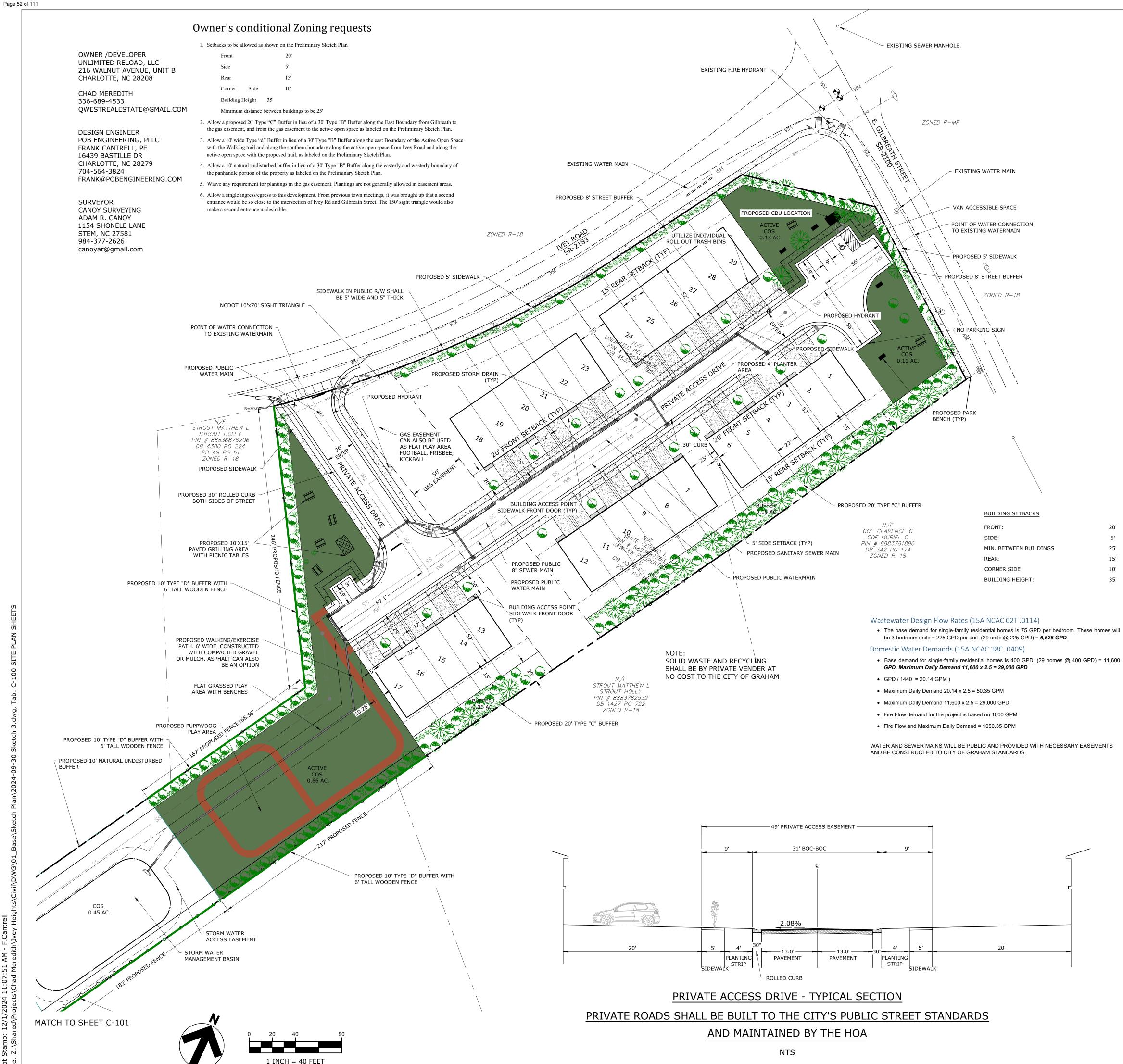
Appropriate Density 3 to 6 Dwelling Units Per Acre

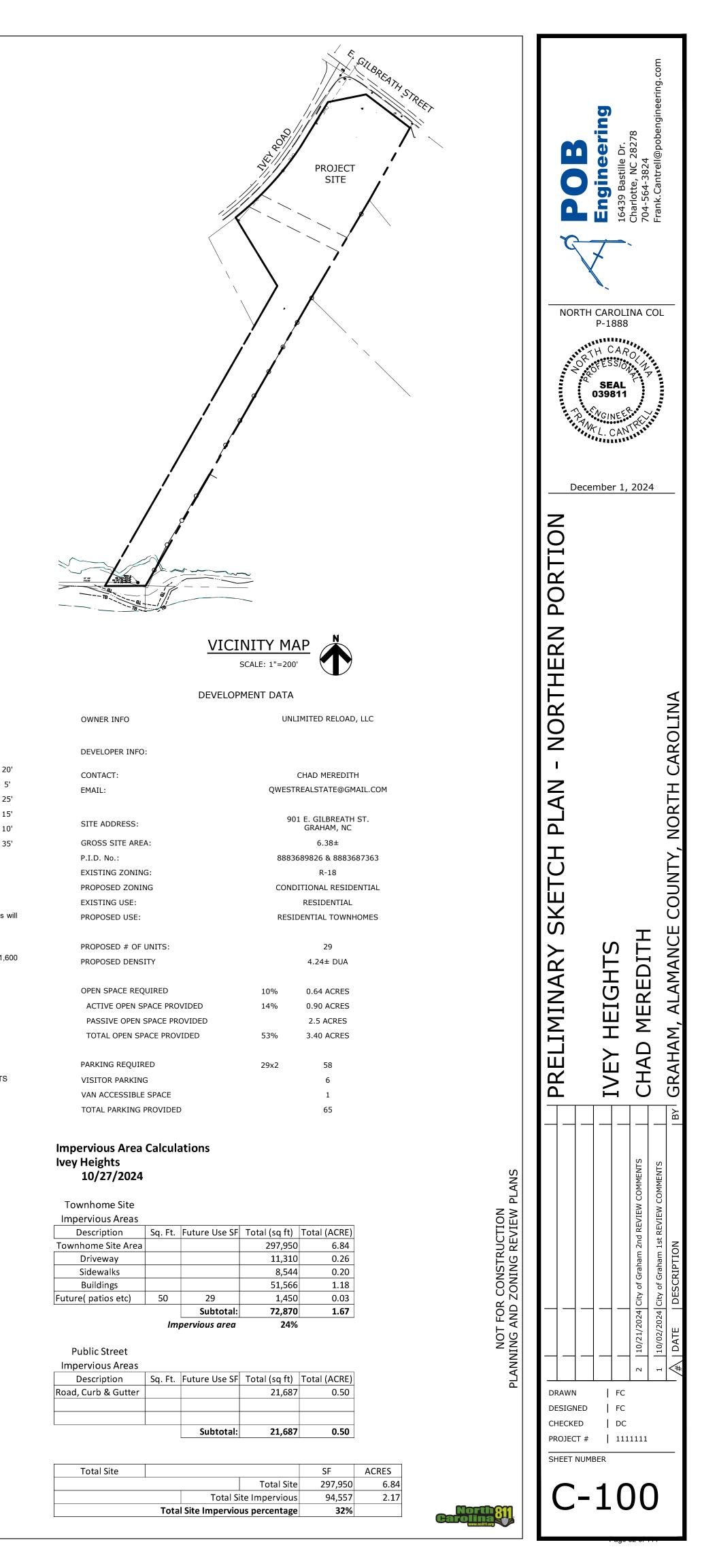


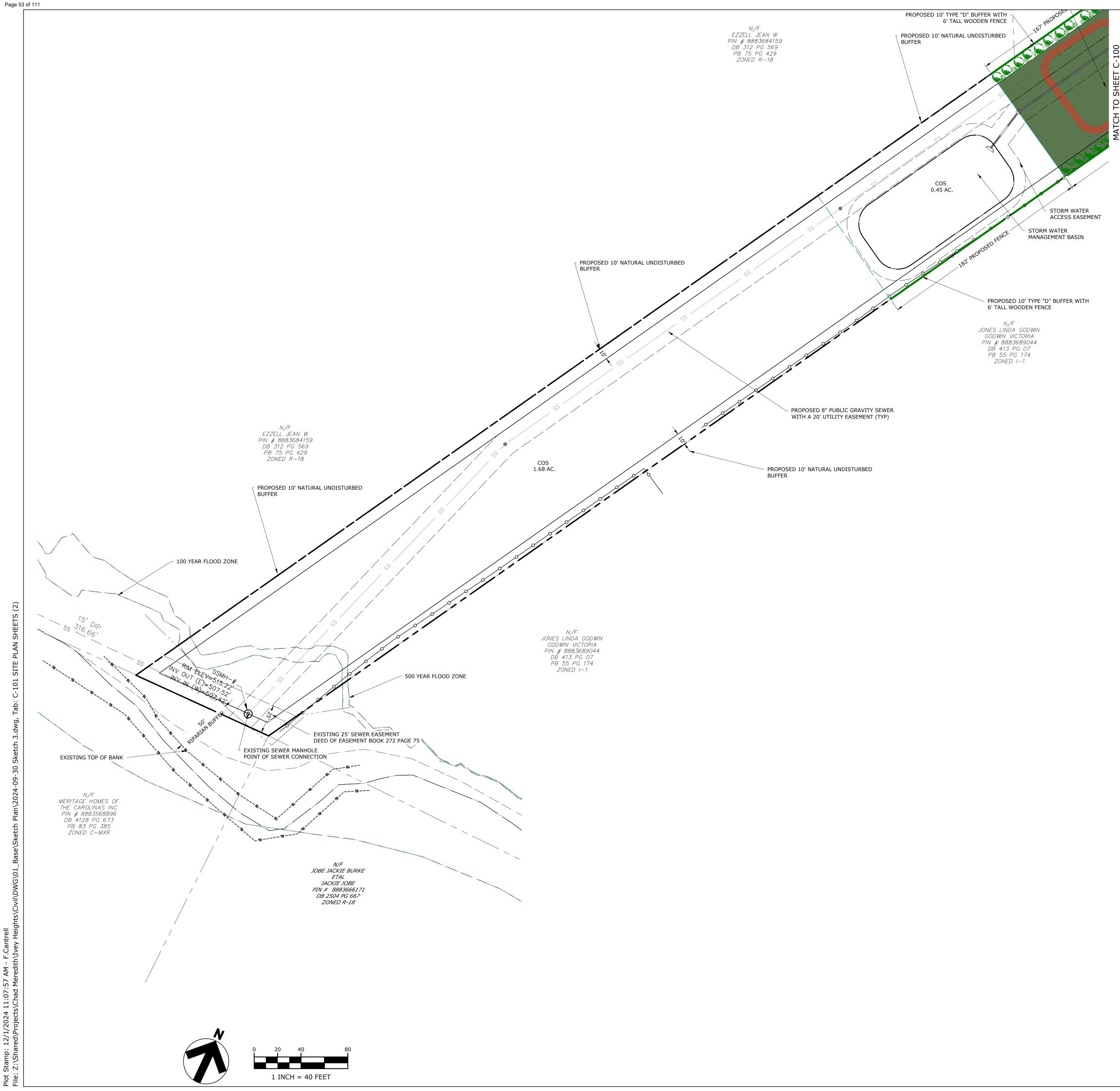
Print Date: 11/21/2024

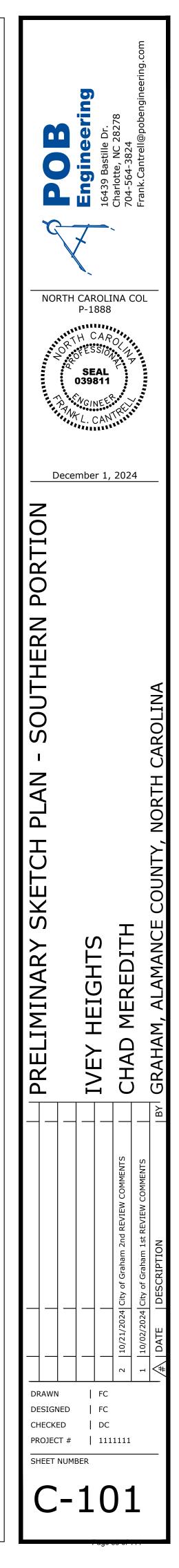


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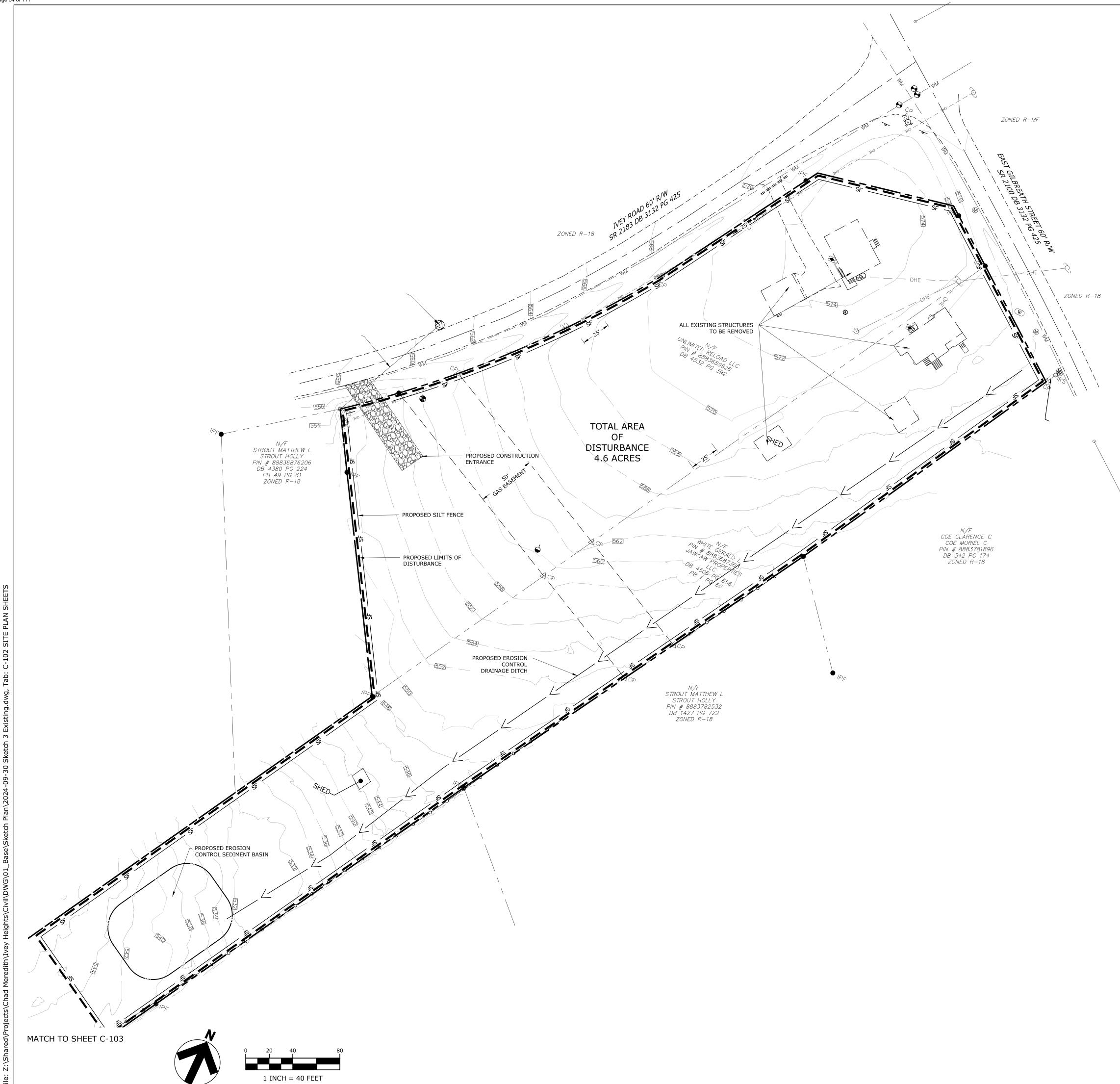


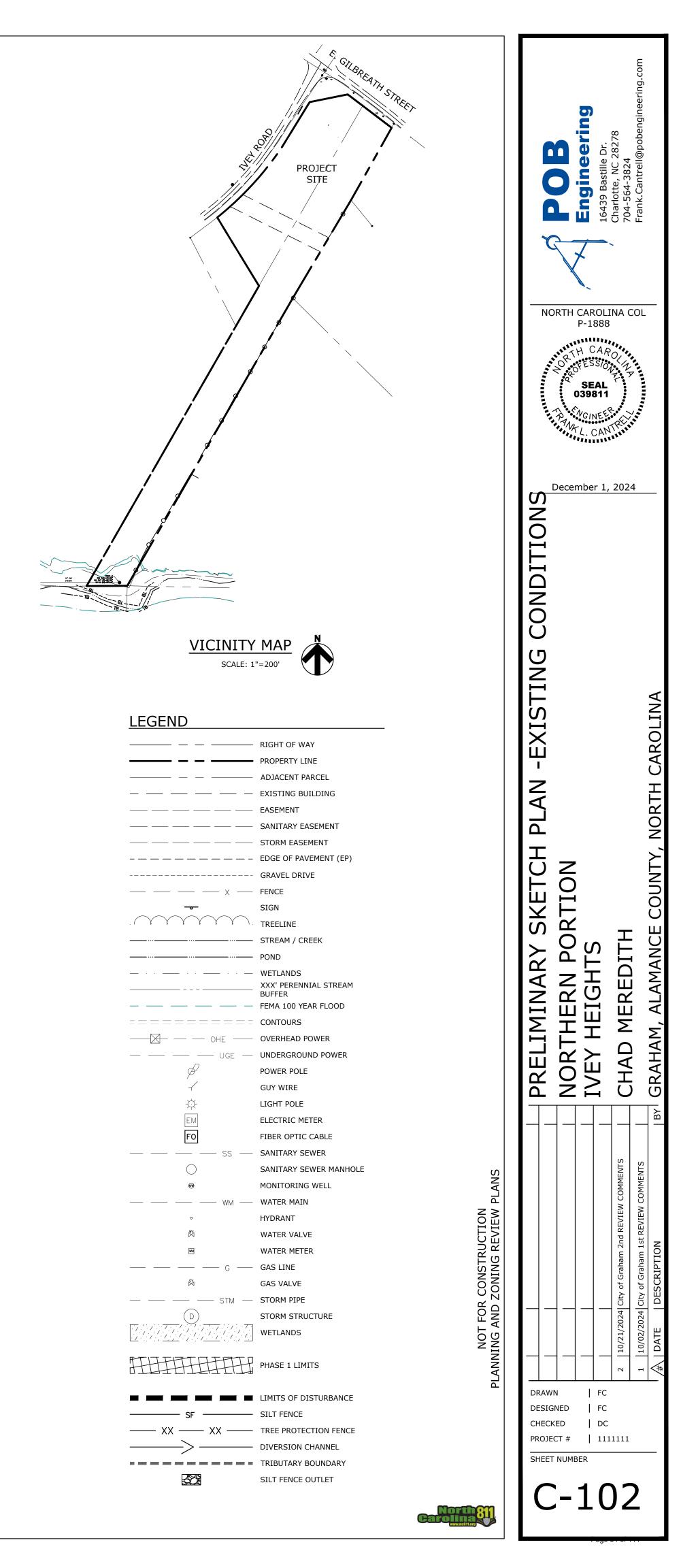


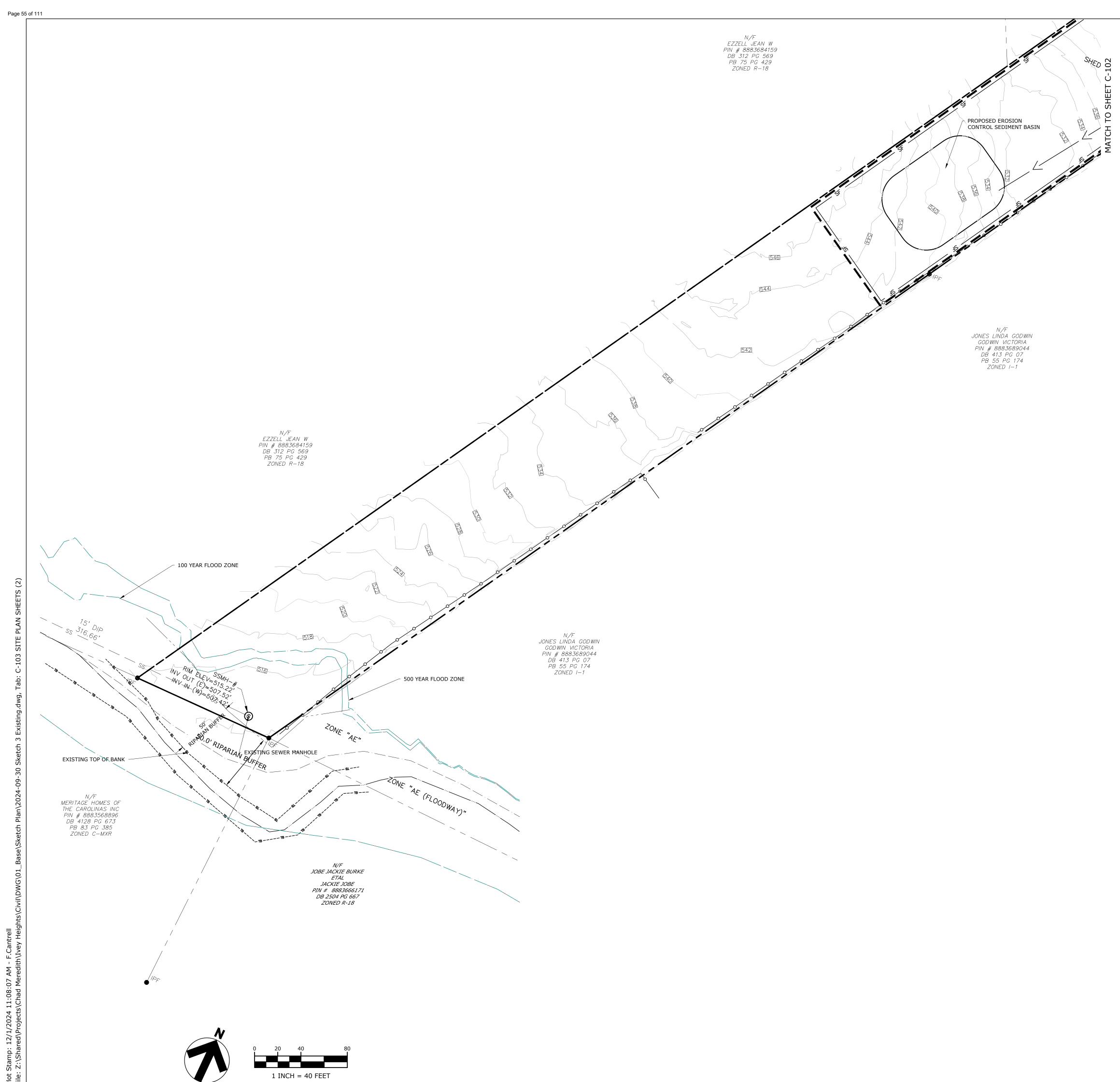




PLANS R CONSTRUCTION ZONING REVIEW FOR NOT NG A







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| PRELIMINARY SKETCH PLAN - EXISTING CONDITIONS | SOUTHERN PORTION | | CHAD MEREDITH | | BV GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA |
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NOT FOR CONSTRUCTION ANNING AND ZONING REVIEW PLANS



STAFF REPORT

Prepared by Cameron West, Planner

S Marshal B-2 (RZ2501)

Type of Request: Rezoning

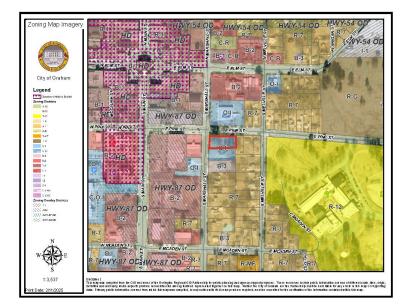
Meeting Dates

Planning Board: February 18th, 2025 & March 18th 2025

City Council on April 8th, 2025 & May 13th 2025

Summary

This is a request to rezone a .51-acre lot, 200 S Marshall Street from O-I (Office and Industrial) to B-2 (General Business). The lot is currently vacant and is surrounded by a car wash across Marshall Street, the Post Office across Pine Street, abuts a dentist office on the southern property line and abuts a single family home on the eastern property line. This property is listed on the Future Land Use Map as Downtown Residential. This land use area describes principle uses as detached single-family homes with supporting uses of places of worship, daycares, park facilities, schools, civic spaces, neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking. The B-2 zoning district has an array of potential commercial uses that could be viewed as non neighborhood oriented. Without certainty of the intended use and the additional uses the district would allow, it is difficult to determine whether or not the proposed zoning change would be consistent with the Future Land Use Plan. Planning Board recommended Denial of the project with a vote of 6-0.



Contact Information

Jason Cox 200 N Main St 3rd Floor, Graham, 27253 336-263-1180 jason@themonroecompanies.com

> Location 200 S Marshall St

> > <u>GPIN:</u> 8884233706

Current Zoning O-I (Office and Industrial)

Proposed Zoning

B-2 (General Business)

Overlay District

N/A

Surrounding Zoning

R-7, O-I, and B-2

Surrounding Land Uses

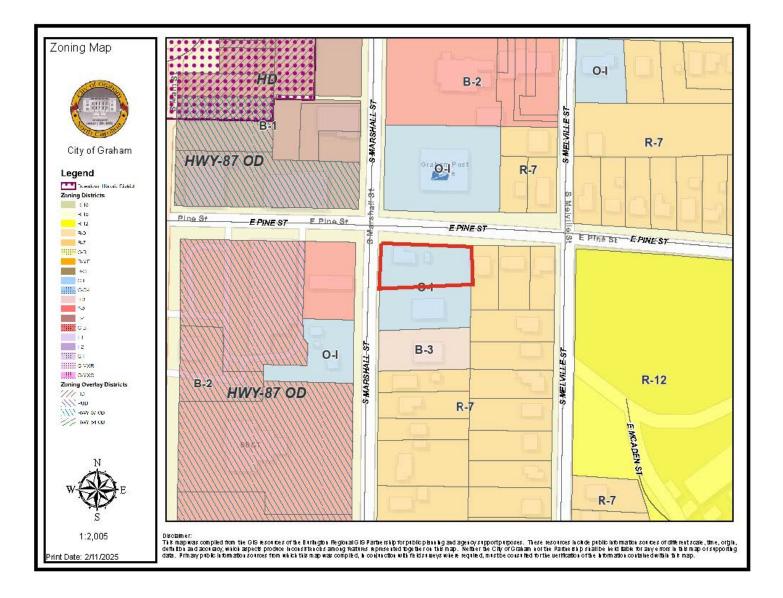
Single Family, Dentist Office, Car Wash, Post Office

> <u>Size</u> .51 acres

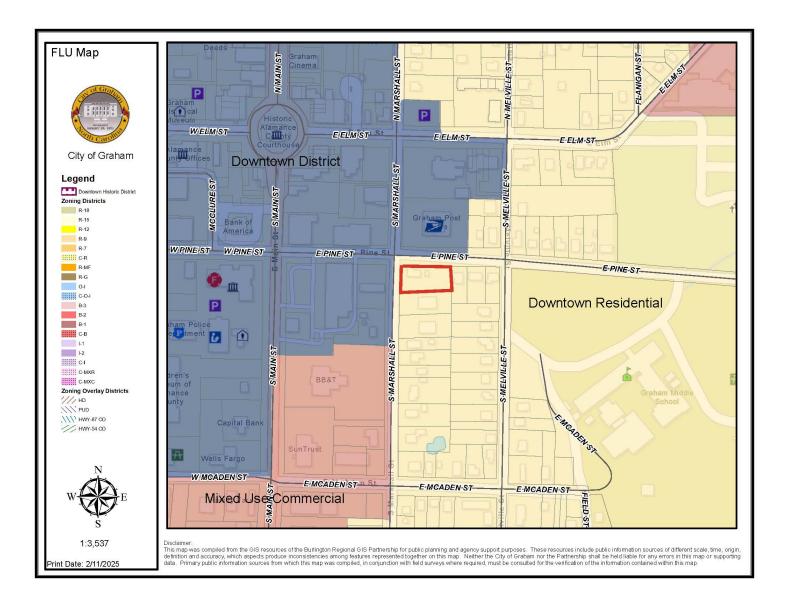
Public Water & Sewer Yes

> Floodplain No

Zoning Map



Future Land Use Map



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

Applicable Policies:

- The Future Land Use Map provides direction for land use changes in Graham over time. Future land use designations provide information on where and how to grow in an efficient, sustainable, and orderly manner. Physical form is a critical component of future growth and this section addresses development patterns in Graham. The Future Land Use Map follows several growth principles, and will guide the City's land use decisions.
- Desired Pattern Many of Graham's downtown residential neighborhoods include sidewalks, tree coverage, small and medium-sized lots, a variety of housing choices, human-scale

Planning Type Neighborhood

Development Type Downtown Residential

These neighborhoods are compact, connected, and diverse.

Appropriate Density

3-6 Dwelling Units per acre

buildings oriented toward the public realm, attractive architectural features, and porches and stoops that facilitate social interaction and provide eyes on the street. This pattern should be maintained and continued with policies that promote home rehabilitation and context-sensitive infill development.

- 2.2.1: Focused development. In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use, built environments.
- 2.3.2: Innovative spaces, spaces of innovation. Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry.

Staff Recommendation

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

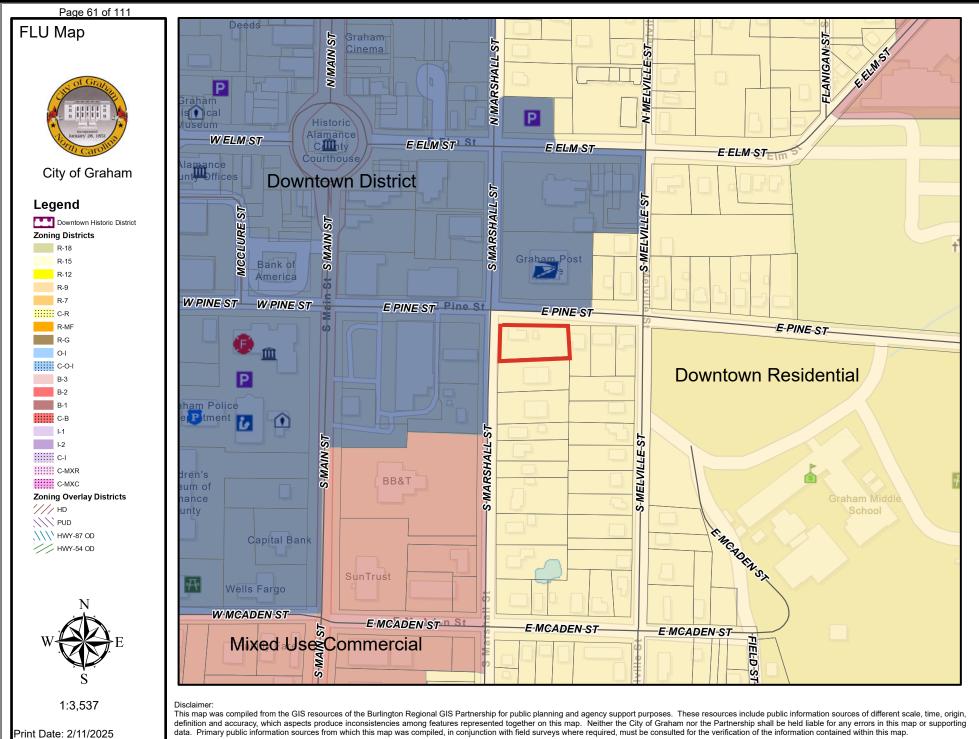
• The requested zoning district holds uses that could be viewed as inconsistent with the Downtown Residential land use classification in the form of appropriate neighborhood oriented commercial uses.

Planning Board Recommendation:

Planning Board recommended Denial of the project with a vote of 6-0.



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STAFF REPORT

Prepared by Cameron West, Planner

113 W Gilbreath (CR2503)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board: April 15th, 2025 & April 29th, 2025 City Council on May 13th, 2025

Summary

This is a request to rezone .83 acres of land at 113 W Gilbreath Street from R-7 (High-Density Residential) to C-B (Conditional Business) for the purpose of allowing a hair salon to be utilized as a home occupation as an accessory use to the single-family home. The use is proposed to occur inside of the attached accessory structure while the primary use of the single-family home will remain. Our Development Ordinance does not currently permit these types of uses to be utilized as home occupations. That is why the applicant is requesting this zoning classification. This property is listed on the Future Land Use Map as Downtown Residential. The Downtown Residential land use area describes principle uses in this zone are predominantly detached single family homes and that new neighborhoods may include a range of duplexes. It also states that supporting uses in this area are Places of worship, daycares, park facilities, schools, civic spaces; designated neighborhood centers may include neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking. The applicant has requested a condition that the site plan requirement be waived due to the nature of this request. Planning Board Recommended Approval of the project with a vote of 7-0 with the condition that the uses are limited to the single family in primary dwelling and beauty salon and accessory dwelling unit in the attached accessory dwelling. The uses in the accessory dwelling shall not be operated in tandem. Must be one or the other.



Contact Information

Judy and Nadia Euliss 113 W Gilbreath Street Graham, NC 27253 336-214-3617 girlstang@gmail.com

> Location 113 W Gilbreath

> > <u>GPIN:</u> 8884122359

Current Zoning R-7 (High-Density Residential)

Proposed Zoning

C-B (Conditional Business)

Overlay District

Surrounding Zoning

R-7and B-2

Surrounding Land Uses

Single Family, Commercial

<u>Size</u> .83 acres

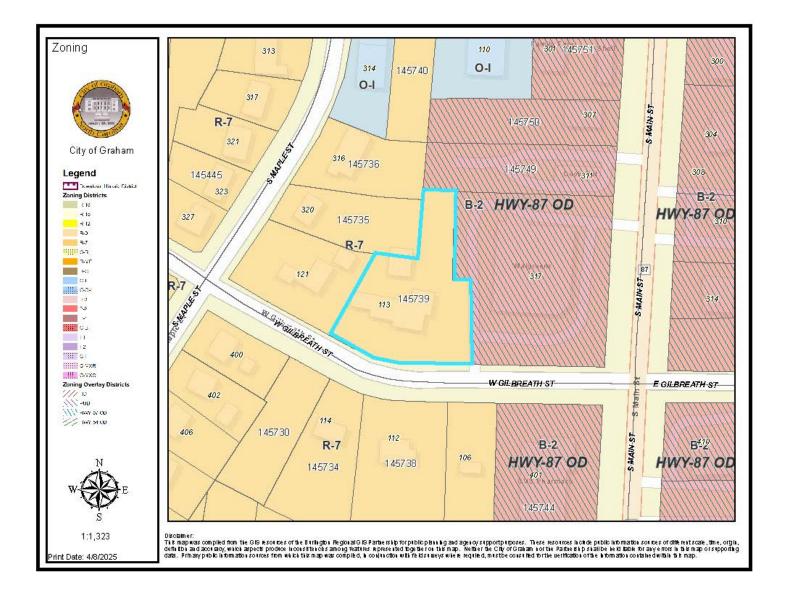
Public Water & Sewer

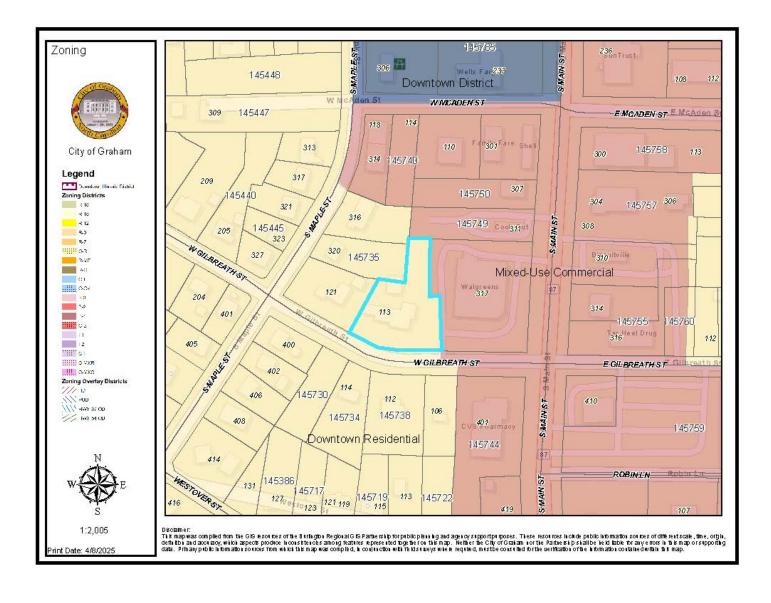
Yes

Floodplain

No

Zoning Map





Future Land Use Map

Nadia Euliss Pickens

113 West Gilbreath Street

Graham, NC

I am requesting the site plan requirement of the conditional rezoning to be waived due to no construction being proposed.

There are two parking spots located on site.

I intend to use a portion of the residence located at 113 West Gilbreath Street as my salon.

As the sole stylist and owner, I will operate with a single chair in my salon. My hours are on a part-time/by appointment only basis, allowing me the flexibility to provide care for my mother.

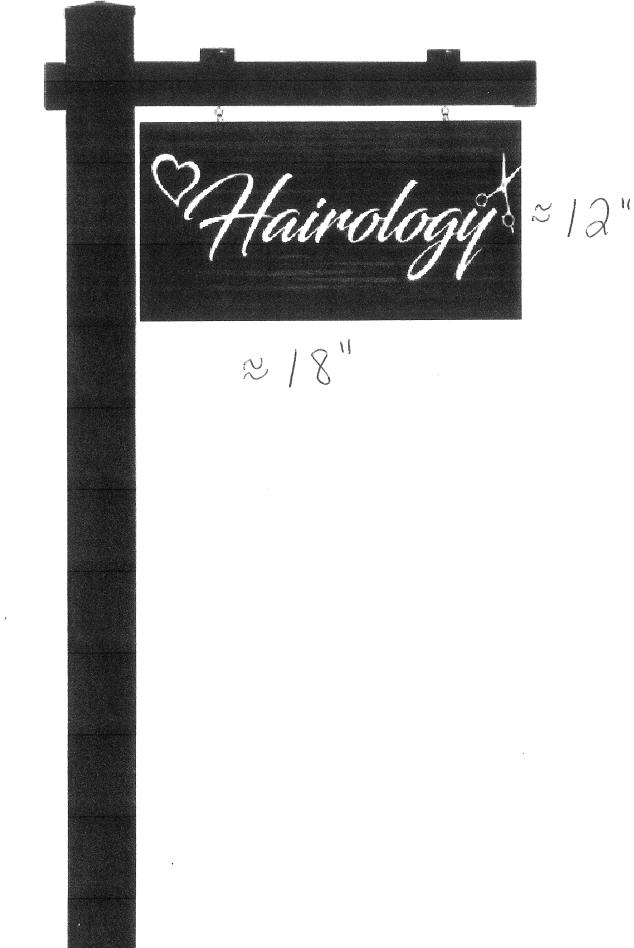
My business is designed to operate without causing traffic issues, parking concerns, noise, disturbances, unpleasant odors, or any electrical interference. Occupying less than 25% of the primary residence, all operations will be conducted fully within the salon premises. The exterior will remain clear of any business equipment or material. A modest freestanding sign(18 inches x 12 inches) will be at the front door(see attached photos). There are two separate entrances and ample parking for one to two vehicles so there will be no parking on the street. The structure is fully handicapped accessible with no steps, widened doorways, and multiple grab bars in the restroom, including a handicapped height toilet and sink.

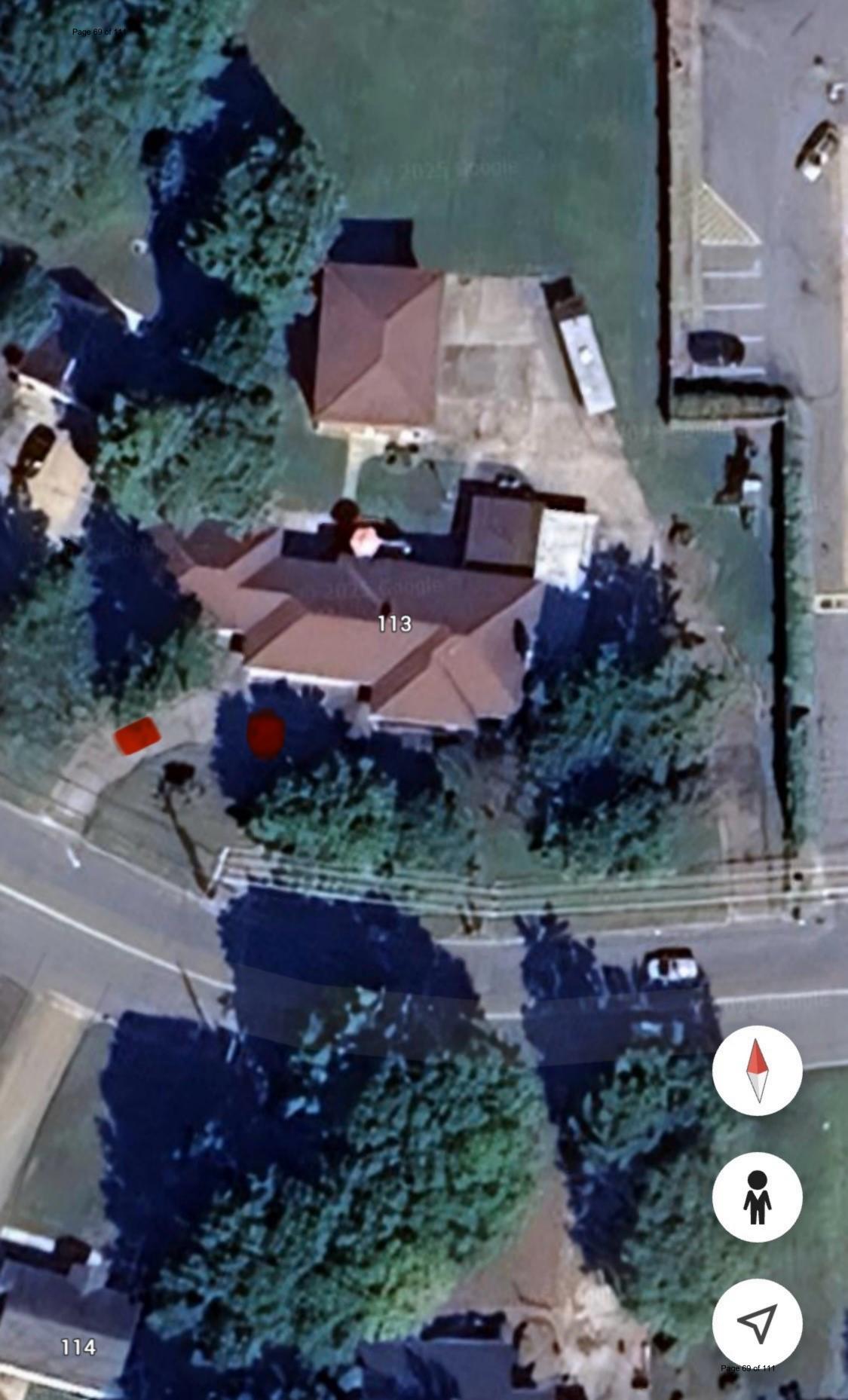
I have been a Graham resident for nearly 46 years and a licensed cosmetologist for almost 25 years. I fully comply with all state board standards and regulations(see attached State Board regulations) and will be inspected as required.

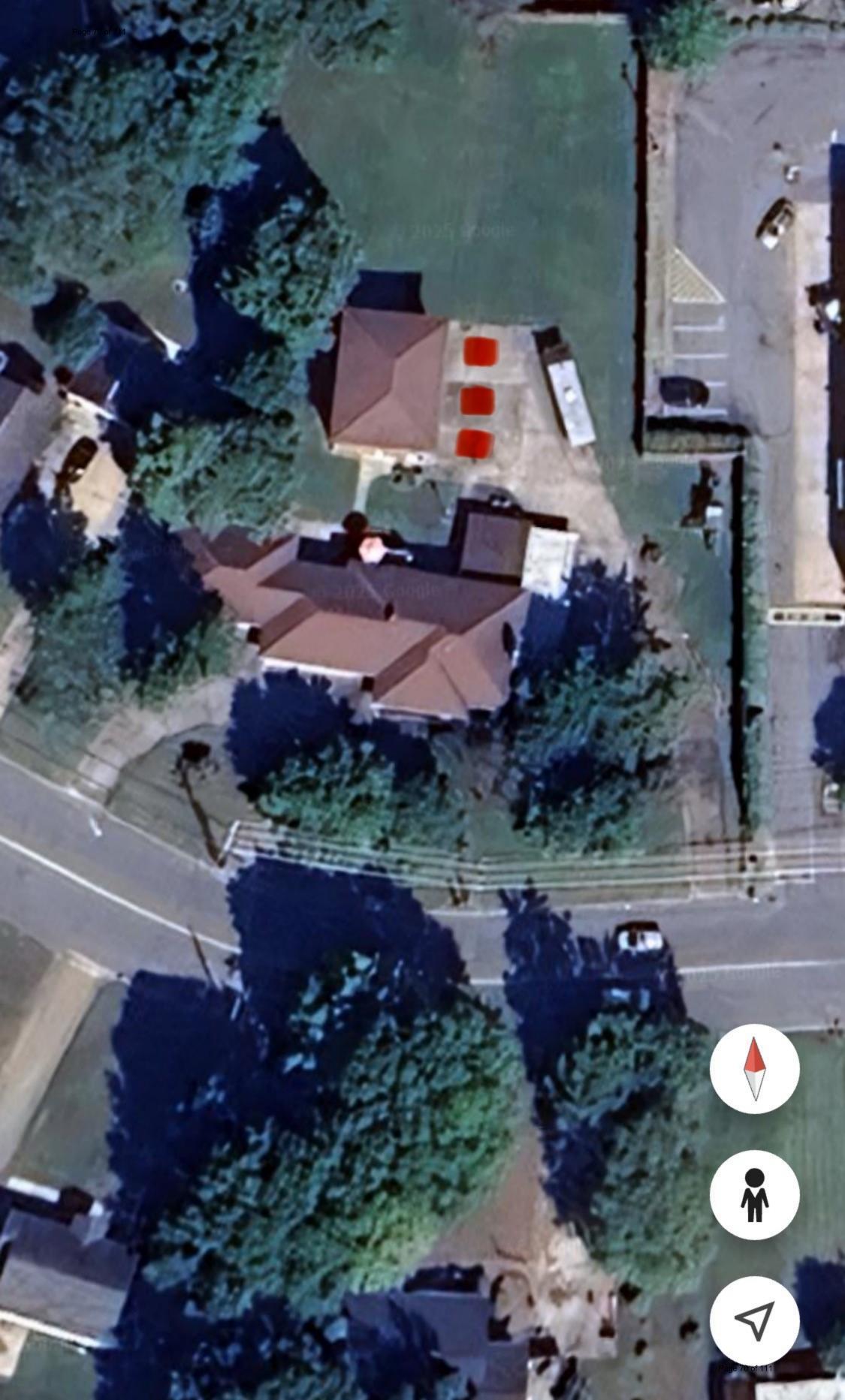
This home based salon is crucial for me, as it will enable me to care for my mother. With her turning 80 this June, and facing several health challenges, she requires more of my time and support.



· Note sign near front door beside















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

Future Land Use Downtown Residential Principal Uses: Downtown residential neighborhoods are primarily settings for existing and future single family detached housing, but may also contain additional housing typologies and low-impact supporting uses in neighborhood activity centers. affordable detached homes within attractive walkable neighborhoods will continue to make Graham an attractive place to live for people who work in Graham and surrounding communities.

Applicable Policies:

- **Policy 2.1.1: Diverse Job Market.** A diversified job market that provides employment opportunities for persons with varying education levels and skill sets is needed and encouraged
- **Policy 2.1.6: Locally Owned Business.** Facilitate the creation and growth of small locally-owned businesses and support programs that provide technical and financial assistance to promote sustainable operating practices.
- **Policy 2.3.2: Innovative Spaces.** Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry.

Planning Type Neighborhoods

Development Type Downtown Residential

The term neighborhood refers to the idea of a compact, walkable, diverse, and connected community. As the building blocks of City urban fabric, neighborhoods should be organized around smallscale activity centers that provide civic and commercial functions within a five to ten-minute walk for residents to meet their daily needs. Neighborhoods should be well connected internally and externally for bicyclists, pedestrians, and commuters. Small blocks and high connectivity ratios should be established and maintained both within and between neighborhoods.

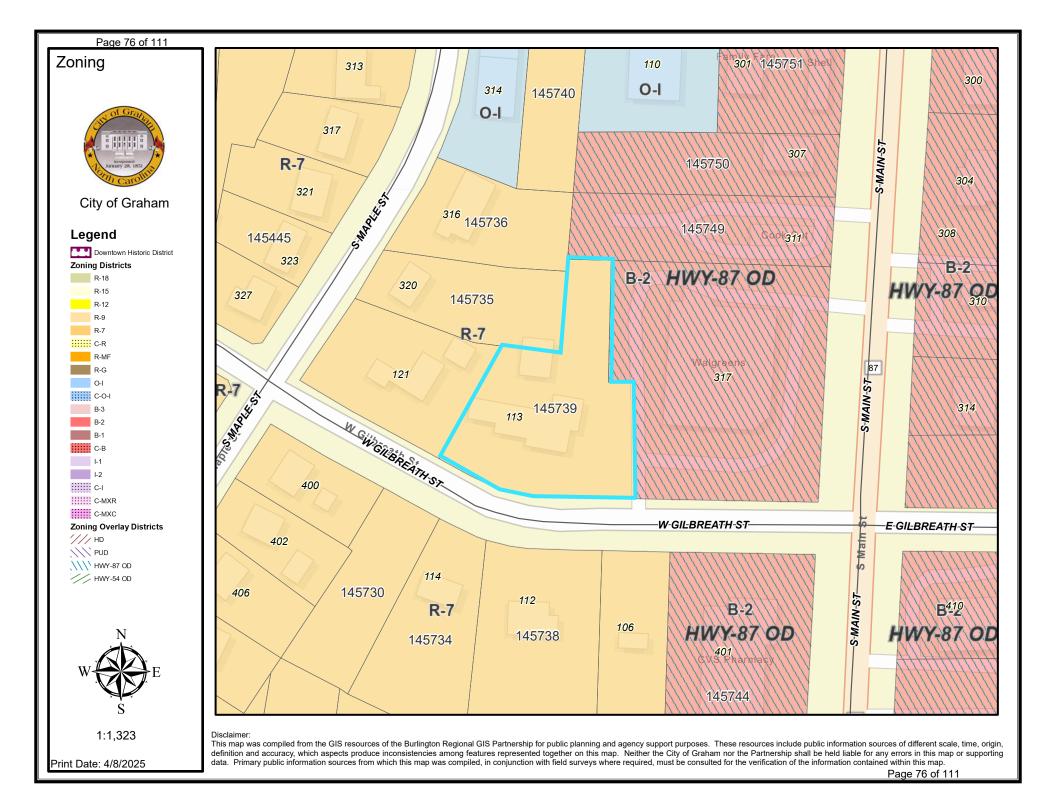
Staff Recommendation

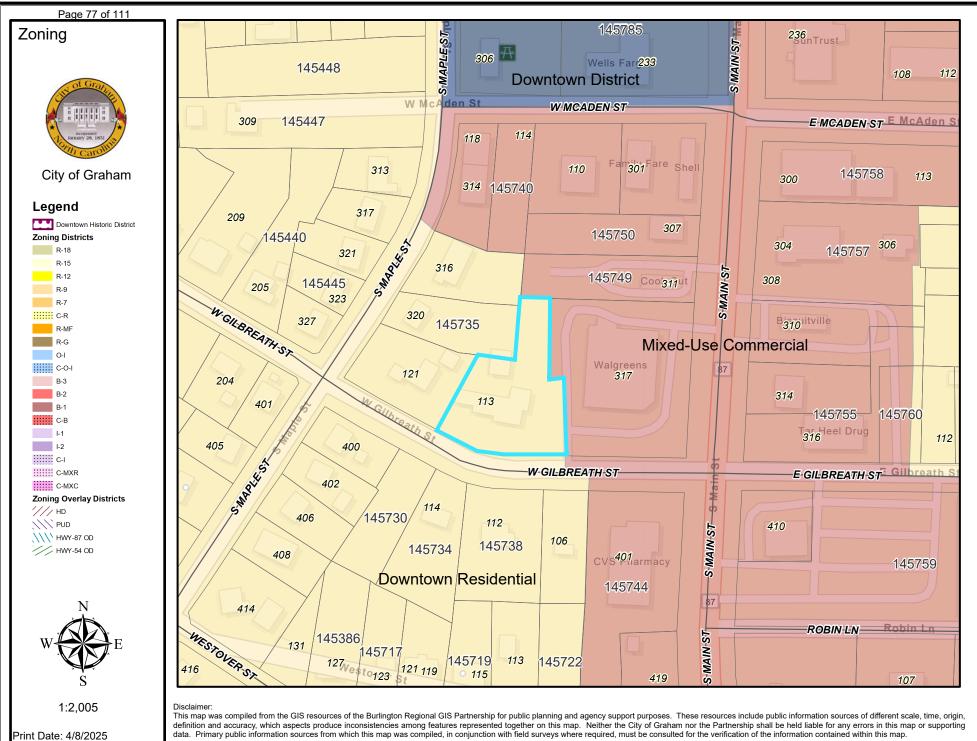
Based on the *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff provides the following statement:

• Rezoning the property would be consistent with the downtown residential land use areas and consistent with policies 2.1.1, 2.1.6, and 2.3.2, as put forth by the Graham 2035 Comprehensive Plan

Planning Board Recommendation:

Planning Board Recommended Approval of the project with a vote of 7-0 with the condition that the uses are limited to the single family in primary dwelling and beauty salon and accessory dwelling unit in the attached accessory dwelling. The uses in the accessory dwelling shall not be operated in tandem. Must be one or the other.





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| SUBJECT: | BURLINGTON-GRAHAM JOINT ANNEXATION AGREEMENT AND MOU |
|--------------|--|
| PREPARED BY: | AARON HOLLAND, ASSISTANT CITY MANAGER |

REQUESTED ACTION:

Approve ordinance for joint annexation agreement and Memorandum of Understanding (MOU) between the City of Burlington and the City of Graham.

BACKGROUND/SUMMARY:

A private developer, Carla Sevilla of Glenwood Homes, has sought annexation into the City of Burlington for property owned off Racetrack Road, which is closer to the City of Graham's jurisdiction, but can be best served by the City of Burlington utilities. Part of the property is in both Burlington and Graham's ETJ, and the remainder is in the County. In order for Burlington to satellite annex the property, an annexation agreement would need to be approved between both jurisdictions to move forward. This agreement was drafted by City staff at the request of the developer to accommodate the development. Both Burlington and Graham have consulted to develop a limited line of agreement that defines annexation responsibility for parcels bounded by Monroe Holt Road to the north and Great Alamance Creek to the south. This line does not address annexation responsibility for parcels north of Monroe Holt Road nor south of Great Annexation Creek.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move to approve the ordinance for the Burlington-Graham Joint Annexation Agreement and MOU as presented.

NORTH CAROLINA ALAMANCE COUNTY

BURLINGTON-GRAHAM JOINT ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, made and entered into this the _____ day of _____, 2025 by and between the City of Burlington, (hereinafter, "Burlington"), and the City of Graham (hereinafter, "Graham"), of the State of North Carolina:

WITNESSETH

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Part 6 authorizes municipalities to enter into binding agreements in order to enhance orderly planning by such municipalities as well as residents and property owners in areas subject to such municipalities; and,

WHEREAS, the City of Burlington and the City of Graham, both being duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty concerning future annexation among residents and property owners in unincorporated areas adjacent to the two municipalities and also to improve planning by public and private interests in such areas; and,

WHEREAS, N.C.G.S. §160A-58.23 authorizes two or more municipalities to enter into an annexation agreement to designate one or more areas not subject to annexation by one or more of the participating municipalities; and,

NOW, THEREFORE, THE CITY OF BURLINGTON AND THE CITY OF GRAHAM agree as follows:

- 1. This Agreement is executed pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 6, that being N.C.G.S. §160A-58.21 et seq.
 - 2. Pursuant to N.C.G.S. §160A-58.24(a)(1) this Annexation Agreement shall terminate twenty (20) years after its effective date.
 - 3. Pursuant to N.C.G.S. §160A-58.24(a)(2) and (3), and (b), this Agreement is applicable to these parcels of real property south of Monroe-Holt Road and north of the Great Alamance Creek. The City of Graham shall not annex any areas west of, and the City of Burlington shall not annex any areas east of the Annexation Line of Agreement, there being a legible map, attached hereto and incorporated herein as "Exhibit A" and "Exhibit B," the Final Plat, Burlington-Graham Annexation Line of Agreement-Race Track Road Area, Project #4657-214, dated January 22, 2024.

- 4. Pursuant to N.C.G.S. §160A-58.24(c), this Annexation Agreement will not be effective unless each participating municipality has held a public hearing on this Agreement prior to adopting the ordinance approving this Annexation Agreement. Until such time as the required public hearings are held and the respective approving ordinances are adopted, this Agreement shall be considered a proposed agreement. Pursuant to N.C.G.S. §160A-58.24(a)(4), this Annexation Agreement shall be effective upon the latter of the two municipalities' public hearings, that being the City of Graham public hearing or the City of Burlington public hearing and the governing board's adoption of an ordinance approving this Agreement.
- 5. Pursuant to N.C.G.S. §160A-58.24(a)(5), at least sixty (60) days before the adoption of any annexation ordinance in the areas subject to this Agreement, the participating municipality which is proposing any annexation shall give written notice to the other participating municipality of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to this Annexation Agreement; roads, streams and any other prominent geographical features shall be included on the map. Such notice shall not be effective for more than 180 days.
- 6. This Annexation Agreement may be modified or terminated by a subsequent agreement entered into by the participating municipalities. Any subsequent agreement shall be approved by ordinance after public hearings as provided in N.C.G.S. §160A-58.24(c). Notice of the participating municipalities' respective public hearings shall be given as provided in N.C.G.S. §160A-31(c).
- 7. Pursuant to N.C.G.S. §160A-58.24(d), this Annexation Agreement may not be amended except upon the written agreement of both municipalities, approved by resolution of the governing boards and executed by the mayors of the municipalities, and spread upon their respective minutes.
- 8. This Annexation Agreement shall not be binding beyond three miles of the primary corporate limits of a participating municipality, unless approved by the Alamance County Board of County Commissioners with jurisdiction over the area. Provided, however, that an area where this Agreement is not binding because of failure of said Board of County Commissioners to approve it, shall become subject to this agreement if subsequent annexation brings it within three miles. The approval of the Alamance County Board of County Commissioners shall be evidenced by a resolution adopted after a public hearing as provided in N.C.G.S. §160A-58.24(c) and (e) and §160A-31(c).
- 9. Pursuant to N.C.G.S. §160-A-58.24(f), this Annexation Agreement may be terminated unilaterally by either municipality or either municipality may withdraw from this Agreement by repealing the ordinance that approved this Agreement. The municipality

terminating this Agreement must provide five years written notice of termination to the other municipality. Upon expiration of the five-year period, this Agreement shall terminate.

- 10. Pursuant to N.C.G.S. §160A-58.25, from and after the effective date of this Annexation Agreement, no participating municipality may adopt an annexation ordinance as to all or any portion of an area in violation of this Agreement.
- 11. Pursuant to N.C.G.S. §160A-58.26, nothing in the Act or this Annexation Agreement shall be construed to authorize the annexation of any area that is not otherwise subject to annexation under applicable law.
- 12. Pursuant to N.C.G.S. §160A-58.27, any participating municipality which shall believe that a violation of the Act or this Annexation Agreement has occurred shall have available to it all remedies and relief authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.
- 13. Pursuant to N.C.G.S. §160A-58.24(c), the Burlington City Council held a public hearing on April 15, 2025, prior to adopting this ordinance approving the Annexation Agreement. Pursuant to N.C.G.S. §160A-58.24(c), the Graham City Council held a public hearing in May, 2025, prior to adopting this ordinance approving the Annexation Agreement.
- 14. Pursuant to a Memorandum of Understanding between the City of Burlington and City of Graham, the two municipalities' managements and staffs shall, over the course of the next twelve (12) months, collaborate to study the unincorporated areas between the two municipalities' existing corporate limits (Extraterritorial Jurisdictions), south of this Racetrack Road development, with the goal of formulating a proposed Annexation Agreement pursuant to N.C.G.S. § 58.21 et seq. for consideration by the two municipalities' respective governing boards.

IN WITNESS WHEREOF, the mayors of the participating municipalities execute this Annexation Agreement, in duplicate, to become effective as provided in paragraph (4) above.

HISTORIAN HISTORIAN HISTORIAN BEVERLY DISMITH, CITY CLERK

This the day of , 2025.

CITY OF BURLINGTON

JAMES BUTLER, MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF GRAHAM

ATTEST:

CITY CLERK

JENNIFER TALLEY, MAYOR

APPROVED AS TO FORM:

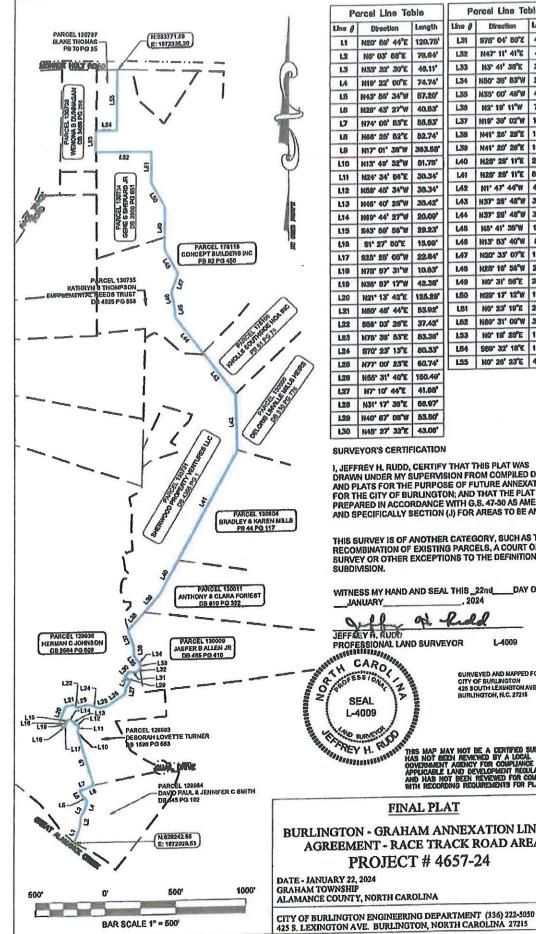
CITY ATTORNEY

EXHIBIT "A" ANNEXATION LINE OF AGREEMENT

From the POINT OF BEGINNING, a point along the Great Alamance Creek having NC Grid Coordinates of N: 828,242.55 and E: 1,872,029.53; thence N 20° 59' 44" E for a distance of 120.75' to a point, thence N 05° 03' 58" E for a distance of 76.94' to a point, thence N 33° 32' 30" E for a distance of 46.11' to a point, thence N 19° 22' 00" E for a distance of 74.74' to a point, thence N 43° 56' 34" W for a distance of 57.20' to a point, thence N 29° 43' 27" W for a distance of 40.53' to a point, thence N 74° 06' 53" E for a distance of 55.53' to a point, thence N 66° 25' 52" E for a distance of 52.74' to a point, thence N 17° 01' 38" W for a distance of 363.58' to a point, thence N 13° 49' 32" W for a distance of 51.75' to a point, thence N 24° 34' 56" E for a distance of 30.34' to a point, thence N 58° 45' 34" W for a distance of 38.34' to a point, thence N 46° 40' 25" W for a distance of 35.42' to a point, thence N 69° 44' 27" W for a distance of 20.09' to a point, thence S 43° 59' 56" W for a distance of 29.23' to a point, thence S 01° 27' 50" E for a distance of 15.99' to a point, thence S 25° 25' 05" W for a distance of 22.84' to a point, thence N 78° 57' 31" W for a distance of 10.93' to a point, thence N 36° 57' 17" W for a distance of 42.38' to a point, thence N 21° 13' 42" E for a distance of 125.29' to a point, thence N 80° 48' 44" E for a distance of 53.92' to a point, thence S 56° 03' 26" E for a distance of 37.42' to a point, thence N 75° 36' 53" E for a distance of 83.36' to a point, thence S 70° 23' 13" E for a distance of 80.33' to a point, thence N 77° 00' 23" E for a distance of 60.74' to a point, thence N 55° 31' 40" E for a distance of 150.49' to a point, thence N 07° 10' 44" E for a distance of 41.98' to a point, thence N 31° 17' 36" E for a distance of 56.97' to a point, thence N 40° 57' 08" W for a distance of 53.50' to a point, thence N 45° 27' 32" E for a distance of 43.06' to a point, thence S 78° 04' 50" E for a distance of 47.34' to a point, thence N 47° 11' 41" È for a distance of 41.10' to a point, thence N 03° 41' 38" E for a distance of 39.95' to a point, thence N 50° 36' 53" W for a distance of 24.75' to a point, thence N 35° 00' 48" W for a distance of 49.27' to a point, thence N 02° 19' 11" W for a distance of 72.24' to a point, thence N 19° 39' 02" W for a distance of 114.17' to a point, thence N 41° 26' 26" E for a distance of 171.75' to a point, thence N 41° 20' 26" E for a distance of 163.84' to a point, thence N 28° 26' 11" E for a distance of 277.94' to a point, thence N 28° 26' 11" E for a distance of 888.29' to a point, thence N 01° 47' 44" W for a distance of 401.18' to a point, thence N 37° 29' 48" W for a distance of 381.29' to a point, thence N 37° 29' 48" W for a distance of 319.52' to a point, thence N 05° 41' 35" W for a distance of 101.31' to a point, thence N 13° 53' 40" W for a distance of 85.19' to a point, thence N 20° 33' 07" E for a distance of 139.73' to a point, thence N 28° 16' 56" W for a distance of 201.12' to a point, thence N 00° 31' 56" E for a distance of 299.98' to a point, thence N 29° 17' 12" W for a distance of 197.76' to a point, thence N 00° 23' 19" E for a distance of 224.78' to a point, thence N 89° 31' 09" W for a distance of 399.25' to a point, thence N 00° 18' 28" E for a distance of 152.06' to a point, thence S 89° 32' 18" E for a distance of 150.00' to a point, thence N 00° 26' 23" E for a distance of 434.15'

to a point in the south side of Monroe Holt Road Right-of-Way having NC Grid Coordinates of N: 833,771.59 and E: 1,872,336.20; and being shown on Drawing 4657 – "BURLINGTON – GRAHAM ANNEXATION LINE OF AGREEMENT – RACE TRACK ROAD AREA" as prepared by the City of Burlington Engineering Department.

The line of agreement is compiled from various recorded plats and deeds on file at the Alamance County Register of Deeds and is intended to assign future annexation of the parcels as defined between the Great Alamance Creek and Monroe Holt Road. Parcels to the west of the line and along the line are Alamance County PID 129936, PID 130731, PID 130735, PID 130734, PID 130736, and PID 130737 are to be annexed under this agreement at such time under applicable annexation laws by the City of Burlington. Parcels to the east and along the line are Alamance County PID 129983, PID 130009, PID 130011, PID 130804, PID 130809, PID 176106, and PID 176115 are to be annexed under this agreement at such time under applicable annexation laws by the City of Graham.



I, JEFFREY H. RUDD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM COMPILED DEEDS AND PLATS FOR THE PURPOSE OF FUTURE ANNEXATION FOR THE CITY OF BURLINGTON; AND THAT THE PLAT IS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND SPECIFICALLY SECTION (J) FOR AREAS TO BE ANNEXED. THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTIONS TO THE DEFINITION OF A DAY OF WITNESS MY HAND AND SEAL THIS 22nd . 2024 22 1-4009 SURVEYED AND MAPPED FOR THE: CITY OF BURLINGTON 425 SOUTH LEXINGTON AVENUE BURLINGTON, N.C. 27215 THIS MAP MAY NOT BE A CERTIFIED SURVEY AND MAS NOT BEEN REVEIVED BY A LOCAL CONTENSATION ADDRVF TO COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAB NOT BEEN REVEWED FOR COMPLIANCE WITH RECORDING RESULTEDIENTS FOR PLATS.

Porcel Line Toble

Direction

578' 04' 80'2

N47 11' 41"E

N3' 41' 38'E

N60, 36, 63 W

N35' 00' 48'W

M2" 10' 11"W

N18" 39" 02"W

N41' 25' 25"E

N41' 20' 25'E

N25 25 11E

N28' 28' 11'E

N1 47 44W

N37' 29' 45'W

N37' 29' 48'W

N5' 41' 35'W

N13" 63" 40"W

H20' 35' 07'E

N25" 16" 56"W

NO' 31' 56'E

N29 17 12W

N89" 31" 09"W

NO. 18 20'E

589" 32" 18"E

NO 23 19 8 224.78

NO" 26' 23"E 434.15'

Longth

47.34

41.10

39.95

24.70

40.27

72.24

114.17

171.76'

163.66

277.94

688.29

401.18

381,29

318.62

101.31

66.19

139.73

201.12

200.05

197.78

309.25

162.06

150.00

BURLINGTON - GRAHAM ANNEXATION LINE OF AGREEMENT - RACE TRACK ROAD AREA **PROJECT # 4657-24**

NORTH CAROLINA ALAMANCE COUNTY

MEMORANDUM OF UNDERSTANDIING

This Memorandum of Understanding (hereafter, "MOU") is entered into this 13th day of May 2025, between the City of Burlington (hereafter, "Burlington") and the City of Graham (hereafter, "Graham"), referred to collectively herein as "the Parties."

WITNESSETH:

WHEREAS, the City of Burlington is a North Carolina legislatively chartered municipal corporation situated in Alamance County and Guilford County; and,

WHEREAS, the City of Graham is a North Carolina legislatively chartered municipal corporation situated in Alamance County; and,

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Part 6, N.C.G.S. §160A-58.21 et seq., authorizes municipalities to enter into binding agreements in order to enhance orderly planning by such municipalities as well as residents and property owners in areas subject to such municipalities; and,

WHEREAS, the City of Burlington and the City of Graham desire to eliminate uncertainty concerning future annexation among residents and property owners in unincorporated areas adjacent to the two municipalities and south of Interstate 85/40, and also to improve planning by public and private interests in such areas; and,

WHEREAS, N.C.G.S. §160A-58.23 authorizes two or more municipalities to enter into an annexation agreement to designate one or more areas not subject to annexation by one or more of the participating municipalities; and,

WHEREAS, both Burlington and Graham are situated south of Interstate 85/40, bordering east of State Highway 49 with their respective unincorporated extraterritorial jurisdictions; and,

WHEREAS, both municipalities desire to utilize N.C.G.S. §160A-58.21 et seq. Annexation Agreements to work toward creating an annexation line that serves to accommodate future economic development in Alamance County; and,

WHEREAS, both municipalities acknowledge the importance of moving forward with those cooperative efforts as it is foreseeable that additional private entities will desire to develop in the near future those properties in the subject area; and,

WHEREAS, over the past two years, a private developer, Carla Sevilla of Glenwood Homes of Raleigh, has sought annexation into the City of Burlington of its Racetrack Road property in order to most economically develop its residential project with public utilities; and,

WHEREAS, north Interstate 85 /40, the Parties' corporate limits already abut one another; and,

WHEREAS, Graham is a North Carolina municipality of approximately 17,153 population (2020 census) which owns and operates a water treatment facility and a sewer treatment facility in a joint enterprise with the Town of Mebane, North Carolina; and,

WHEREAS, Graham owns and maintains its separate water distribution and wastewater collection system within its corporate limits and extraterritorial jurisdiction; and,

WHEREAS, Burlington is a North Carolina municipality of approximately 57,303 population (2020 census) which owns and operates two water treatment plants and two sewer treatment plants; and,

WHEREAS, Burlington owns and maintains its separate water distribution and wastewater collection system within its corporate limits and extraterritorial jurisdiction and provides water and wastewater treatment services to other municipalities, including Haw River, Green Level, Gibsonville, Elon, Whitsett, Village of Alamance, Altamahaw-Ossippee, and Greensboro; and,

WHEREAS, pursuant to an existing water utility agreement, in emergency situations, each party has the ability to draw water from the other party's water lines; and,

WHEREAS, pursuant to an existing sewer utility agreement, Burlington currently treats sewage at its South Wastewater Treatment Facility located near Swepsonville, collected from residential customers of Graham, not to exceed 1,500 residential units; and,

WHEREAS, there is currently a developer, Carla Seville of Glenwood Homes of Raleigh, in need of utility service for her residential development project located on Racetrack Road. She desires the City of Burlington to provide water and sewer utility services for the project. Burlington has water and lines nearest to the project, resulting in the most economical provision of utility services to the developer. In turn, she wishes to annex her residential development into Burlington's corporate limits to enable her home purchasers to have its municipal services; and,

WHEREAS, it is foreseeable and anticipated that additional private sector developers will be viewing this unincorporated area adjacent to the two municipalities south of Interstate 85/40, for future residential, commercial, and industrial development projects, requiring municipal utility services; and,

WHEREAS, the parties desire to develop an annexation agreement in order to enhance orderly planning by the parties in the unincorporated area adjacent to the two municipalities' corporate limits and south of said Racetrack Road project for the benefit of residents, property owners, and potential future economic development; and,

ACCORDINGLY, the City of Burlington and the City of Graham agree:

1. To have their respective management and staff, including Planning, Engineering, and Water Resources (water and sewer resources) departments, collaborate to study the unincorporated areas adjacent to the two municipalities, north of Monroe-Holt and south of the Racetrack project, with the goal of formulating a proposed annexation agreement, pursuant to N.C.G.S. §160A-58.23, to present to their respective governing boards for consideration.

2. Said joint study shall be undertaken over the following twelve (12) months, with the goal of having a recommended Annexation Agreement before the parties' respective governing boards in May 2026.

This 13th day of May 2025.

Craig Honeycutt, City Manager, City of Burlington

Megan Garner, City Manager, City of Graham



| SUBJECT: | MULTI-TENANT INDUSTRIAL BUILDINGS TEXT AMENDMENT |
|--------------|--|
| | |
| PREPARED BY: | CAMERON WEST, PLANNER |

REQUESTED ACTION:

Amend Development Ordinance to add language to the Development Ordinance to define and create a use type for Multi-Tenant Industrial Buildings.

BACKGROUND/SUMMARY:

City Staff has received a request for text amendment to define and create a use classification for multitenant industrial facilities. Currently, the development ordinance does not have a specified use for this proposed type of development. We have an approved use for single industrial buildings and unified business developments. The unified business developments are particular to shopping centers and commercial developments. They do not permit any I-1 uses in these developments, even being allowed in the I-1 zoning. As of right now, there is no way for staff to approve these types of developments as the closest related zoning use we can choose from is the unified business developments. We have received multiple new requests for these types of developments and have suggested that a text amendment was proposed to define them in our ordinance. Planning Board reviewed the amendment at their April 29th meeting and recommended approval of the amendment at a vote of 7-0 with the exclusion of the words "on sites" in the proposed definition.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to Article 2, Section 10.16, Article 4 and Section 10.135 to add language to the Development Ordinance to define and create a use type for Multi-Tenant Industrial Buildings.



522 South Lexington Avenue = Burlington, North Carolina 27215-5827 Mailing Address: P.O. Drawer 2958 = Burlington, North Carolina 27216-2958 Telephone: (336) 227-8851 = Facsimile: (336) 226-3866 = www.vernonlaw.com

John H. Vernon, Jr. (1911-1986) John H. Vernon, III Wiley P. Wooten (1943-2018) E. Lawson Brown, Jr. Mark A. Jones Benjamin D. Overby, Sr.

March 14, 2025

Jennifer L. Bogacki^{*} Kristen L. DelForge^{**} Ryan D. Moffitt Thomas S. Whitaker Taylor K. Squires

*Also Admitted in Massachusetts **Also Providing Parenting Coordinator Services

The City of Graham, NC ATTN: Cameron West, Graham City Planner 201 South Main Street Graham, NC 27253 cwest@cityofgraham.com

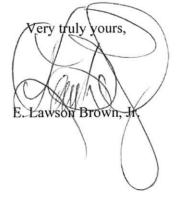
Re: Welcome I-40 – Text Amendment, Cherry Lane Project Client file No.: 24139A-04

Dear Mr. West,

I write on behalf of my client, Welcome I-40 regarding our request for a Text Amendment to the City of Graham's Development Ordinance (UDO). As it stands, the current UDO does not include a permitted use that aligns with the intended use of the anticipated Cherry Lane Project. Therefore, we propose that the City Counsil amend the current UDO to create a new use type that conforms with our intended use. We propose that the text amendment definition reads as follows:

"Multi-Occupancy Distribution and Warehouse is established for industry, assembly, fabrication, warehousing and/or distribution with single or multi-occupants on sites with adequate access to highways, thoroughfares, streets and roads and with adequate utilities, the transportation adequacy being subject to the Technical Review Committee requirements and approval."

Lastly, we would request that the table of permitted uses outlined in Section 10.135 of the UDO be amended to include a new use type identified as "Multi-Occupancy Distribution and Warehouse." Such use shall be permitted by right in I-1 and I-2 zoning districts. We ask that the council review and address the proposed text amendment during the Planning Board meeting scheduled for April 15, 2025. We stand ready to address any questions or concerns the Counsil may have regarding this request. Thank you for your prompt attention to this matter.



ELB, JR. / tks

exceptions: the minimum square footage is 700 square feet rather than 1000 square feet and requirements b) and i) above are not applicable.

- Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (f) and (h) for Class AA manufactured dwellings above.
- 4) Class C: Any portable manufactured housing unit built before July 1, 1976 that does not meet the definitional criteria of a Class A or Class B manufactured dwellings above. Pursuant to 160D-910, manufactured homes may not be excluded on the basis of age.

<u>Manufactured Home Park</u> - A group development site with required improvements and utilities for the long-term location of two or more manufactured dwellings for rental purposes, which development may include services and facilities for the residents.

<u>Manufactured Home Space</u>- A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.

<u>Metal Fabrication</u> – The industrial process of manufacturing sheet metal and other flat metals to make them conform to specific shapes through cutting, stamping, shaping, folding, and welding.

<u>Multi-Occupancy Distribution and Warehouse</u> - Established for industry, assembly, fabrication, warehousing and/or distribution with single or multi-occupants on sites with adequate access to highways, thoroughfares, streets and roads and with adequate utilities, the transportation adequacy being subject to the Technical Review Committee requirements and approval.

<u>Nonconforming Buildings</u> – A nonconforming building is a building that was lawfully erected (or for which a vested right had been established) but that, as a result of adoption of or amendments to this ordinance or of the property coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the minimum setbacks, maximum height or other requirements specific to buildings (such as materials or colors) of the zoning district in which it is located.

<u>Nonconforming Lots</u> – A nonconforming lot is a lot that was lawfully created (or for which a vested right had been established) but that, as a result of adoption of or amendments to this ordinance or of the lot coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the minimum lot area or minimum lot width of the zoning district in which it is located.

<u>Nonconforming Site Elements</u> – A nonconforming site element is a physical feature of a site, such as parking, landscaping or signage, that was lawfully established (or for which a vested right had been established) on a property but that, as a result of adoption of or amendments to this ordinance or of the property coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the requirements for that site element.

<u>Nonconforming Uses</u> – A nonconforming use is a use of land or buildings that was lawfully established (or for which a vested right had been established) prior to the effective date of current use regulations



| Use Туре | | | | | | | | | | | | | | | (6) | (6) | | | | |
|---|------|------|------|-----|-----|-----|------|-----|-----|-------|-----|-----|-----|-----|---------------|---------------|-----|----------|-------|-----|
| | R-18 | R-15 | R-12 | R-9 | R-7 | C-R | R-MF | R-G | I-0 | C-0-I | B-3 | B-2 | B-1 | C-B | I-1 (Note 19) | I-2 (Note 19) | C-I | C-MXR | C-MXC | LUC |
| Manufactured Housing and Wood Buildings | | | | | | | | | | | | | | | х | х | С | | | 4 |
| Medical, Dental and Surgical Equipment | | | | | | | | | | | | | | | х | х | С | | | 4 |
| Millwork, Plywood and Veneer | | | | | | | | | | | | | | | х | х | С | | | 4 |
| Optical Goods | | | | | | | | | | | | х | | С | х | х | С | | | 4 |
| Paperboard Containers and Boxes | | | | | | | | | | | | | | | | х | | | | 4 |
| Pharmaceutical Products | | | | | | | | | | | | | | | х | х | с | | | 4 |
| Photographic Equipment and Supplies | | | | | | | | | | | | | | | x | x | С | | | 4 |
| Plastic Products | | | | | | | | | | | | | | | x | x | c | | | 4 |
| Pottery and Related Products | | | | | | | | | | | | | | | x | x | c | | | 4 |
| Rubber Products | | | | | | | | | | | | | | | ~ | x | C | | | 4 |
| Sawmill | | | | | | | | | | | | | | | | S | | | | |
| Sign manufacture, fabricating | | | | | | | | | | | | х | | С | х | x | с | | | 4 |
| Soaps and Cosmetics | | | | | | | | | | | | ~ | | C | ~ | x | | | | 4 |
| Textile Products (no dyeing and finishing) | | | | | | | | | | | | | | | х | x | с | | | 4 |
| Textile Products (with dyeing and finishing) | | | | | | | | | | | | | | | ~ | x | C | | | 4 |
| Massage Therapy, practitioner licensed by the State of NC | | | | | | | | | х | С | x | х | х | С | x | ~ | с | с | С | 2 |
| Medical, Dental or Related Office | | | | | | | | | х | С | х | х | х | С | х | | С | С | С | 2 |
| Medical or Dental Laboratory | | | | | | | | | х | С | | х | х | С | х | | с | с | С | 3 |
| Motion Picture Production | | | | | | | | | ~ | | | X | | C | x | | c | <u> </u> | | 4 |
| Multi-Occupancy Distribution and Warehouse | | | | | | | | | | | | | | | X | х | - | | | 4 |
| Municipal Facilities | S | S | S | S | S | С | S | S | х | С | х | х | х | С | S | S | С | С | С | 3 |
| Museum or Art Gallery | | | | | | | | | Х | С | Х | Х | Х | С | | | | С | С | 2 |
| Night clubs, dance halls (see note 4) | | | | | | | | | | | | Х | Х | С | | | С | | С | 3 |
| Nursing Home, Rest Home, Convalescent Home | S | S | S | S | S | С | х | Х | S | С | S | х | | С | | | | С | С | 3 |
| Park, Public | х | х | х | х | х | С | х | х | х | С | х | х | х | С | х | х | С | С | С | 3 |



| Use Туре | | | | | | | | | | | | | | | (6 | (6 | | | | |
|---|------|------|------|-----|-----|-----|------|-----|-----|-------|-----|-----|-----|-----|---------------|---------------|-----|-------|-------|-----|
| | R-18 | R-15 | R-12 | R-9 | R-7 | C-R | R-MF | R-G | I-0 | C-0-I | B-3 | B-2 | B-1 | C-B | I-1 (Note 19) | I-2 (Note 19) | C-I | C-MXR | C-MXC | LUC |
| Manufactured Housing and Wood Buildings | | | | | | | | | | | | | | | х | х | С | | | 4 |
| Medical, Dental and Surgical Equipment | | | | | | | | | | | | | | | х | х | С | | | 4 |
| Millwork, Plywood and Veneer | | | | | | | | | | | | | | | х | х | С | | | 4 |
| Optical Goods | | | | | | | | | | | | х | | С | х | х | С | | | 4 |
| Paperboard Containers and Boxes | | | | | | | | | | | | | | | | х | | | | 4 |
| Pharmaceutical Products | | | | | | | | | | | | | | | х | х | с | | | 4 |
| Photographic Equipment and Supplies | | | | | | | | | | | | | | | х | х | С | | | 4 |
| Plastic Products | | | | | | | | | | | | | | | x | X | c | | | 4 |
| Pottery and Related Products | | | | | | | | | | | | | | | x | x | c | | | 4 |
| Rubber Products | | | | | | | | | | | | | | | ~ | x | C | | | 4 |
| Sawmill | | | | | | | | | | | | | | | | S | | | | • |
| Sign manufacture, fabricating | | | | | | | | | | | | х | | С | х | x | с | | | 4 |
| Soaps and Cosmetics | | | | | | | | | | | | ~ | | | | x | | | | 4 |
| Textile Products (no dyeing and finishing) | | | | | | | | | | | | | | | х | x | с | | | 4 |
| Textile Products (with dyeing and finishing) | | | | | | | | | | | | | | | ~ | x | C | | | 4 |
| Massage Therapy, practitioner licensed by the State of NC | | | | | | | | | x | с | x | х | х | С | x | | с | с | С | 2 |
| Medical, Dental or Related Office | | | | | | | | | х | С | х | х | х | С | х | | С | С | С | 2 |
| Medical or Dental Laboratory | | | | | | | | | х | С | | х | х | С | х | | С | С | С | 3 |
| Motion Picture Production | | | | | | | | | | | | х | | С | х | | с | | | 4 |
| Multi-Occupancy Distribution and Warehouse | | | | | | | | | | | | - | | | X | х | | | | 4 |
| Municipal Facilities | S | S | S | S | S | С | S | S | х | С | х | х | Х | С | S | S | С | С | С | 3 |
| Museum or Art Gallery | | | | | | | | | Х | С | Х | Х | Х | С | | l | | С | С | 2 |
| Night clubs, dance halls (see note 4) | | | | | | | | | | | | Х | Х | С | | 1 | С | | С | 3 |
| Nursing Home, Rest Home, Convalescent Home | S | S | S | S | S | С | Х | Х | S | С | S | х | | С | | | | С | С | 3 |
| Park, Public | Х | Х | х | Х | х | С | Х | Х | х | С | х | х | х | С | х | х | С | С | С | 3 |





522 South Lexington Avenue = Burlington, North Carolina 27215-5827 Mailing Address: P.O. Drawer 2958 = Burlington, North Carolina 27216-2958 Telephone: (336) 227-8851 = Facsimile: (336) 226-3866 = www.vernonlaw.com

John H. Vernon, Jr. (1911-1986) John H. Vernon, III Wiley P. Wooten (1943-2018) E. Lawson Brown, Jr. Mark A. Jones Benjamin D. Overby, Sr.

March 14, 2025

Jennifer L. Bogacki^{*} Kristen L. DelForge^{**} Ryan D. Moffitt Thomas S. Whitaker Taylor K. Squires

*Also Admitted in Massachusetts **Also Providing Parenting Coordinator Services

The City of Graham, NC ATTN: Cameron West, Graham City Planner 201 South Main Street Graham, NC 27253 cwest@cityofgraham.com

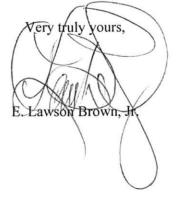
Re: Welcome I-40 – Text Amendment, Cherry Lane Project Client file No.: 24139A-04

Dear Mr. West,

I write on behalf of my client, Welcome I-40 regarding our request for a Text Amendment to the City of Graham's Development Ordinance (UDO). As it stands, the current UDO does not include a permitted use that aligns with the intended use of the anticipated Cherry Lane Project. Therefore, we propose that the City Counsil amend the current UDO to create a new use type that conforms with our intended use. We propose that the text amendment definition reads as follows:

"Multi-Occupancy Distribution and Warehouse is established for industry, assembly, fabrication, warehousing and/or distribution with single or multi-occupants on sites with adequate access to highways, thoroughfares, streets and roads and with adequate utilities, the transportation adequacy being subject to the Technical Review Committee requirements and approval."

Lastly, we would request that the table of permitted uses outlined in Section 10.135 of the UDO be amended to include a new use type identified as "Multi-Occupancy Distribution and Warehouse." Such use shall be permitted by right in I-1 and I-2 zoning districts. We ask that the council review and address the proposed text amendment during the Planning Board meeting scheduled for April 15, 2025. We stand ready to address any questions or concerns the Counsil may have regarding this request. Thank you for your prompt attention to this matter.



ELB, JR. / tks

exceptions: the minimum square footage is 700 square feet rather than 1000 square feet and requirements b) and i) above are not applicable.

- Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (f) and (h) for Class AA manufactured dwellings above.
- 4) Class C: Any portable manufactured housing unit built before July 1, 1976 that does not meet the definitional criteria of a Class A or Class B manufactured dwellings above. Pursuant to 160D-910, manufactured homes may not be excluded on the basis of age.

<u>Manufactured Home Park</u> - A group development site with required improvements and utilities for the long-term location of two or more manufactured dwellings for rental purposes, which development may include services and facilities for the residents.

<u>Manufactured Home Space</u>- A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.

<u>Metal Fabrication</u> – The industrial process of manufacturing sheet metal and other flat metals to make them conform to specific shapes through cutting, stamping, shaping, folding, and welding.

<u>Multi-Occupancy Distribution and Warehouse</u> - Established for industry, assembly, fabrication, warehousing and/or distribution with single or multi-occupants on sites with adequate access to highways, thoroughfares, streets and roads and with adequate utilities, the transportation adequacy being subject to the Technical Review Committee requirements and approval.

<u>Nonconforming Buildings</u> – A nonconforming building is a building that was lawfully erected (or for which a vested right had been established) but that, as a result of adoption of or amendments to this ordinance or of the property coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the minimum setbacks, maximum height or other requirements specific to buildings (such as materials or colors) of the zoning district in which it is located.

<u>Nonconforming Lots</u> – A nonconforming lot is a lot that was lawfully created (or for which a vested right had been established) but that, as a result of adoption of or amendments to this ordinance or of the lot coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the minimum lot area or minimum lot width of the zoning district in which it is located.

<u>Nonconforming Site Elements</u> – A nonconforming site element is a physical feature of a site, such as parking, landscaping or signage, that was lawfully established (or for which a vested right had been established) on a property but that, as a result of adoption of or amendments to this ordinance or of the property coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the requirements for that site element.

<u>Nonconforming Uses</u> – A nonconforming use is a use of land or buildings that was lawfully established (or for which a vested right had been established) prior to the effective date of current use regulations



| SUBJECT: | UTILIZE TDA FUNDS FOR NEW MONUMENT SIGN AND REPLACEMENT BANNERS |
|--------------|---|
| PREPARED BY: | AARON HOLLAND, ASSISTANT CITY MANAGER |

REQUESTED ACTION:

Approve staff to utilize TDA funds for a new monument sign at City Hall and replacement banners downtown.

BACKGROUND/SUMMARY:

The City of Graham, along with Burlington, Elon and Mebane, were authorized by legislation to establish a TDA, or Tourism Development Authority, that promotes travel and tourism. The TDA is funded by a portion of the occupancy tax collected from lodging establishments and are responsible for marketing the area, managing tourism infrastructure, and supporting tourism-related businesses.

In an effort to promote the City and City of Graham related events, staff is recommending utilizing these funds to replace existing banners around the downtown and installing a new monument sign with a static message board on the front lawn at City Hall.

FISCAL IMPACT:

The City is expected to receive approximately \$79,000 in occupancy tax for the 2024-25 fiscal year. The estimated total for both the monument sign and banners is expected to encumber the total amount collect.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move that we approve the allocation of TDA funds to be used for the purchasing of a new monument sign for City Hall and replacement banners for downtown.

| SUBJECT: | SESQUICENTENNIAL PARK PROJECT OPTIONS |
|--------------|--|
| | |
| PREPARED BY: | BURKE ROBERTSON, PUBLIC WORKS DIRECTOR, AARON HOLLAND, |
| | ASSISTANT CITY MANAGER |

REQUESTED ACTION:

Review and consider options for the Sesquicentennial Park project.

BACKGROUND/SUMMARY:

Bids were received for the Sesquicentennial Park project, which included a base bid with five (5) Alternate Bid options. The deadline for bid submittal was April 25, 2025 with the bid opening on April 28, 2025. City staff have reviewed the bids from the two vendors that submitted (Pinam Construction and H.F. Mitchell Construction) and provide the following tabulation for Council consideration:

- Budget estimate for HF Mitchell to rebuild the park where it is currently located, including anticipated additional undercut (\$98 per yd), ECS testing, clock, refinish pergola, and 10% contingency: **\$470,701.00**.
- Budget estimate for Pinam to rebuild the park where it is currently located, including anticipated additional undercut (\$160 per yd), ECS testing, clock, refinish pergola, and 10% contingency: **\$379,425.00**.
- Options to not rebuild the park would require the base bid amount plus a combination of Alternate Bids 1-5.

| CONTRACTOR | N.C. LICENSE NO. | TOTAL BASE BID AMOUNT | ALT 1 | ALT 2 | ALT 3 | ALT 4 | ALT 5 |
|---------------------------|------------------------|--------------------------|--------------|--------------|---------------|--------------|---------------|
| H. F. Mitchell Const. Co. | 1007 | \$ 76,500.00 | \$ 17,640.00 | \$ N/A | \$ 232,320.00 | \$ 21,750.00 | \$ 233,310.00 |
| Pinam Construction Inc. | 78381 | \$ 81,432.00 | \$ 32,000.00 | \$ 63,500.00 | \$ 63,500.00 | \$ 28,000.00 | \$ 86,432.00 |

FISCAL IMPACT:

The total cost varies depending on the level of construction. Another option to consider would be inhouse removal and storage of pavers, benches, and a clock, with the intent to sell the property and the burden of site remediation placed on the purchaser.

STAFF RECOMMENDATION: N/A

SUGGESTED MOTION(S): N/A

BASE BID

The following work is to be included in the base bid lump sum bid:

- 1. Removal of all existing landscaping, structures, and brickwork saving all memorial bricks, benches, clock and Pergola. Items are to be transported to Public Works for storage.
- 2. Grading of the site to provide drainage.
- 3. Seeding and strawing to prevent erosion and provide a finished grassed surface.

ALTERNATE BID NO. 1

The following work is to be included in Alternate Bid No. 1:

- 1. Excavate debris and unsuitable soil to as directed by soils engineer and properly disposed. Payment by measured cubic yard, include 200 cu. yd. in base bid.
- 2. Backfill with suitable soil and grade site to provide drainage. Payment by measured cubic yard, include 200 cu. yd. in base bid.
- 3. City to provide soil testing.

ALTERNATE BID NO. 2

The following work is to be included in Alternate Bid No. 2:

- 1. Rebuild Park per original plans minus bell tower reusing all bricks, benches, clock and pergola to greatest extent possible. All replacement materials to be provided.
- 2. Memorial bricks to be placed in original position.
- 3. Use new brick pavers for area where bell tower was removed.
- 4. Electrical to be reinstalled and low voltage lighting to be replaced with LED.
- 5. Reinstall irrigation system.
- 6. Backfill planters to 1 foot below top of beds with fill dirt.
- 7. Surveying/staking to be provided by Contractor.
- 8. City to provide soil testing.

ALTERNATE BID NO. 3

The following work is to be included in Alternate Bid No. 3:

- 1. Rebuild Park per original plans minus bell tower reusing only brick pavers, benches, clock and pergola. All other materials to new and provided.
- 2. Memorial bricks to be placed in original position.
- 3. Use new brick pavers for area where bell tower was removed.
- 4. Electrical to be reinstalled and low voltage lighting to be replaced with LED.
- 5. Reinstall irrigation system.
- 6. Backfill planters to 1 foot below top of beds with fill dirt.
- 7. Surveying/staking to be provided by Contractor.
- 8. City to provide soil testing.

ALTERNATE BID NO. 4

The following work is to be included in Alternate Bid No. 4:

1. Refinish Pergola. Sandblast prime and paint to original color with Pro-Industrial Pro-CRYL Primer and Pro-Industrial Water-based Alkyd Urethane Paint or equivalent.

ALTERNATE BID NO. 5

The following work is to be included in Alternate Bid No. 5:

- 1. Rebuild Park per original plans minus bell tower reusing only brick pavers, benches, clock and pergola on a pre-graded site at another location.
- 2. Memorial bricks to be placed in original position.
- 3. Use new brick pavers for area where bell tower was removed.
- 4. Electrical to be reinstalled and low voltage lighting to be replaced with LED.
- 5. Reinstall irrigation system.
- 6. Backfill planters to 1 foot below top of beds with fill dirt.
- 7. Surveying/staking to be provided by Contractor.
- 8. City to provide soil testing.

END OF SECTION

PROPOSAL FORM

| Project: | Sesquicentennial Park Demolition |
|---------------|---|
| Owner: | City of Graham |
| Bid Date: | Monday, April 28 @ 2:00 PM |
| Bid Location: | City of Graham City Hall |
| Proposal To: | City of Graham Public Works Department 201 S Main Street Graham, NC 27253 |

FROM: <u>Pinam Construction</u>, Inc. Name of Bidder

The undersigned, as bidder, hereby declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the Drawings and Specifications for the work and all Contract Documents relative thereto, and has read all special provisions furnished prior to the opening of the bids; that he has satisfied himself relative to the work to be performed.

The bidder proposes and agrees, if this Proposal is accepted, to contract with the Owner in the form of contract specified, to furnish all necessary equipment, materials, machinery, tools, apparatus, services, means of transportation and labor necessary to complete the work in full and complete accordance with the Drawings, Specifications, and Contract Documents, and to the full and entire satisfaction of the Owner, with a definite understanding that no money will be allowed for extra work except as set forth in the Contract Documents, for the sum of:

BASE BID:

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

ALTERNATE BID NO. 1:



The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

ALTERNATE BID NO. 2: Sixty - three thousand, five hundred Dollars (\$ 63,500.90

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

- 1 -

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

ALTERNATE BID NO. 4: Dollars (\$ 28,000.) Twenty - eight thousand

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

Eighty-Six thousand, four hundred and thirty-Dollars (\$ 86,432.000 hundred and thirty-Dollars (\$ 86,432.0000 hundred an ALTERNATE BID NO. 5:

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

The Bidder further proposes and hereby agrees to commence work under this Contract on a date specified in the Project Special Provisions and in accordance written order from Engineer and shall substantially complete all work within <u>90</u> calendar days subject to the liquidated damages provisions of the Project Special Provisions.

The following Addenda were received:

Addendum No. ____ Date _____ Addendum No. ____ Date _____

Addendum No. ____ Date _____ Addendum No. ____ Date _____

If notified of the acceptance of the Proposal, the undersigned agrees to execute a Contract for the work in the form of Construction Contract and a Certificate of Insurance including naming the City of Graham as Additional Insured and provide a waiver of subrogation in favor of the City of Graham within 5 business days.

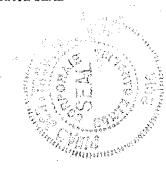
Respectfully submitted this 25 day of April , 2025. Construction, Inc. Kinam_ (Name of firm or corporation making bid) Maslbur (Signature and Title) Guess Road, Durham, NC zip Code 27705 Address 212 (919) 908 License Number 78381 Tele. No. 8774 Fax No. N A Email address: brianna@pinamconstruction.com iscuera@pinamconstruction.com

Dollars (\$ 63,500

City of Graham – Sesquicentennial Park Demolition Graham, North Carolina

20077E

CORPORATE SEAL



PROPOSAL FORM

| Project: | Sesquicentennial Park Demolition | | | | |
|---------------|----------------------------------|--|--|--|--|
| Owner: | City of Graham | | | | |
| Bid Date: | Monday, April 28 @ 2:00 PM | | | | |
| Bid Location: | City of Graham City Hall | | | | |

Proposal To: City of Graham Public Works Department 201 S Main Street Graham, NC 27253

FROM:

<u>*H.F. MITCHELL CONST. Coo*</u> Name of Bidder

The undersigned, as bidder, hereby declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the Drawings and Specifications for the work and all Contract Documents relative thereto, and has read all special provisions furnished prior to the opening of the bids; that he has satisfied himself relative to the work to be performed.

The bidder proposes and agrees, if this Proposal is accepted, to contract with the Owner in the form of contract specified, to furnish all necessary equipment, materials, machinery, tools, apparatus, services, means of transportation and labor necessary to complete the work in full and complete accordance with the Drawings, Specifications, and Contract Documents, and to the full and entire satisfaction of the Owner, with a definite understanding that no money will be allowed for extra work except as set forth in the Contract Documents, for the sum of:

BASE BID:

SEVENTY SIX THOUSAND FIVE HUNDRED _ Dollars (\$<u>**76,500**</u>)

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

ALTERNATE BID NO. 1:

SEV<u>ENTEEN THOUSAND SIKHWARED FORF</u>D Dollars (<u>\$ 17,640</u>) 98.00 PER YD OVER 200

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

ALTERNATE BID NO. 2:

_ Dollars (\$_____)

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

- 1 -

20077E

ALTERNATE BID NO. 3:

TWO HUNDLED TUPPTY TWO THOUSAND THREE HUNDLED TWENT Dollars (\$ 232,320) PLUS BASE BID

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

ALTERNATE BID NO. 4:

_____ Dollars (\$ 21,750) TWENTY ONE THOUSAND SEVEN HUNDRED FIFTY

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

ALTERNATE BID NO. 5:

TWO HUNDRED THIRTY THREE THOUGAND THREE HUNDRED TEN Dollars (\$233,310) PLUS BASE BID

The Bidder acknowledges that all applicable costs and expenses, including the costs for all permits and fees, insurance, overhead and profit and any specified allowances, are included in the foregoing Base Bid.

The Bidder further proposes and hereby agrees to commence work under this Contract on a date specified in the Project Special Provisions and in accordance written order from Engineer and shall substantially complete all work within <u>90</u> calendar days subject to the liquidated damages provisions of the Project Special Provisions.

The following Addenda were received:

Addendum No. ____ Date _____ Addendum No. ____ Date _____

Addendum No. ____ Date _____ Addendum No. ____ Date _____

If notified of the acceptance of the Proposal, the undersigned agrees to execute a Contract for the work in the form of Construction Contract and a Certificate of Insurance including naming the City of Graham as Additional Insured and provide a waiver of subrogation in favor of the City of Graham within 5 business days.

Respectfully submitted this 2.5 day of APPIL, 2025. H.F. MITCHELL CONSTRUCTION INC (Name of firm or corporation making bid) By Maushalf Sugar PATS DENT (Signature and Title) Address 1105 Pomeroy ST. GRAHAM Zip Code 27253 License Number 1007 Tele. No. 336-246-0252 No._____ Email address: MARSHALL @ MFMITCHELL CONSTRUCTION.C - 2 -

Page 104 of 111

| SUBJECT: | REFUND REQUEST BY PAUL CROTTS FOR REFUSE CHARGES |
|--------------|--|
| | |
| PREPARED BY: | AARON HOLLAND, ASSISTANT CITY MANAGER |

REQUESTED ACTION:

Paul Crotts, owner of Graham Furniture Mart (22 SW CT Square), requested that the charges paid for refuse penalty charges be refunded.

BACKGROUND/SUMMARY:

Over the span of July 2019 through August 2020, various charges for garbage pickup were charged to Paul Crotts in accordance with Chapter 16 of the Graham Code of Ordinances. These charges were related to content that was too large to fit in the provided containers, which the Sanitation Department services. As seen in the attached document, the charges totaled \$1,517.33, which were reduced after Mr. Crotts met with former City Manager Frankie Maness to \$853.11 and later reduced to an amount paid of \$719.16.

| SCAL IMPACT: |
|----------------------|
| /Α. |
| TAFF RECOMMENDATION: |
| /Α |
| JGGESTED MOTION(S): |

N/A

| CITY ରୁନ୍ତ୍ରିକ୍ଷେକ୍ଷ୍ୟୁର୍ୟୁ 21280.00 98 | | NITURE MART INC N CT SQ | ACCOUNT OWNER : PAUL CROTTS |
|--|--------------------|----------------------------|-----------------------------|
| DATE | DESCRIPTION | CHARGES | |
| 7/29/2019 | BRUSH/GARBAGE | \$408.00 | |
| 8/1/2019 | BRUSH/GARBAGE | -\$308.00 | |
| 8/19/2019 | LATE FEE | \$5.00 | |
| 8/30/2019 | BRUSH/GARBAGE | \$360.00 | |
| 9/27/2019 | GARBAGE ADJUSTMENT | -\$192.00 | |
| 9/7/2019 | PENALTY ADJUST | -\$7.22 | |
| 9/19/2020 | LATE FEE | \$7.22 | |
| 9/30/2019 | BRUSH/GARBAGE | \$168.00 | |
| 10/29/2019 | NON PAYMENT FEE | \$40.00 | |
| 10/21/2019 | LATE FEE | \$6.73 | |
| 10/30/2019 | BRUSH/GARBAGE | \$96.00 | |
| 11/27/2019 | BRUSH/GARBAGE | \$84.00 | |
| 12/31/2019 | BRUSH/GARBARGE | \$60.00 | |
| 1/31/2019 | BRUSH/GARBAGE | \$96.00 | |
| 8/19/2020 | LATE FEE | \$14.38 | |
| 9/30/2020 | BRUSH/GARBAGE | \$36.00 | |
| 10/1/2020 | BRUSH/GARBAGE | -\$36.00 | |
| 10/19/2020 | LATE FEE | \$5.00 | |
| 10/30/2020 | BRUSH/GARBAGE | \$36.00 | |
| 11/20/2020 | LATE FEE | \$5.00 | |
| 11/30/2020 | NON PAYMENT FEE | \$40.00 | |
| 12/7/2020 | BRUSH/GARBAGE | -\$36.00 | |
| 12/7/2020 | PENALTY /ADJUST | -\$5.00 | |

| CITY ଭୂନ୍ତ୍ରତିନ୍ତିନିର୍ନାଧିକାର୍ମ୍ୟ 21280.00 98 | GRAHAM FURNI ⁻ 22 SW | | ACCOUNT OWNER : PAUL CROTTS |
|--|------------------------------------|------------|-----------------------------|
| 12/7/2020 | PENALTY /ADJUST | -\$40.00 | |
| 1/20/2021 | LATE FEE | \$5.00 | l |
| 2/19/2021 | LATE FEE | \$5.00 | |
| 3/1/2021 | NON PAYMENT FEE | \$40.00 | |
| 4/5/2021 | PENALTY/ADJUST | -\$40.00 | |
| 8/3/2021 | TOTAL CHARGE | 64 547 33 | |
| 8/3/2021 | TOTAL CHARGE | \$1,517.33 | |
| 8/3/2021 | TOTAL CREDIT | -\$664.22 | |
| | TOTAL SUM PAID | \$853.11 | |

| 8/3/2021 | BRUSH/GARBAGE TOTAL | \$1,334.00 |
|----------|----------------------------|------------|
| | | |
| 8/3/2021 | NON PAYMENT FEE | \$120.00 |
| 0/2/2024 | | ćra aa |
| 8/3/2021 | LATE FEE | \$53.33 |
| 8/3/2021 | BRUSH/GARBAGE ADJUSTMENT | -\$572.00 |
| | | |
| 8/3/2021 | NON PAYMENT FEE ADJUSTMENT | -\$80.00 |
| | | |
| 8/3/2021 | LATE FEE ADJUSTMENT | -\$5.00 |

| BILLING | 01/31/2020 | GA | В | | Rate: B | 7.00 | | | 726.20 |
|---------|---------------------|------|------|----------------|-----------------|---------------|-------|-----------|--------|
| BILLING | 01/31/2020 | RC | В | | Rate: B | 2.75 | | | 728.95 |
| BILLING | Page 110 of 31/2020 | SW | | 34821116 | Rate: J | 7.76 | | 1300.0000 | 736.71 |
| BILLING | 01/31/2020 | ST | В | | Rate: B | 2.00 | | 1500.0000 | 738.71 |
| BILLING | 01/31/2020 | WA | В | 34821116 | Rate: B | 6.25 | | 1300.0000 | 744.96 |
| PAYMENT | 02/24/2020 | | | | CASH COUNTER | 25.75 | 18431 | 1300.0000 | 719.21 |
| READING | 02/18/2020 | WA | В | 2179 34821116 | ITRON RDG | 25.75 | 1128 | | 719.21 |
| BILLING | 02/29/2020 | GA | в | | Rate: B | 7.00 | 1120 | | 719.21 |
| BILLING | 02/29/2020 | ST | в | | Rate: B | 2.00 | | | |
| BILLING | 02/29/2020 | RC | в | | Rate: B | 2.75 | | 12 | 728.21 |
| BILLING | 02/29/2020 | SW | J | 34821116 | Rate: J | 5.97 | | 800.0000 | 730.96 |
| BILLING | 02/29/2020 | WA | в | 34821116 | Rate: B | 4.81 | | 800,0000 | 736.93 |
| PAYMENT | 03/04/2020 | | | | CASH COUNTER | 22,53 | 18479 | 800,0000 | 741.74 |
| READING | 03/17/2020 | WA | в | 2188 34821116 | ITRON RDG | 22,55 | 1154 | | 719.21 |
| BILLING | 03/31/2020 | RC | в | | Rate: B | 2.75 | 1124 | | 719.21 |
| BILLING | 03/31/2020 | ST | в | | Rate: B | 2.00 | | | 721.96 |
| BILLING | 03/31/2020 | GA | в | | Rate: B | 7.00 | | | 723.96 |
| BILLING | 03/31/2020 | SW | J | 34821116 | Rate: J | 5.97 | | 900,0000 | 730.96 |
| BILLING | 03/31/2020 | WA | в | 34821116 | Rate: B | 4.81 | | | 736.93 |
| PAYMENT | 04/06/2020 | | | 6400 | OLBP-VISA | 22.53 | 10000 | 900.0000 | 741.74 |
| READING | 04/21/2020 | WA | в | 2194 34821116 | ITRON RDG | 22.33 | 18636 | | 719.21 |
| BILLING | 04/30/2020 | SW | 1 | 34821116 | Rate: J | 5,97 | 1180 | 600.0000 | 719.21 |
| BILLING | 04/30/2020 | RC | в | 01000000 | Rate: B | 2.75 | | 600.0000 | 725.18 |
| BILLING | 04/30/2020 | GA | в | | Rate: B | 7,00 | | | 727.93 |
| BILLING | 04/30/2020 | ST | в | | Rate: B | 2,00 | | | 734.93 |
| BILLING | 04/30/2020 | WA | В | 34821116 | Rate: B | 4.81 | | 600 0000 | 736.93 |
| PAYMENT | 05/11/2020 | | | 0.0011110 | CASH NIGHT DROP | 22,58 | 18790 | 600.0000 | 741.74 |
| READING | 05/19/2020 | WA | в | 2198 34821116 | ITRON RDG | 22,38 | | | 719.16 |
| BILLING | 05/31/2020 | GA | в | | Rate: B | 7.00 | 1192 | | 719.16 |
| BILLING | 05/31/2020 | RC | в | | Rate: B | 2.75 | | | 726.16 |
| BILLING | 05/31/2020 | ST | в | | Rate: B | 2.00 | | | 728.91 |
| BILLING | 05/31/2020 | SW | j | 34821116 | Rate: J | 5.97 | | 100 0000 | 730.91 |
| BILLING | 05/31/2020 | WA | в | 34821116 | Rate: B | | | 400.0000 | 736.88 |
| PAYMENT | 06/03/2020 | | | 51021110 | CASH NIGHT DROP | 4.81 22.53 | 40007 | 400.0000 | 741.69 |
| READING | 06/16/2020 | WA | в | 2205 34821116 | ITRON RDG | 22.53 | 18887 | | 719.16 |
| BILLING | 06/30/2020 | GA | в | 220001021110 | Rate: B | 7.00 | 1213 | | 719.16 |
| BILLING | 06/30/2020 | RC | в | | Rate: B | 2.75 | | | 726.16 |
| BILLING | 06/30/2020 | ST | в | | Rate: B | 2.00 | | | 728.91 |
| BILLING | 06/30/2020 | SW | J | 34821116 | Rate: J | 5,97 | | 700 0000 | 730.91 |
| BILLING | 06/30/2020 | WA | в | 34821116 | Rate: B | 4.81 | | 700.0000 | 736.88 |
| PAYMENT | 07/10/2020 | | | 0.001110 | CASH NIGHT DROP | 22.60 | 10004 | 700.0000 | 741.69 |
| READING | 07/21/2020 | WA | в | 2213 34821116 | ITRON RDG | 22.80 | 19064 | | 719.09 |
| BILLING | 07/31/2020 | RC | в | 1110 5 1021110 | Rate: B | 2.75 | 1229 | | 719.09 |
| BILLING | 07/31/2020 | ST | в | | Rate: B | 2.00 | | | 721.84 |
| BILLING | 07/31/2020 | | J | 34821116 | Rate: J | 5,97 | | | 723.84 |
| BILLING | 07/31/2020 | GA | в | 5 1021110 | Rate: B | 7.00 | | 800.0000 | 729.81 |
| PAYMENT | 08/12/2020 | | _ | | CASH NIGHT DROP | 17.78 | 10100 | | 736.81 |
| ADJUST | 08/19/2020 | | | | LATE FEE | 14.38 | 19198 | | 719.03 |
| READING | 08/18/2020 | WA | в | 2220 34821116 | ITRON RDG | 14.38 | 2187 | | 733.41 |
| PAYMENT | 08/28/2020 | | | 009449 | CHECK COUNTER | 719.16 | 1242 | | 733.41 |
| BILLING | 08/31/2020 | RC | в | 005115 | Rate: B | 2.75 | 19263 | | 14.25 |
| BILLING | 08/31/2020 | | в | | Rate: B | 2.75 | | | 17.00 |
| BILLING | 08/31/2020 | | в | | Rate: B | 7.00 | | | 19.00 |
| BILLING | 08/31/2020 | | j | 34821116 | Rate: J | 5.97 | | 700 0000 | 26.00 |
| BILLING | 08/31/2020 | | в | 34821116 | Rate: B | 7.22 | | 700.0000 | 31.97 |
| PAYMENT | 09/18/2020 | 0024 | -57% | 009477 | CK NIGHT DROP | 39.19 | 10247 | 1500.0000 | 39.19 |
| | | | | | | 29,19 | 19347 | | .00 |
| | | | | | | | | | |

Current Balance:

| TRANSACTION | SVC | DESCRIPTION | CODE | DESCRIPTION | TOTAL USAGE | TOTAL AMOUNT | NUMBER | AVERAGE USAGE | AVERAGE AMOUNT |
|-------------|-----|-------------|------|---|-------------|--------------|--------|-------------------------------|----------------|
| READINGS | WA | WATER | 1 | ITRON RDG | | | 14 | | |
| PAYMENTS | | | 1 | CASH COUNTER | | 297.15 | 14 | | 20.70 |
| PAYMENTS | | | 2 | CHECK COUNTER | | 719.16 | 10 | | 29.72 |
| PAYMENTS | | | 5 | CASH NIGHT DROP | | | 1 | | 719.16 |
| PAYMENTS | | | 5 | 이 같은 것 같은 것 같은 것이 같은 것 같은 것 같은 것 같이 많이 많이 없다. | | 85.49 | 4 | | 21.37 |
| | | | 6 | CK NIGHT DROP | | 39,19 | 1 | | 39.19 |
| PAYMENTS | | | 17 | OLBP-VISA | | 22.53 | 1 | | 22.53 |
| BILLINGS | GA | REFUSE FEE | | | | 91,00 | 14 | | 6.50 |
| BILLINGS | RC | RECYCLING | | | | 38,50 | 14 | | |
| BILLINGS | ST | STORMWATER | | | | 28.00 | 14 | | 2.75 |
| BILLINGS | SW | SEWER | | | 13600.0000 | | | NO.294899 | 2.00 |
| BILLINGS | WA | WATER | | | | 94.32 | 14 | 971 | 6.74 |
| ADJUSTS | WA | WATER | | | 13600.0000 | 73.59 | 13 | 1046 | 5,66 |
| | | | 30 | NON PAYMENT FEE | | 40.00 | 1 | | 40.00 |
| ADJUSTS | | | 31 | LATE FEE | | 33,33 | 4 | | 8,33 |
| ADJUSTS | | | 15 | PENALTY ADJUST | | -7.22 | 1 | | -7.22 |

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| SUBJECT: | REPEAL EXISTING DOWNTOWN MASTER PLAN |
|--------------|---------------------------------------|
| | |
| PREPARED BY: | AARON HOLLAND, ASSISTANT CITY MANAGER |

REQUESTED ACTION:

Repeal the existing Downtown Master Plan.

BACKGROUND/SUMMARY:

At the conclusion of last month's Council meeting, staff was directed to bring forth a formal motion to repeal the existing Downtown Master Plan in anticipation of working towards a new plan in the upcoming fiscal year. City Council would need to consider and approve including the cost for this project in the upcoming fiscal year and staff would need to obtain a consultant once approved.

FISCAL IMPACT:

While there is no direct cost to repeal the existing plan, there will be a cost for a new plan that has yet to be realized.

STAFF RECOMMENDATION:

N/A

SUGGESTED MOTION(S):

I move that we approve repealing the City of Graham Downtown Master Plan.