City of Graham
City Council Meeting Agenda
July 8, 2025

The City Council of the City of Graham held a regularly scheduled meeting on July 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: Council Member Chin gave the invocation, and all stood for the Pledge of Allegiance.

CONSENT AGENDA:

A. To approve the June 10, 2025, City Council Meeting and June 27, 2025, Special Meeting minutes.

B. To award the City of Graham's audit contract for $31,270 for the fiscal year ending June 30, 2025, to Stout Stuart McGowen & King, LLP.

C. To approve a revision to Section 6-9. Law Enforcement Officers' Special Separation Allowance, to the City of Graham's Personnel Policy.

D. To appoint Kevin Squires to the Graham Fire Department's Relief Fund Board of Trustees.

E. To approve a Budget Amendment recognizing $30,000.00 in Federal Drug Forfeiture revenue.

CITY OF GRAHAM

BUDGET AMENDMENT ORDINANCE
2025-2026

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2025 - 2026 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:

Section 7. CAPITAL PROJECTS AND OTHER SPECIAL FUNDS REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Fund Balance	-	30,000.00	30,000.00		30,000.00
	-	**30,000.00**	**30,000.00**	-	**30,000.00**

Section 7. CAPITAL PROJECTS AND OTHER SPECIAL FUNDS EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Funds	$0.00	$30,000.00	30,000.00		30,000.00
	-	**30,000.00**	**30,000.00**	-	**30,000.00**

Adopted this 8th day of July 2025.

Motion by Mayor Pro Tem Hall to approve the consent agenda and to change the date in Item B to June 30, 2025, seconded by Council Member Chin. The motion passed unanimously.

PUBLIC HEARINGS:

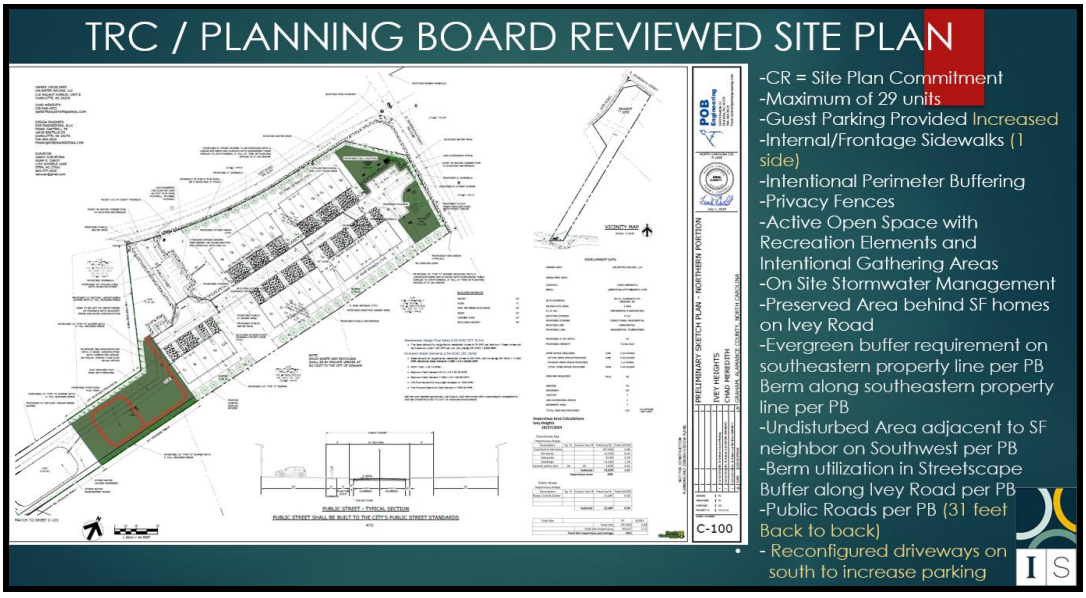
ITEM 1: REZONING – 6.27 ACRES – OFF IVEY ROAD AND EAST GILBREATH STREET

A public hearing had 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, April 8, May 13, and June 10, 2025 Council meetings.)

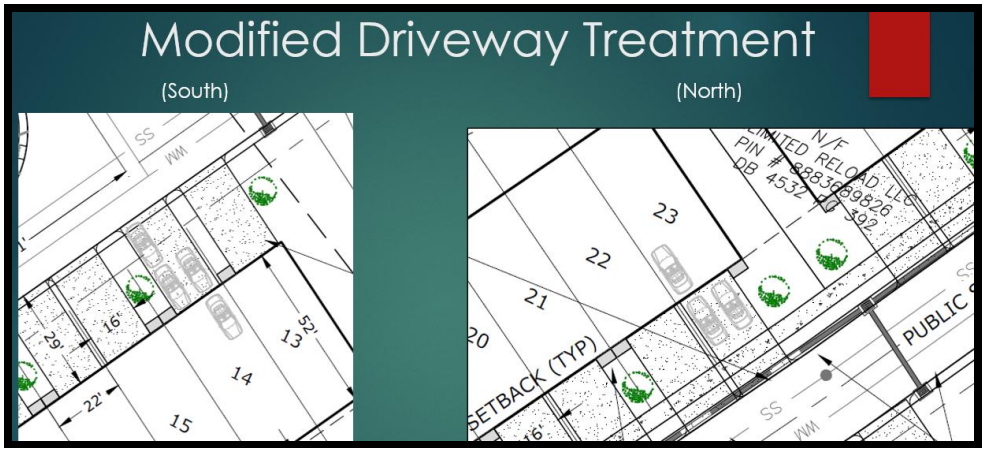
Assistant City Manager Aaron Holland shared this was a request to rezone 6.27 acres of property from R-18 (Low-Density Residential) to C-R (Conditional Residential) to construct 29 townhomes. He stated that the petitioner had taken back statements made by the Council and made revisions based on those comments.

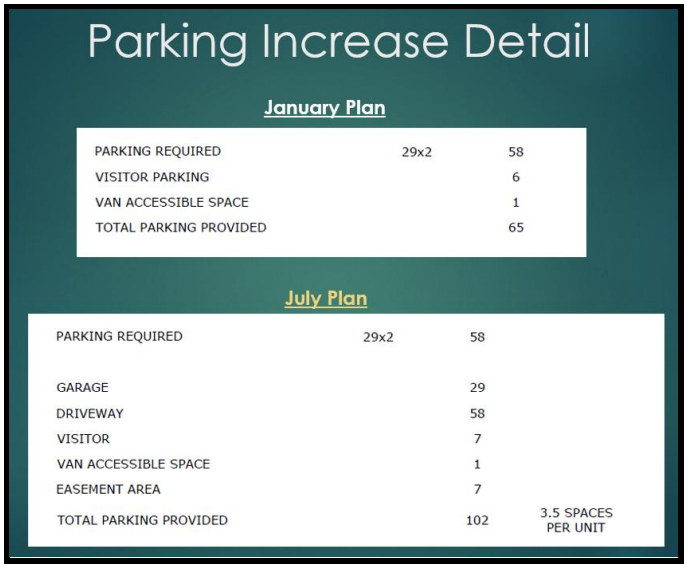
The public hearing was opened, and the following spoke:

Attorney Amanda Hodierne, Partner at Isaacson Sheridan, 804 Green Valley Road, Suite 200, Greensboro, stated that they were excited to be back before the Council and thanked the Council for their patience. She shared the following presentation:



Ms. Hodierne shared the revised site plan and was here to focus on what had advanced since January. She stated the petitioner had accepted all the conditions the Planning Board suggested. She noted that changes were made to implement the discussions back in January about ways to increase on-site parking, both by adding to the visitor parking spaces and by expanding the dedicated spaces per home.





Amanda stated they did not want to create an over-congested parking lot with so many cars parking on the street. They were able to fulfill all the compliances and commitments to the neighbors, planning board, TRC, and Council. She stated they implemented 29 garage spaces, 58 spaces in the driveways, seven visitor spots (adding one at the end, which still leaves the required handicap spot), seven spots in the easement area, which, although we need approval from the gas company, we believe we can obtain, for a total of 102 spaces, representing an increase of 37 spots.

Mayor Talley asked about the length of the driveways.

Mr. Frank Cantrell, Civil Engineer for this project at POD Engineering, 16439 Best Hill Drive, Charlotte, stated that driveways along the south side, with no sidewalks, will be 30 feet wide, and those along the side with sidewalks will be 20 feet and 16 feet wide.

Mayor Talley asked if a full-size vehicle would fit in the garages.

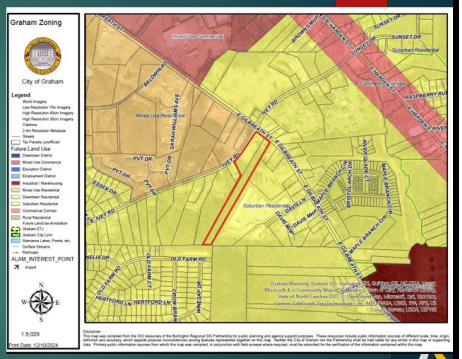
Mr. Cantrell stated that a full-size vehicle would fit, and all the units would have two-car garages.

ADDITIONAL ZONING CONDITIONS

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

COMPREHENSIVE PLAN GUIDANCE

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



ILLUSRATIVE BUILDING ELEVATIONS

NEIGHBORHOOD OUTREACH

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

UNLIMITED RELOAD, LLC

November 21, 2024

Dear Neighbor,

Our company, Unlimited Reload, LLC, owns the property known as 901 E. Gilbreath Street. We envision attractive residential construction across the 9-unit site and are excited for the opportunity to bring a townhome community to Graham.

In order to provide our rezoning development, we have filed a rezoning request for those properties to change the zoning district from R-18 to Conditional Residential. The project we are proposing is a cohesive residential development consisting of 70 townhomes with associated open space and amenities. In addition to proposed zoning conditions which commit to those limitations, our rezoning is also restricted by the site plan submitted to the City along with our zoning application. We believe that our proposal is a reasonable and positive use of this property and that the project would be an asset to the existing community and look forward to sharing it with you.

In order to share the full plan, provide information about our project and respond to any questions that you might have, we will host an informational Zoom meeting on Tuesday, December 3rd at 6:00 pm. The Zoom link is included with this letter, or you may reach out to our project representative (contact information below) to request that link be emailed to you directly.

The Planning Board of Graham will hold a public hearing to consider this matter on **Tuesday, December 17, 2024**. Some of you may also receive a notice of this meeting from the City of Graham.

As we move through the rezoning process, if you have any questions about our proposal or would like to receive additional information at any time, please contact our project representative, Amanda McSwain, at 336-409-1317 or amanda@unlimitedreload.com. We appreciate your consideration and look forward to responding to your questions.

Sincerely,

Chad Meredith and Andrea Shaver

Mayor Talley inquired about the retention pond.

Mr. Cantrell stated that it would be a stormwater basin with a sand filter, as required by state regulations. He further mentioned the basin would have sod and be maintained by the HOA.

Assistant City Manager Holland requested that the Council, when voting, consider making the streets private.

Mayor Talley inquired about street lighting and its potential design.

Mr. Cantrell stated it would be general residential lighting and would have to conform to Duke Energy regulations.

Mayor Talley inquired about the location of the dumpster pads.

Mr. Cantrell stated it would be cans serviced by a private sanitation company.

Council Member Whitaker suggested reducing the density.

Ms. Hodierne stated that the panhandle area is included in the acreage calculation because it is not a wetland; therefore, it remains part of the project. She shared the rule states three to six dwellings per acre.

The public hearing was opened, and the following spoke:

Mr. Jeff Menace, E. Gilbreath Street, Graham, spoke about the importance of maintaining a good quality of life and expressed opposition to the rezoning.

Mr. Frankie King spoke in opposition to the rezoning due to the location, increased crime, and the loss of wildlife.

Mr. Keith Westbrook spoke in favor of the rezoning due to the petitioner meeting all the requirements.

Mayor Talley inquired about the height of the townhomes.

Mr. Cantrell relayed all the townhomes would be no taller than 35 feet high and two stories.

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

Motion by Council Member Chin to approve the rezoning of 6.27 acres located of Ivey Road and East Gilbreath Street from R-18, Low-Density Residential, to C-R, Conditional Residential, to construct 29 townhomes, and that it would be consistent 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 and with the following conditions: Accepting the updated owners' conditions presented during the meeting requires an 8-foot-tall evergreen tree buffer at the time of planting to supplement the Type C buffer required on the Southeastern portion of the property. Plantings shall be spaced to 90% opacity to decrease visibility into the development. In the same Southeastern portion, a berm is to be installed to divert water away from the neighboring property. Work with the gas company and NCDOT to relocate the driveway further east to provide more space between the Strout driveway and the proposed driveway. The open space grilling area

along the Strout property line is to be converted to undisturbed open space, including the berm on Ivey Road, street plantings, and acceptance of an alternative turnaround approved by the Fire Marshall. Stormwater Control Measure is to meet the pre- and post-calculations required by ordinance and to require the streets to be private and to approve the revised site plan and the required streets to be private, seconded by Mayor Pro Tem Hall. The motion passed 4-1. Council Member Whitaker voted no.

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

A public hearing had been continued to consider rezoning a 0.51-acre lot, located on 200 South Marshall Street, from O-I (Office and Industrial) to B-2 (General Business). (Planning Board recommended denial 6-0) (Continued from the April 8, May 13, and June 10, 2025 Council meetings.)

Assistant City Manager Holland shared this was 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. The B-2 zoning district encompasses a range of potential commercial uses that may be perceived as non-neighborhood-oriented. Without certainty of the intended use and the additional uses the district would permit, it is difficult to determine whether 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.

Assistant City Manager Holland stated he did not see the petitioner, Jason Cox.

Council Member Whitaker stated it should be denied.

Mayor Talley shared she owned a piece of property on the other end of Marshall Street, and did not stand to gain anything financially and was not within 500 feet of the proposed rezoning, and asked Council to allow her to be recused.

Motion by Mayor Pro Tem Hall to allow Mayor Talley to be recused, seconded by Council Member Whitaker. The motion passed 4-0.

The public hearing was opened, and no one spoke. Since the applicant was not present, the Council suggested denying the rezoning.

Motion by Mayor Pro Tem Hall to close the public hearing, seconded by Council Member Whitaker. The motion passed 4-0.

Motion by Council Member Whitaker to deny the rezoning of 0.51-acre lot, located on 2090 South Marshall Street, from O-I (Office and Industrial) to B-2 (General Business), and that it would not be consistent with policies 2.2.1 and 2.3.2 as put forth by Graham's 2035 Comprehensive Plan and the City of Graham Development Ordinance, seconded by Mayor Pro Tem. The motion passed 4-0.

Motion by Council Member Whitaker to allow Mayor Talley to return to open session, seconded by Mayor Pro Tem Hall. The motion was passed 4-0.

Mayor Talley returned to open session.

ITEM 3: REZONING – 1.7 ACRE LOT – GANT ROAD

A public hearing had been continued to consider rezoning a 1.7-acre lot on Gant Road from I-1 (Light Industrial) to R-G (General Residential) for the purpose of constructing a manufactured home for living purposes. (Planning Board recommended approval 6-0)

The public hearing was opened, and the following spoke:

Mr. Frankie King, the petitioner, stated he would like to rezone the property to construct a home. He stated this was a 1.7-acre lot that he would leave mostly wooded, which abutted the woods behind it.

The public hearing was opened, and there were no comments.

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

Motion by Council Member Chin to approve the rezoning of a 1.7-acre lot on Gant Road from I-1 (Light Industrial) to R-G (General Residential) for the purpose of constructing a manufactured home for living purposes, and that it would be consistent with the current land zoning and land use plan for the overall goal of building a structure on the lot and would be consistent with the Suburban Residential type and furthers policy 3.3.2, and strategy 4.3.1, as put forth by the Graham 2035 Comprehensive Plan, seconded by Pro Tem Hall. The motion passed unanimously.

ITEM 4: JOINT ANNEXATION ORDINANCE– BURLINGTON-GRAHAM – RACE TRACK ROAD

A public hearing had been continued to 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. (Continued from the May 13 and June 10, 2025 Council meetings.)

Assistant City Manager Holland stated that staff requested an outside attorney review the agreement and the MOU, and the attorney had responded, basically relaying to us that the agreement, as drafted, addressed all the key items necessary to be passed.

Mayor Talley stated she was not concerned about whether it was legal and that she trusted that the City's attorneys would not have the Council execute an agreement that was not legal. She further stated she wanted to know, in the attorney's legal opinion, whether the agreement was prudent for the Council to approve.

Assistant City Manager Holland stated this was a decision for the Council, and the outside attorney would not review based on an opinion but only in the best interest of that particular city to move forward with an agreement or not. He stated that staff were asked to ensure there was nothing out of line within the agreement, which is what the attorney had done. He noted that the memorandum of understanding was added so that, going forward, we would have more negotiations regarding the space beyond this particular piece of property.

Mayor Talley stated the agenda was long and preferred to push this item to the August 12, 2025, Council meeting if that was agreeable to the rest of the Council.

Motion by Mayor Talley to table this item to the August 12, 2025, Council meeting, seconded by Council Member Whitaker. The motion passed unanimously.

ITEM 5: TEXT AMENDMENT – DEVELOPMENT ORDINANCE - TOBACCO, VAPE, HEMP SALES

A public hearing had been scheduled to consider an Ordinance amendment to Article 2, Section 10.16, Article 4, Section 10.135, and Article 4, Section 10.149 to add language to the Development Ordinance defining and creating a use type for Tobacco, CBD, and Vapor Shops. (Planning Board recommended approval 5-1)

The City Council requested City Staff address the lack of use types and regulations for tobacco, CBD, and Vapor Shops within the Development Ordinance and update it. Before the update, the use was viewed as a retail sale with little to no regulation associated with it. This amendment would provide a definition, a special use permit, or a conditional zoning requirement, along with other regulations, to facilitate the approval of a potential use. The Planning Board recommended approval of the amendment with a vote of 5-1, with the following changes to the language: increasing the distance between the listed uses from 1000 feet to 1500 feet. The separation from the same shops was to increase from 1000 feet to 2,640 feet (half a mile). Lastly, to remove the designation that these standards and requirements be applied to any retail use that uses the lesser of 5% or 500 square feet of gross floor area dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of vapes, tobacco, CBD, or related products.

The public hearing was opened, and no comments were made.

Council discussed the numerous tobacco and vape shops popping up around town.

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

Motion by Mayor Talley to approve the Ordinance amendment to Article 2, Section 10.16, Article 4, Section 10.135, and Article 4, Section 10.149 to add language to the Development Ordinance to define and create a use type for Tobacco, CBD, and Vapor Shop, with Planning Board recommendation of 1500 linear feet, deleting k under #2, adding #3 distance of 2,640 feet between another tobacco or vape shop, and adding not under Designation #1, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Tobacco, CBD, and Vapor Shop Language Planning Board Changes

Definition: A commercial establishment, operated as a principal use, engaged in the retail sale of tobacco, nicotine, hemp-derived compounds, including CBD, for the purposes of human ingestion as authorized for sale by the State, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco, tobacco-related paraphernalia of any type, electronic cigarettes, any electronically-actuated device or inhaler meant to simulate cigarette smoking that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation

Approvable only by Special Use Permit and Conditional Business Zoning

Standards:

Tobacco, CBD, and vapor shops, as defined by this Ordinance, shall be subject to the following standards:

1. Such uses shall secure and maintain all licenses and permits, including licenses to sell vapor products, required by the State prior to operation;
2. Such uses shall be separated from the following use types by at least ~~1,000~~ 1,500 linear feet:
    a. An adult business
    b. A bar, cocktail lounge, or private club,
    c. A child day care;
    d. A community/youth/senior center;
    e. A cultural facility, library, or museum;
    f. An elementary, middle, or high school;
    g. Fairgrounds;
    h. A nightclub or dance hall;
    i. A park (whether public or private);
    j. A religious institution; or,
    ~~k. Another tobacco, CBD, or vapor shop.~~
3. The distance between another tobacco, CBD, or vapor shop shall be 2,640 feet (a half-mile).
4. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment is to be located to the nearest point of the lot line or boundary of the closest adult establishment, residence, residentially zoned district, public or private elementary or secondary school, child day care center or nursery school, public park, church, community college, bar, or night club
5. No smoking shall be permitted on the premises at any time; and
6. No outdoor storage, outdoor activity areas, or outdoor vending machine sales of tobacco, CBD, or vapor products may take place on the site.

Designation:

1. Except for a grocery store use of 10,000 square feet of floor area or more, these standards shall NOT be applied to any retail use type engaged in the sale of tobacco, tobacco products, electronic cigarettes, and related products where the lesser of five percent or 500 square feet or more of the use's gross floor area is for the display, sale, distribution, delivery, offering, furnishing, or marketing of cigarettes, tobacco, electronic cigarettes, or any related product.
2. Grocery store uses of 10,000 square feet of floor area or more that meet the definition of a grocery store in this Ordinance shall not be considered a tobacco, CBD, or vapor shop despite the retail sale of cigarettes, tobacco, electronic cigarettes, or any related product.

ITEM 6: SPECIAL USE PERMIT – 1205 E HARDEN STREET

A public hearing had been continued to consider a Special Use Permit for a Unified Business Development (UBD) for property located at 1205 E Harden Street for the use of a multi-tenant building. (Continued from the June 10, 2025 Council meeting.) (Planning Board recommended approval.)

The following minutes for Item 6 will be verbatim due to this item being a Special Use Permit request:

Assistant City Manager Holland: Thank you, Mayor. This is a request for a Special Use Permit for a Unified Business Development Heavy (UBD) for property located at 1205 E Harden Street. The applicant has a set of approved plans for a proposed single-use building currently. The applicant has requested to turn that building into a multi-tenant use type, which requires an application for a special use permit under the Unified Business Development Use. The parcel falls in the Corridor Future Land Use Zoning area and the Suburban Residential Corridor. This is a special-use item. There are findings of fact that will need to be satisfied; there are six conditions. I'm going to read the six out. The applicant will then go into more detail when he comes to the podium.

- All applicable regulations of the zoning district in which the use is proposed or complied with.
- Conditions specific to each use identified by the Development Ordinance are complied with.
- The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
- The use would not substantially injure the value of adjoining property or that the use is a public necessity.
- The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
- And, satisfactory provision has been made for the following when applicable: vehicular circulation, parking and loading, service entrances in areas, screening, utilities, signs and lighting, and open space.

Mayor Talley: Anybody here tonight to discuss this?

Assistant City Manager Holland: The attorney will need to read a statement prior to as well.

Attorney Bryan Coleman: Thank you. I'm just going to read this statement to try to explain the difference between Quasi-judicial evidentiary hearing, which is what this is in the legislative hearings that we've had prior to this. So, this hearing is a quasi-judicial evidentiary hearing, means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land-use decisions, like rezoning cases. The Council's discretion is limited. The Council must base its decision upon competent material and substantial evidence in the record. It is a decision that must be based on the standards and the ordinances, and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. This meeting is open to the public; however, participation is limited. Parties withstanding have rights to present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the City Council. General witness testimony is limited to facts, no opinions. For certain topics, the Council needs to hear opinion testimony from expert witnesses. These topics include predictions about impacts on property values and predictions about impacts of increased traffic. Individuals providing expert opinions must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Inadmissible evidence is deemed objected to and for purposes of this hearing are noted for the record. Any documentary evidence that is certified or from a recognized professional source with authentic authentication will be admitted. Any documentary evidence that is not certified or from a recognized professional source is deemed objected to for the record. Witnesses must swear or affirm their testimony. At this time, anybody who wants to be a witness, if they will come forward and take the oath or affirm.

City Clerk Ward administered the oath of office to Assistant City Manager Aaron Holland, Chad Huffines and Glen Patterson.

City Clerk Ward: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God? Say I do. (All affirmed.)

Attorney Bryan Coleman: Mayor, if you don't mind, if you would go ahead, you can poll the Council for any bias, fixed opinions, conflicts of interest, or any ex parte communications or site visits.

Mayor Talley: Do you have specific wording that you would like for me to read?

City Attorney Coleman: Just ask.

Mayor Talley: Would Council have any kind of conflicts in regards to this issue? Have you met or discussed this issue with any applicant or any person that would render your opinion to be fixed? I have not spoken with anybody.

Council Member Whitaker: No

Mayor Pro Tem Hall: No

Council Member Chin: No

Council Member Parsons: No

Mayor Talley: Can you tell me a little bit about how far down on Harden this is?

Mr. Chad Huffine: Yes, ma'am, my name is Chad Huffine. I'm the civil engineer for the project presenting a Special Use request tonight. Our address is 505 East Davis Street in Burlington. I'd like to enter into the record the staff report, the approved site plans, and then any expert testimony that I myself, and my colleague Glenn Patterson will bring to you. I'll give you a little bit of catch up. This was a rezoning case we did in 2021. At the time brought a single-use tenant building to the Council for rezoning request. It was a straight rezoning. I remember specifically, given the charge to make us proud as I left the building. I remember those words, and so five years later, we're trying to do that as best we know how. It has come to time to begin vertical construction on site, which is located South of town. It is in the overlay district. It's across from Conklin Oil. We have been working on that site since the erosion control permit was approved a couple of years ago. Since that time, we have gotten plans approved for the site. It's been vetted and approved by TRC, including the Department of Transportation. When it came time to begin searching for lease tenants and occupants for that building, it was immediately realized that no one needed to building that big, in the specific medical office community where we were searching for tenants. So, we wanted to use the building for two tenants, and we found out from staff that this needed a special use permit in order to have multiple tenants located in the same building. That necessitated our trip through the review process again, and then an appearance here, making the request to you tonight. As part of the record, we previously submitted our responses to the six findings of fact, and were all favorable. The specific item to real estate value expert witness testimony can be given to you by Mister Patterson and then commenting on the other five items, I'll be glad to elaborate on any of those you may have questions with.

Mayor Talley: This is across from Riverwalk, right?

Mr. Huffine: Yes, ma'am.

Mayor Talley: Yeah, I mean it's been years and years and years, people trying to develop that property.

Mr. Huffine: Yes, that was one of our first cases with the new Council. I think it was in the fall of that year, some earth became available due to some projects that came out of the ground in 2023. So, we were able to start filling that property slowly but surely to bring it up to grade to give it a better sense of curb appeal. It backs up to a floodplain so, we needed to get it above that significantly. There is a lot of vertical retaining walls.

Mayor Talley: How does it look now?

Mr. Huffine: It is almost done; it's going to look really good.

Mayor Talley: I mean, does it look fine after the storm?

Mr. Huffine: Yes, we were well-prepared for the storm.

Mayor Talley: I feel like that is going to be a testament as to these floodplain maps, whether they are true or not, because it seems like places that you anticipated flooding, some places did not flood at all, and other places not on the flood maps at all, were like seven or eight feet under water. It's crazy.

Mr. Huffine and Mayor Talley discussed the recent tropical Storm Chantal, not related to the subject.

Mayor Talley: I appreciate you being here tonight talking about your project, and I'm glad it's going to be okay and that it is high up on the hill.

Mr. Huffine: We are, too. I'm thankful for the continuation from last month. I personally was not able to make it for attending another Council meeting in another jurisdiction, so the grace is much appreciated.

Council Member Chin: Was it the light blue square? (Referring to the map.)

Mr. Huffine: Yes, it is.

Mayor Talley: Are you going to use that as your retention pond?

Mr. Huffine: So, the answer, the short answer is no. That is a legacy pond that we went through proper channels with the Army Corps and the State of North Carolina to remove that pond and then put one almost right back in its place. So an existing pond. . .

Mayor Talley: Make that make sense.

Mr. Huffine: I can't, I cannot do it. We took the pond out, and we're putting the pond right back in its place, which is going to serve virtually the same purpose. But after a year and a half of seeking permits and approvals from both the State and Federal levels, we were successful in having that pond quotation removed so that we could build an extension of the parking lot and then a differently shaped but occupying the same space pond to capture the stormwater runoff from this particular site. I cannot make it make sense.

Mayor Talley: And you're looking at, you said you have a health facility, is that what you said?

Mr. Huffine: Yes, we've been, it's very similar construction and use to the building that's at the Lowe's Food Shopping Center across from Graham Dermatology at the intersection of Fifth Street and Mebane Oaks Road. So, if you shop at Lowe's Foods and you go around the corner, and head up to Biscuitville at the stoplight. For the longest time, there were two vacant parcels.

Mayor Talley: Did you say Graham?

Mr. Huffine: Dermatology, the companion to this is in Mebane. What I'm trying to do is give you an illustration.

Mayor Talley: Okay.

Mr. Huffine: UNC Healthcare occupies that office. So, it's similar tenants, but it would be multiple tenants.

Council Member Whitaker: What is the acreage on that lot?

Mr. Huffine: Just more than 4.

Council Member Whitaker: 1.4?

Mr. Huffine: Just a little more than 4.

Council Member Whitaker: Okay, because it doesn't say it anywhere on here.

Mr. Huffine: I brought a set of plans if we need to look at those, and I did request they be entered in as evidence to the record, but we've got them online, too.

Council Member Parsons: Basically, what you're asking is we've already approved the building, the size you wanted, and you just want to subdivide it into two separate . . .

Mr. Huffine: Almost, it would not be subdivided, but multiple occupants will occupy the building. The ownership will remain the same. But we're not able because of the ordinance to put more than one rental tenant in that particular building on that particular site.

Mayor Talley: Is the use institutional?

Mr. Huffine: No mam, however, the ordinance does allow us in keeping with the zoning, to bring a special use request, which brings to light the potential that there would be two tenants and that everyone is aware that there would be common plan of maintenance for the landscaping and the stormwater facilities and that's probably the most important part for having a Unified Business Development. When you enter into that, you realize that I have a neighbor and we're going to be mutually responsible for the place that we occupy. This will be owned by one owner. But the individual building could be segmented or compartmentalized for different offices. It's a Light Industrial

Mayor Talley: Light Industrial?

Mr. Huffine: I think that's the current zone.

Assistant City Manager Holland: It requires a Special Use Permit also because if this was not a, if it was less than 250 trips per day it would be considered a Unified Business Development Light, which wouldn't have to go through the Special Use. This one has a proposed expectation of 250 or more trips per day; therefore, it requires Special Use approval.

Mayor Talley: How do you determine that, Aaron?

Assistant City Manager Holland: Based on the expected tenants. We have the same situation with where Mykonos is, where Auto Zone, just think about the strip center areas.

Mr. Huffine: Charlie C's.

Assistant City Manager Holland: Yeah, so anything along those lines it's based off of what the expected tenants are going to . . .

Mayor Talley: How do you calculate that?

Assistant City Manager Holland: That would be based on whatever the engineer comes back with.

Mr. Huffine: So, we derive from the transportation tables trips that are generated per square foot of retail use or per type of use if it's a if it's a heavy use, say it's different, say a church is different from a cookout. But we use tables that have been used with historical data to give us trips that are generated by a certain number of square feet. So, this particular project falls below the 3000 trip per day threshold but above the 250-day trip per day threshold. 3000 being an NCDOT requirement and 250 being a City of Graham requirement. So, as part of that, we have to come and ask you for a Special Use Permit.

Mayor Talley: And you have UNC Health going in one side and do you know what's going in the other?

Mr. Huffine: We don't know.

Mayor Talley: Okay, but you do know UNC.

Mr. Huffine: I don't know that either, but I do know that they did not want the entire building, and I just have limited knowledge of what's going in over there.

Mayor Talley: So, is the inside of the building just like a shell, you don't know what that is yet, right?

Mr. Huffine: No.

Mayor Talley: Okay, and have all the neighbors in that area been notified?

Mr. Huffine: Yes.
Mayor Talley: Okay, and you have one entrance coming off 54, right?

Mr. Huffine: We have two.

Mayor Talley: Two?

Mr. Huffine: Yes, ma'am

Mayor Talley: So, DOT allows you to have two.

Mr. Huffine: Well, historically we've had good experience learning from things that we've done over the years, and similar traffic generators, similar shopping centers, similar office buildings, you know. I eat at Mykonos all the time. That's one of my designs, and I wish we had two driveways. Vertical constraints on the Rodgers Road intersection limited us to that. So, I'm not too proud to say that I have learned from things, and we did our best to get two access points here. NCDOT was amenable to that and welcomed that. Staff at City Hall did the same thing. We are all learning, and we are all better now than we were 25 years ago.

Mayor Talley: Are you okay with that?

Assistant City Manager Holland: Yes, (inaudible)

Mayor Talley: I just know that was a big thing that you know Nathan always proposed, you know, pushed through, and saying that, yeah, we're not going to allow them to have more than one entrance, and I'm like, well, you've got how many businesses are in that strip center, I mean it's like nine or ten, right?

Mr. Huffine: Right, during that time we would have had, had we had the vertical connection to the South, we would have been able to have a connection in addition to the one that's on Main Street. So, in a way to work around that particular case, we gave employees and utility dumpster corral type access out to the east, which did help, but the grades are so different in that particular case that we just can't get a driveway to work, or everybody would need a 4-wheel drive.

Mayor Talley: Yeah, yeah, yeah.

Mr. Huffine: So, in this case, the frontage is so broad that we're able to meet requirements of driveway separation in order to have two driveways.

Council Member Whitaker: I was going to ask you how close is that drive to the Raspberry Run up there.

Mr. Huffine: So, one of them is. It's oddly shaped so that it will directly create the fourth leg of that intersection. That's why it's kind of sweeping and not a normal perpendicular access to the parking lot. So, it completes that leg of that intersection, so it's directly across from Raspberry Run.

Mayor Talley: Do you anticipate Hwy 54 . . . I know this is maybe, I'm just curious, when you're doing your planning, do you anticipate Hwy 54 being widened?

Mr. Huffine: I don't have a clue, I don't comment to that unless the department tells us that it would be, but I have heard nothing about that at all.

Mayor Talley: Okay, any questions from Council, any comments from anybody in the public?

Mr. Huffine: I would like to bring Mr. Patterson and let him speak to the value piece just for the record, as his testimony will be firsthand and has not been written or previously submitted.

Mr. Glenn Patterson: Good evening, I'm Glenn Patterson, Patterson Appraisals, my home address is 885 Cheeks Lane. I'm here to address the question that pertains to the substantial injury of the value of adjoining or abutting property from this property for the multi-tenant commercial improvement. What I did was I searched for as new buildings as I could find, that may or may not be multi-tenant users. I looked at Burlington out Kirkpatrick Road. I looked at Mebane or the Graham Chiropractic building, and then Mebane, also on the South side of Mebane Oaks Road, where the carpet/restaurant near Walmart. What I found was really, there's no evidence to show that it does anything to harm any of the property. Really, it's with the commercial development like this coming into an area that's traditionally vacant or heavier homes on larger parcels. You may have some interspersed commercial uses, like we've always had 54. As development trends of residential start to expand into an area, then you have uses of commercial need to start coming around. So, it's a logical transition and it's historically is what happens across the country. So, in my collection of data from the sales of properties in immediate areas of this development, the data was supported, there's no, would not cause any substantial injury to the joining property or abutting properties.

Mayor Talley: Thank you so much.

Mr. Huffine: And with that, we'll rest, and if there are any questions, we'd like an opportunity to respond to those questions.

Mayor Talley: Were you able to speak to any neighbors?

Mr. Huffine: I did not get to speak to our neighbor to the South personally. Staff engineer did, then he and I met out at the property to make sure that any of the drainage adjacent to the South part of the property was handled according to the plans, which he and I both agreed we were doing. After the storm, I rode by there on the way in Monday morning, and no problems there.

Mayor Talley: Okay.

Mr. Huffine: That is the only interaction I've had; I haven't spoken directly with any of the neighbors.

Mayor Talley: And the residents were notified, and no comments to the City. Okay. I now ask Council, not hearing anybody else wanting to speak. Anyone else want to speak? Need a motion to close the public hearing.

Mayor Pro Tem Hall: I make a motion to close the public hearing.

Mayor Talley: Second?

Council Member Parsons: Second.

Mayor Talley: Okay, all in favor, aye, (all stated aye). Okay, any discussion by the Council? (Council nodded no.) Okay, I need a motion to either approve or deny the special use permit for unified business development for that property located at 1205 East Harden Street.

Motion by Council Member Whitaker to approve the Special Use Permit for a Unified Business Development for property located at 1205 E. Harden Street for the use of a multi-tenant building and that it does further the goals of the Graham 2035 Comprehensive Plan and it is in conformance with the Commercial Corridor Land Use type and the development does meet all six conditions required by Section

10.144 of the Development Ordinance, seconded by Council Member Parsons. The motion passed unanimously.

NEW BUSINESS:

ITEM 7: MOU – ALAMANCE COUNTY SHERIFF'S OFFICE – EMERGENCY DETENTION EVACUATION

The City Council will consider renewing a Memorandum of Understanding between the City of Graham and the Alamance County Sheriff's Office, detailing the response to an Emergency Detention Evacuation.

City Manager Megan Garner stated the Alamance County Sheriff's Office and Alamance County have requested renewal of a memorandum of understanding between us and them for emergency detention evacuation. She stated there was a current MOU with them, which was originally signed in 2019. This is an updated agreement. City Manager Garner highlighted the following points in the MOU:

- The City reserves the discretion to determine the priority of use of its facilities (i.e., for use by City residents and/or Red Cross) in the event of any disaster; however, the City intends to make reasonable efforts to assist as outlined herein.

- This MOU establishes procedures and delineates responsibilities for the evacuation and temporary housing of Alamance County inmates at the Graham Recreation Center in the event of a disaster or emergency that exceeds the County's and Sheriff's response capacity.

- Upon request by the County or Sheriff, and subject to facility availability, the City shall make available space to temporarily house up to 500 inmates as a secondary evacuation location, provided such use does not unreasonably disrupt City operations or cause undue hardship.

- The Sheriff shall provide all personnel, security, and supplies necessary to house, supervise, and care for inmates while at the Graham Recreation Center.

- The Sheriff may initiate an evacuation request verbally; however, all requests must be confirmed in writing as soon as practicable.

City Manager Garner shared the City would be entitled to reimbursement and financial responsibilities as outlined in Section 6 of the MOU.

Mayor Talley asked if, in the event the recreation center was not available, had the County considered using the school system during the summer when the City had summer events at Graham's recreation centers.

City Manager Garner stated she would relay that message to the County and stated during times of summer day camp or any other issues, the City had the right to refuse should their request unduly interrupt our ordinary operation.

Motion by Mayor Pro Tem Hall to approve the MOU between the City of Graham and the Alamance County Sheriff's Office in the event of an Emergency Detention Evacuation, seconded by Council Member Chin. The motion passed unanimously.

ITEM 8: ORDINANCE AMENDMENT – CIVIL PENALTIES – PARKING FINE INCREASE

The City Council will consider an Ordinance amendment to Chapter 20 – Traffic and Vehicles, Article I – In General, Section 20-2 Civil Penalties to replace the penalty chart for parking violations.

Assistant City Manager Holland stated the Graham City Council approved several fee schedule amendments with the adoption of the FY26 Budget last month, which took effect on July 1, 2025. He stated that the fines you're referencing, related to parking, are located within the Code of Ordinances, which is intended to direct people to the Rate and Fee Schedule, thereby ensuring that fines are not listed in two different locations. There was a possibility of missing a year of updating one but not the other, which would direct anyone reading the Code of Ordinances to the Rate and Fee Schedule.

Mayor Talley asked if the $20.00 fee would take effect on July 1, 2025, or if it would be effective immediately.

Assistant City Manager Holland stated that it took effect on July 1, 2025, but we needed to update the Code of Ordinance to reflect what had already been approved.

Motion by Council Member Whitaker to approve an Ordinance amendment to Chapter 20 – Traffic and Vehicles, Article I – In General, Section 20-2 Civil Penalties to replace the penalty chart for parking violations, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 9: CITY OF GRAHAM'S BOARDS AND COMMISSIONS - APPOINTMENTS

ABC Board

Robert Parrish — Request Reappointment

No vacancy after reappointment

Appearance Commission/Tree Board

Emily O'Dell — Request Reappointment

No vacancy after reappointment

Applicant: Benjamin Beushausen

Graham Historical Museum Board

Karen Chin — Request Reappointment

Gail Walker — Request Reappointment

Two vacancies after reappointments

Applicant: Casey Bosley

Graham Housing Authority

One vacancy

Applicants: Sonya Carter, Maynard Jeannis

Historic Resources Commission

Two vacancies

Applicants: Casey Bosley, Benjamin Beushausen

Planning Board/Board of Adjustment

Dean Ward — Request Reappointment
Toney Bailey — Request Reappointment
(Mr. Benesch resigned 7/6/25)
One vacancy after reappointments – Need Recommendation to Alamance County
Applicants: Benjamin Beushausen, Maynard Jeannis, Emily O'Dell

Recreation Commission

Nicki Smith — Request Reappointment
Jay Cook — Request Reappointment
One vacancy after reappointments
No Applicants

Motion by Mayor Talley to appoint and reappoint the following:

ABC Board
Robert Parrish, reappointed

Appearance Commission/Tree Board
Emily O'Dell, reappointed

Graham Historical Museum Board
Karen Chin, reappointed
Gail Walker, reappointed
Casey Bosley, appointed

Graham Housing Authority
Maynard Jeannis, appointed

Historic Resources Commission
Casey Bosley, appointed

Planning Board/Board of Adjustment
Dean Ward, reappointed
Toney Bailey, reappointed

Recreation Commission
Nicki Smith, reappointed
Jay Cook, reappointed

Mayor Pro Tem Hall seconded the motion. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Mr. Keith Westbrook, 604 Trock Wilder Court, spoke about potholes on Trollinger Road.

City Manager Garner stated Trollinger Road was an NCDOT road. She stated the potholes would be relayed to NCDOT for repair.

Mayor Talley commented on the potholes on Harden Street and asked Assistant City Manager Holland to report his findings.

Assistant City Manager Holland reported that the area immediately around the roundabout project areas was where the project would address any issues. He stated that the question was whether they would extend to the Interstate, but it sounded like the project area was going to be where they would focus the repair of the potholes.

Mayor Talley asked staff to determine when the remaining potholes, leading to the interstate, would be repaired.

CITY STAFF COMMENTS

City Manager Garner thanked all employees for their tremendous response during Tropical Storm Chantal on Sunday evening, leading into Monday. She shared the actions of our people undoubtedly saved lives.

CITY COUNCIL COMMENTS

Council Member Whitaker shared that it had come to her attention that one of the ordinances in the UDO, Section 10.337, Classes of Subdivisions, was worded strangely. She requested a consensus from the Council to allow staff to reword this section, making it more specific when describing a minor or major subdivision.

The Council's consensus was to have staff review and provide language in Section 10.337 for the Council's consideration.

Council Member Whitaker then inquired about the process of hiring a police chief. She asked City Manager Garner about the status of hiring a new police chief, given that the current one would retire in September. She asked where the process stood and whether there would be a hiring committee, as had been done in the past, with a Council Member on that committee, such as the mayor or someone else.

City Manager Garner stated that she and Assistant City Manager Holland would be releasing a survey to members of the police department to get their feedback on what was important to them in their next police chief. She stated they were finalizing details for the assessment center, which would consist of subject matter experts from neighboring areas or further out. She stated the assessment center was not just an interview; it would be live, interactive processes, and we would recruit help from subject matter experts from other jurisdictions to assist in those different areas.

Council Member Parsons asked when that would be completed.

City Manager Garner stated there was a better than decent chance we would have someone named before the retirement date.

Mayor Talley inquired about the current number of vacancies in the police force.

City Manager Garner stated that she did not believe there were any vacancies. She shared that a hiring freeze was in place when the future of the SROs was uncertain, so no vacancies were filled. Since the school system approved the memorandum of understanding, she believes they've filled at least some vacancies with conditional offers.

Mayor Talley asked how many that was.

City Manager Garner stated it was five School Resource Officers who were at risk of not being funded.

Mayor Talley stated that it was not ideal if you already knew you were not going to be bringing in a new police chief; why not wait a couple of months and let the new police chief hire who they want? She said she did not understand why we were in a hurry because no one was in a hurry the whole year to hire for those positions.

City Manager Garner stated we hire as vacancies become available, or even as we know of upcoming vacancies, such as retirements. She shared there was continuous advertising to fill those positions, unless there was a funding freeze, like the one we had. She shared that in the instance of an Assistant Chief position, we would not fill that with anyone until the new Chief was named. She further shared that the positions being filled were for police officers at level 1.

Mayor Talley stated that, across the board, if someone was leaving, it made sense to wait until openings arose, as long as the team was adequately staffed, before allowing the person to hire their preferred candidate.

City Manager Garner stated that she did not think we were in a position to wait, as evidenced by the situation on this past Sunday. The police department was operating on minimum staffing before calling other employees back to assist with flooding due to Tropical Storm Chantal. She shared there were several employees out of work for various approved reasons, with some having extended time off and having to shuffle people around. She said that all vacancies were critical to fill as quickly as possible. She said some of those were supervisor-level positions.

Mayor Talley asked how many officers were working on Sunday.

City Manager Garner stated they started with four officers, which was minimum staffing.

Mayor Talley asked how many were called in.

City Manager Garner stated she did not know the answer.

Council Member Whitaker inquired about the requirements for a new police chief and whether there would be any changes to allow experience to count in place of or in lieu of a master's degree.

City Manager Garner stated that, after reviewing the job description internally, a master's degree was not a requirement for the advertisement.

Mayor Talley asked what the manager was requiring.

City Manager Garner stated that the current qualifications include a BLT certification and a bachelor's degree. Additionally, experience in supervision is considered crucial. She shared there was also an administrative component and being well-versed in the various areas within policing.

Mayor Talley asked if the Manager had a problem with a committee being formed.

City Manager Garner stated a committee was a part of the process through an assessment center.

Mayor Talley asked who would be on that committee.

City Manager Garner reiterated that staff members, both internal and external, with subject matter experts, would be present in the different sessions. She shared this was a typical process that occurred when the Fire Chief was hired and when the Manager was hired.

Mayor Talley stated the Council had some concerns. She stated in the past, you were able to have people apply regardless of whether they had a bachelor's degree, and we had several police chiefs and fire chiefs who were hired without a bachelor's degree. She stated, for some reason, all of a sudden, the qualifications had changed. She stated that several Council Members, some community members, and people from the Police Department have all asked why it was being changed, because we want people to be able to feel like they got a fair shake at being able to use the experience that they have and be able to put forward an application and compete for the position. She shared what Council Member Whitaker said and asked if we could get someone like the Sheriff to agree to sit on the committee. She suggested that maybe a Council Member, not her, but someone else, should sit on the committee with another staff person. Mayor Talley asked if the majority of the Council agreed to have that type of committee for the hiring of Department Heads. Would that be an issue?

City Manager Garner stated that she believed it could pose some issues because department heads fall within the purview of the manager. So, the manager and the attorneys fall within the purview of the City Council. She stated it could cause some implications moving forward. She asked who would be responsible for hiring department heads, if the City Council were involved, and who would supervise them. She stated it would be worthwhile to reach out to the School of Government to get clarification, because, ethically, she did not want to run afoul of what falls within her bucket, and did not want the Council to run afoul of what falls within their bucket.

Mayor Talley stated that if the Sheriff were on the hiring committee, he would not be managing the person. She noted that there were many instances, such as the hiring of a Public Utilities Director, where people felt more comfortable approaching the Council to share their concerns. Additionally, employees often felt more at ease reporting issues to the Council.

City Manager Garner stated the difference between the Sheriff or someone from the outside serving in that capacity versus someone from City Council is technically the Council would fall within the same organization under the same structure. She thought this had the potential to muddy the water versus the Sheriff, who was a completely separate agency elected by the people, with a clear line of separation between the two organizations.

Mayor Talley stated that she strongly advocates for applicants to be able to perform administrative tasks, but does not need to be an administrator. She mentioned that having administrative experience and a degree, but not considering the same level of experience as a qualification for applying, seemed unfair. She said that historically, we have been trying to convey to people that if you work here long enough, put in your time, and are a great employee, we favor hiring from within with qualified people. She noted she was not saying you have promised anybody anything. She stated they wanted to encourage longevity in staff, and there were people, not just in the police department, but other departments, that had put in a lot of time. She shared that if they felt the rules had changed after they had already put in all this time, it seemed a little deflating to morale because those weren't the rules as they started to be.

Council Member Whitaker stated that experience can be as valuable, if not more useful, than having a pigskin hanging on your wall. She noted some people had bachelor's degrees and master's degrees, but she

would not let them walk her dog. She stated there should be a standard of a bachelor's degree or applicable training. She said she would rather have someone with extensive experience, especially one who has been hired from within, which she had always been a proponent of. She stated that if there were someone in the police department who, although not having one of the required qualifications, could meet all the other requirements, they should be given a fair chance. She said that having the degree is irrelevant if they have the training.

Mayor Talley stated if someone had all the training and you gave them the opportunity, and after evaluating all the internal candidates, you then choose the best person for the job, and you hire that person. She stated as a manager, you could send that person to administrative training because that person was lacking in that area. She stated that people often have to wait a long time for these positions to become available. She said people like Burke Robertson might not have had the opportunity for their current position if they did not have a degree, and were unsure if they had one, but stated she did not care. She shared that she had an education and asked if the manager would hire her because she had a master's degree, or would she hire her husband to be a public works director, despite not having a master's degree, but having extensive experience in construction. She stated that you wouldn't want her to build a house, fix a pothole on the street, or fight a fire. She stated that you would want to hire for the experience, which was far more valuable than a degree on the wall, and that was what she consistently heard from employees, other municipalities, other agencies, and residents. She stated that everyone who wants to apply should do so, and thought this approach would prevent people from complaining that they missed the opportunity to apply. She stated she did not want to see that. She shared that we had hired great police chiefs, fire chiefs, and public works directors who did not have a college degree. She said that she understood the importance of a college degree, but who would have ever thought that electronics would be running the water department and all the knowledge required? She reiterated that people should be able to fairly apply, stack up their goods and negatives, and select someone through the committee process who is the best candidate for the job. She went on to say that, after that point, if there was anything the person was lacking, they should get that training to keep or secure the position.

Council Member Whitaker shared that, in federal service hiring, we would use the college education or education factor as a tiebreaker. She said if you were using a weighted system, it should be based on functional experience and functional knowledge.

Mayor Talley stated that there were not many administrative jobs, except that the City Manager's job was extremely important. She stated you were not out here fighting the fire; you're not fixing a pothole. She said it was great for you to have that knowledge, but to me, that was not necessarily the best or most important thing. She stated the Manager needed to know finance, budgeting, and the law to keep everybody out of trouble.

City Manager Garner stated that was what she was trying to do. She stated she heard and sincerely appreciated all the feedback with 100% sincerity. She stated that these sorts of conversations have an impact on our employees, and they tune into these sorts of things. She stated even after the last meeting, when comments like this were made, it would start chaos and wildfires in different areas where we do not need that, especially at a time like this. She offered to have individual conversations with any Council Member who would like to discuss it further, but she did 100% hear everything that was provided tonight and at two meetings ago.

Mayor Talley stated that factors needed to be weighed, depending on the position, such as public works. She stated that she would hate to know that I would get a position because I have some sort of education in the classroom, over someone who had actually gone out and fixed a pothole would be overlooked, and I would get the public works director job because I have all the required qualifications. She stated that

education helps with one's job, but administratively, it's not the most important thing one needs. She shared that another common piece of advice she heard from people was to hire and promote from within. She shared that former Mayor Jerry Peterman and Vic Euliss were big proponents of that.

Council Member Chin stated that statements like that needed a caveat; just because you are in the organization, it does not automatically mean you can apply for these positions just because you have been here. He stated what the City Manager had done and advocated to her department heads to establish a training and experience program to prepare people so they know what is expected, including education and experience.

Mayor Talley inquired about the feedback received after implementing career ladders, where people felt like they were pigeonholeed without the possibility of moving up.

City Manager Garner nodded yes.

Council Member Parsons shared that the potential applicants would like to know the requirements and when they could apply.

Cit Manager Garner stated that they would make this public to the entire universe when they are ready for that phase, and it would not be shrouded in secrecy. She said everyone would know when the job was posted, and the assessment center date for applicants would also be available, should they advance in the process.

Tom Boney, Alamance News, asked to comment briefly on the previous conversation. He stated he was very concerned, that for 35 years since, he had been with Alamance News, he has heard this Council, the Burlington City Council and the Mebane City Council and every other local jurisdiction expound repeatedly on the fact that the North Carolina Standard for government was a Council-Manager form of government. He said the Council hires two people, the manager and the attorney, and in some places, like in Burlington, also hires the clerk. He stated that this Council's dealings with employees within the City of Graham were the sole extent of this Council's dealings with employees within the City of Graham, and to hear the lobbying that is going on from this Council at this meeting and previously was inappropriate, unethical, and potentially illegal. He stated the manager, very delicately, mentioned that she would check with the Institute of Government, which was entirely inappropriate for this Council to get involved in the way they had described. He stated, fundamentally, the original point that I believe it was Council Member Whittaker brought up, of having a member of the Council on some sort of screening committee. He said that would be an inherent conflict of interest and very inappropriate. He stated he did not believe your attorney would let you get away with that, and certainly should not. He further stated it was very interesting to hear the Council talk about all this lobbying about wanting an internal candidate. He noted the Council hired a manager who was not an internal candidate, and you hired a Fire Chief who was not an internal candidate.

Mayor Talley said she disagreed.

Mr. Boney shared that through the grapevine, many people disagreed with one or both of those, but the main thing was that this Council's responsibility was the hiring of the manager, and he said, no offense to Ms. Garner, but if this Council did not like . . .

Mayor Talley interjected that they hoped the position . . . there was a Statute that stated something about hiring committees, and that she did not know this issue was going to be discussed, but wanted to give some input because she did not want to have a private conversation; she wanted to say it in general . . .

Mr. Boney interjected that he wanted to address the specific statement that Ms. Garner solicited private conversations with Council, which he found to be inappropriate. He stated personnel is supposed to be the Manager's domain, and the Council was not supposed to have anything to do with personnel in the City of Graham. He stated every time there was some scandal there was an effort by the public to make the Council do something about an errant public employee, and each time he would hear the lecturette, say no, that is the manager's responsibility, the Council cannot get into that, and that is correct.

Mayor Talley stated they were not advocating for any one person, and there were plenty of people at the police department that . . .

Council Member Whitaker asked why the Mayor was explaining to Mr. Boney that this was not a public hearing.

Mayor Talley inquired about the changes to the job descriptions, as they had been established for years, and stated that, to her knowledge, she was unaware of why they had been altered or if that was something done by previous City Managers. She noted that those things usually came before the Council. She stated that the Council was not saying they were going to hire this person or that person, but rather the evaluation, regardless of who applies, would be open, and that factors like experience would be weighted more heavily than administrative education, depending on the position. She stated that she was not lobbying for any particular person.

Mr. Boney stated yes, it was, and that the Council had been lobbying repeatedly for Captain Dwayne Flood. He shared that he thought he was an excellent employee and would encourage Ms. Garner to consider him, but said that was his opinion, which does not count, and frankly, the Council's should not count. He reiterated that it was the City Manager's responsibility to make the hiring decision.

Council Member Whitaker stated she would be the one doing the hiring.

Mr. Boney stated it should not be lobbied by the Council.

Council Member Whitaker stated he was not being lobbied.

Mayor Talley stated it had nothing to do with any particular person, and we just hired someone . . .

Mr. Boney interjected Yes, ma'am, it did have something to do with you.

Mayor Talley stated that it was not true.

Council Member Whitaker asked why are we listening to this.

Council Member Chin stated it was Mr. Boney's opinion.

Mayor Talley stated that when we hire department heads, there should be a standard set across the board for Public Works, Fire Chief, and Police Chief, and she felt this was not being applied evenly. She stated that the city had a Fire Chief who did not have a college education, and that there had been plenty in the past who did not have college educations. She stated that it needed to be fair across the board and consistent, applying to everyone who applies, regardless of their position. She stated that she did not want to face pushback from people who had worked here for many years and thought they had a chance of applying, but did not because someone had a degree or qualification that was considered more valuable than another, due

to the rules having changed. She stated whoever gets the job, whether it is internally or externally, she hoped the Council could say we were not consistently moving the goal post.

Several Council Members asked to stop the discussion and go into closed session.

CLOSED SESSION:

City Council considered going into closed session in accordance with North Carolina General Statute 143-318.11(3) to consult with an attorney employed or retained by the public body to preserve the attorney-client privilege between the attorney and the public body for both current (County Motor Land Company, LLC, Petitioner, v. The City of Graham, Respondent; File 18CVS2491), potential litigation, and a personnel issue.

Motion by Council Member Parsons to go into closed session, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Mayor Talley asked to be recused for a portion of the closed session.

Motion by Council Member Whitaker to allow Mayor Talley to be recused from a portion of the closed session, seconded by Mayor Pro Tem Hall. The motion passed 4-0.

The closed session was held.

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

Motion by Council Member Whitaker in the matter of County Motor Land Company, LLC, vs. The City of Graham, Case #18CV2491 of the Alamance County Clerk's office, that the City of Graham enter into a joint consent decree with County Motor Land Company, LLC, seeking the courts approval to remand the Variance request for rehearing before the City of Graham Board of Adjustment. I further direct and authorize the City Attorneys to take all necessary actions to cause the joint consent decree along with County Motor Land Company, LLC, to be filed with the Court and the terms therein be carried out, 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 9:42 p.m.

Renee M. Ward, CMC
City Clerk