

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 19th – 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.

Renee M. Ward, CMC
City Clerk

April 8, 2025
City Council Meeting