

City of Graham City Council Meeting Agenda April 8, 2025



6:00 p.m. | City Hall | 201 South Main Street | Graham, NC

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

RECOGNITION: 2024 Volunteer of the Year – Tommy Purcell

PROCLAMATION: “*Litter Sweep*” Week – April 12 – 26, 2025

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.

PUBLIC HEARINGS:

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)

2. REZONING - .51 ACRE LOT – 200 S MARSHALL STREET

City Council will consider rezoning a .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)

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)

NEW BUSINESS:

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)

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.

6. ADOPTION – GRAHAM PERSONNEL POLICY

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

PUBLIC COMMENT PERIOD

CITY STAFF COMMENTS

CITY COUNCIL COMMENTS

CLOSED SESSION:

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

ADJOURN



Recognition and Appreciation

Honoring

Tommy Purcell

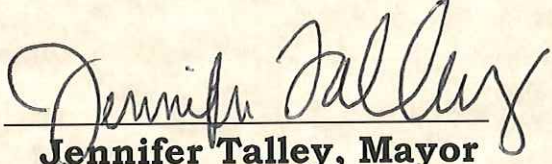
**as 2024 Volunteer of the Year
by Graham Recreation and Parks and
Graham City Council**

for his countless hours beautifying the streets and sidewalks in downtown Graham, serving as a docent at the Graham Historical Museum, assisting with numerous repair projects, and making benches for the parks.

The City of Graham thanks you for your efforts and dedication to making Graham beautiful.

Presented this the 8th day of April 2025.




**Jennifer Talley, Mayor
City of Graham**



Proclamation

Proclaiming April 12 - 26, 2025

as

"Litter Sweep" Week

in the City of Graham

WHEREAS, the North Carolina Department of Transportation (NCDOT) organizes a biannual statewide roadside litter removal initiative known as Litter Sweep, aimed at fostering cleaner, more sustainable communities; and

WHEREAS, dedicated volunteers, along with local maintenance crews, generously devote their time and effort during this initiative to safely remove litter from our roadsides, supported by NCDOT through local program coordinators; and

WHEREAS, Alamance County residents, municipalities, and organizations are invited to participate in Litter Sweep by New Leaf Society, a nonprofit organization that works to improve the County's curb appeal; and

WHEREAS, local governments have an essential role in promoting clean communities through both public works and leadership by example, inspiring citizens to take action; and

WHEREAS, communities that are free from litter are more aesthetically pleasing, environmentally sound, and healthier places to live; and

WHEREAS, spring represents a season of renewal, a time to celebrate the beauty of nature and the importance of maintaining a clean and sustainable environment.

NOW, THEREFORE, I, Mayor Jennifer Talley and the Graham City Council, do hereby proclaim April 12 - 26, 2025, as

"Litter Sweep" Week
in the City of Graham

FURTHERMORE, I urge all residents to help protect and enhance the beauty of our City by reducing litter.

This the 8th day of April 2025.

Mayor Jennifer Talley
City of Graham

City of Graham
City Council Meeting Agenda
March 11, 2025



The City Council of the City of Graham held a regularly scheduled meeting on March 11, 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 - *Absent*
 Renee Ward, City Clerk

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Chin gave the invocation, and all stood for the Pledge of Allegiance.

PROCLAMATION: Arbor Day – April 25, 2025

CONSENT AGENDA:

- A. To approve the February 11, 2025, City Council Meeting and Closed Session Minutes.
- B. To approve a request to close the 100 Block of E. Elm Street on Saturday, May 3, 2025, for the Big C Community Christian Concert from 7:00 am to 8:00 pm (including setup and cleanup).
- C. To approve Capital Fire Protection, LLC as the selected vendor for a three-year contract for fire extinguisher inspections, testing, and maintenance services.
- D. To approve a budget amendment to recognize \$34,885 in insurance proceeds revenue for a damaged police vehicle and increase the Police Department Capital Outlay budget by \$34,885.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Police Department - Capital Outlay	156,050.00	190,935.00	34,885.00		34,885.00
	156,050.00	190,935.00	34,885.00	-	34,885.00
Section 2.					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
General Fund - Insurance Proceeds	13,249.00	48,134.00	34,885.00		34,885.00
	13,249.00	48,134.00	34,885.00	-	34,885.00
Adopted this 11th day of March 2025.					

- E. To approve a budget amendment in the amount of \$25,000 in Federal Drug Forfeiture Revenue to the Federal account balance to assist with the purchase of a police vehicle and required equipment.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS					
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Fund Balance	75,000.00	100,000.00	25,000.00		25,000.00
	75,000.00	100,000.00	25,000.00	-	25,000.00
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS					
EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Funds - Capital Outlay Equipment	\$0.00	\$25,000.00	25,000.00		25,000.00
	-	25,000.00	25,000.00	-	25,000.00
Adopted this 11th day of March 2025.					

- F. To approve an amendment to the audit contract with Stout, Stuart, McGowen & King to allow a time extension to May 31, 2025.
- G. To approve a Capital Project Ordinance for \$500,000 for the Emerging Contaminant Study.

**CAPITAL PROJECT ORDINANCE
EMERGING CONTAMINANTS STUDY PROJECT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

- Section 1. The authorized project is the Emerging Contaminants Study Project.
- Section 2. The officials of the City of Graham are hereby directed to proceed with this project within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Revenue (DWSRF-EC Principal Forgiveness Loan)	<u>\$500,000</u>
TOTAL	\$500,000
- Section 4. The following amounts are appropriated for this project:

Engineering Services	<u>\$500,000</u>
TOTAL	\$500,000
- Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.

Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.

Section 7. This ordinance shall take effect upon passage.

Adopted this the 11th day of March 2025.

H. To approve tax releases totaling \$618.42.

CITY OF GRAHAM RELEASE ACCOUNTS				
MARCH				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
1048	2024	COUSINS, BARBARA H HEIS	QUALIFIED FOR HOMESTEAD EXEMPTION	\$404.88
17019	2024	MARSH FURNITURE	BILLED TO WRONG DISTRICT - S/B BURLINGTON	\$2.77
17020	2024	MARSH FURNITURE	BILLED TO WRONG DISTRICT - S/B BURLINGTON	\$5.91
17021	2024	MARSH FURNITURE	BILLED TO WRONG DISTRICT - S/B BURLINGTON	\$136.84
17022	2024	MARSH FURNITURE	BILLED TO WRONG DISTRICT - S/B BURLINGTON	\$48.74
17023	2024	MARSH FURNITURE	BILLED TO WRONG DISTRICT - S/B BURLINGTON	\$19.28

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

NEW BUSINESS:

ITEM 1: STREET CLOSURE – TOUCH A TRUCK EASTER CELEBRATION – APRIL 5, 2025

City Council considered a request to close East Market Street between North Main Street and North Marshall Street from 9:30 am to 3:30 pm for the First United Methodist Church Touch-A-Truck Easter Celebration on Saturday, April 5, 2025.

Assistant City Manager Aaron Holland stated the events committee had approved the event.

Motion by Mayor Pro Tem Hall to approve closing East Market Street between North Main Street and North Marshall Street from 9:30 a.m. to 3:30 p.m. for the First United Methodist Church Touch-A-Truck Easter Celebration on Saturday, April 5, 2025, seconded by Council Member Chin. The motion passed unanimously.

ITEM 2: ORDINANCE AMENDMENT – CHAPTER 12 – ARTICLE I - IMPEDING PUBLIC RIGHTS OF WAY

City Council considered 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.

City Manager Garner asked to table the amendment to the April 8, 2025 City Council meeting.

Motion by Council Member Whitaker to table this ordinance amendment to the April 8, 2025, Council meeting, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Mr. Jason Black, 24 North West Court Square, spoke in favor of the ordinance and asked staff to put out traffic barrels to deter people from setting up on the brick wall of the Sesquicentennial Park.

ITEM 3: ORDINANCE AMENDMENT – CHAPTER 14 - ARTICLE III – PUBLIC USE OF GRAHAM-MEBANE LAKE

City Council will consider an Ordinance amendment of Chapter 14, Article III, Section 14-127 and adding Section 14-130 regarding public use of the Graham-Mebane Lake.

Assistant City Manager Holland shared residents were clearing more vegetation than allowed at the lake and asked the Council to consider increasing the penalty to \$500 for violations. He shared this was the City’s drinking water source, and it needed to be protected.

Brian Faucette, Recreation and Parks Director, shared that no homeowner owned property near the lake’s shoreline, and a handful of property owners were in violation. He shared it was a state law that you could not cut any vegetation near the lake’s shoreline, mainly if it is used for drinking water. He stated all residents would receive a notice informing them of the stiffer fines for violations if adopted.

Mayor Talley stated that some may not have known you could not cut vegetation down to the lake’s shoreline.

Council Member Whitaker suggested starting with \$500 and potentially increasing the penalty for second and third offenses.

City Manager Garner stated that if changes are adopted tonight, staff would notify property owners of the action and the associated civil penalties.

Motion by Council Member Whitaker to approve the ordinance amendment to Chapter 14, Recreation and Parks, Article III, Public Use of Graham-Mebane Lake, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 4: APPOINTMENTS – CANINE REVIEW BOARD

City Council considered making appointments and a recommendation to the Canine Review Board.

- 1) Daphne Younger – Request Reappointment
- 2) Dr. Shannon Donoho – New Applicant
- 3) Zachary Adner – New Applicant
- 4) Pamela Makhoul – Recommendation to the Humane Society

City Manager Garner stated this board consists of one appointee from the Human Society or Animal Services and two appointees by the City Council.

Keith Westbrook, 604 Trockwilder Court, Graham, spoke in favor of appointing Daphne Younger to the Canine Review Board.

Mayor Talley motioned to reappoint Daphne Younger, appoint Dr. Shannon Donoho, and recommend Pamela Makhoul to the Canine Review Board, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

PUBLIC COMMENT PERIOD

Mr. Braeburn Hilliard, 723 Larry Avenue, Graham, spoke about junk cars on Larry Avenue and Parker Street. He shared that the vehicles had been left parked on the road with expired tags and asked for help to remove them.

Mr. Rubin Klonga, 141 E Harden Drive, spoke about adding four alcohol vendors to the Arts Around the Square Festival.

City Manager Garner stated that since Arts Around the Square was a City Council-led initiative, it would be up to the Council to determine if alcohol vendors were permitted to participate in the event. If so, she requested a motion or consensus so staff knew how to proceed. She stated that right now, there is nothing to prevent alcohol vendors from participating.

Mr. Ben Farrar, 180 Granite Mill Drive, asked the Council to allow alcohol vendors at the Arts Around the Square Event. He shared there would be a designated place for consuming alcohol but would like it to be located where the bands are set up.

The Council took a five-minute recess.

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

Council Member Whitaker asked to keep alcohol in a certain area because Graham was not a social district and to have signs that read "No alcohol beyond this point."

Mayor Talley asked that this request go through the events application process and return in April for a decision.

The Council consensus was to defer to staff and bring it back at the April 8, 2025 Council meeting.

Mr. Tom Boney, Alamance News, asked the Council to check with the Attorneys because he was unsure whether what he heard from the Council would be legal under North Carolina ABC laws or whether it would be legal to serve in a designated place.

Mr. Billy Stallings, 213 East Hanover Road, Graham, spoke about the Council's pay and suggested compensation for their work on the City's behalf. He commended the Council for all it does.

Mr. Boney stated the Board was a public service and that no council should ever get personal benefits.

Mr. Billing Stallings further stated that he disagreed and that the Council deserved insurance, and no state law was against it.

CITY STAFF COMMENTS

No comments by staff.

CITY COUNCIL COMMENTS

Council Member Chin commented that a couple had visited downtown, and someone came by, blaring the stereo, and frightened them. He reminded citizens to be respectful of others.

Council Member Whitaker commented on the development of Lacy Holt Road. She said the developer was supposed to build a barrier but had planted small trees far apart. She asked staff to review what was approved and hold them accountable.

Council Member Whitaker suggested a handicap parking space next to HiFi Records in front of the blocked alleyway.

Mayor Talley said it was an alleyway and an emergency egress and would be unblocked soon. She shared it was a safety issue.

Mr. Boney questioned the closed session regarding the alleyway and said it was stated that no one owned it.

Council Member Whitaker stated it was a misstatement. It was not noted that no one owned it; it was that the City did not own it. She misunderstood what was relayed regarding the alleyway ownership.

Mr. Boney stated he thought the City concluded that no one owned the alleyway.

Council Member Parsons stated that the City of Graham does not own the alleyway, so we have no say in its fate.

Council Member Whitaker stated if it was a safety issue, like the Mayor said, the Council should have a say.

Mayor Talley said it had been an alleyway for over 50 years and had a prescriptive easement.

Mr. Boney stated he did not understand how the City went into closed session to discuss this issue in the first place, two or three times. He noted that it did not involve a lawsuit relating to the City, and the Mayor recused herself and stayed out of both meetings, apparently due to the pending charge against her husband. He said nothing would have warranted a closed session on this topic, and it was a general policy issue that was exempted from any discussion, even with a lawyer in a closed session.

Mayor Talley asked about the City's policy on tiny homes.

Assistant City Manager Holland stated that if you consider tiny homes on a lot as individual tiny homes, they would be considered no differently than a single-family home of any size. He stated that the building code had specific requirements regarding space and size and that they would need to meet those requirements, but you could build a tiny or small home.

Mayor Talley asked about upgrading trailer parks. Changing them out for tiny homes would possibly update the park, allowing them to remove a trailer and put in a tiny home. Staff would review tiny houses.

Assistant City Manager Holland stated that most mobile home parks were non-conforming, so if something comes out, what goes back in needs to be similar in size and be an allowable use.

Council consensus was to have Staff evaluate how to incorporate tiny houses.

Mayor Talley stated a resident approached her regarding having a home-based business for hair services.

Council consensus was to have staff look into allowing such businesses in homes.

ADJOURN

Motion by Mayor Talley to adjourn, seconded by Council Member Chin. The motion passed unanimously.

The meeting adjourned at 7:40 p.m.

Renee M. Ward, CMC
City Clerk

City of Graham

City Council Special Meeting Minutes

Budget Planning Session

March 24, 2025



The City Council of Graham held a special meeting, a Budget Planning Session, at 10:00 a.m. on March 24, 2025, at the Children’s Museum of Alamance County, 217 S. 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
Renee Ward, City Clerk

Mayor Talley called the meeting to order, and Council Member Chin gave the invocation.

Council’s Strategic Actions/Goals

1. Hire City Engineer – analyze salary and job expectations

- What deficiency are we trying to correct?
- Based on responses from our population peer group, we would need an average of 6 engineers and a budget of around \$700,000 annually, not including special projects.

City Manager Garner asked the Council to relay the deficiencies the Council had recognized to give staff direction if the Council decided to fund an engineering position or department.

Mayor Talley shared that she was receiving complaints from developers regarding the initial reviews during the Planning Board review.

Assistant City Manager Holland shared what engineers are responsible for and the cost of going to another engineering firm.

Council Member Parsons expressed concerns that Alley Williams, Carmen, and King (AWCK) do not have the City’s best interest in mind when working on projects for the developer.

Mayor Talley shared those developers get frustrated when the goal posts seem to change, making it challenging for developers to meet expectations. She also shared that it was taking months to get responses from the engineering firm.

Council Member Whitaker asked what the City was paying for engineer services.

Assistant City Manager Holland said approximately \$400,000 for planning reviews, specialized engineers - \$500,000 and for special projects – greater than 500,000, such as water lines replacements.

City Manager Garner suggested sending out RFQs spelling out what we need from an engineering firm and have RFQs for the rest of services needed. These would be brought back to Council for approval.

Mayor Pro Tem Hall agreed with submitting RFQs.

Council Member Whitaker agreed and said it was time to get another firm.

Mayor Talley wanted someone professional and put a mechanism in place to ensure we are monitoring what we are being billed for.

Council Member Chin asked if there was enough workload to hire a full-time engineer and make sure they are only making them do what the Code states and not going above the code and adding to it.

Assistant City Manager Holland shared that the Council gave the direction to use on-call engineers, which we had.

Council consensus was to find a firm that encompassed all the services that (AWCK) was providing and use (AWCK) as a backup so services would not suffer. Also, the City's expectations should be included in the RFQs so developers do not have to wait months for services to be completed.

Engineering Departments - Population Group 10,000-24,999				
City Name	Population	Full-Time Employees (including support staff)	Budget	
Harrisburg	19500	6	\$	600,000.00
Henderson	15000	4	\$	472,000.00
Hendersonville	15000	14	\$	1,133,500.00
Kinston	19500	8	\$	760,000.00
Morganton	17500	5	\$	434,000.00
Mount Airy	10500	4	\$	600,000.00
Reidsville	14500	2	Budget embedded within PW/ Utilities	
Southern Pines	16000	2	Budget embedded within PW	
Stallings	16500	5	\$	838,000.00
Waxhaw	21700	5	\$	688,000.00

2. UDO revision

- Estimated to cost around \$200,000 and take two budget years

Council consensus was to move forward with the cost to be separated over two budget years.

3. Downtown Master Plan revision

- Staff received comments from Mayor Talley and Council Member Chin

Council consensus was to prepare for a rewrite, submit an RFQ, and rescind the current Downtown Plan pending the rewrite. Assistant City Manager Holland will research available grant opportunities.

4. Implement payroll software and Personnel Policy

- Payroll software estimated to go live in May 2025
- Personnel Policy scheduled for consideration for April 2025

Council will meet with the City Manager to review the Personnel Policy update and give input.

5. Sesquicentennial Park Repair/Move

- Soils report complete – identified some issues but can't say the entire structure was buried
- RFP currently being prepared to get a cost to move the park

Mayor Talley asked for a copy of the soil report and to review the RFQ before sending it out. City Manager will send the soil report to the Council.

6. New Fire Station

- Staff has identified a portion of the property at Graham Regional
- If this area is utilized, a land swap with PARTF will be required
- FY 2026 is anticipated to include the cost to advance this initiative

Council consensus was to move forward with a substation.

7. Market Graham with Better Signage -Interstate

- What are the specifics of what we want to advertise?

The council consensus was to advertise "Visit Historic Graham" and possibly use wayfinding signs.

8. Comprehensive Plan Update

- Nearing completion

9. Economic Development Board – needs to be defined and possible grant support for local businesses

- The Chamber of Commerce handles this for us routinely as part of our contract.

10. Effective tax rate and balanced budget

- What does this mean to the City Council?

(.2899 is the current tax rate for real and personal property.) City Manager Megan asked the Council to direct staff on an effective tax rate.

Mayor Talley suggested having a bond referendum to build a fire department.

City Manager Garner shared that it may be too late for the November election because the process would take several months due to State Statutory requirements.

The Council's consensus was to evaluate the revenue/neutral tax rate and include a 2 cent increase for the upcoming fiscal year.

Mayor Talley asked for the County to conduct a re-evaluation of industrial properties in Graham.

11. Restructure Sanitation to Meet Demand

- Public Works modifies sanitation routes on a near-weekly basis
- FY 2026 is anticipated to include one new sanitation collector

The City Manager will incorporate this position into the FY 25-26 budget.

12. Effective Retention Policy

- Many factors play into this initiative
 - Longevity, competitive salaries, benefits package
- Proposed Personnel Policy revisions improve this factor

No action was needed.

13. Identify areas in the Land Use Plan/ETJ for potential development

It will be in the plan reviews.

14. Increase the Capacity of the Water Reservoir

- Hazen (engineers) is evaluating the reservoir capacity and possibilities for improvement.

This will be included in the second funding year. (FY26-27)

15. Address funding for resurfacing and backlog

- Public Works allow more narrow roads because the paving funding has been insufficient for an extended period of time



16. Marketing City events: website – social media – share positive stories – market services – active boards and commissions

- Increased presence on social media
- Increased website postings

We have a third-party vendor preparing social media graphics.

17. Explore options to build a sports complex

- Withers Ravenel has begun work on the master plan

No action was needed. Withers Ravenel staff will hold a Master Plan Community Engagement at the Graham Regional Park on April 14, 2025, from 10 a.m. to 12 p.m., to get input from park visitors.

18. Increase Volunteer Firefighters' Program

- Staff is evaluating methods to increase volunteerism

City Manager Garner shared staff were revising the tier schedule based on certification and years of service.

Mayor Talley asked that supervisors recruit volunteers.

19. High Quality of Life for Residents

- What does this mean for the City Council?

Council shared that quality of life consisted of safety, quality drinking water, trash pick-up, police and fire services, and City events.

Council asked to put money aside to replace water lines on the City's north side.

20. Development and Expansion

- What does this mean for the City Council?

Council wants to expand and develop industry, retail, grocery stores, and family restaurants.

Additional Items Discussed:

- Council Member Chin asked about potential uses for repurposing the old ladder truck. Council Member Parsons asked if you could take the old ladder truck and make it a crash truck for accidents (blocking traffic).
- Mayor Pro Tem Hall asked about creating a fire district in our ETJ areas and collecting a tax for that service as set by Alamance County.

Council's Top Strategic Action Priorities:

1. Explore digital signage at City Hall to promote events downtown

- Eligible use of TDA funds; approximately \$45,000

Consensus was to explore pricing for a sign on the front lawn of City Hall with digital messaging.

Items 2 through 10 were discussed above.

2. Restructure Sanitation

3. Complete the Comprehensive Plan

4. High-quality infrastructure

5. Address the Sesquicentennial Park repair/move to a new location

6. Implement Edmunds payroll software and Personnel Policy

7. Market Graham with better signage along the interstate.

8. Revise the Downtown Master Plan

9. Hire a City Engineer

10. Update Unified Development Ordinance (UDO)

Additional Items Discussed:

Mayor Talley suggested a competition for a rebranding logo/slogan, which would involve getting submissions and offering a prize.

City Manager Garner shared that rebranding was in the works and the Council would see something soon.

FY 2026 Considerations

- **Consolidating Building Maintenance into One Department (Property Maintenance) With A Dedicated Employee**

City Manager Garner shared this would help eliminate the cost-of-service calls unless it was specialized equipment/job.

- **Sanitation costs**
 - **Separate rate structure for B-1?**

Mayor Talley expressed concern about businesses using other businesses' trash cans and businesses holding events and being charged additionally for trash pick-up after events. She was against increasing trash pickup costs and said that other business owners would not be happy.

Council consensus was for no separate rate for B1.

City Manager Garner asked if a fee schedule for contaminated recycling for first and second offenses was something City Council wanted staff to evaluate.

Council consensus was not right now.

- **Municipal vehicle tax**

Council consensus was for no vehicle tax.

- **Council's desire for tax rate?**

Council consensus was a two-cent tax increase for the upcoming fiscal year.

- **Modification of the health insurance to remove GLP-1 medication for weight loss**

City Manager Garner shared that the City would no longer pay for weight loss medication in the upcoming fiscal year.

- **Onboarding of financial advisors to assist with structuring long-term debt, including capital items for both the general fund and utilities**

City Manager Garner shared the Davenport Group was helping with structuring long-term debt.

Additional Items Discussed:

Mayor Talley asked about allowing residents to have an extra sanitation can.

City Manager Garner shared that Public Works lacked the manpower due to additional growth and the expense of wear and tear on sanitation trucks.

Mayor Pro Tem Hall asked staff to present the cost of personnel and a sanitation truck so that residents could have an extra trash can for a fee.

Mayor Talley asked for a list of properties the City rents to other agencies.

Mayor Talley said hiring a utility crew would save money on repairing and replacing water lines.

Meeting adjourned at 2:36 p.m.

Renee M. Ward, CMC

City Clerk

March 24, 2025
Special Meeting
Budget Planning Session



STAFF REPORT

SUBJECT:	STREET CLOSURE REQUEST FOR THE ALAMANCE COUNTY MEMORIAL DAY SERVICE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Consider request to close W. Elm Street from the eastbound lane of W. Elm Street from 212 W. Elm Street parking lot (Judge J.B. Allen Jr. Criminal Courthouse) to Maple Street for the Alamance County Memorial Day Service.

BACKGROUND/SUMMARY:

James Cartner, with the Alamance County War Memorial Committee, has submitted an application requesting 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.

According to the application, the event is requested for May 26, 2025, from 8 a.m. to 1 p.m. (including setup and cleanup).

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. The various City departments that may be involved have reviewed the request and provided the organizer with pertinent information that must be satisfied.

SUGGESTED MOTION(S):

I move that we approve James Cartner's request to close the eastbound lane of W. Elm Street from 212 W. Elm Street parking lot (Judge J.B. Allen Jr. Criminal Courthouse) to Maple Street from 8 a.m. to 1 p.m. for the Alamance County Memorial Day Service.



- 1. Your email: jcarter@cartnengroup.com
- 2. Event name (if applicable): MEMORIAL DAY VETERANS REMEMBRANCE
- 3. Reason for the event (be specific): HONOR DECEASED VETERANS FROM ALAMANCE CO.
- 4. Event date(s): MAY 26, 2025
- 5. Provide your event's setup, start, end, and cleanup times. (Ex: Name of Event 6:30 a.m. - 8 a.m. setup | 8 a.m. event start | 2 p.m. event ends | 2 p.m. - 4 p.m. cleanup):
8 AM SETUP, EVENT 10:30 AM - 12 NOON, 12-1 PM CLEANUP

6. Event category

Please check all that apply appropriate category for your event.

- Concert/Performance
- Exhibit
- Farmer's Market
- Festival/Fair
- Parade/Procession
- Run/Walk
- Food Truck Rodeo
- Other: _____

7. Where are you requesting for your event to occur?

Be specific identifying street names or City facilities being requested for use?

212 WEST ELM STREET ON THE EAST BOUND LANE

8. Does your event include the request to close streets?

Yes No

9. Identify the street(s) you are requesting to have closed for your event.

212 WEST ELM ST. FROM PARKING LOT TO MAPLE ST.

10. Identify your street closure time(s) and will you anticipate when they will return to normal traffic flow.

8 AM - 2 PM



11. What is your anticipated event attendance total? 350 - 500 WEATHER DEPENDENT

12. Does your event include musical entertainment?

Yes No

13. Where will your musical entertainment be located?

ELM STREET IN FRONT OF VETERANS MONUMENT & COURTHOUSE

14. Will sound amplification be used? Yes No

If yes, provide the start time and end time.

10:30 AM - 12 NOON

15. Will inflatables or similar devices be used at your event? Yes No

If yes, please describe. *Please note, Insurance requirements must be met in order to offer this activity.

16. Does your event include the use of fireworks, rockets, lasers, or other pyrotechnics?

Yes No

If yes, please describe. ***Note: These requests will be subject to the approval of the City of Graham Police & Fire Departments in conjunction with State Laws governing this type of activity.

17. Will alcohol be served, sold or consumed at your event?

Yes No

If you answered yes to the question above, please check all that apply to your event.

- Alcohol will be available free of charge
- Alcohol will be by purchase only
- Alcohol being served and or sold at my event includes
 - Beer only
 - Wine only
 - Beer & Wine



18. Describe your security plan to ensure the safe sale and or distribution of alcohol at your event.

N/A

19. Does your event include food concession and/or food preparation areas?

Yes ___ No X

If yes, please select the method of cooking that pertains to your event.

- Gas
- Electric
- Charcoal
- Other: _____

20. Do you plan to provide portable toilets at your event?

Yes ___ No X

If yes, list the total number of portable toilets: _____

21. Portable toilet company name: _____

If no, please explain ARRANGE FOR PUBLIC ACCESS TO COURTHOUSE FACILITIES

22. Explain your plan for cleanup and removal of trash, waste, and garbage during & after your event.

REMOVAL OF FLAGS & WREATHS USED DURING CEREMONY

Does your event require additional trash receptacles?

Yes X No ___

If yes, what is the requested number of additional trash receptacles? 2

23. Will there be any tents, canopies or temporary structures at your event?

Yes X No ___



24. Applicant name and affiliated agency if applicable

JAMES CARTNER - ALAMANCE COUNTY WAR MEMORIAL COMMITTEE

25. Applicant's Address

3617 BRECKENRIDGE CT GRAHAM NC 27253

26. Applicant's phone number

336-675-6347

27. Applicant's email address

jcarter@cartnergroup.com

28. Provide the event's point of contact if different from the applicant. (First & Last name, Phone number, & Email Address)

29. How many years has this event taken place? 31



GRAHAM

NORTH CAROLINA

STAFF REPORT

SUBJECT:	DONATION OF FIRE HOSE TO THE ACC FIRE ACADEMY
PREPARED BY:	CHIEF TOMMY COLE

REQUESTED ACTION:

Approve the donation of 21 sections of 5-inch Large Diameter Supply Hose to the Alamance Community College Fire Academy.

BACKGROUND/SUMMARY:

NFPA 1962 states that fire hoses should be replaced every 10 years. For the last 2 years, we have budgeted to replace the fire hose that exceeds the 10-year standard. Currently, we have 21 sections of 5-inch hose that can be donated and used for training at the Alamance Community College Fire Academy. The Fire Academy plays a vital role in training and certifying new firefighters, many of whom later serve in our fire station. This donation will enhance the academy's ability to provide realistic hands-on training scenarios, ensuring that graduates are well-prepared for emergency response duties.

FISCAL IMPACT:

There is no fiscal impact as the hose has reached its intended life span.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move we approve the donation of 21 sections of 5-inch Large Diameter Supply Hose to the Alamance Community College Fire Academy.



STAFF REPORT

SUBJECT:	PARKS AND RECREATION TRUST FUND GRANT APPLICATION
PREPARED BY:	BRIAN FAUCETTE, DIRECTOR OF RECREATION AND PARKS

REQUESTED ACTION:

Authorize staff of the Recreation and Parks Department to apply for the 2025 Parks and Recreation Trust Fund (PARTF) Grant for reimbursement of the purchase of the Teer Property for the expansion of Bill Cooke Park.

BACKGROUND/SUMMARY:

In June 2024, City Council considered the purchase of three parcels adjacent to Bill Cooke Park which were owned by the Teer Family. Included in discussions was the option to apply for a PARTF Grant in 2025 to be reimbursed for 50% of the purchase price. Council agreed to purchase the property and directed staff to explore applying for a 2025 PARTF Grant.

Staff applied for and received a Waiver of Retroactivity from the NC Div. of Parks and Recreation which allowed the city to purchase the property, which was at risk of potentially being sold for other development, prior to applying for a PARTF Grant. The Waiver is effective until August 11, 2026.

Based on direction given in 2024, staff has begun to prepare a PARTF Grant application to be submitted by May 1, 2025.

FISCAL IMPACT:

The minimum requested PARTF Grant reimbursement is expected to be \$307,500.

STAFF RECOMMENDATION:

Authorize staff of the Recreation and Parks Department to apply for a 2025 PARTF Grant for reimbursement of the purchase of the Teer Property for the expansion of Bill Cooke Park.

SUGGESTED MOTION(S):

I make a motion to authorize staff of the Graham Recreation and Parks Department to apply for a 2025 PARTF Grant for reimbursement of the purchase of the Teer Property for the expansion of Bill Cooke Park.

STAFF REPORT

SUBJECT:	AWARD CONTRACT AND APPROVE PROJECT BUDGET FOR HOME, BANKS, MCBRIDE WATER MAIN REPLACEMENT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Award contract to Pipeline Utilities, Inc. for Home, Banks, and McBride water main replacement project and project budget in the amount of \$288,000.

BACKGROUND/SUMMARY:

Bids were received for a waterline replacement project on March 26th, 2025, to install an 8” and 12” line. The City received five (5) bids for the project ranging from \$946,036.00 to \$1,694,438.00 (one bid was deemed incomplete). All bids complied with the bidding requirements, and Pipeline Utilities, Inc. submitted the lowest responsive base bid for \$946,036.00. As indicated in the letter submitted by AWCK, the low bid for this project is consistent with the Engineer’s Estimate for the base contract and alternate bid and within the total project budget of \$970,886.00. There is currently \$862,369.25 in a prior approved project ordinance; \$288,000 will need to be approved in a project ordinance to cover the bid and project administration along with the approval of the awarded contract.

FISCAL IMPACT:

The base bid and alternate bid, plus a construction easement the City is procuring, are all within the budgeted prices and therefore we recommend that the Council award the base bid and alternate bid to Pipeline Utilities, Inc. in the total amount of \$970,886.00 as the lowest responsive bid.

CONTRACTOR	N.C. LICENSE NO.	BID SECURITY	E-VERIFY	CQS	MBE Compliance	ADD. #1	TOTAL BID	TOTAL ALT BID
Pipeline Utilities Inc.*	325	X	X	X	X	X	\$ 946,036.00	\$ 24,850.00
PDC, Inc.	56550	X	X	X	X	X	\$ 1,055,029.00	\$ 21,175.00
Breece Enterprises, Inc.	19819	X	X	X	X	X	\$ 1,227,500.00	\$ 21,000.00
Triangle Grading & Paving, Inc.	17456	X	X	X	X	X	\$ 1,694,438.00	\$ 52,500.00
Con-Mech Contractor’s Inc.**	71903		X	X	X	X	Non-Responsive	Non-Responsive

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the resolution awarding the contract to Pipeline Utilities, Inc. for Home, Banks, and McBride water main replacement project and project budget in the amount of \$288,000.

**CAPITAL PROJECT ORDINANCE
HOME, BANKS, & MCBRIDE IMPROVEMENTS PROJECT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

- Section 1. The authorized project is the Home, Banks, and McBride Improvements Project.
- Section 2. The officials of the City of Graham are hereby directed to proceed with this project within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Proceeds from Retained Earnings – Water/Sewer	\$ 288,000
TOTAL	<hr/> \$ 288,000

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

Professional Services and Construction	\$ 288,000
TOTAL	<hr/> \$ 288,000

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

This the 8th day of April 2025.

Jennifer Talley - Mayor

ATTEST:

Renee M. Ward – City Clerk



March 27, 2025

City of Graham
201 S. Main Street
Graham, NC 27253

Subject: Home, Banks, McBride Waterline Replacement
AWCK Project No. 200770C

Honorable Mayor and City Council:

Bids for the subject project were opened on Wednesday, March 26th, 2025, in the City of Graham Council Chambers. Five (5) bids were received with the lowest responsive base bid submitted by Pipeline Utilities, Inc. of Raleigh, NC in the amount of \$946,036.00. One bid received was incomplete and rejected. Attached with this letter is a copy of the Tabulation of Bids showing the bidder's name and amount of each bid.

This base contract consists of constructing approximately 1,850 linear feet of 8" ductile iron watermain, 500 linear feet of 12" ductile iron watermain, 1,500 lbs of ductile iron compact fittings, 23 services as required to reconnect residents, along with taps, valves, and hydrants to complete installation of the waterlines.

An alternate bid included in the subject project consists of replacing 7 galvanized services on the private side of the water meter with copper piping for an additional cost of \$24,850.00. The alternate bid was proposed to bring the affected area up to standards for the Lead and Copper rule revisions.

Pipeline Utilities, Inc. has been in business since 1937 and has successfully completed similar utility projects for other municipalities in Alamance County and surrounding counties. In addition, they have installed the utilities for AWCK engineered projects and received good recommendations for work completed.

The base bid and alternate bid, plus a construction easement the City is procuring, are all within the budgeted prices and therefore we recommend that the Council award the base bid and alternate bid to Pipeline Utilities, Inc. in the total amount of \$970,886.00 as the lowest responsive bid.

We look forward to working with the City and Contractor during the construction phase of this project. Should you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Trenton Novelli', is written over a horizontal line.

Trenton Novelli, PE

encl.

cc: Aaron Holland, Assistant City Manager
Tonya Mann, Utilities Director
Josh Johnson, PE, City Engineer

TABULATION OF BIDS

City of Graham

Project Title: City of Graham – Home, Banks, McBride Waterline Replacement

Bid Time & Date: 2:00 PM, Wednesday, March 26, 2025

Bids Opened By: Trenton Novelli, PE Witnessed By: Brent Mills, PE, 5 Bidders, Tonya Mann

AWCK Project No: 200770C

Location: City of Graham Council Chambers

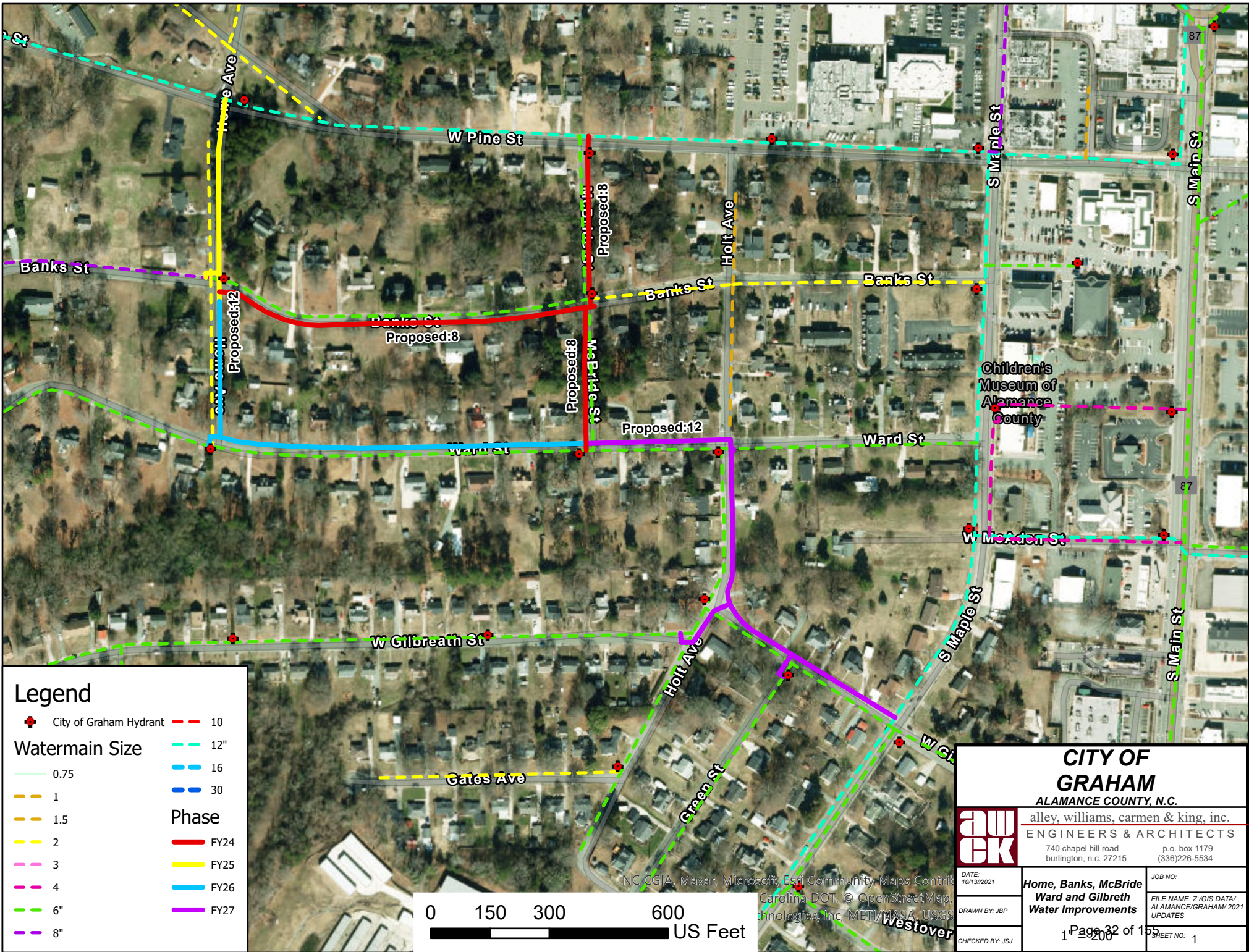
CONTRACTOR	N.C. LICENSE NO.	BID SECURITY	E-VERIFY	CQS	MBE Compliance	ADD. #1	TOTAL BID	TOTAL ALT BID
Pipeline Utilities Inc. *	325	X	X	X	X	X	\$ 946,036.00	\$ 24,850.00
PDC, Inc.	56550	X	X	X	X	X	\$ 1,055,029.00	\$ 21,175.00
Breece Enterprises, Inc.	19819	X	X	X	X	X	\$ 1,227,500.00	\$ 21,000.00
Triangle Grading & Paving, Inc.	17456	X	X	X	X	X	\$ 1,694,438.00	\$ 52,500.00
Con-Mech Contractor's Inc. **	71903		X	X	X	X	Non-Responsive	Non-Responsive

*Lowest Responsive Bidder

**Bid Bond not submitted with Bid – Bid considered non-responsive

THIS IS CERTIFIED TO BE A TRUE COPY OF BIDS RECEIVED





Legend

+ City of Graham Hydrant
--- 12"
--- 16"
--- 30"
--- 1
--- 1.5
--- 2
--- 3
--- 4
--- 6"
--- 8"

Phase

--- FY24
--- FY25
--- FY26
--- FY27



CITY OF GRAHAM ALAMANCE COUNTY, N.C.	
alley, williams, carmen & king, inc. ENGINEERS & ARCHITECTS 740 chapel hill road p.o. box 1179 burlington, n.c. 27215 (336)226-5534	
DATE: 10/13/2021	JOB NO:
DRAWN BY: JBP	FILE NAME: Z:\GIS DATA\ALAMANCE\GRAHAM\ 2021 UPDATES
CHECKED BY: JSJ	SHEET NO: 1

**Home, Banks, McBride
Ward and Gilbreth
Water Improvements**



STAFF REPORT

Prepared by Cameron West, Planner

Ivey Road Townhomes (CR2401)

Type of Request: Conditional Rezoning

Meeting Dates

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

Summary

This is a request to rezone 6.27 acres of property from R-18 (Low Density Residential) to C-R (Conditional Residential) for the purpose of constructing 29 town homes. The site plans to have private roadways and connect to water and sewer through the existing utilities surrounding the property. The property is fully inside of the Suburban Residential future land use zone. The future land use plan mentions the principle uses in this zone are predominantly detached single family homes and that new neighborhoods may include a range of duplexes, town homes, and small scale multi-family dwellings of twelve units or less. The development falls in around 4.62 dwelling units per acre which meets the appropriate density in the suburban residential land use zone of 3-6 dwelling units per acre. The site plans to have one entrance into the development on Ivey Road as comments from NCDOT during the TRC review suggested that there be no driveway connection on the East Gilbreath side due to distance requirements and potential traffic impacts. The applicant has requested some conditions with the development that can be found on the site plan and on the owners conditions sheet provided in the packet. Outside of these conditions, all aspects of the R-MF zoning district are being met. Since the development is over 5 acres in size the applicant was required to provide open space within the development and all areas can be found on the site plan. Planning Board Recommended approval of the project at a vote of 5-0. Along with the recommendation, the Planning Board recommended multiple conditions as well. Those are: To accept the updated owners conditions presented during the meeting, Require an 8 foot tall, at time of planting, evergreen tree buffer to supplement the Type C buffer required on the South Eastern portion of the property. Plantings shall be spaced to 90% opacity to decrease visibility into the development, In the same South Eastern portion, a berm is to be installed to divert water away from the neighboring property, work with Gas Company and NCDOT to relocate driveway further east to provide more space between Strout driveway, Open space grilling area along the Strout property line to be changed to undisturbed open space, include berm on Ivey Road Street planting, acceptance of alternative turnaround approved by Fire Marshall, SCM to meet pre/post calculations required by ordinance, and require streets to be public.

Contact Information:

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

<u>Location</u>
Off of Ivey Road and E Gilbreath Street
<u>GPINs:</u>
8883689826, 8883687363
<u>Current Zoning</u>
R-18 (Low Density Residential)
<u>Proposed Zoning</u>
C-R (Conditional Residential)
<u>Overlay District</u>
N/A
<u>Surrounding Zoning</u>
R-18, I-1, R-MF, & C-MXR
<u>Surrounding Land Uses</u>
Single Family, Industrial, Multi-Family
<u>Size</u>
6.27 Acres
<u>Public Water & Sewer</u>
Yes
<u>Floodplain</u>
No

Graham Zoning



City of Graham

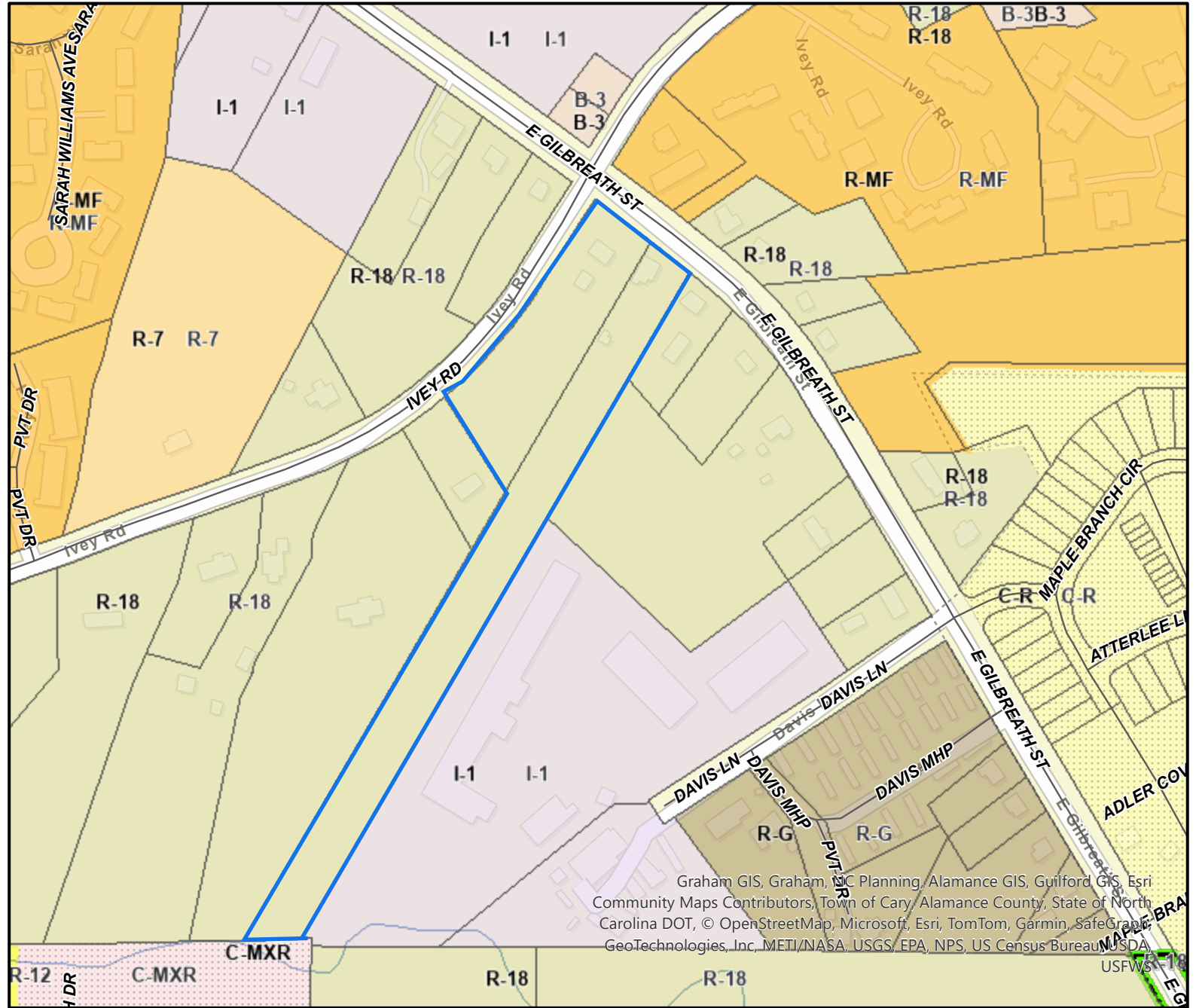
Legend

- Streets
- Tax Parcels (unofficial)
- Zoning Districts**
- B-1, Central Business District
- B-2, General Business District
- B-3, Neighborhood Business District
- C-B, Conditional Business
- C-I, Conditional Industrial
- C-MXC, Conditional Commercial Mixed Use
- C-MXR, Conditional Residential Mixed Use
- C-O-I, Conditional Office and Institutional
- C-R, Conditional Residential District
- I-1, Light Industrial District
- I-2, Heavy Industrial District
- O-I, Office and Institutional
- R-7, High-Density Residential District
- R-9, High-Density Residential District
- R-12, Medium-Density Residential District
- R-15, Medium-Density Residential District
- R-18, Low-Density Residential District



1:4,514

Print Date: 11/21/2024



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Disclaimer:
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Graham Zoning



City of Graham

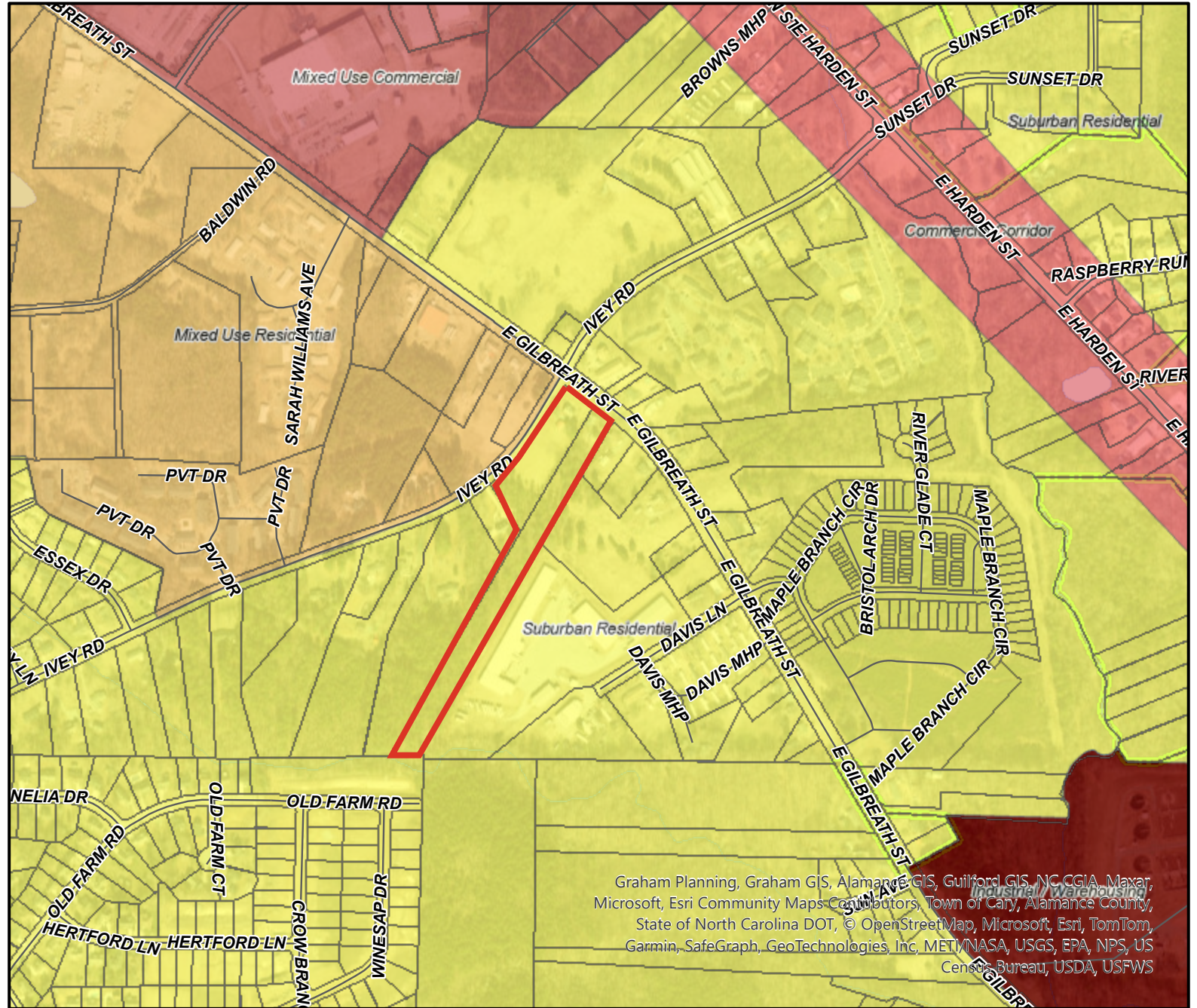
Legend

- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata
- Streets
- Tax Parcels (unofficial)
- Future Land Use**
- Downtown District
- Mixed Use Commercial
- Education District
- Employment District
- Industrial / Warehousing
- Mixed Use Residential
- Downtown Residential
- Suburban Residential
- Commercial Corridor
- Rural Residential
- Future LandUse Annotation
- Graham ETJ
- Graham City Limit
- Alamance Lakes, Ponds, etc.
- Surface Streams
- Railroads
- ALAM_INTEREST_POINT
- Airport



1:9,028

Print Date: 12/10/2024



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Owner's conditional Zoning requests

- Setbacks to be allowed as shown on the Preliminary Sketch Plan

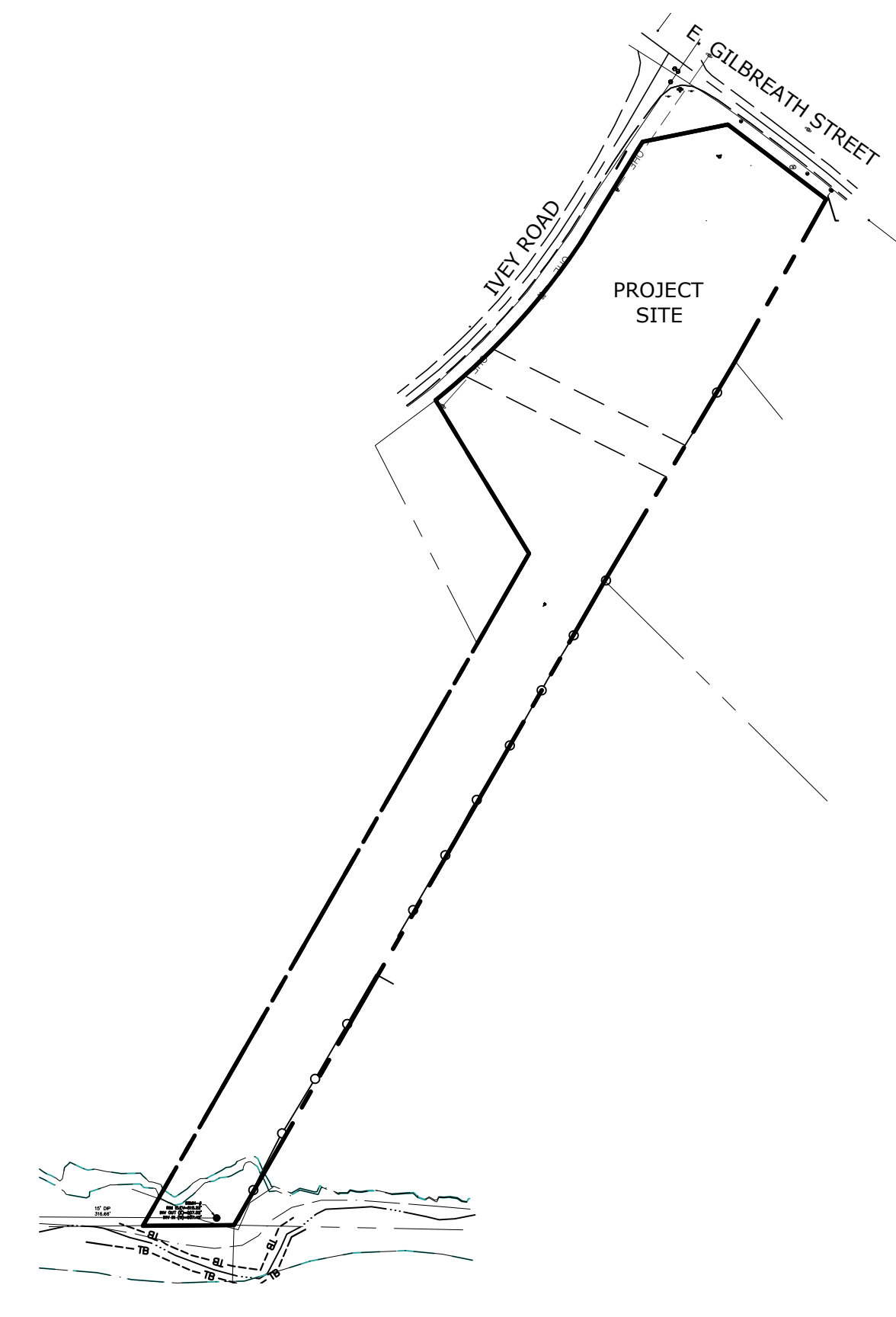
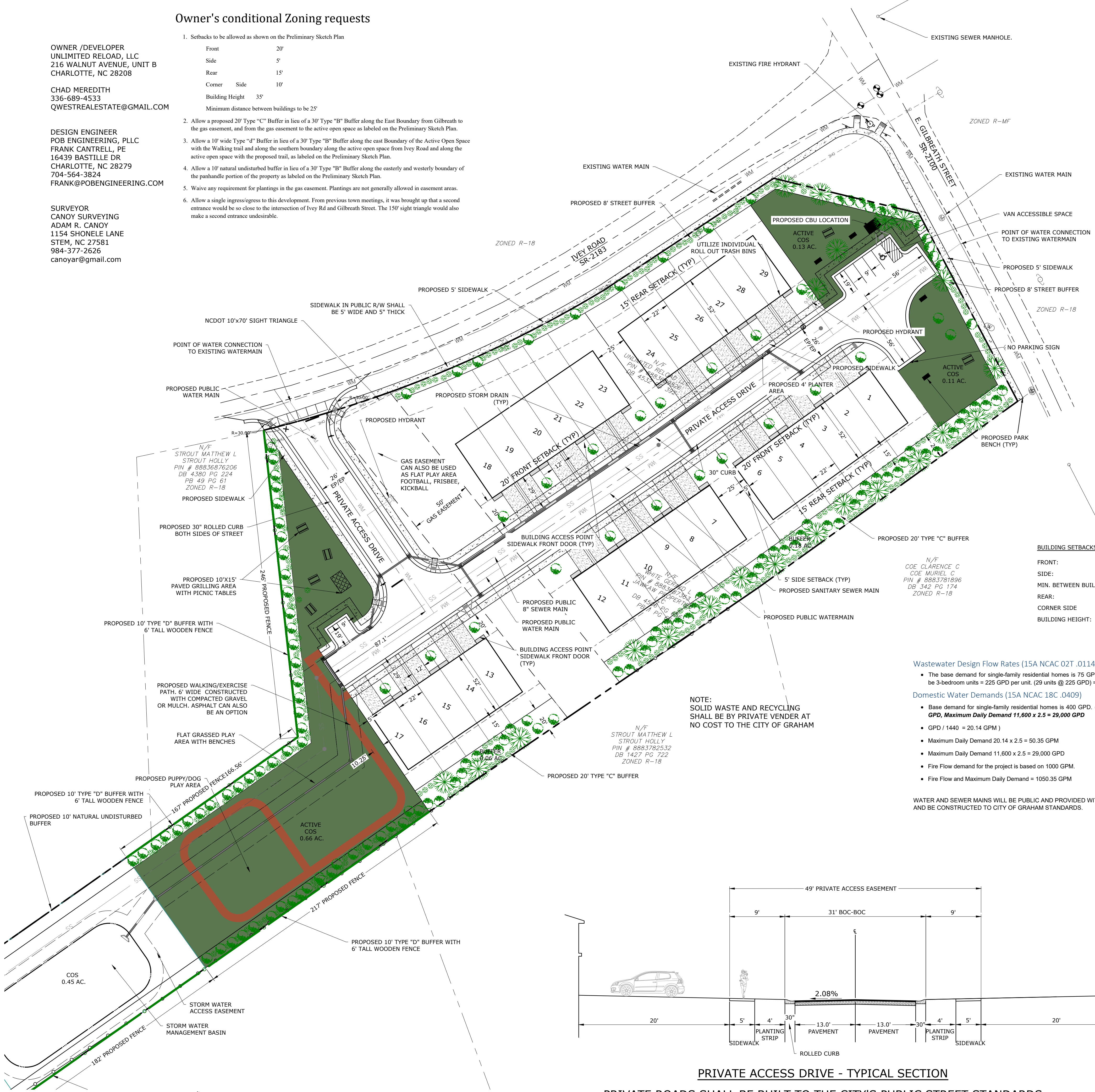
Front	20'
Side	5'
Rear	15'
Corner Side	10'
Building Height	35'
Minimum distance between buildings to be 25'	
- Allow a proposed 20' Type "C" Buffer in lieu of a 30' Type "B" Buffer along the East Boundary from Gilbreath to the gas easement, and from the gas easement to the active open space as labeled on the Preliminary Sketch Plan.
- Allow a 10' wide Type "D" Buffer in lieu of a 30' Type "B" Buffer along the east boundary of the Active Open Space with the Walking trail and along the southern boundary along the active open space from Ivey Road and along the active open space with the proposed trail, as labeled on the Preliminary Sketch Plan.
- Allow a 10' natural undisturbed buffer in lieu of a 30' Type "B" Buffer along the easterly and westerly boundary of the panhandle portion of the property as labeled on the Preliminary Sketch Plan.
- Waive any requirement for plantings in the gas easement. Plantings are not generally allowed in easement areas.
- Allow a single ingress/egress to this development. From previous town meetings, it was brought up that a second entrance would be so close to the intersection of Ivey Rd and Gilbreath Street. The 150' sight triangle would also make a second entrance undesirable.

OWNER /DEVELOPER
UNLIMITED RELOAD, LLC
216 WALNUT AVENUE, UNIT B
CHARLOTTE, NC 28208

CHAD MEREDITH
336-689-4533
QWESTREALSTATE@GMAIL.COM

DESIGN ENGINEER
POB ENGINEERING, PLLC
FRANK CANTRELL, PE
16439 BASTILLE DR
CHARLOTTE, NC 28279
704-564-3824
FRANK@POBENGINEERING.COM

SURVEYOR
CANOY SURVEYING
ADAM R. CANOY
1154 SHONELE LANE
STEM, NC 27581
984-377-2626
canoyar@gmail.com



VICINITY MAP
SCALE: 1"=200'

DEVELOPMENT DATA

OWNER INFO:	UNLIMITED RELOAD, LLC	
DEVELOPER INFO:	CHAD MEREDITH	
CONTACT:	QWESTREALSTATE@GMAIL.COM	
EMAIL:	901 E. GILBREATH ST. GRAHAM, NC	
SITE ADDRESS:	6.38±	
GROSS SITE AREA:	8883689826 & 8883687363	
P.I.D. No.:	R-18	
EXISTING ZONING:	CONDITIONAL RESIDENTIAL	
PROPOSED ZONING:	RESIDENTIAL	
EXISTING USE:	RESIDENTIAL TOWNHOMES	
PROPOSED USE:	29	
PROPOSED # OF UNITS:	4.24± DUA	
PROPOSED DENSITY:	10% 0.64 ACRES	
OPEN SPACE REQUIRED:	14% 0.90 ACRES	
ACTIVE OPEN SPACE PROVIDED:	2.5 ACRES	
PASSIVE OPEN SPACE PROVIDED:	3.40 ACRES	
TOTAL OPEN SPACE PROVIDED:	58	
PARKING REQUIRED:	6	
VISITOR PARKING:	1	
VAN ACCESSIBLE SPACE:	65	
TOTAL PARKING PROVIDED:		

Wastewater Design Flow Rates (15A NCAC 02T .0114)

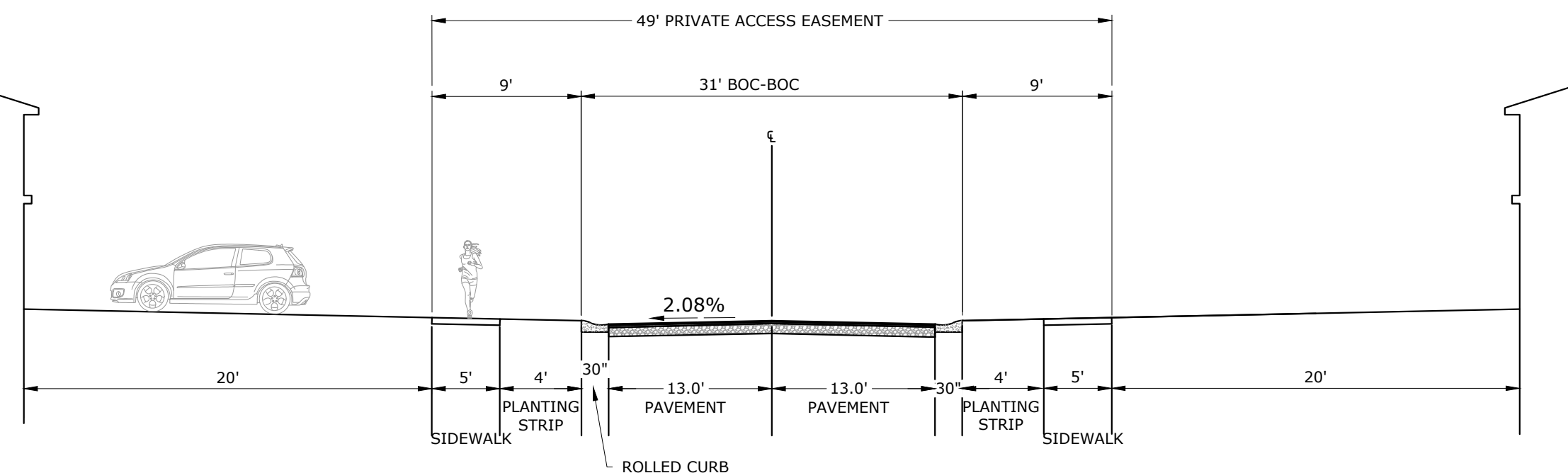
- The base demand for single-family residential homes is 75 GPD per bedroom. These homes will be 3-bedroom units = 225 GPD per unit. (29 units @ 225 GPD) = **6,525 GPD**.

Domestic Water Demands (15A NCAC 18C .0409)

- Base demand for single-family residential homes is 400 GPD. (29 homes @ 400 GPD) = 11,600 GPD. **Maximum Daily Demand 11,600 x 2.5 = 29,000 GPD**
- GD / 1440 = 20.14 GPM
- Maximum Daily Demand 20.14 x 2.5 = 50.35 GPM
- Maximum Daily Demand 11,600 x 2.5 = 29,000 GPD
- Fire Flow demand for the project is based on 1000 GPM.
- Fire Flow and Maximum Daily Demand = 1050.35 GPM

NOTE:
SOLID WASTE AND RECYCLING
SHALL BE BY PRIVATE VENDOR AT
NO COST TO THE CITY OF GRAHAM

WATER AND SEWER MAINS WILL BE PUBLIC AND PROVIDED WITH NECESSARY EASEMENTS AND BE CONSTRUCTED TO CITY OF GRAHAM STANDARDS.



PRIVATE ACCESS DRIVE - TYPICAL SECTION
PRIVATE ROADS SHALL BE BUILT TO THE CITY'S PUBLIC STREET STANDARDS
AND MAINTAINED BY THE HOA
NTS

Impervious Area Calculations
Ivey Heights
10/27/2024

Townhome Site Impervious Areas				
Description	Sq. Ft.	Future Use SF	Total (sq ft)	Total (ACRE)
Townhome Site Area			297,950	6.84
Driveway			11,310	0.26
Sidewalks			8,544	0.20
Buildings			51,566	1.18
Future (patios etc)	50	29	1,450	0.03
Subtotal:			72,870	1.67
Impervious area				24%

Public Street Impervious Areas				
Description	Sq. Ft.	Future Use SF	Total (sq ft)	Total (ACRE)
Road, Curb & Gutter			21,687	0.50
Subtotal:			21,687	0.50

Total Site	SF	ACRES
Total Site	297,950	6.84
Total Site Impervious	94,557	2.17
Total Site Impervious percentage		32%

Plot Stamp: 12/1/2024 11:07:51 AM - F.Cantrell
File: Z:\Shared\Projects\Ivey Heights\Civil\DWG\01_Base\Sketch Plan\2024-09-30 Sketch 3.dwg, Tab: C-100 SITE PLAN SHEETS

PRELIMINARY SKETCH PLAN - NORTHERN PORTION

IVEY HEIGHTS
CHAD MEREDITH

GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

POB Engineering
16439 Bastille Dr.
Charlotte, NC 28278
704-564-3824
Frank.Cantrell@pobengineering.com

NORTH CAROLINA COL P-1888



December 1, 2024

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PLANNING AND ZONING REVIEW PLANS

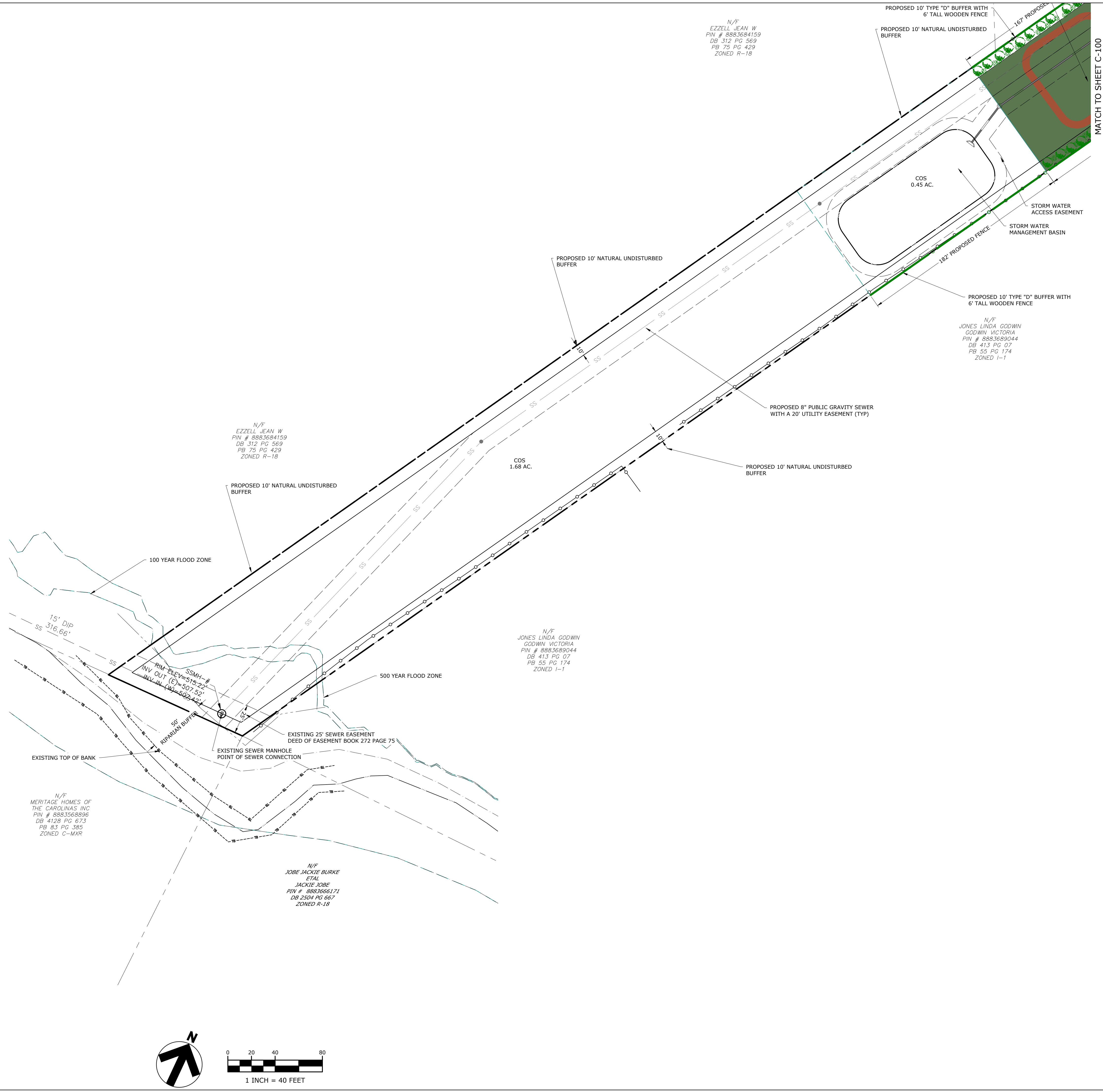
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1	10/02/2024	City of Graham, 1st REVIEW COMMENTS	

DRAWN: FC
DESIGNED: FC
CHECKED: DC
PROJECT #: 11111111

SHEET NUMBER

C-100





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NO.	DATE	DESCRIPTION	BY
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1	10/02/2024	City of Graham 1st REVIEW COMMENTS	

DRAWN | FC
 DESIGNED | FC
 CHECKED | DC
 PROJECT # | 11111111

SHEET NUMBER
C-101

PRELIMINARY SKETCH PLAN - SOUTHERN PORTION
IVEY HEIGHTS
CHAD MEREDITH
 GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

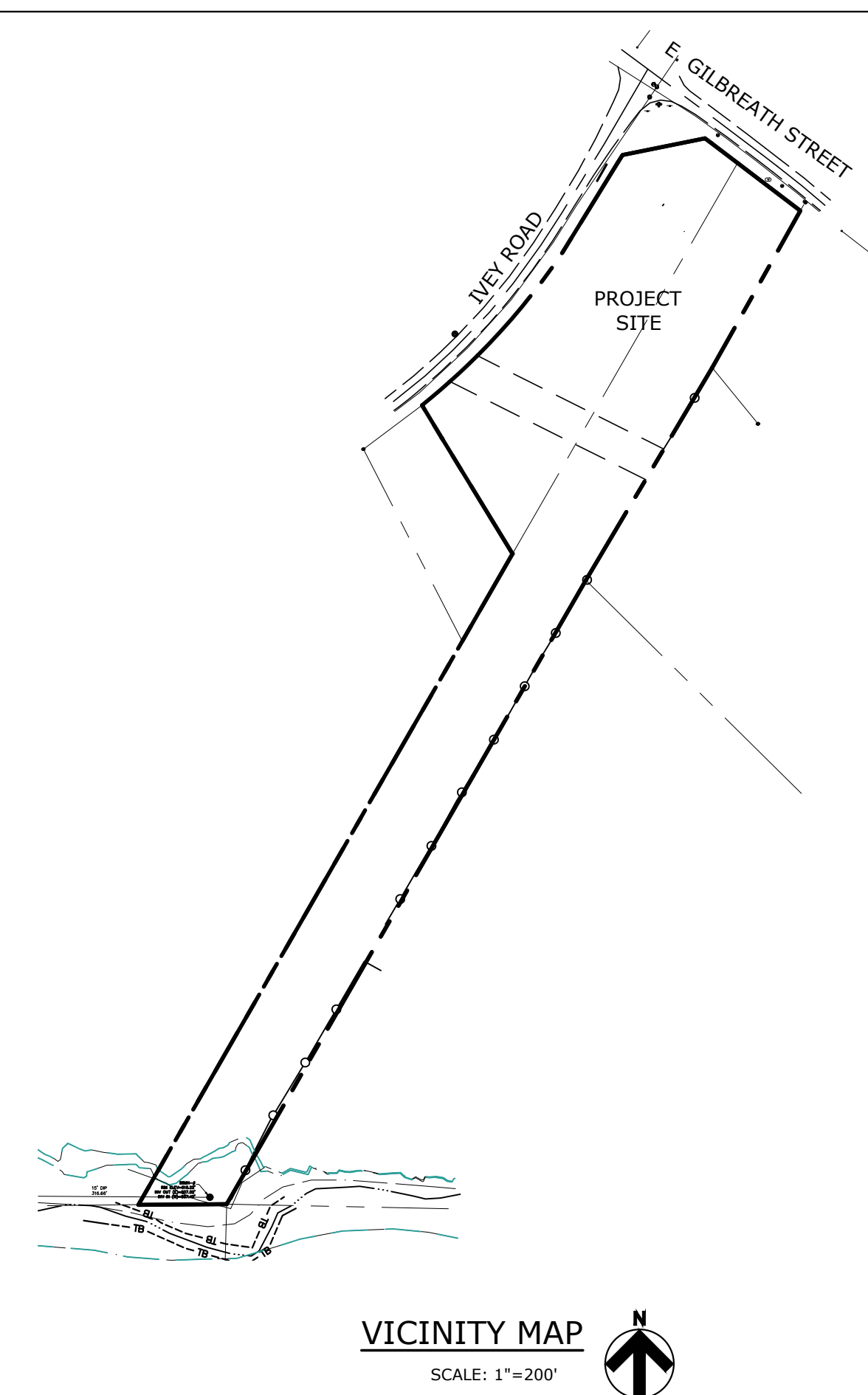
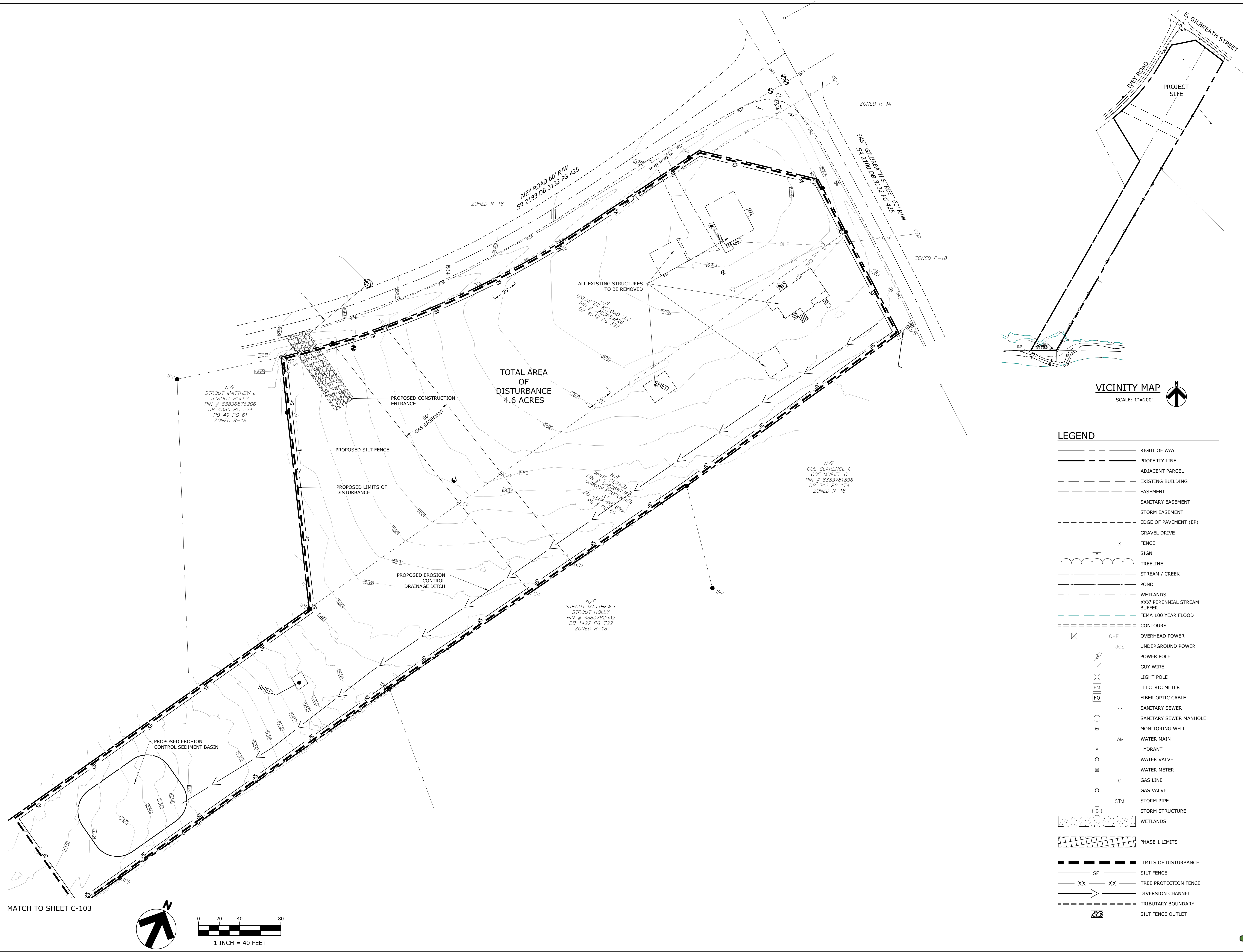
December 1, 2024



NORTH CAROLINA COL
 P-1888

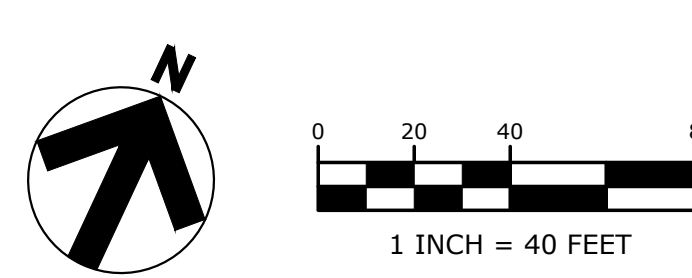
POB Engineering
 16439 Bastille Dr.
 Charlotte, NC 28278
 704-564-3824
 Frank.Cantrell@pobengineering.com

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LEGEND

---	RIGHT OF WAY
---	PROPERTY LINE
---	ADJACENT PARCEL
---	EXISTING BUILDING
---	EASEMENT
---	SANITARY EASEMENT
---	STORM EASEMENT
---	EDGE OF PAVEMENT (EP)
---	GRAVEL DRIVE
---	FENCE
---	SIGN
---	TREELINE
---	STREAM / CREEK
---	POND
---	WETLANDS
---	XXX' PERENNIAL STREAM BUFFER
---	FEMA 100 YEAR FLOOD
---	CONTOURS
---	OHE OVERHEAD POWER
---	UGE UNDERGROUND POWER
---	POWER POLE
---	GUY WIRE
---	LIGHT POLE
---	ELECTRIC METER
---	FIBER OPTIC CABLE
---	SS SANITARY SEWER
---	SANITARY SEWER MANHOLE
---	MONITORING WELL
---	WM WATER MAIN
---	HYDRANT
---	WATER VALVE
---	WATER METER
---	GAS LINE
---	GAS VALVE
---	STM STORM PIPE
---	STORM STRUCTURE
---	WETLANDS
---	PHASE I LIMITS
---	LIMITS OF DISTURBANCE
---	SILT FENCE
---	TREE PROTECTION FENCE
---	DIVERSION CHANNEL
---	TRIBUTARY BOUNDARY
---	SILT FENCE OUTLET



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NORTH CAROLINA COL P-1888

SEAL 039811

FRANK L. CANTRELL
 ENGINEER

December 1, 2024

PRELIMINARY SKETCH PLAN - EXISTING CONDITIONS
NORTHERN PORTION
IVEY HEIGHTS
CHAD MEREDITH
GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

NOT FOR CONSTRUCTION
 PLANNING AND ZONING REVIEW PLANS

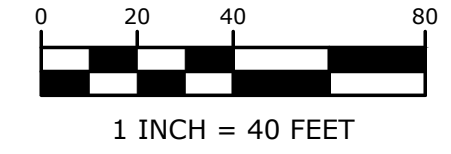
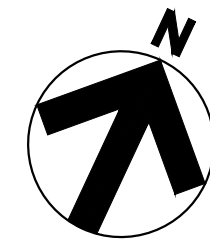
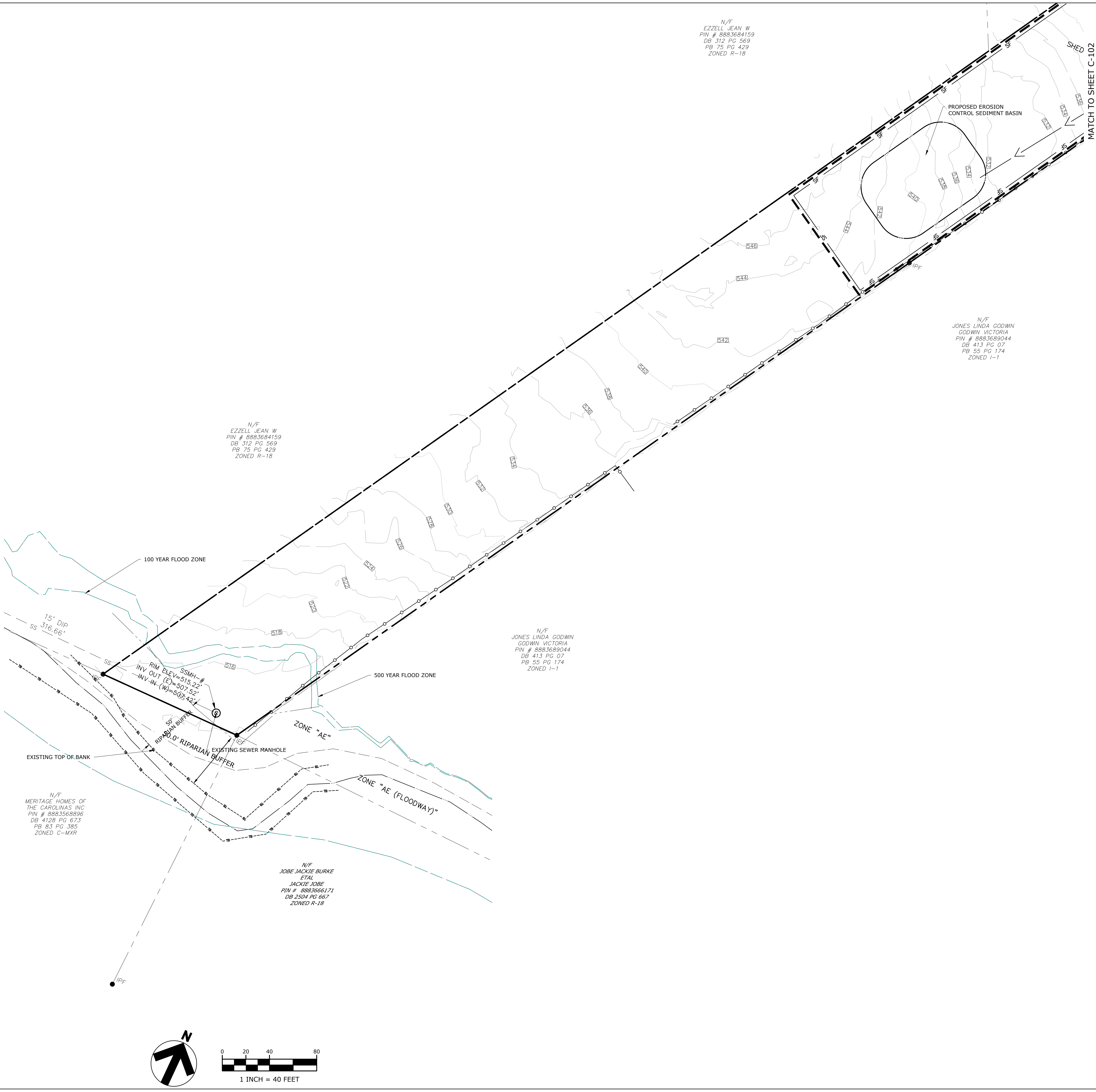
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SHEET NUMBER
C-102



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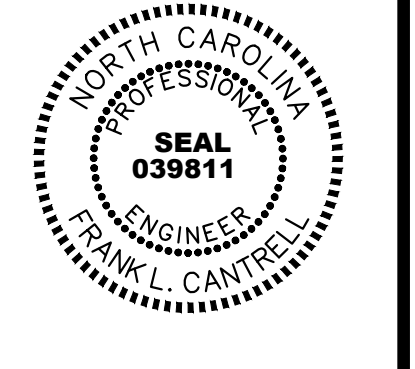
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 DESIGNED | FC
 CHECKED | DC
 PROJECT # | 11111111

SHEET NUMBER

C-103

PRELIMINARY SKETCH PLAN - EXISTING CONDITIONS
 SOUTHERN PORTION
 IVEY HEIGHTS
 CHAD MEREDITH
 GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

December 1, 2024



NORTH CAROLINA COL
 P-1888

POB Engineering
 16439 Bastille Dr.
 Charlotte, NC 28278
 704-564-3824
 Frank.Cantrell@pobengineering.com

Owner's conditional Zoning requests

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

Side 5' (Does not Occur)

Rear 15'

Corner Side 10' (Does not Occur)

Building Height 35' (per the Ordinance)

Minimum distance between buildings to be 25' (per the Ordinance)

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

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

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

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

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

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

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

Applicable Policies:

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

Staff Recommendation

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

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

Planning Board Recommendation:

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

Planning Type

Neighborhoods

Development Type

Suburban Residential

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

Appropriate Density

3 to 6 Dwelling Units Per Acre

Graham Zoning



City of Graham

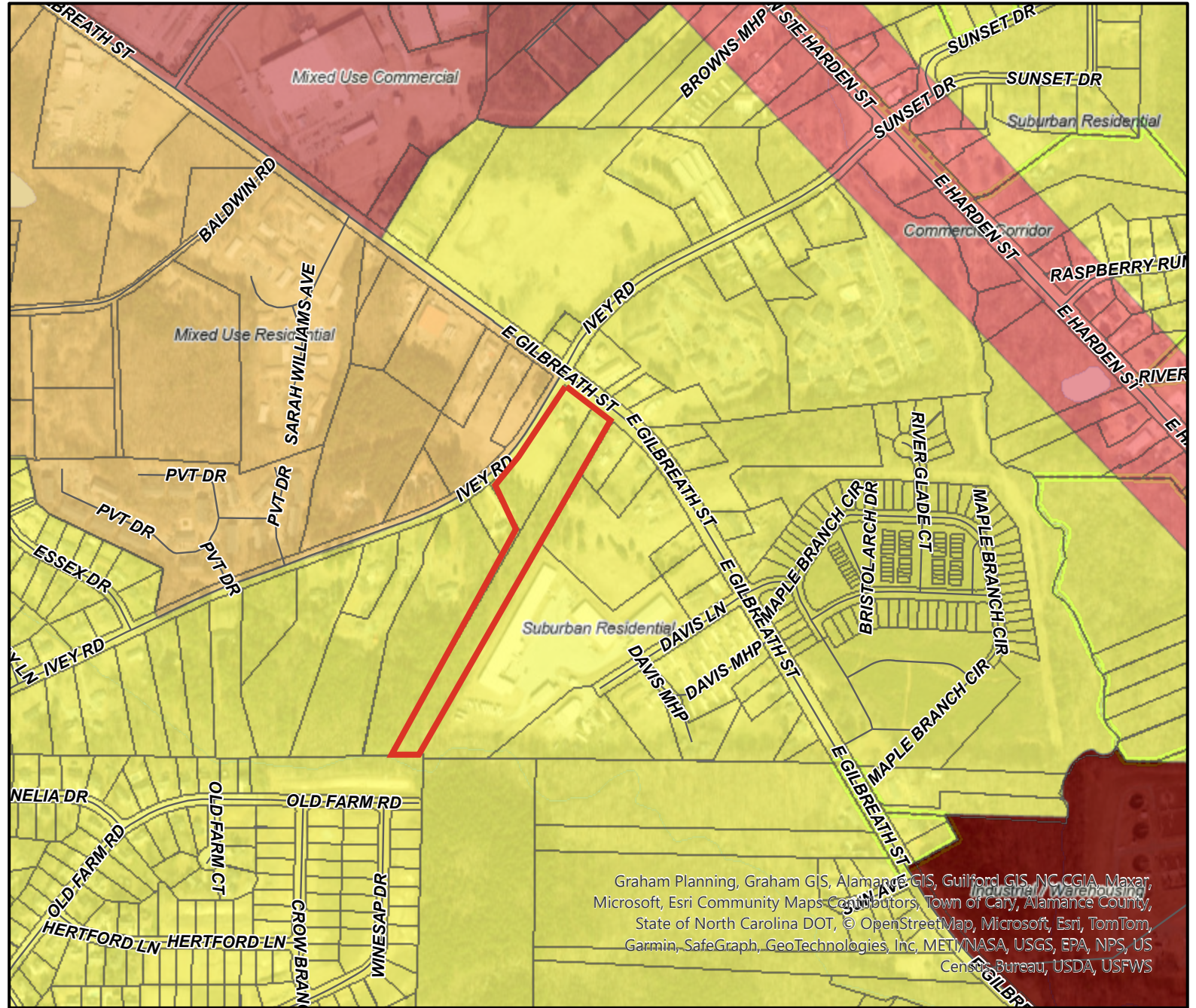
Legend

- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata
- Streets
- Tax Parcels (unofficial)
- Future Land Use**
- Downtown District
- Mixed Use Commercial
- Education District
- Employment District
- Industrial / Warehousing
- Mixed Use Residential
- Downtown Residential
- Suburban Residential
- Commercial Corridor
- Rural Residential
- Future LandUse Annotation
- Graham ETJ
- Graham City Limit
- Alamance Lakes, Ponds, etc.
- Surface Streams
- Railroads
- ALAM_INTEREST_POINT
- Airport



1:9,028

Print Date: 12/10/2024



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Owner's conditional Zoning requests

- Setbacks to be allowed as shown on the Preliminary Sketch Plan
 - Front 20'
 - Side 5'
 - Rear 15'
 - Corner Side 10'
 - Building Height 35'
 - Minimum distance between buildings to be 25'
- Allow a proposed 20' Type "C" Buffer in lieu of a 30' Type "B" Buffer along the East Boundary from Gilbreath to the gas easement, and from the gas easement to the active open space as labeled on the Preliminary Sketch Plan.
- Allow a 10' wide Type "D" Buffer in lieu of a 30' Type "B" Buffer along the east boundary of the Active Open Space with the Walking trail and along the southern boundary along the active open space from Ivey Road and along the active open space with the proposed trail, as labeled on the Preliminary Sketch Plan.
- Allow a 10' natural undisturbed buffer in lieu of a 30' Type "B" Buffer along the easterly and westerly boundary of the panhandle portion of the property as labeled on the Preliminary Sketch Plan.
- Waive any requirement for plantings in the gas easement. Plantings are not generally allowed in easement areas.
- Allow a single ingress/egress to this development. From previous town meetings, it was brought up that a second entrance would be so close to the intersection of Ivey Rd and Gilbreath Street. The 150' sight triangle would also make a second entrance undesirable.

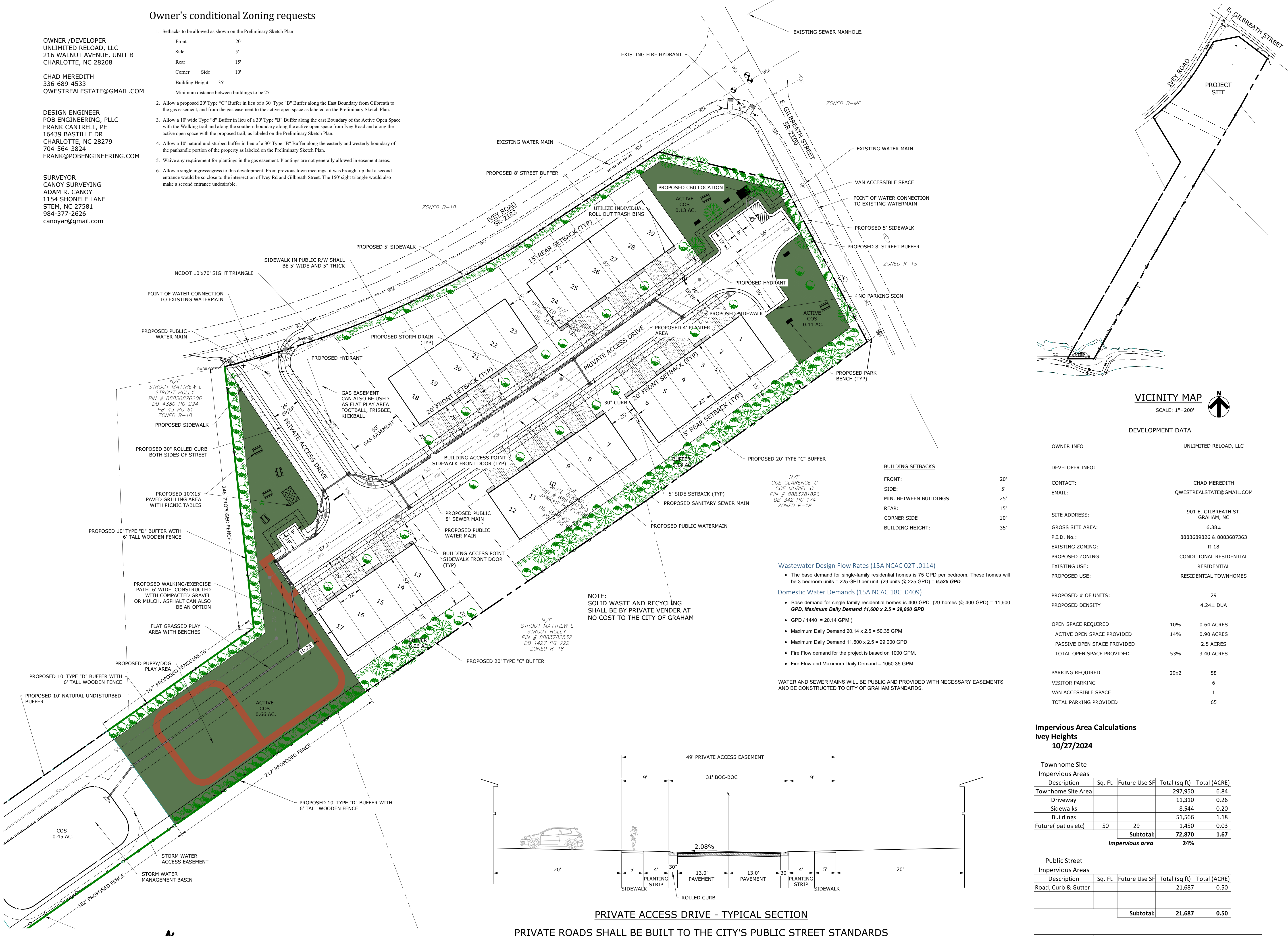
OWNER /DEVELOPER
UNLIMITED RELOAD, LLC
216 WALNUT AVENUE, UNIT B
CHARLOTTE, NC 28208

CHAD MEREDITH
336-689-4533
QWESTREALSTATE@GMAIL.COM

DESIGN ENGINEER
POB ENGINEERING, PLLC
FRANK CANTRELL, PE
16439 BASTILLE DR
CHARLOTTE, NC 28279
704-564-3824
FRANK@POBENGINEERING.COM

SURVEYOR
CANOY SURVEYING
ADAM R. CANOY
1154 SHONELE LANE
STEM, NC 27581
984-377-2626
canoyar@gmail.com

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File: Z:\Shared\Projects\Chad Meredith\Ivey Heights\Civil\DWG\01_Base\Sketch Plan\2024-09-30 Sketch 3.dwg, Tab: C-100 SITE PLAN SHEETS



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NORTH CAROLINA COL P-1888

December 1, 2024

PRELIMINARY SKETCH PLAN - NORTHERN PORTION
IVEY HEIGHTS
CHAD MEREDITH
GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

NOT FOR CONSTRUCTION
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Impervious Area Calculations Ivey Heights 10/27/2024

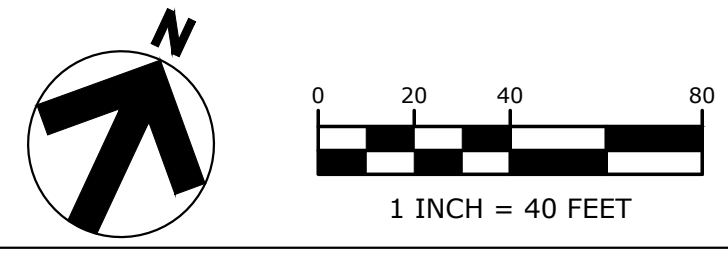
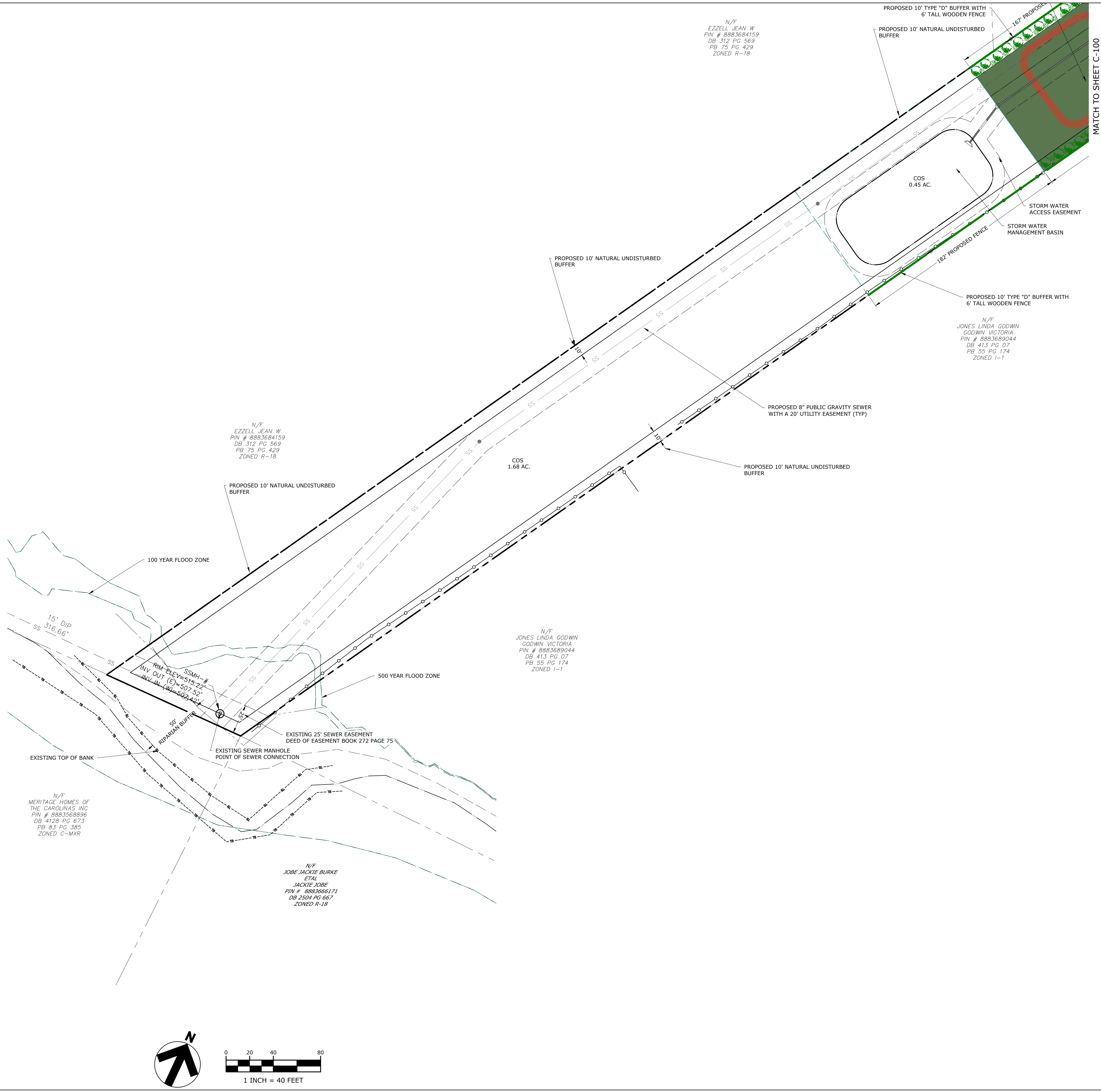
Townhome Site Impervious Areas

Description	Sq. Ft.	Future Use SF	Total (sq ft)	Total (ACRE)
Townhome Site Area			297,950	6.84
Driveway			11,310	0.26
Sidewalks			8,544	0.20
Buildings			51,566	1.18
Future (patios etc)	50	29	1,450	0.03
Subtotal:			72,870	1.67
			Impervious area	24%

Public Street Impervious Areas

Description	Sq. Ft.	Future Use SF	Total (sq ft)	Total (ACRE)
Road, Curb & Gutter			21,687	0.50
Subtotal:			21,687	0.50

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PRELIMINARY SKETCH PLAN - SOUTHERN PORTION
IVEY HEIGHTS
CHAD MEREDITH
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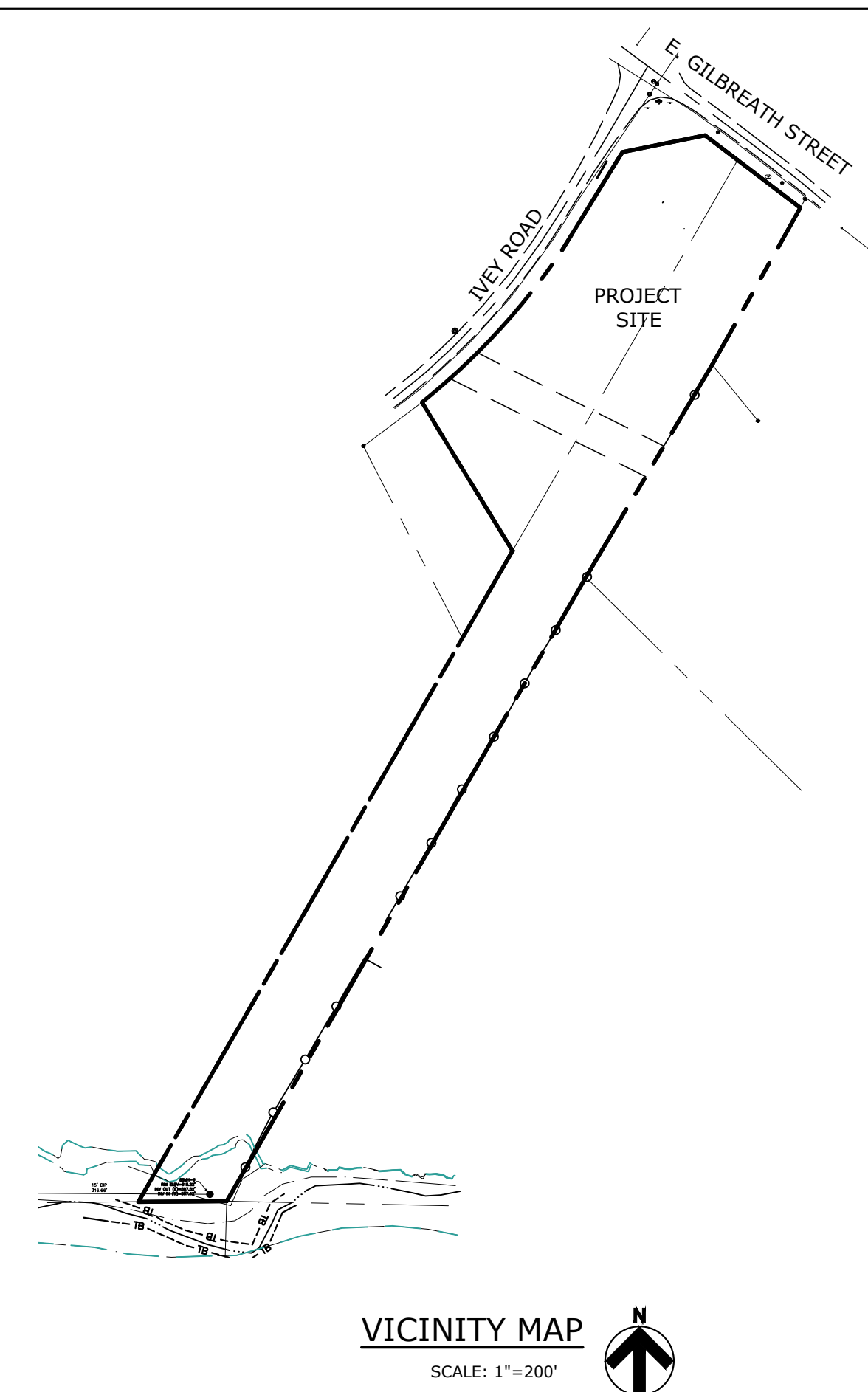
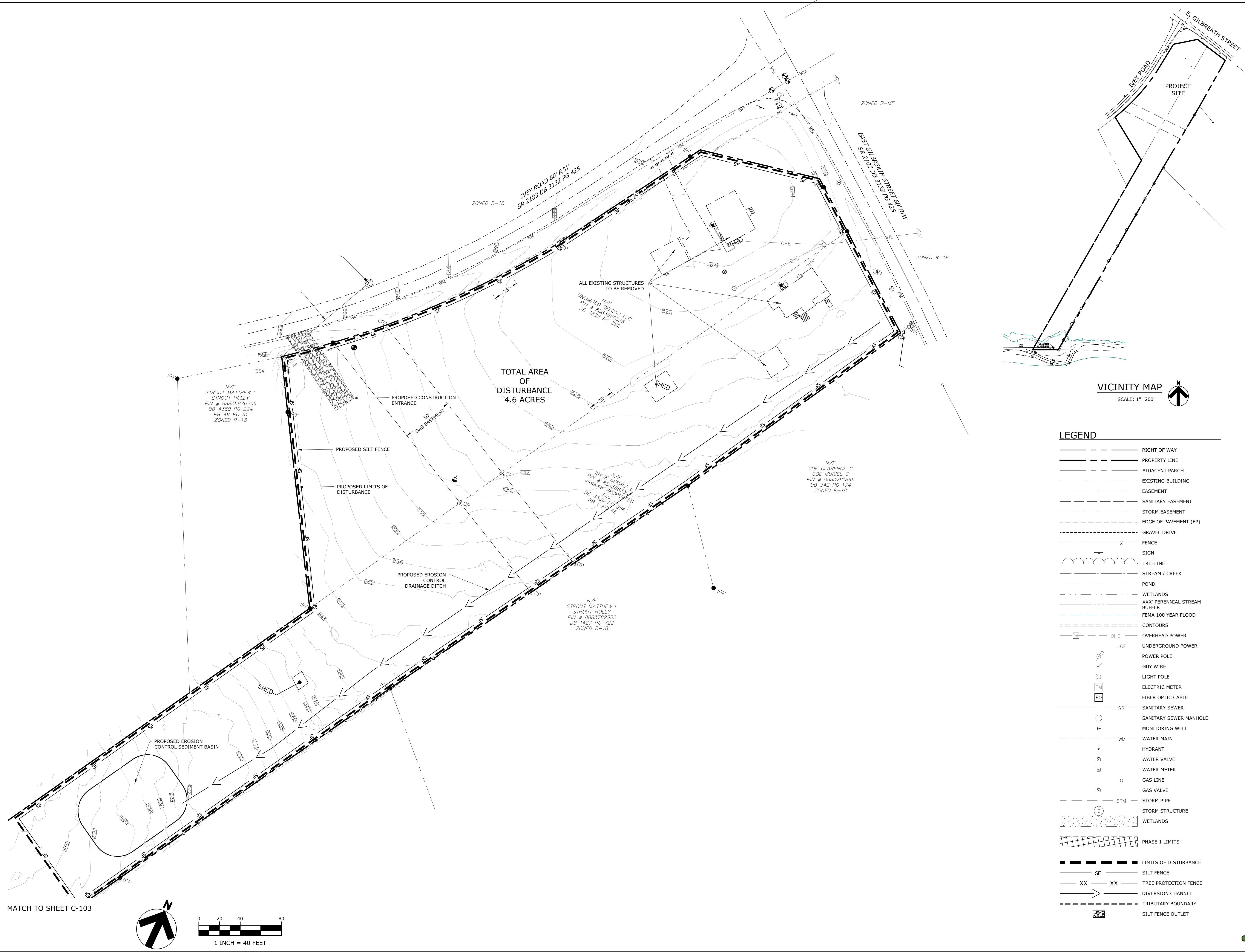
December 1, 2024



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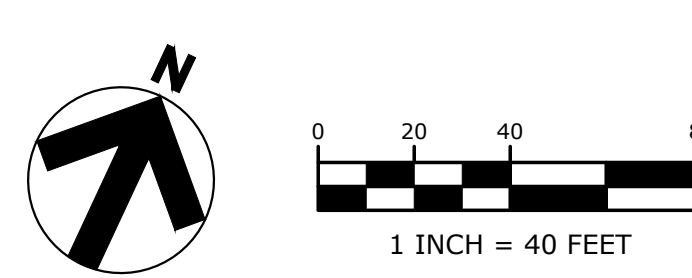


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LEGEND

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[Symbol]	EXISTING BUILDING
[Symbol]	EASEMENT
[Symbol]	SANITARY EASEMENT
[Symbol]	STORM EASEMENT
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[Symbol]	GRAVEL DRIVE
[Symbol]	FENCE
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SEAL
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 FRANK L. CANTRELL
 ENGINEER

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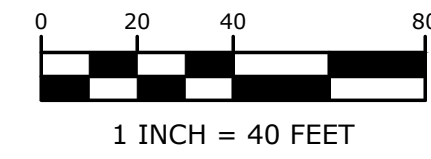
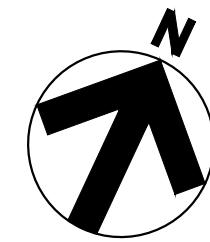
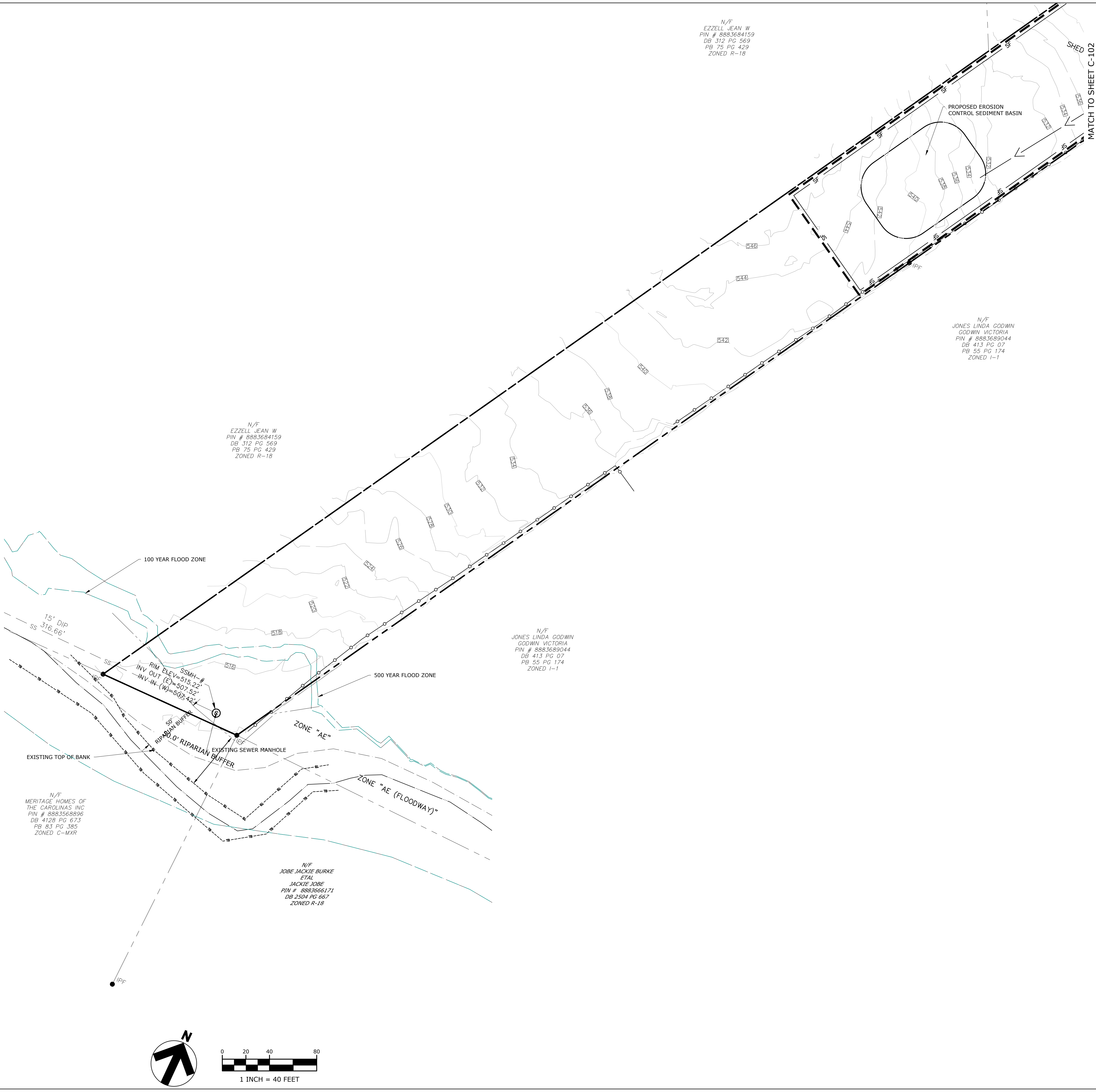
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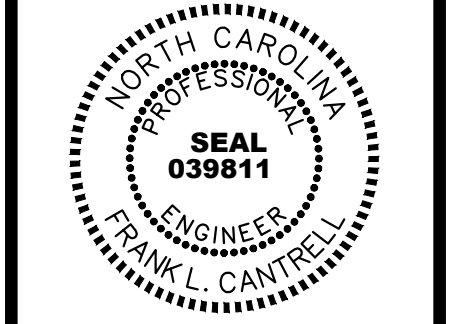
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PRELIMINARY SKETCH PLAN - EXISTING CONDITIONS
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 16439 Bastille Dr.
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Graham Zoning



City of Graham

Legend

— Streets

□ Tax Parcels (unofficial)

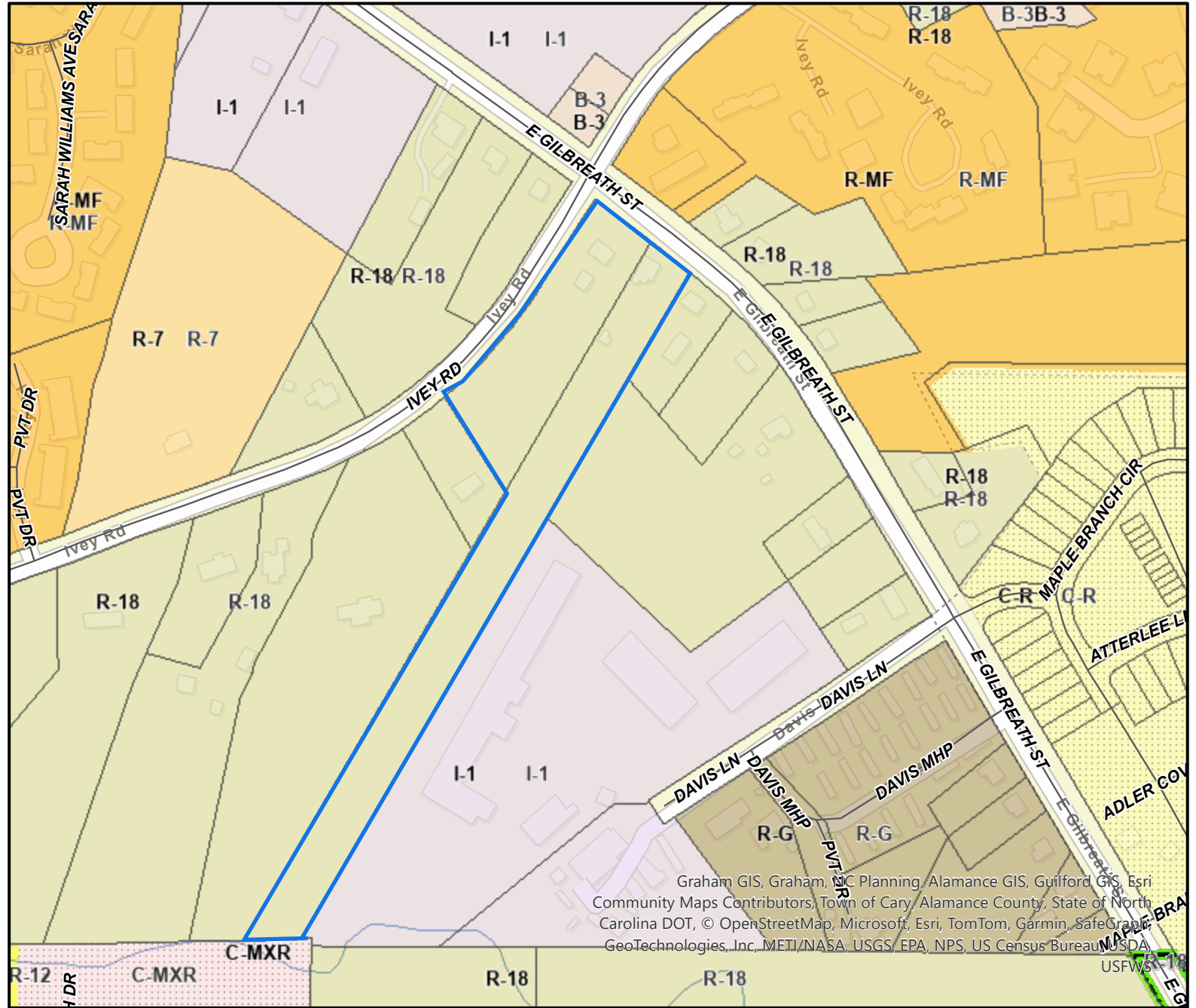
Zoning Districts

- B-1, Central Business District
- B-2, General Business District
- B-3, Neighborhood Business District
- C-B, Conditional Business
- C-I, Conditional Industrial
- C-MXC, Conditional Commercial Mixed Use
- C-MXR, Conditional Residential Mixed Use
- C-O-I, Conditional Office and Institutional
- C-R, Conditional Residential District
- I-1, Light Industrial District
- I-2, Heavy Industrial District
- O-I, Office and Institutional
- R-7, High-Density Residential District
- R-9, High-Density Residential District
- R-12, Medium-Density Residential District
- R-15, Medium-Density Residential District
- R-18, Low-Density Residential District



1:4,514

Print Date: 11/21/2024



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 USFWS-18

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STAFF REPORT

Prepared by Cameron West, Planner

S Marshal B-2 (RZ2501)

Type of Request: Rezoning

Meeting Dates

Planning Board: February 18th, 2025

City Council on March 11th, 2025

Contact Information

Jason Cox

200 N Main St 3rd Floor, Graham, 27253

336-263-1180

jason@themonroecompanies.com

Summary

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

Location
200 S Marshall St

GPIN:
8884233706

Current Zoning
O-I (Office and Industrial)

Proposed Zoning
B-2 (General Business)

Overlay District
N/A

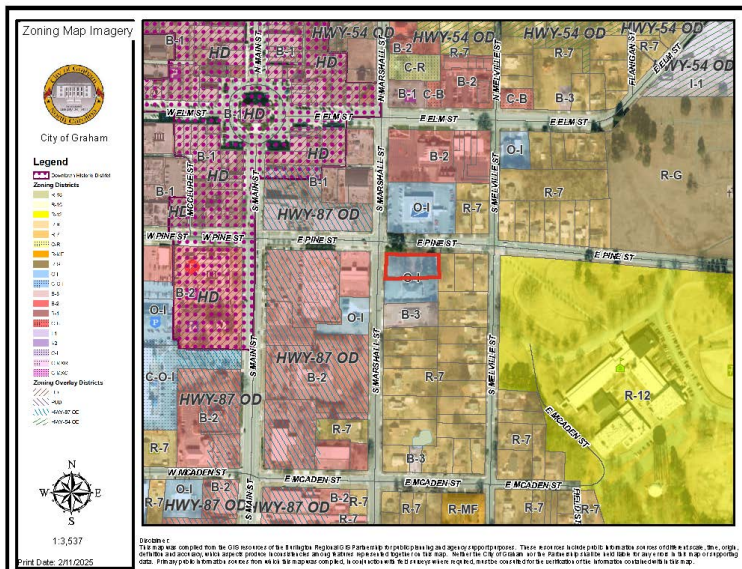
Surrounding Zoning
R-7, O-I, and B-2

Surrounding Land Uses
Single Family, Dentist Office, Car Wash, Post Office

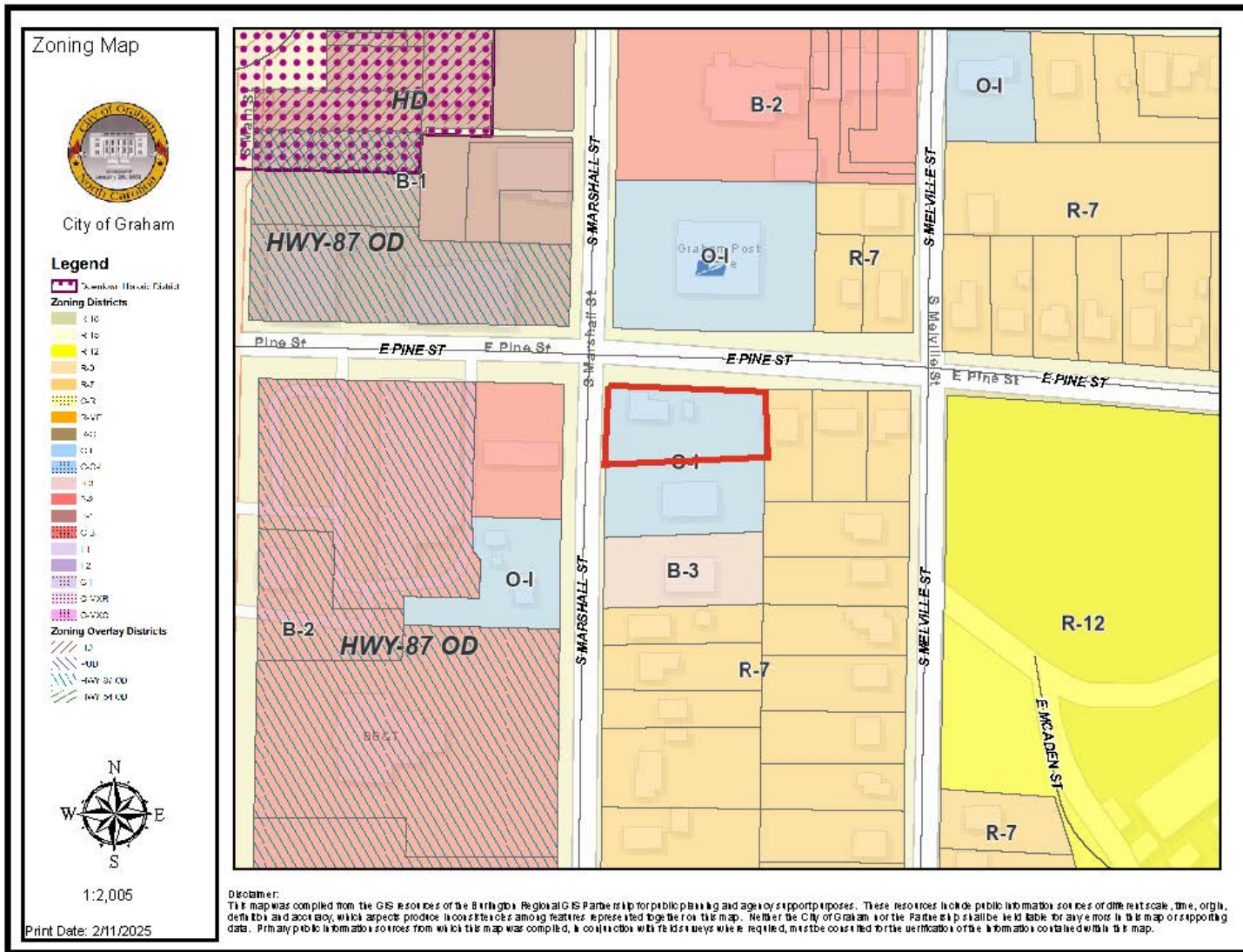
Size
.51 acres

Public Water & Sewer
Yes

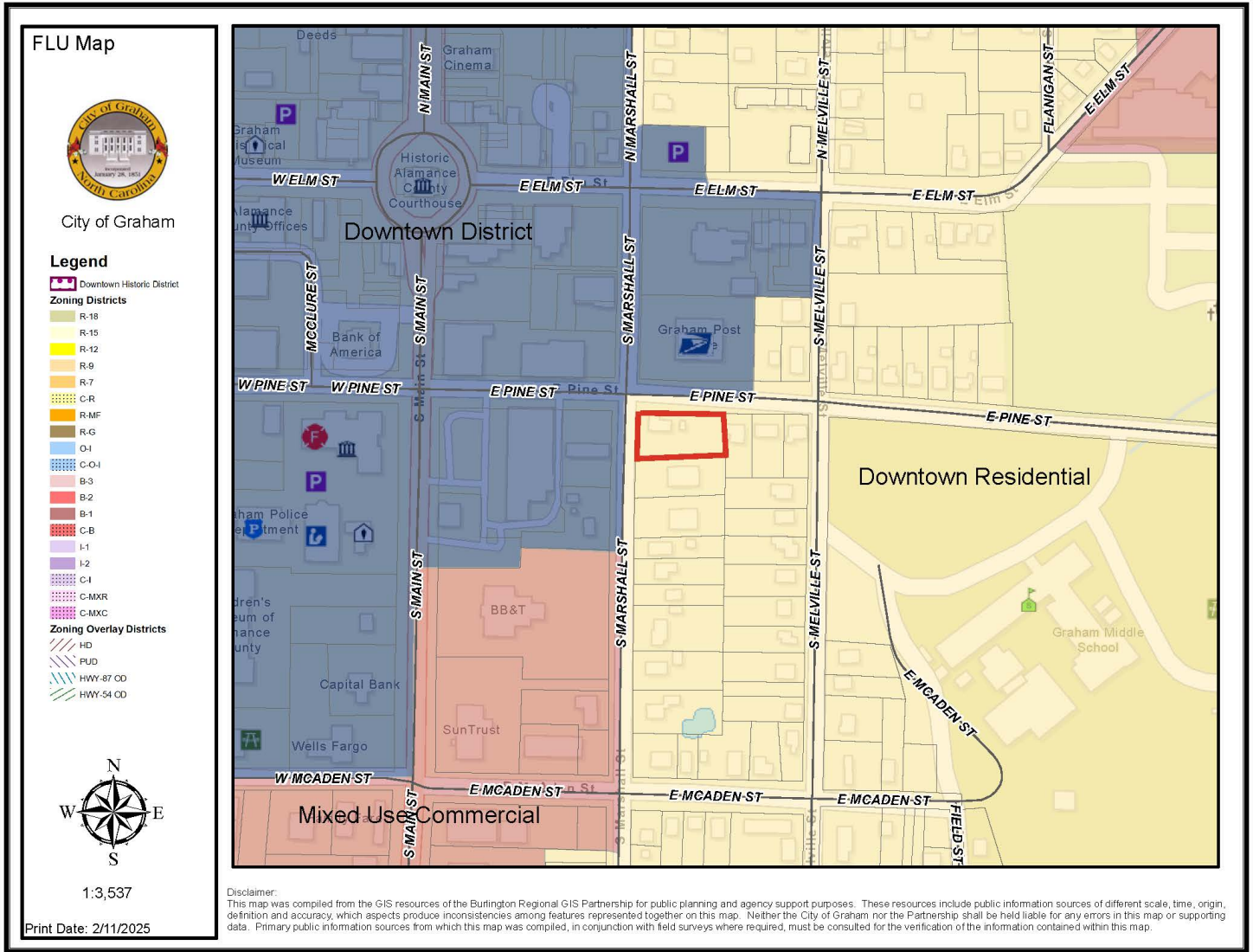
Floodplain
No



Zoning Map



Future Land Use Map



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

Applicable Policies:

- The Future Land Use Map provides direction for land use changes in Graham over time. **Future land use designations provide information on where and how to grow in an efficient, sustainable, and orderly manner.** Physical form is a critical component of future growth and this section addresses development patterns in Graham. The Future Land Use Map follows several growth principles, and will guide the City's land use decisions.
- Desired Pattern Many of Graham's **downtown residential neighborhoods** include sidewalks, tree coverage, small and medium-sized lots, a variety of housing choices, human-scale buildings oriented toward the public realm, attractive architectural features, and porches and stoops that facilitate social interaction and provide eyes on the street. This pattern should be maintained and continued with policies that promote home rehabilitation and context-sensitive infill development.
- 2.2.1: **Focused development.** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use, built environments.
- 2.3.2: **Innovative spaces, spaces of innovation.** Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry.

Planning Type

Neighborhood

Development Type

Downtown Residential

These neighborhoods are compact, connected, and diverse.

Appropriate Density

3-6 Dwelling Units per acre

Staff Recommendation

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

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

Planning Board Recommendation:

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

FLU Map



City of Graham

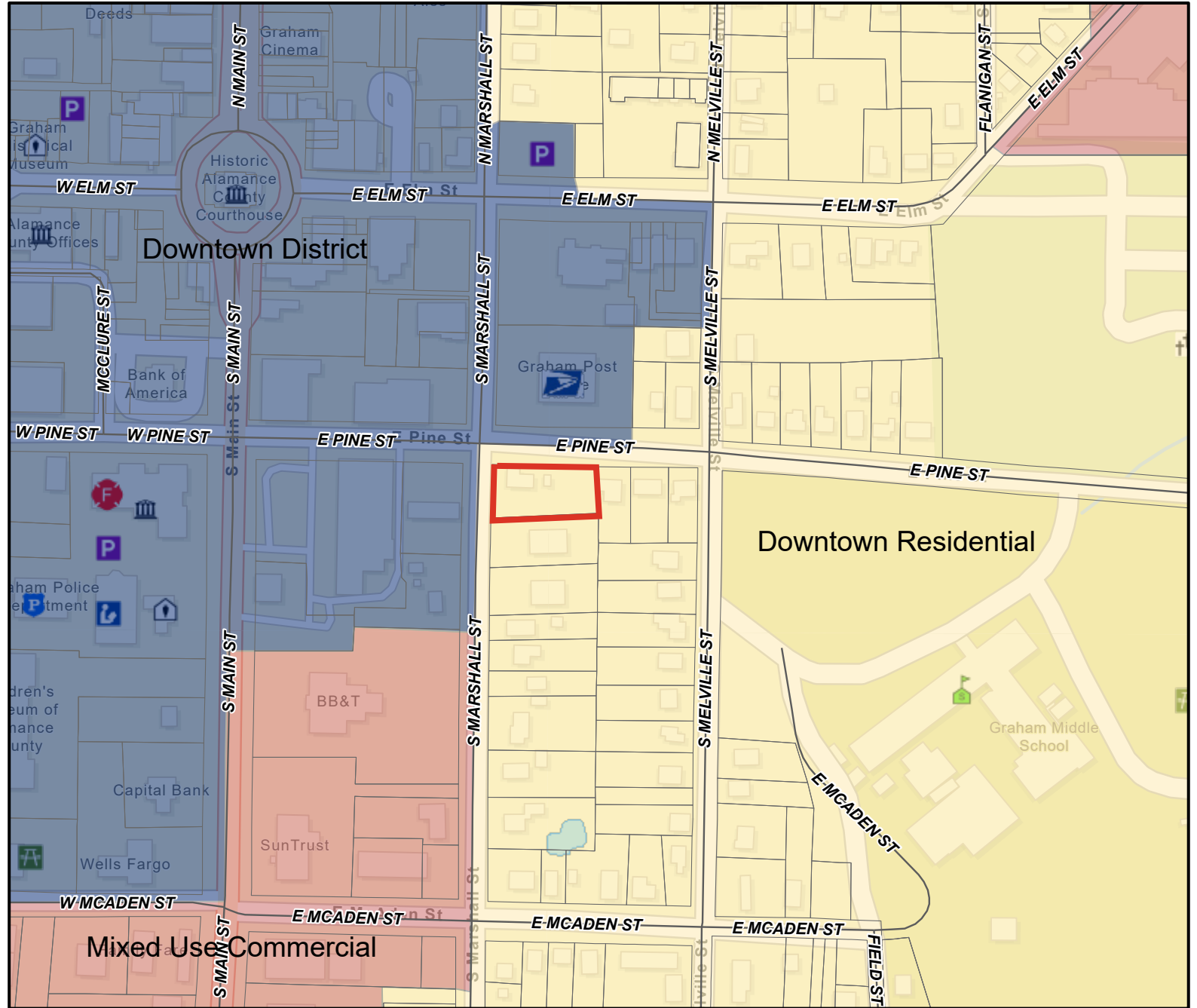
Legend

- Downtown Historic District
- Zoning Districts**
- R-18
- R-15
- R-12
- R-9
- R-7
- C-R
- R-MF
- R-G
- O-1
- C-O-1
- B-3
- B-2
- B-1
- C-B
- I-1
- I-2
- C-1
- C-MXR
- C-MXC
- Zoning Overlay Districts**
- HD
- PUD
- HWY-87 OD
- HWY-54 OD



1:3,537

Print Date: 2/11/2025



























Disclaimer:
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Zoning Map



City of Graham

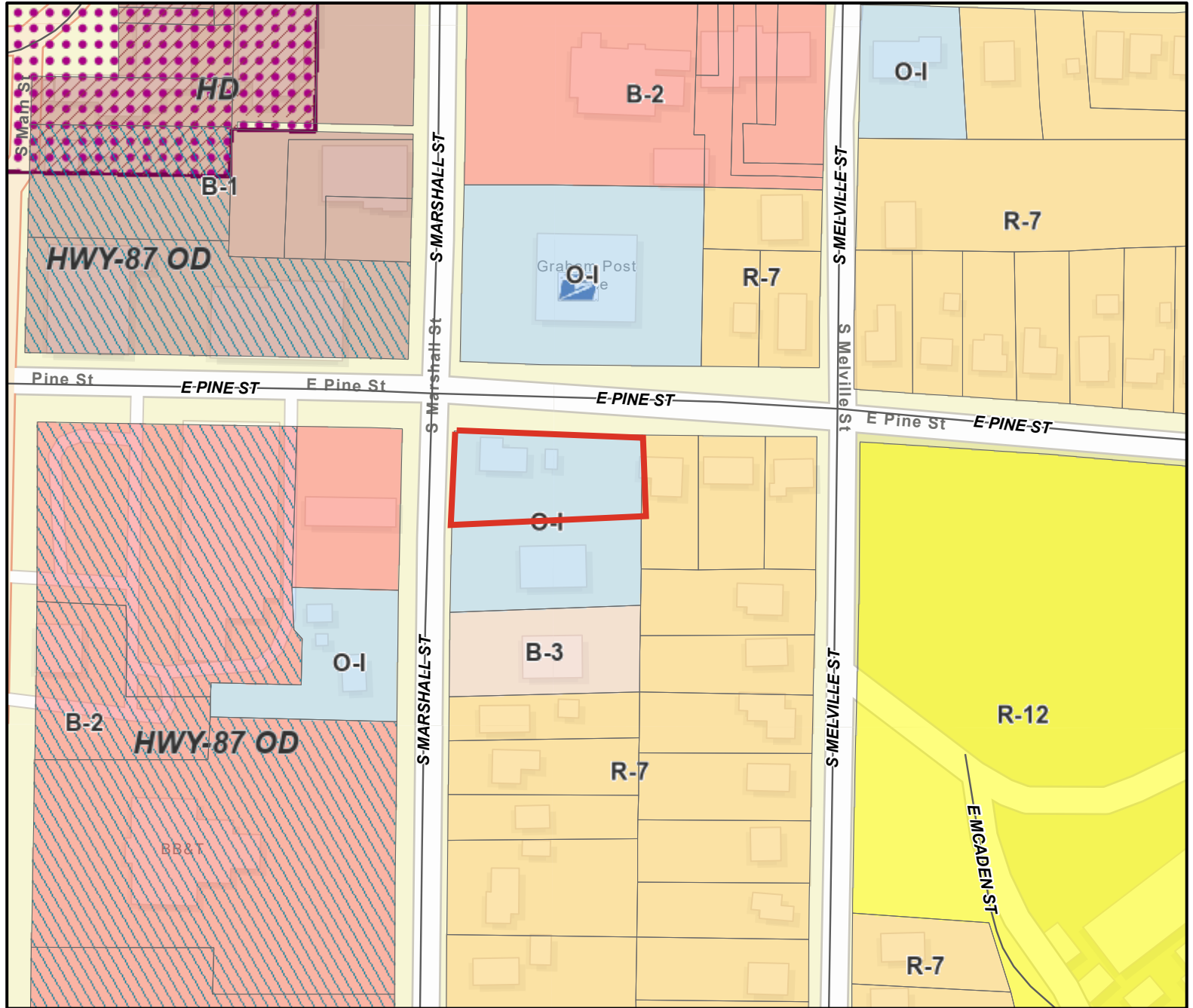
Legend

-  Downtown Historic District
- Zoning Districts**
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-  C-R
-  R-MF
-  R-G
-  O-1
-  C-O-1
-  B-3
-  B-2
-  B-1
-  C-B
-  I-1
-  I-2
-  C-1
-  C-MXR
-  C-MXC
- Zoning Overlay Districts**
-  HD
-  PUD
-  HWY-87 OD
-  HWY-54 OD



1:2,005

Print Date: 2/11/2025



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STAFF REPORT

Prepared by Cameron West, Planner

1133 S Main Apartments (CR2502)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board: March 18th, 2025 City Council on April 8th, 2025

Contact Information

Pivotal Development LLC
9100 Centre Pointe Drive, Suite 210,
West Chester, OH 45069
773-865-4960
granvel.tate@pivotal-hp.com

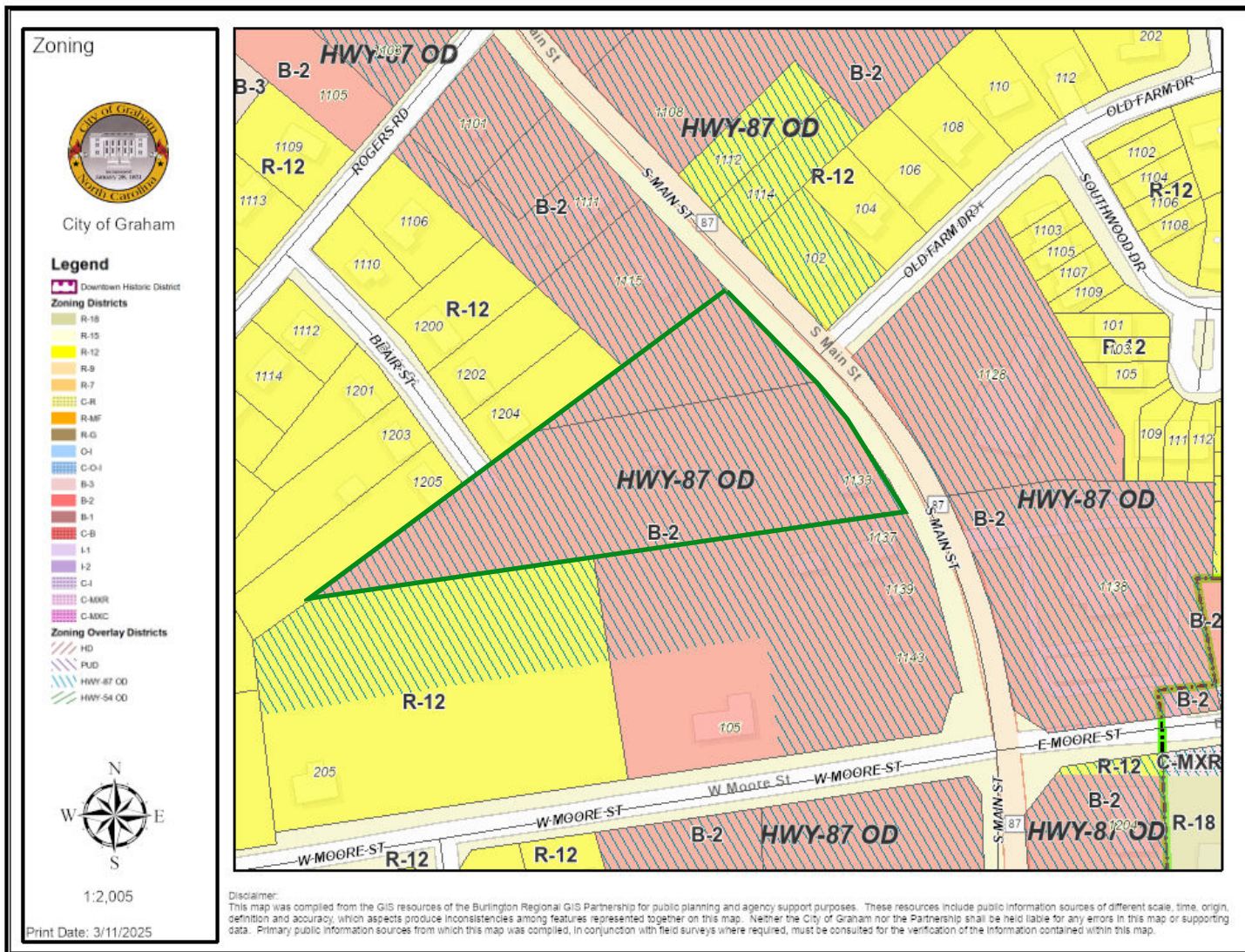
Summary

This is a request to rezone 3.29 acres of land at 1133 S Main Street from B-2 (General Business) to C-R (Conditional Residential) for the purpose of developing a a single 3-story, 60 unit, age-restricted (55+) multifamily development. The lot is currently vacant and is abutted by 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 both Commercial Corridor and Suburban Residential. The Commercial Corridor land use area has a desired pattern of having most future development be focused in strategically located clusters. There are no principal or supporting uses listed but does mention an appropriate density of 6 dwelling units per acre. This Suburban Residential land use area describes principle uses in this zone are predominantly detached single family homes and that new neighborhoods may include a range of duplexes, town homes, and small scale multi-family dwellings of twelve units or less. The lots also fall within the HWY 87/S Main St overlay district which has some additional requirements on building design standards and signage for the proposed development. Planning Board recommended Denial of the project with a vote of 6-0. Since the Planning Board meeting, the applicant has updated their site plan based on comments received during the meeting. The Blair Street connection has been removed, 10 additional parking spaces were added, and a privacy fence is proposed along the northern portion of the lot where development is occurring.

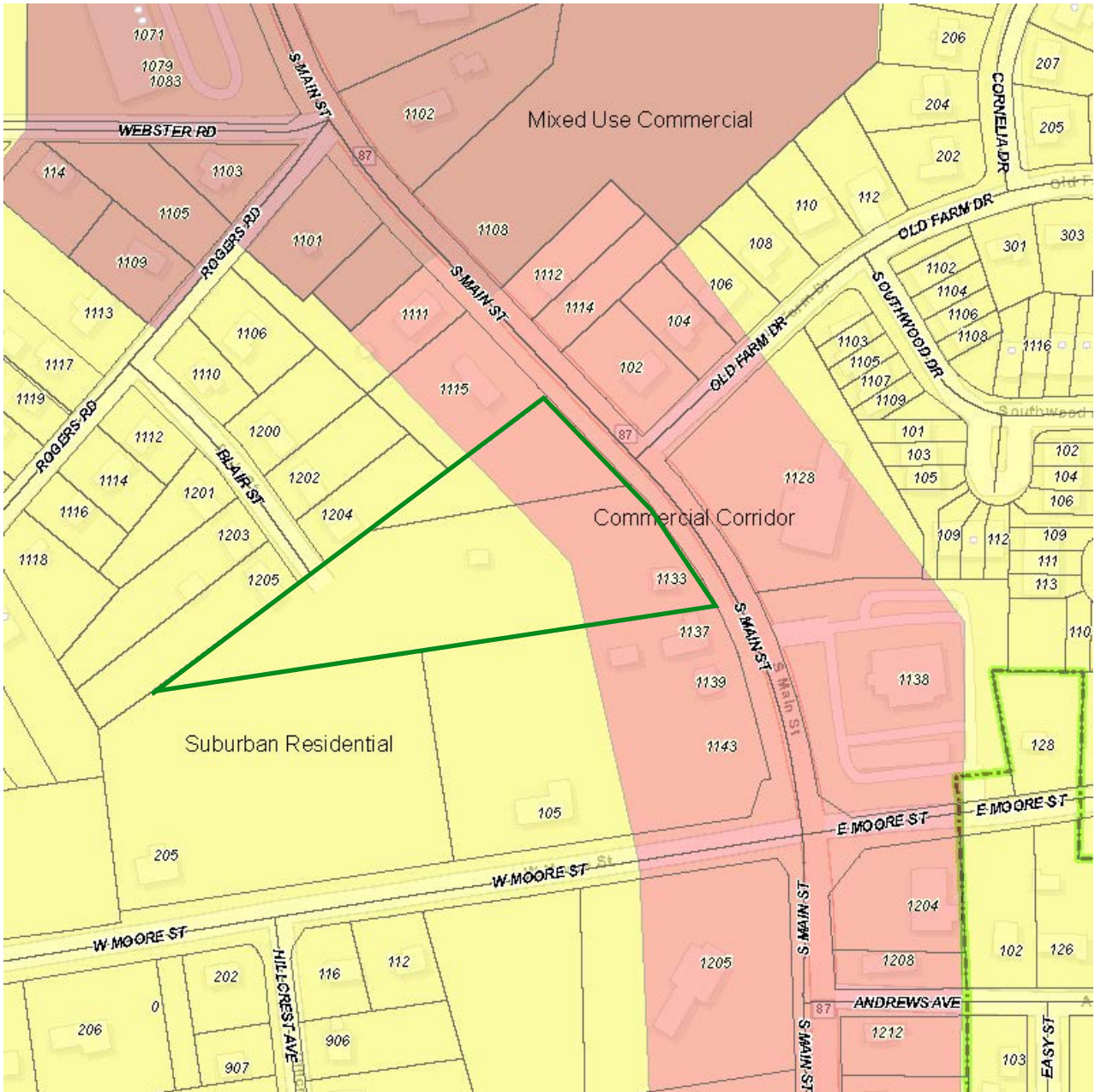


<u>Location</u> 1133 S Main
<u>GPIN:</u> 8883264486 & 8883265642
<u>Current Zoning</u> B-2 (General Business)
<u>Proposed Zoning</u> C-R (Conditional Residential)
<u>Overlay District</u> S Main Street Overlay
<u>Surrounding Zoning</u> R-12 and B-2
<u>Surrounding Land Uses</u> Single Family, Commercial, Vacant
<u>Size</u> 3.29 acres
<u>Public Water & Sewer</u> Yes
<u>Floodplain</u> No

Zoning Map



Future Land Use Map



- NOTE:
- NO KNOWN EASEMENTS EXIST ON THE SITE AND NO NEW EASEMENTS ARE PROPOSED
 - NO KNOWN STREAMS OR DRAINAGEWAYS EXIST ON THE PROPERTY
 - NO KNOWN JURISDICTIONAL WATERS OR WETLANDS EXIST ON THE PROPERTY
 - NO KNOWN FEMA REGULATED FLOODWAYS OR FLOODPLAINS EXIST ON THE PROPERTY

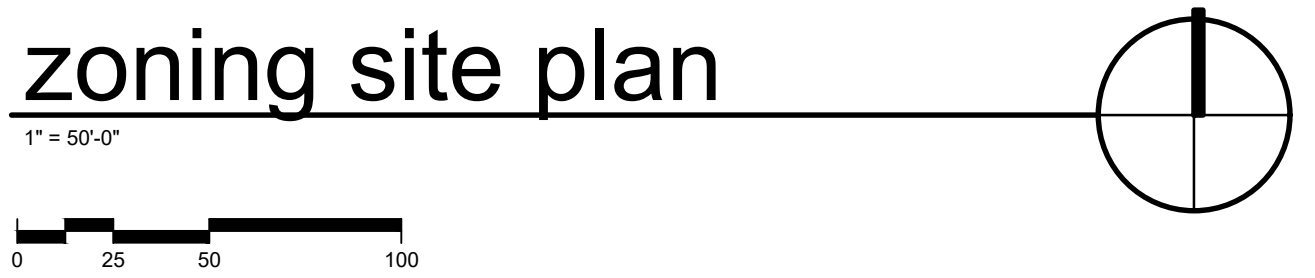
AREA OF PROPOSED DISTURBANCE: 3.06 ACRES

EROSION CONTROLS WILL BE DESIGNED IN ACCORDANCE WITH NCDENR LAND QUALITY REQUIREMENTS AND WILL INCLUDE ACHIEVING AN EROSION CONTROL PERMIT FROM NCDENR

SITE LIGHT POLE LOCATIONS ARE APPROXIMATE AND WILL BE DESIGNED TO COMPLY WITH ORDINANCE REQUIRED LIGHT LEVELS

WATER CONNECTIONS TO BE MINIMUM 3" FOR DOMESTIC AND 6" FOR FIRE AND WILL BE COMBINED IF ALLOWED BY CITY ENGINEERING - FINAL WATER LINE CONNECTIONS AND REQUIRED ACCESSORIES SHALL MEET ALL CITY ENGINEERING REQUIREMENTS

- ADDITIONAL SITE NOTES:
- EXISTING HYDRANT AT BLAIRE STREET TO REMAIN AND NEW HYDRANTS WILL BE ADDED TO THE SITE AS REQUIRED
 - SITE MONUMENT SIGNAGE TO BE REVIEWED AND APPROVED BY CITY AND SHALL FOLLOW ORDINANCE REGULATIONS
 - NO THRU STREET SIGNAGE TO BE ADDED AT BLAIRE STREET ENTRANCE
 - NEW BLAIRE STREET SIDEWALK TO END AT GRASSED SHOULDER



TITLE BLOCK DATA	
DEVELOPMENT TYPE:	CONDITIONAL REZONING, MULTIFAMILY DEVELOPMENT
EXISTING ZONING:	OLD TAX ID #6-13-125 / PIN #144174 / GPIN #8883264486 - B-2, GENERAL COMMERCIAL OLD TAX ID #6-13-126 / PIN #144177 / GPIN #8883265642 - B-2, GENERAL COMMERCIAL
OWNER'S NAME(S):	OLD TAX ID #6-13-125 PIN #144174 GPIN #8883264486 DDJS PROPERTIES LLC SARA M SIZEMORE C/O JOSEPH SIZEMORE 1770 MOSSY BLUFF CT APT 104 LELAND, NC 28451 PHONE: (336) 270-4440 - PITTMAN & STEELE, PLLC
	OLD TAX ID #6-13-126 PIN #144177 GPIN #8883265642 SIZEMORE BROTHERS, LLC C/O JOSEPH SIZEMORE 1770 MOSSY BLUFF CT APT 104 LELAND, NC 28451 PHONE: (336) 270-4440 - PITTMAN & STEELE, PLLC
DEVELOPER'S NAME:	PIVOTAL DEVELOPMENT LLC ATTN: GRANVEL TATE 9100 CENTRE POINTE DRIVE, SUITE 210 WEST CHESTER, OHIO 45069 PHONE: (773) 865-4960
PREPARER'S NAME:	BDCL ARCHITECTS, PC ATTN: KIRK PAISLEY 9100 CENTRE POINTE DRIVE, SUITE 210 WEST CHESTER, OHIO 45069 PHONE: (614) 571-9540
DATE PREPARED:	MARCH 4, 2025
LOT NUMBERS:	PIN#: 144174, 144177 GPIN#: 8883264486, 8883265642
ACREAGE OF LOTS:	OLD TAX ID #6-13-125 / PIN# 144174 / GPIN# 8883264486 - 2.64 ACRES OLD TAX ID #6-13-126 / PIN# 144177 / GPIN# 8883265642 - 0.65 ACRES TOTAL 3.29 ACRES
PROJECT DATA:	NUMBER OF LOTS - 2 DWELLING UNIT COUNT - 60 UNITS BUILDING SQUARE FOOTAGE - 62,634 GSF
SETBACK REQ:	SETBACKS SHALL FOLLOW THE R-MF DISTRICT REGULATIONS FRONT YARD SETBACK: 25 FEET FOR MULTIFAMILY SIDE YARD SETBACK: 25 FEET FOR MULTIFAMILY REAR YARD SETBACK: 25 FEET FOR MULTIFAMILY
LANDSCAPING	
LOCATION OF PROPOSED PLANTINGS	FOUNDATION PLANTINGS AT BUILDING ENDS AND LONG FACE FRONTING THE PARKING LOT STREET AND PROPERTY LINE BUFFER YARDS NEAR PROJECT AMENITIES INCLUDING GAZEBO & COMMUNITY GARDEN AROUND MASONRY DUMPSTER ENCLOSURE THROUGHOUT PARKING AREAS AT ISLANDS
POSSIBLE PLANTING SPECIES	EASTERN REDBUD, 2.5" CALIBER SHUMARD RED OAK, 3" CALIBER BALD CYPRESS, 3" CALIBER AMERICAN ELM, 3" CALIBER EVERGREEN TREES FOR SCREENING PERENNIALS AND ORNAMENTAL GRASSES FOR FOUNDATION PLANTINGS
TREE PRESERVATION	ALL EXISTING TREES OUTSIDE THE LIMITS OF DISTURBANCE ARE TO BE PRESERVED. EXISTING TREES WILL BE PROTECTED BY A FENCE PLACED AT THE LIMITS OF DISTURBANCE.
EXTERIOR LIGHTING	PROPOSED SITE LIGHTING POLES ARE SHOWN ON THE PLAN AND DESIGNATED WITH A' □ → ' SYMBOL. FINAL PHOTOMETRICS WILL BE PERFORMED DURING ENGINEERING TO ENSURE ZONING COMPLIANT LIGHT LEVELS ARE REALIZED
TRANSPORTATION AND PARKING	
PARKING COUNTS:	REQUIRED 1.5 SPACES PER 1 BEDROOM UNIT 2 SPACES PER 2 BEDROOM UNIT 45-1 BEDROOM UNITS X 1.5 = 68 SPACES 15-2 BEDROOM UNITS X 2 = 30 SPACES TOTAL REQUIRED = 98 SPACES
	PROVIDED 108 SPACES (INCL. 9 ACCESSIBLE SPACES) (THE ADDITIONAL 10 SPACES ARE TO ENSURE PARKING FOR VISITORS IS PROVIDED)
UTILITIES	
PROPOSED CONNECTION POINTS FOR ALL UTILITIES ARE SHOWN. TEAM WILL CONTINUE TO WORK WITH STAFF REGARDING THE BEST AND APPROVED DESIGN OF THESE SYSTEMS DURING FULL ENGINEERING.	
FIRE	
OVERHEAD UTILITY AND POWER LINES SHALL NOT BE LOCATED OVER THE AERIAL FIRE APPARATUS ACCESS ROAD OR BETWEEN THE AERIAL FIRE APPARATUS ROAD AND THE BUILDING.	
FIRE DEPARTMENT CONNECTIONS SHALL BE SO LOCATED THAT FIRE APPARATUS AND HOSE CONNECTED TO SUPPLY THE SYSTEM WILL NOT OBSTRUCT ACCESS TO THE BUILDINGS FOR OTHER FIRE APPARATUS.	
EMERGENCY RESPONDER RADIO COVERAGE SYSTEM, RADIO SIGNAL STRENGTH IS REQUIRED AND WILL BE PROVIDED.	
KNOX-BOX WILL BE INSTALLED ONSITE WITH HOUSE KEYS NECESSARY FOR FIREFIGHTING AND SAVING LIVES.	



9100 centre pointe drive #210
west chester, ohio 45069
phone 513.964.1154
bdclarchitects.com



LAUREL GARDENS
 1133 S. MAIN STREET, GRAHAM, NORTH CAROLINA 27253
ZONING SITE PLAN

ISSUE DATE:
03-26-25
JOB NUMBER:

REVISIONS

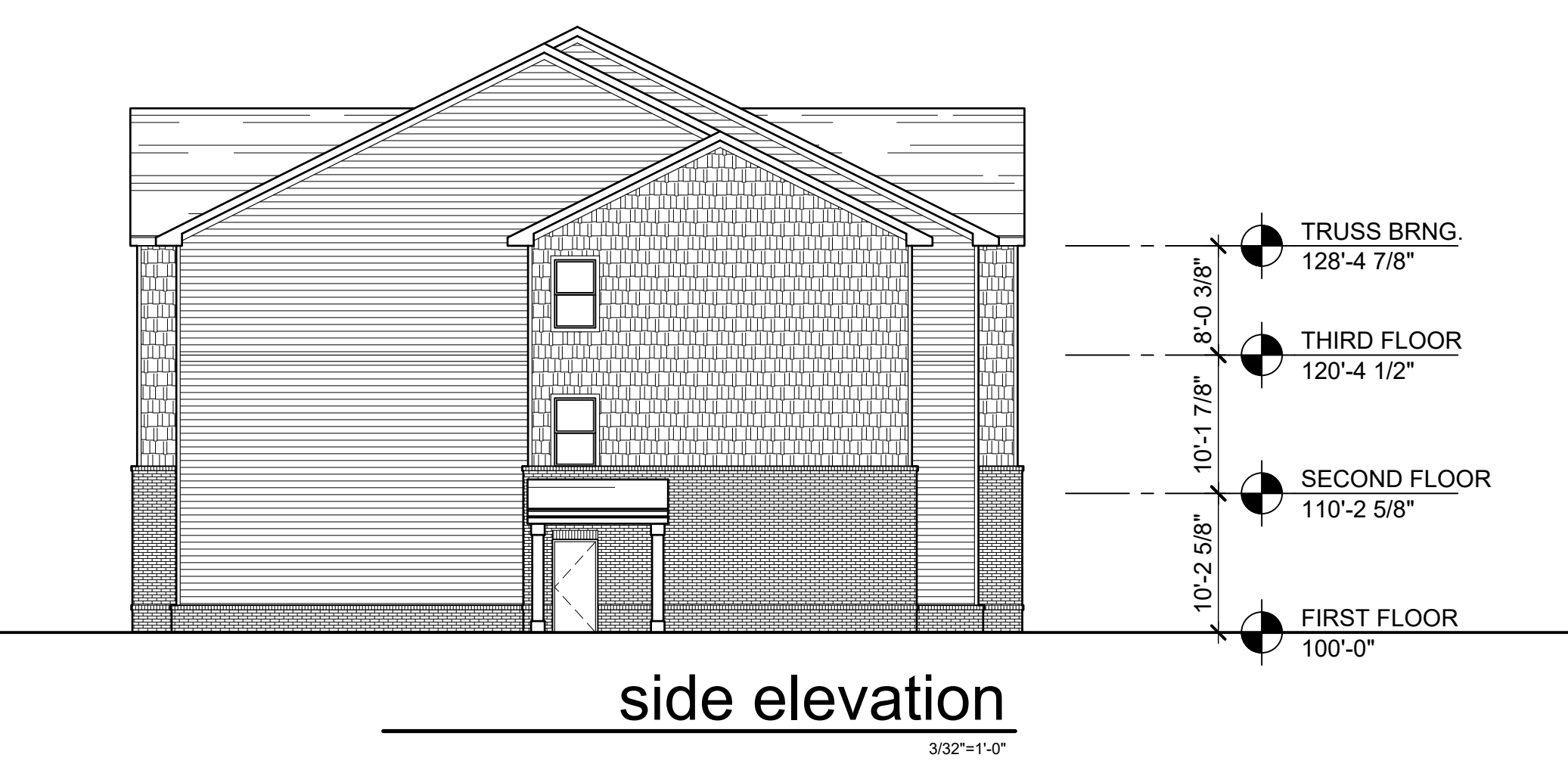
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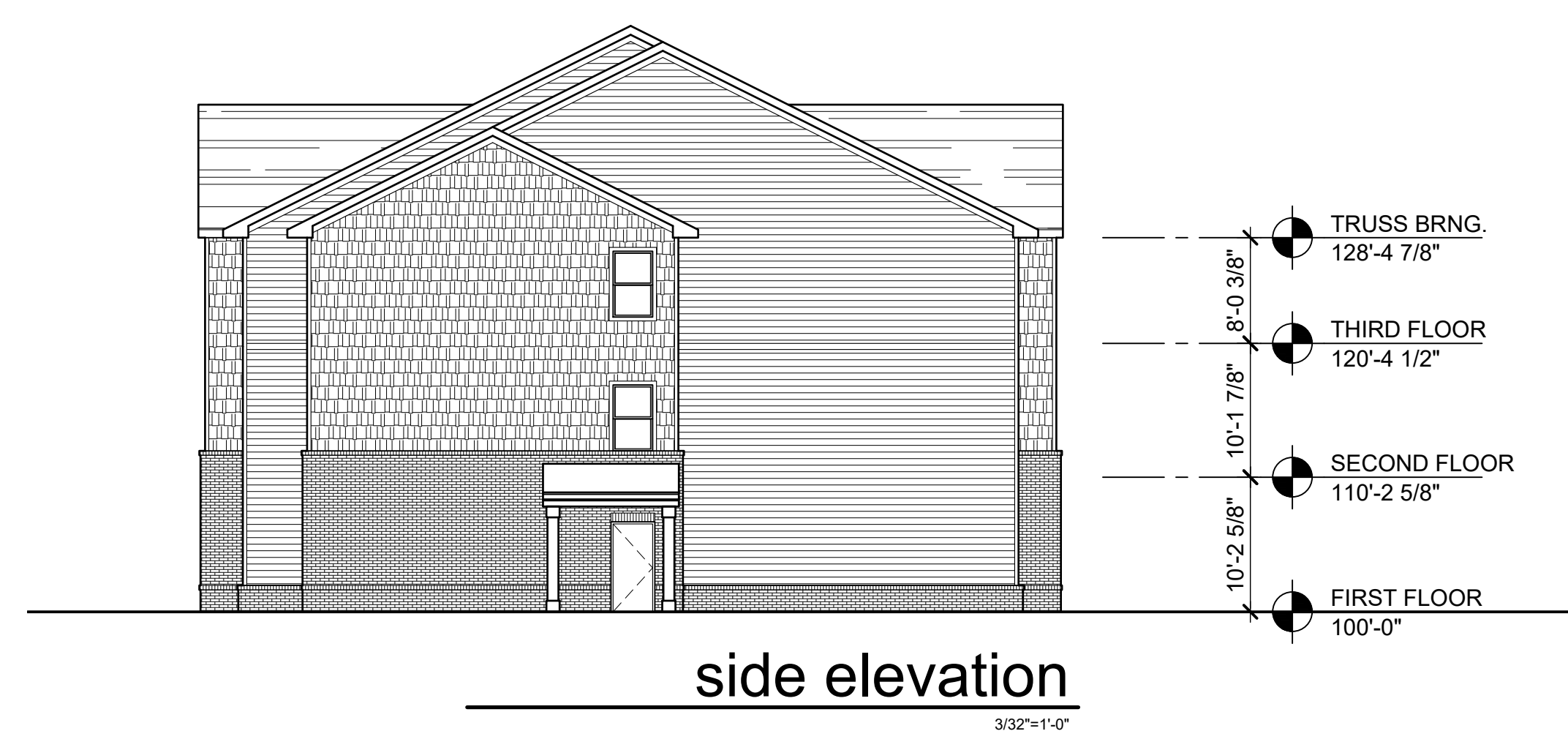
front elevation
3/32"=1'-0"



rear elevation
3/32"=1'-0"



side elevation
3/32"=1'-0"



side elevation
3/32"=1'-0"

EXTERIOR FINISH LEGEND	
	HATCHING INDICATES FACE BRICK VENEER (FB-1)
	HATCHING INDICATES VINYL HORIZONTAL LAP SIDING MIN .044 (VS-1)
	HATCHING INDICATES VINYL SHAKE SIDING MIN .044 (VS-2)
	HATCHING INDICATES ANTIFUNGAL DIMENSIONAL SHINGLES WITH MINIMUM 30 YEAR WARRANTY (ADS-1)
*ALL TRIM TO BE METAL WRAPPED WOOD	
**GUTTERS AND DOWNSPOUTS TO BE PREFINISHED METAL	



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

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

Applicable Policies:

- **Policy 2.2.1: Focused development.** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use, built environments.
- **Policy 4.3.1: Land Use Patterns.** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development.
- **Policy 5.1.2: Variety of ownership opportunities.** Encourage a variety of homeownership opportunities and choices by supporting the development of condominiums, cooperatives, and land trusts.
- **Policy 5.2.1: Diverse Neighborhood.** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units.

Staff Recommendation

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

- Rezoning the property would be inconsistent with the suburban residential and commercial corridor land use areas due to the density of the development but 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*

Planning Board Recommendation:

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

Planning Type

Neighborhoods

Development Type

Suburban Residential and Commercial Corridor

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

Two commercial corridors within Graham include spans along NC-54 and NC-87 where single family residential uses are being replaced with automobile-oriented commercial uses. The commercial corridor land use exists in order to acknowledge this slow and incremental yet persistent land use transition, and address the challenges posed by this growth pattern.



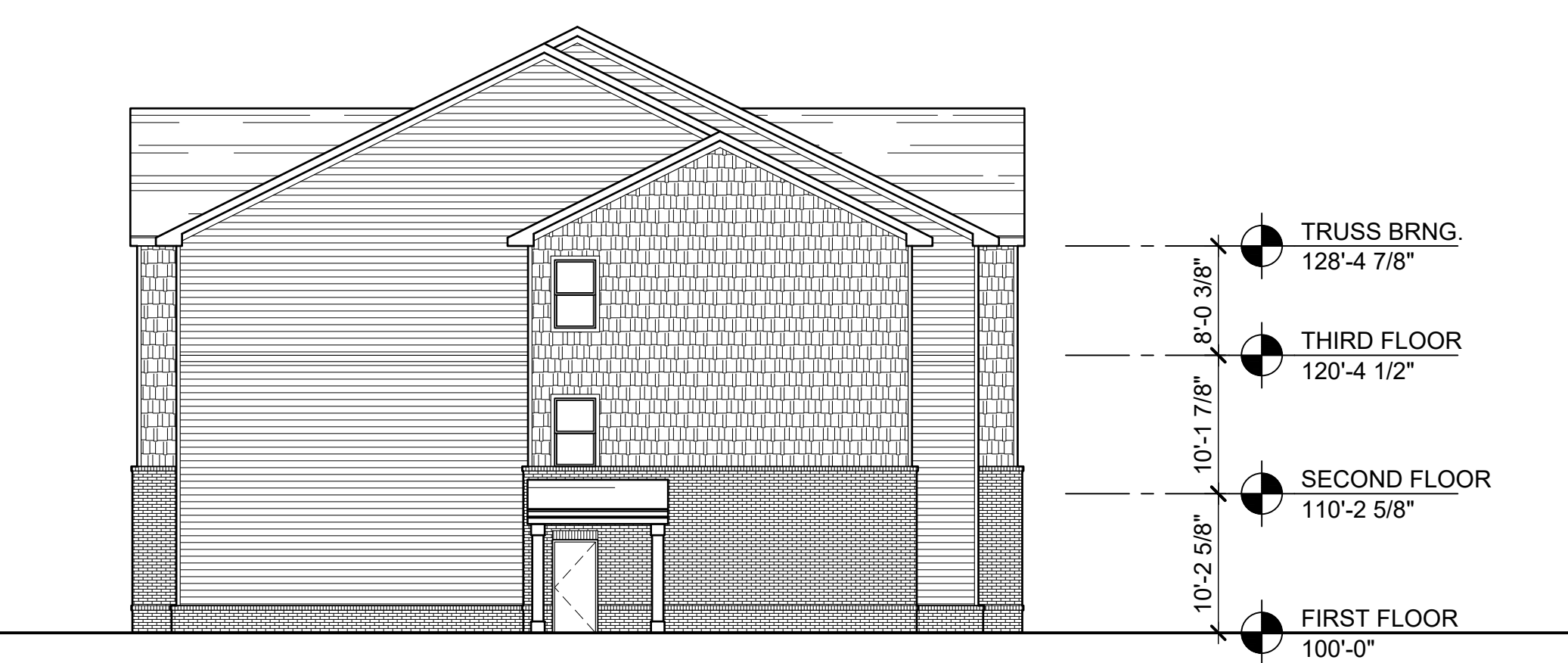
front elevation

3/32"=1'-0"



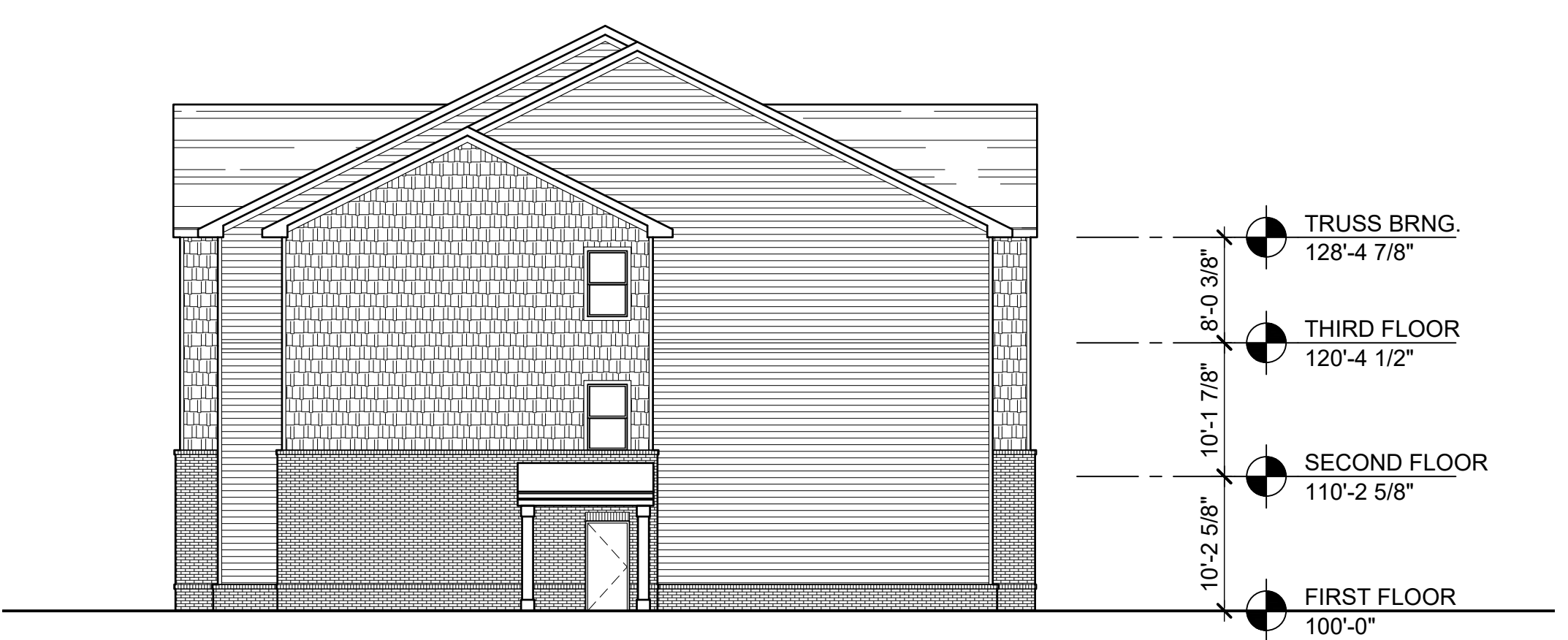
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side elevation

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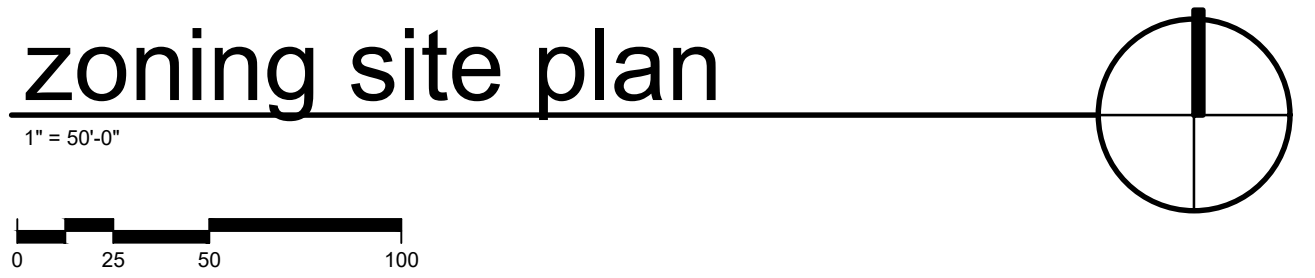
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DATE PREPARED:	MARCH 4, 2025
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FIRE DEPARTMENT CONNECTIONS SHALL BE SO LOCATED THAT FIRE APPARATUS AND HOSE CONNECTED TO SUPPLY THE SYSTEM WILL NOT OBSTRUCT ACCESS TO THE BUILDINGS FOR OTHER FIRE APPARATUS.	
EMERGENCY RESPONDER RADIO COVERAGE SYSTEM, RADIO SIGNAL STRENGTH IS REQUIRED AND WILL BE PROVIDED.	
KNOX-BOX WILL BE INSTALLED ONSITE WITH HOUSE KEYS NECESSARY FOR FIREFIGHTING AND SAVING LIVES.	



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LAUREL GARDENS
 1133 S. MAIN STREET, GRAHAM, NORTH CAROLINA 27253
ZONING SITE PLAN

ISSUE DATE:
03-04-25
JOB NUMBER:

REVISIONS

Z1.10

- NOTE:
- NO KNOWN EASEMENTS EXIST ON THE SITE AND NO NEW EASEMENTS ARE PROPOSED
 - NO KNOWN STREAMS OR DRAINAGEWAYS EXIST ON THE PROPERTY
 - NO KNOWN JURISDICTIONAL WATERS OR WETLANDS EXIST ON THE PROPERTY
 - NO KNOWN FEMA REGULATED FLOODWAYS OR FLOODPLAINS EXIST ON THE PROPERTY

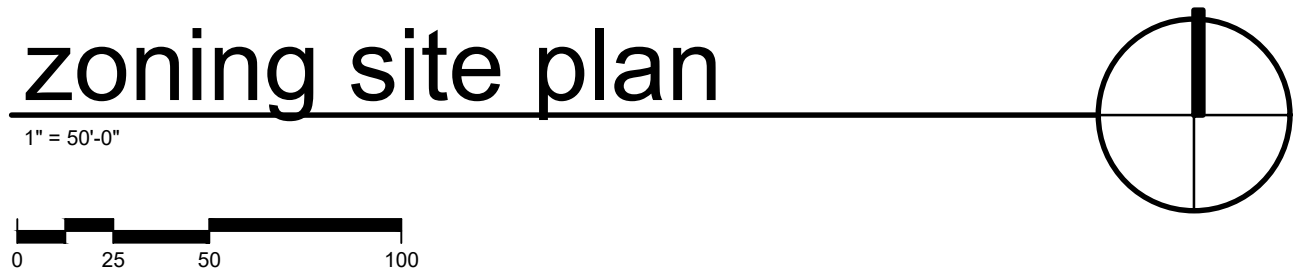
AREA OF PROPOSED DISTURBANCE: 3.06 ACRES

EROSION CONTROLS WILL BE DESIGNED IN ACCORDANCE WITH NCDENR LAND QUALITY REQUIREMENTS AND WILL INCLUDE ACHIEVING AN EROSION CONTROL PERMIT FROM NCDENR

SITE LIGHT POLE LOCATIONS ARE APPROXIMATE AND WILL BE DESIGNED TO COMPLY WITH ORDINANCE REQUIRED LIGHT LEVELS

WATER CONNECTIONS TO BE MINIMUM 3" FOR DOMESTIC AND 6" FOR FIRE AND WILL BE COMBINED IF ALLOWED BY CITY ENGINEERING - FINAL WATER LINE CONNECTIONS AND REQUIRED ACCESSORIES SHALL MEET ALL CITY ENGINEERING REQUIREMENTS

- ADDITIONAL SITE NOTES:
- EXISTING HYDRANT AT BLAIRE STREET TO REMAIN AND NEW HYDRANTS WILL BE ADDED TO THE SITE AS REQUIRED
 - SITE MONUMENT SIGNAGE TO BE REVIEWED AND APPROVED BY CITY AND SHALL FOLLOW ORDINANCE REGULATIONS
 - NO THRU STREET SIGNAGE TO BE ADDED AT BLAIRE STREET ENTRANCE
 - NEW BLAIRE STREET SIDEWALK TO END AT GRASSED SHOULDER



TITLE BLOCK DATA	
DEVELOPMENT TYPE:	CONDITIONAL REZONING, MULTIFAMILY DEVELOPMENT
EXISTING ZONING:	OLD TAX ID #6-13-125 / PIN #144174 / GPIN #8883264486 - B-2, GENERAL COMMERCIAL OLD TAX ID #6-13-126 / PIN #144177 / GPIN #8883265642 - B-2, GENERAL COMMERCIAL
OWNER'S NAME(S):	OLD TAX ID #6-13-125 PIN #144174 GPIN #8883264486 DDJS PROPERTIES LLC SARA M SIZEMORE C/O JOSEPH SIZEMORE 1770 MOSSY BLUFF CT APT 104 LELAND, NC 28451 PHONE: (336) 270-4440 - PITTMAN & STEELE, PLLC
	OLD TAX ID #6-13-126 PIN #144177 GPIN #8883265642 SIZEMORE BROTHERS, LLC C/O JOSEPH SIZEMORE 1770 MOSSY BLUFF CT APT 104 LELAND, NC 28451 PHONE: (336) 270-4440 - PITTMAN & STEELE, PLLC
DEVELOPER'S NAME:	PIVOTAL DEVELOPMENT LLC ATTN: GRANVEL TATE 9100 CENTRE POINTE DRIVE, SUITE 210 WEST CHESTER, OHIO 45069 PHONE: (773) 865-4960
PREPARER'S NAME:	BDCL ARCHITECTS, PC ATTN: KIRK PAISLEY 9100 CENTRE POINTE DRIVE, SUITE 210 WEST CHESTER, OHIO 45069 PHONE: (614) 571-9540
DATE PREPARED:	MARCH 4, 2025
LOT NUMBERS:	PIN#: 144174, 144177 GPIN#: 8883264486, 8883265642
ACREAGE OF LOTS:	OLD TAX ID #6-13-125 / PIN# 144174 / GPIN# 8883264486 - 2.64 ACRES OLD TAX ID #6-13-126 / PIN# 144177 / GPIN# 8883265642 - 0.65 ACRES TOTAL 3.29 ACRES
PROJECT DATA:	NUMBER OF LOTS - 2 DWELLING UNIT COUNT - 60 UNITS BUILDING SQUARE FOOTAGE - 62,634 GSF
SETBACK REQ:	SETBACKS SHALL FOLLOW THE R-MF DISTRICT REGULATIONS FRONT YARD SETBACK: 25 FEET FOR MULTIFAMILY SIDE YARD SETBACK: 25 FEET FOR MULTIFAMILY REAR YARD SETBACK: 25 FEET FOR MULTIFAMILY
LANDSCAPING	
LOCATION OF PROPOSED PLANTINGS	FOUNDATION PLANTINGS AT BUILDING ENDS AND LONG FACE FRONTING THE PARKING LOT STREET AND PROPERTY LINE BUFFER YARDS NEAR PROJECT AMENITIES INCLUDING GAZEBO & COMMUNITY GARDEN AROUND MASONRY DUMPSTER ENCLOSURE THROUGHOUT PARKING AREAS AT ISLANDS
POSSIBLE PLANTING SPECIES	EASTERN REDBUD, 2.5" CALIBER SHUMARD RED OAK, 3" CALIBER BALD CYPRESS, 3" CALIBER AMERICAN ELM, 3" CALIBER EVERGREEN TREES FOR SCREENING PERENNIALS AND ORNAMENTAL GRASSES FOR FOUNDATION PLANTINGS
TREE PRESERVATION	ALL EXISTING TREES OUTSIDE THE LIMITS OF DISTURBANCE ARE TO BE PRESERVED. EXISTING TREES WILL BE PROTECTED BY A FENCE PLACED AT THE LIMITS OF DISTURBANCE.
EXTERIOR LIGHTING	PROPOSED SITE LIGHTING POLES ARE SHOWN ON THE PLAN AND DESIGNATED WITH A' □ → ' SYMBOL. FINAL PHOTOMETRICS WILL BE PERFORMED DURING ENGINEERING TO ENSURE ZONING COMPLIANT LIGHT LEVELS ARE REALIZED
TRANSPORTATION AND PARKING	
PARKING COUNTS:	REQUIRED 1.5 SPACES PER 1 BEDROOM UNIT 2 SPACES PER 2 BEDROOM UNIT 45-1 BEDROOM UNITS X 1.5 = 68 SPACES 15-2 BEDROOM UNITS X 2 = 30 SPACES TOTAL REQUIRED = 98 SPACES
	PROVIDED 108 SPACES (INCL. 9 ACCESSIBLE SPACES) (THE ADDITIONAL 10 SPACES ARE TO ENSURE PARKING FOR VISITORS IS PROVIDED)
UTILITIES	
PROPOSED CONNECTION POINTS FOR ALL UTILITIES ARE SHOWN. TEAM WILL CONTINUE TO WORK WITH STAFF REGARDING THE BEST AND APPROVED DESIGN OF THESE SYSTEMS DURING FULL ENGINEERING.	
FIRE	
OVERHEAD UTILITY AND POWER LINES SHALL NOT BE LOCATED OVER THE AERIAL FIRE APPARATUS ACCESS ROAD OR BETWEEN THE AERIAL FIRE APPARATUS ROAD AND THE BUILDING.	
FIRE DEPARTMENT CONNECTIONS SHALL BE SO LOCATED THAT FIRE APPARATUS AND HOSE CONNECTED TO SUPPLY THE SYSTEM WILL NOT OBSTRUCT ACCESS TO THE BUILDINGS FOR OTHER FIRE APPARATUS.	
EMERGENCY RESPONDER RADIO COVERAGE SYSTEM, RADIO SIGNAL STRENGTH IS REQUIRED AND WILL BE PROVIDED.	
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LAUREL GARDENS
 1133 S. MAIN STREET, GRAHAM, NORTH CAROLINA 27253
ZONING SITE PLAN

ISSUE DATE:
03-26-25
JOB NUMBER:

REVISIONS

Z1.10

Zoning



City of Graham

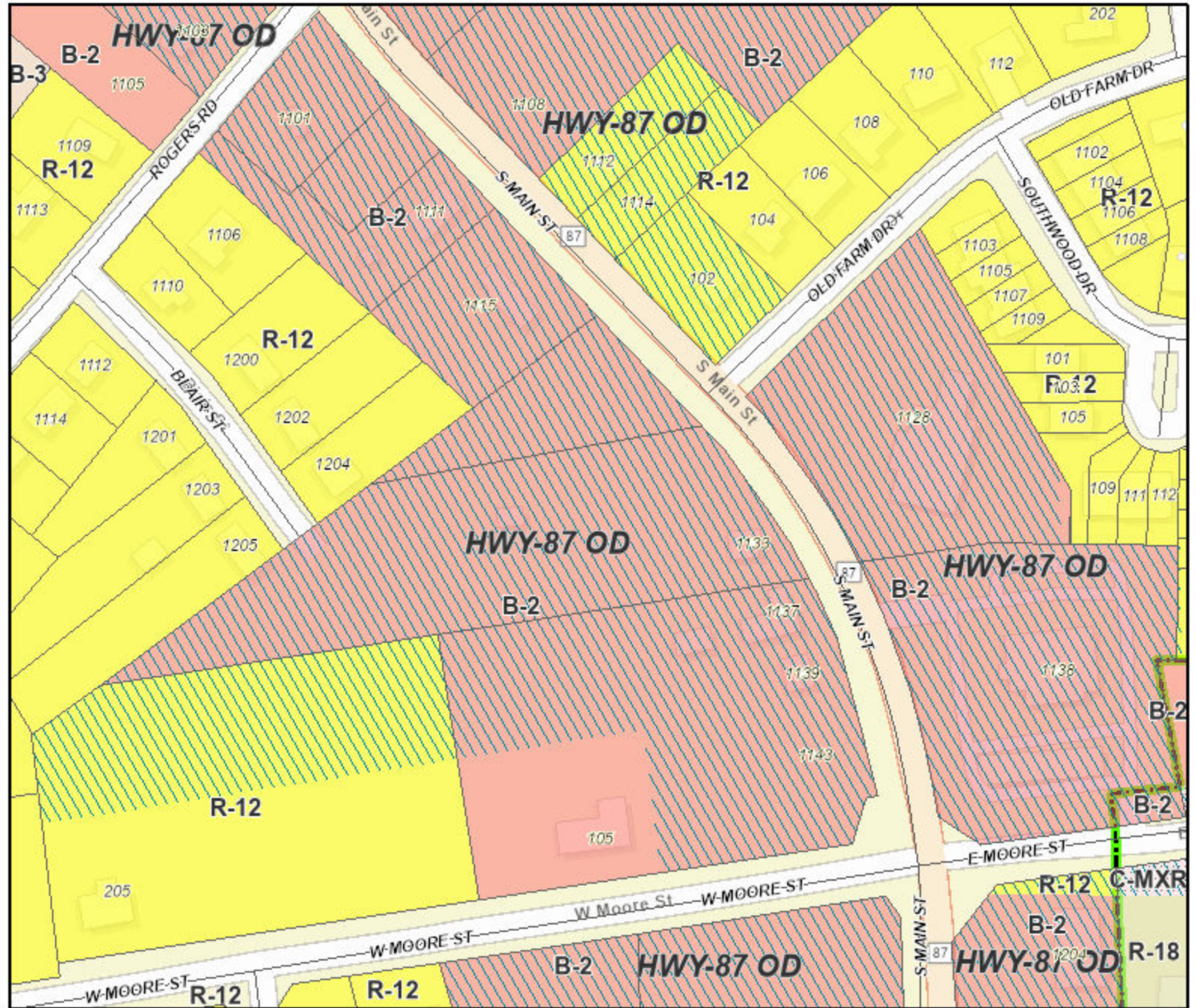
Legend

- Downtown Historic District
- Zoning Districts**
- R-18
- R-15
- R-12
- R-9
- R-7
- C-R
- R-MF
- R-G
- O-I
- C-O-I
- B-3
- B-2
- B-1
- C-B
- I-1
- I-2
- C-I
- C-MXR
- C-MXC
- Zoning Overlay Districts**
- HD
- PUD
- HWY-87 OD
- HWY-54 OD

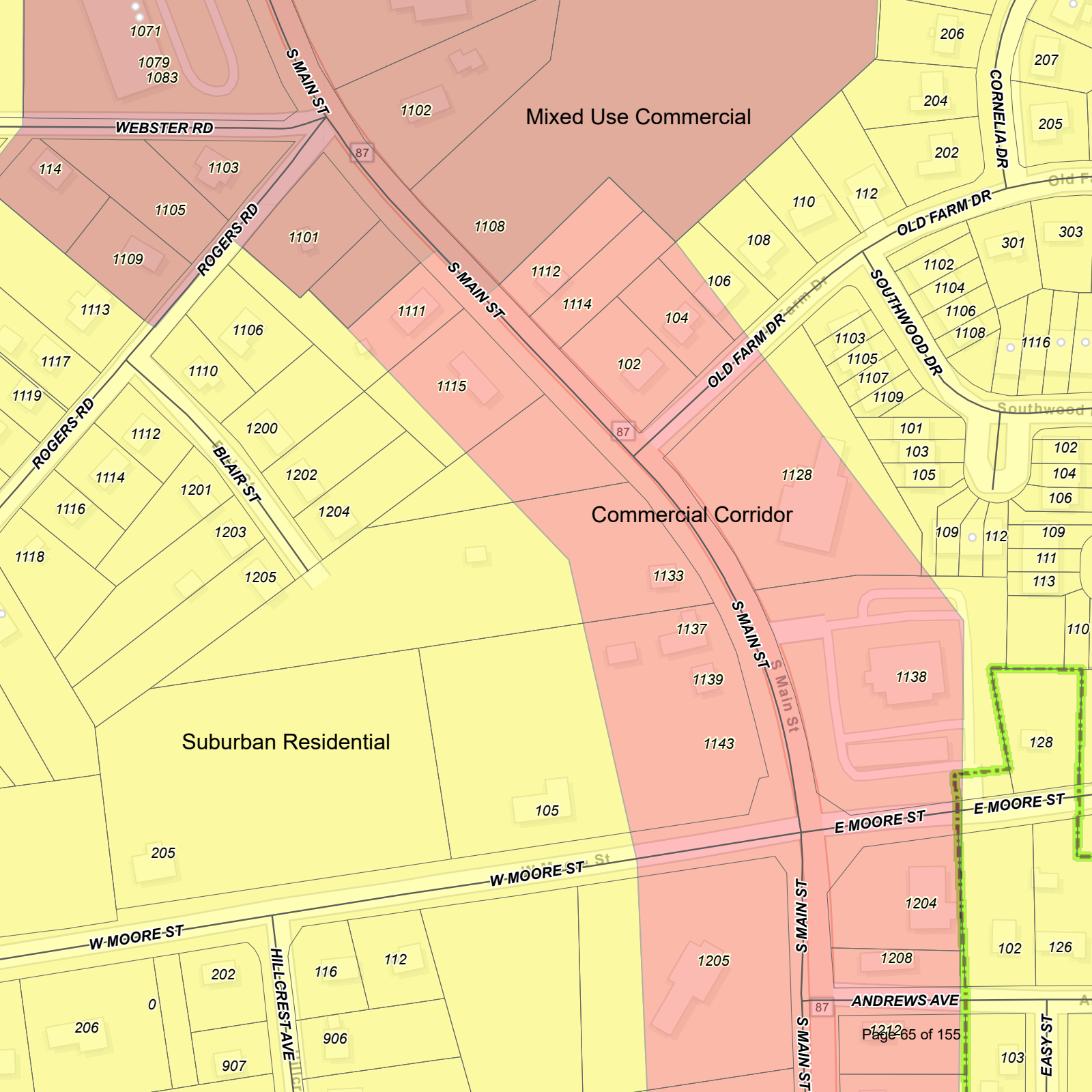


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Print Date: 3/11/2025



Disclaimer:
 This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Graham nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.



Mixed Use Commercial

Commercial Corridor

Suburban Residential

WEBSTER RD

S MAIN ST

ROGERS RD

S MAIN ST

OLD FARM DR

OLD FARM DR

SOUTHWOOD DR

CORNELLIA DR

ROGERS RD

BLAIR ST

S MAIN ST

W MOORE ST

W MOORE ST

E MOORE ST

E MOORE ST

S MAIN ST

S MAIN ST

ANDREWS AVE

EASY ST

1071

1079
1083

1102

206

207

205

204

202

114

1103

87

1105

1101

1108

110

112

1109

1112

1114

106

108

1102

1104

1106

1108

301

303

1113

1106

1111

104

1103

1105

1107

1109

1116

1117

1110

1115

102

87

1128

101

103

105

102

104

106

1119

1112

1200

1202

1204

1114

1201

109

112

109

111

113

1118

1116

1203

1205

1133

1137

1139

1143

1138

110

128

Suburban Residential

105

205

W MOORE ST

W MOORE ST

E MOORE ST

E MOORE ST

S MAIN ST

S MAIN ST

ANDREWS AVE

EASY ST

202

116

112

1205

1204

1208

102

126

206

0

202

906

907

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103



STAFF REPORT

SUBJECT:	ORDINANCE AMENDMENT FOR IMPEDING PUBLIC RIGHTS OF WAY
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Amend Code of Ordinances to add a section regarding Impeding Public Rights of Way.

BACKGROUND/SUMMARY:

After receiving several complaints from business owners and visitors, staff was directed to review and propose language to address individuals sleeping/camping on public rights of way. Staff was directed to review recent language that the City of Greensboro adopted to determine if it would be sufficient for Graham. The attorneys have completed their review and have provided language for Council consideration.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to add 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.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 12,
ARTICLE I, SEC. 12-17 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH
CAROLINA**

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by adding section 12-17, which said section(s) read as follows:

Chapter 12 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I- IN GENERAL, DIVISION I- GENERALLY

ADD: Sec. 12-17 - Blocking or impeding street or highway, public sidewalk, and public passageway access.

- (a) Purpose and intent. The city has the general authority and control over all public streets, sidewalks, and other ways of public passage within its corporate limits, except those ways of public passage that are owned or maintained by the State of North Carolina. The city has the duty to keep such streets, sidewalks, and other ways of public passage open for travel and free from unnecessary obstructions. G.S. 160A-296. This ordinance prohibits actions that block or impede the safe passage of pedestrians and vehicles on public sidewalks and streets located in the City of Graham within that area described and bounded as follows: North by East Harden Street and West Harden Street; South by East McAden Street and West McAden Street; East by North Marshall Street and South Marshall Street; West by North Maple Street and South Maple Street.
- (b) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings set forth in this subsection unless the context of their usage clearly indicates another meaning:
 - (1) *Block* means any person, object, or objects preventing at least thirty-six (36) linear and contiguous inches of clear access to freely pass through a public street or highway, public sidewalk, public passageway, or entrance or exit to a building.
 - (2) *Impede* means to render the use of a public street or highway, public sidewalk, public passageway, or entrance or exit to a building unreasonably difficult or dangerous, including the following actions:
 - i. Weaving or darting through, around, or in between multiple occupied vehicles, whether the vehicle is stopped or in travel, for a purpose other than passage to a sidewalk. This (i) subsection is meant to prohibit walking along a street parallel to the sidewalk but not meant to prohibit crossing lanes of a street to reach an occupied vehicle when the vehicle is lawfully stopped in the street;
 - ii. Placing or throwing a tangible thing on or inside an occupied vehicle that is on the street, except if an occupant requests that the acting individual deliver the tangible thing to an occupant or consents to such exchange; or
 - iii. Lying down on the portion of a traffic island that is less than six (6) feet wide; or

- iv. Lying down or sleeping upon a public street or highway, public sidewalk, public passageway, or entrance or exit to a building, or lying down or sleeping upon a blanket, chair, stool or any other object placed upon a public street or highway, public sidewalk, public passageway, or entrance or exit to a building.
- (3) *Sidewalk* means the part of a public street improved for pedestrian traffic.
- (4) *Street* means the entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic. The terms "street" and "highway" are synonymous.
- (5) *Traffic island*. A portion of the street in between lanes of traffic intended to separate lanes of traffic or guide traffic, not to hold people or provide pedestrian refuge. A traffic island may be commonly called a median. For the purpose of this section, a traffic island is any part of the street meant to separate lanes of traffic less than six (6) feet in width. Width is measured as the length of the traffic in the direction of pedestrian travel if the pedestrian is traveling perpendicular to the street.
- (6) *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes, of this chapter bicycles shall be deemed vehicles.
- (c) It shall be unlawful for an individual to block or impede the use of a public street or highway, public sidewalk, public passageway, or entrance or exit to a building.
- (d) If an object or objects shall block the sidewalk or public passageway, public works or its designee shall promptly dispose of the object(s) where practicable.
- (e) It shall be unlawful for an individual to block or impede the entrance or exit to a building served by a public sidewalk, street or highway unless otherwise granted permission by the owner or tenant. Permission granted by the owner may be evidenced by verbal or written confirmation of permission from the owner or tenant.
- (f) It shall be unlawful to camp on any public street or highway, public sidewalk, public passageway, or entrance or exit to a building. For the purposes of this section, "to camp" is defined as "any place where bedding, sleeping bags, or other material used for bedding purposes, or any stove or fire is placed for the purpose of maintaining a temporary place to live."
- (g) Nothing in this subsection shall be interpreted to prohibit exchanging objects into and out of vehicles where the vehicle is stopped or parked according to traffic laws and no blocking or impeding of a street or sidewalk occurs. Where an individual is engaged in lawful activity on the sidewalk, and such activity evokes a response by a third party that is in violation of this section or any other ordinance or state law, the individual engaged in lawful activity shall not be in violation of this section.
- (h) This section shall not apply to actions taken by first responders or actions taken in response to an emergency or to prevent an accident.
- (i) This section shall not apply to persons or entities granted a permit by the city for purposes, including, but not limited to, under [Chapter 18](#) of this Code.

- (j) This section shall not apply to acts to the extent they are allowed by, and done in conformity with, a permit issued by a governmental person.
 - (k) This section shall not apply to impeding a public street or highway, public sidewalk, public passageway, or the entrance or exit of an adjoining building due to a medical emergency.
 - (l) No action under G.S. § 20-174.1 shall be punishable under this section. This section shall only apply to public streets or highways, public sidewalks, public passageways, and the adjoining entrances or exits to a building within the city's corporate limits for which authority and control are not vested in the North Carolina Board of Transportation.
 - (m) Pursuant to G.S. § [14-4], any violation of this section shall be a class 3 misdemeanor punishable by a fine of up to fifty dollars (\$50.00).
-

Sec. 2. This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law, and all ordinances in conflict herewith are hereby repealed.

Adopted this the 8th day of April 2025.

Jennifer Talley, Mayor

ATTEST:

Renee M. Ward, City Clerk



STAFF REPORT

SUBJECT:	OPTIONS FOR ALCOHOL SALES AT ARTS AROUND THE SQUARE
PREPARED BY:	BRIAN FAUCETTE, DIRECTOR OF RECREATION AND PARKS

Requested Action:

The Recreation and Parks Department requests direction from Council concerning a request from the owners of Forgotten Road Ales to include vendors selling and serving alcohol at Arts Around the Square.

BACKGROUND/SUMMARY:

The owners of Forgotten Road Ales (FRA) approached the City Council at the March 11, 2025, Council meeting to request consideration for allowing a limited number of vendors to sell and serve alcohol at Arts Around the Square. The Council asked City staff to meet with the FRA owners and the appropriate staff from the Graham Police Department to identify options for including alcohol vendors in the event.

FISCAL IMPACT:

No additional expenses are expected. The staffing plan for City resources will be the same with or without alcohol vendors.

Potential revenue could increase. The current fee for food vendors is \$100; the suggested fee for alcohol vendors is \$250.

STAFF RECOMMENDATION:

Staff offers the following options:

Option #1 – Allow vendors to sell and serve alcohol on North Main Street, West Elm Street, and the adjacent city parking lot, East Elm Street, and Court Square. This option would also require the Council to suspend the City Ordinance found in Chapter 12; Article I; Division 1; Section 12-11 – Wine or Beer Container – Public Display for the same area to allow for alcohol consumption during the event.

Option #2—Allow vendors to sell and serve alcohol on West Elm Street and the adjacent city parking lot. This option would also require the Council to suspend the City Ordinance found in Chapter 12, Article I, Division 1, Section 12-11—Wine or Beer Container—Public Display for the same area to allow alcohol consumption during the event.

Recommendations from the Graham Police Department: All vendors must submit appropriate licenses for review and approval by the GPD by May 9, 2025.

SUBJECT:	ADOPTION OF REVISED PERSONNEL POLICY
PREPARED BY:	MEGAN GARNER, CITY MANAGER/AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve a resolution to adopt a revised City of Graham Personnel Policy.

BACKGROUND/SUMMARY:

In accordance with North Carolina General Statutes, the City Council may adopt policies and procedures governing City employment. As such, the existing Personnel Policy had been adopted July 2014 with few revisions in the interim. The City contracted with Susan Nunn, retired HR Director and employee of Performance Potential Uncorked, LLC, to conduct a comprehensive re-write. The document before you for consideration is 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 City Council for consideration.

FISCAL IMPACT:

The Policy was written to reduce existing and future liabilities to the City while providing for a fair, uniformed application. Aspects of the policy could and do have varying fiscal impacts.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve a Resolution to adopt the revised City of Graham Personnel Policy with the effective dates as specified.

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.

Jennifer Talley, Mayor

Renee Ward, City Clerk



City of Graham

Personnel Policy

The City Personnel Policy was adopted by Resolution of the City Council of the City of Graham, North Carolina on April 8, 2025 with an effective date of May 1, 2025 except as otherwise noted in the Resolution.

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CITY OF GRAHAM PERSONNEL POLICY

DIVISION 1. GENERALLY

Section 1-1. Purpose.

The purpose of this policy and the rules, regulations, and policies set forth herein is to establish a fair and uniform personnel system for all employees of the City of Graham, NC, hereinafter referred to as “City”, under the supervision of the City Manager. This policy manual is established under the authority of N.C.G.S. 160A-164 of the General Statutes of North Carolina. To the extent that any provisions of this Personnel Policy, hereinafter referred to as “Policy”, may conflict with federal, state, or local laws, the City will abide by the applicable federal, state, or local laws. **The City may, at any time, in its sole discretion, modify or vary anything stated in this Policy, including the benefits provided herein, with or without advanced notice—except as otherwise required by law.**

Nothing in this Policy shall be deemed to constitute a contract of employment. City Council has the sole authority to enter into contracts of employment and any such contract must be in writing, must declare it is an "Employment Contract", and must be executed by the Mayor after a majority vote of Council.

This Personnel Policy supersedes all prior personnel handbooks, manuals, and policies issued by the City. To the extent that any personnel related administrative procedure may conflict with this Personnel Policy, the City will abide by this Policy and resolve the conflict in the administrative procedure. The intent of personnel related administrative procedures is to work in concert with and under the umbrella of this Policy and any applicable federal, state, or local laws. Any violation of the policies set forth herein may result in disciplinary action, up to and including termination of employment.

Section 1-2. Responsibilities of the City Council.

In accordance with N.C.G.S. 160A, Part 4, the City Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits, as necessary. They also shall make and confirm appointments when so specified by the general statutes.

Section 1-3. Responsibilities of the City Manager.

The City Manager is designated as the City's Chief Executive Officer and is responsible for directing the activities of all classified employees of City Government. The City Manager shall be responsible for the administration of all personnel rules and regulations and shall have all

authority granted to him/her under N.C.G.S. 160A-148 and such additional authority as is granted to him/her by the City Council.

The City Manager or designee has the authority to create and approve administrative written policies that supplement this Personnel Policy.

The City Manager shall be responsible to the City Council for the administration and technical direction of the Human Resources program. The City Manager shall appoint, suspend, and remove all city officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The City Manager shall make appointments, dismissals, and suspensions in accordance with NC state statutes, the City Charter and Code of Ordinances, and other policies and procedures spelled out in this Policy.

The City Manager shall (or delegate such responsibility to a Human Resources Director so long as such delegation is not prohibited by statute):

- (1) Recommend rules and revisions to the personnel system to the City Council for consideration;
- (2) Make changes as necessary to maintain an up-to-date and accurate position classification plan;
- (3) Prepare necessary revisions to the pay plan;
- (4) Determine which employees shall be subject to the overtime provisions of Fair Labor Standards Act (FLSA);
- (5) Establish and maintain a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- (6) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- (7) Develop and coordinate training and educational programs for city employees;
- (8) Investigate periodically the operation and effect of the personnel provisions of this article; and
- (9) Perform such other duties as may be assigned by the City Council not inconsistent with this article.

Section 1-4. Departmental rules and regulations.

Due to the particular personnel and operational requirements of the various departments of the City, each department is authorized to establish written, supplemental rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the City Manager and shall not in any way conflict with this Policy, but shall be considered as a supplemental thereto. To the extent that any departmental rule or regulation may conflict with this Personnel Policy, the City will abide by this Policy and resolve the conflict. The intent of departmental rules and regulations is to work in concert with and under the umbrella of this Policy and any applicable federal, state, or local laws.

Section 1-5. Definitions.

For the purposes of this Policy, the following words and phrases shall have the meanings respectively ascribed to them by this section unless otherwise stated:

Elected Official. The Mayor and/or a Council member, whether elected or appointed to fill a vacancy. Elected officials are not employees.

Employee. A person under the direct supervision and control of the City and being paid through the City payroll.

Full-time employee. An employee who is in a position for which a minimum work week equals at least thirty-seven and one-half (37.5) hours, and continuous employment of at least twelve (12) months, are required by the City. Such employees are eligible for benefits.

Immediate Family. Defined as spouse, child, parent, guardian, sibling, grandparent, and grandchild to include the various combinations of half, step, in-law, and adoptive relationships that can be derived from those named. Foster children under the care of an employee shall be deemed immediate family for these purposes.

Non-Shift Employee. An employee whose regularly scheduled work hours fall within the standard workweek, generally Monday through Friday, 8 AM to 5 PM.

Part-time benefited employee. An employee who is in a position requiring 1,000 hours but no more than 1,508 hours in a calendar year and for which an average work week is (1) more than 19.23 hours per week to no more than 29 hours per week or (2) a variable-hours per week schedule and may work over 29 hours in a single week occasionally but does not average more than 29 hours a week the duration of a calendar year. The employee is never authorized to work overtime in a work period or to work more than 1,508 hours in a calendar year. Such employees are eligible to and shall participate in the North Carolina Local Governmental Employees' Retirement System (NCLGERS) and shall receive no other benefits unless specifically enumerated in these rules or required by law.

Part-time non-benefited employee. An employee who is in a position that requires less than 1,000 hours in a calendar year and for which an average work week (1) does not exceed 19.23 hours per week or (2) is a variable-hours per week schedule working over 19.23 hours in a single week occasionally but does not average over 19.23 hours a week for the duration of a calendar year. Such employee shall receive no benefits unless specifically enumerated in these rules or required by law.

Probationary employee. An employee appointed to a full- or part-time position who has not yet successfully completed the designated probationary period.

Regular employee. An employee appointed to a full- or part-time position who has successfully completed the designated probationary period. The term "permanent" used anywhere in these regulations shall not be deemed to constitute a contract of employment.

Shift Employee. An employee whose regularly scheduled work hours are outside of the typical Monday to Friday, 8AM to 5 PM workday and may include employees working in roles such as Police, Fire, Water plant, and Wastewater Plant. Shift employees typically work rotating or irregular hours, including weekends and holidays.

Temporary employee. An employee in a position which the duties and responsibilities are required for less than (12) months and who will work a variable-hour schedule averaging less than 1,000 hours in a calendar year. Under no circumstance will a temporary employee position require 1,000 hours or more. Such employee shall receive no benefits unless specifically enumerated in these rules or required by law.

Trainee. A full-time employee status when an applicant is hired or employee promoted who does not meet all the requirements for the position.

Volunteer. An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered as defined by the FLSA. An individual shall not be considered a volunteer if the individual is otherwise employed by the City to perform the same type of services (as defined by the FLSA) as those for which the individual proposes to volunteer.

Section 1-6. Equal Employment Opportunity Policy.

The City is an Equal Employment Opportunity Employer. The City makes employment decisions without regard to race, age, sex/gender, sexual orientation, national origin, ancestry, citizenship status, religion, marital status, disability, military service or veteran status, genetic information, or any other classification protected by applicable federal, state, and local laws and ordinances. The City operates on the premise that a skilled, diverse work force provides more effective services for the citizens. The purpose of this policy is to affirm the City's commitment to ensuring the fulfillment of this policy with respect to hiring, placement, promotion, transfer,

demotion, layoff, termination of employment, recruitment advertising, pay, and other forms of compensation, training, and general treatment during employment.

The City shall make all appointments and promotions solely based on merit and embrace the following merit system principles in administering its personnel program:

- (a) The City provides applicants and employees with fair treatment in all aspects of personnel administration. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens.
- (b) Employee shall be recruited, selected, trained, and advanced based on their experience, qualifications, ability, knowledge, skill, and performance.
- (c) Employees shall be guided in ways to correct inadequate performance and separated when inadequate performance is not corrected.
- (d) Employees shall be protected against coercion for partisan political purposes.
- (e) Employees shall receive equitable and adequate pay in benefits, and eligible employees shall receive performance pay increases based upon their performance, subject to the availability of funds.

Section 1-7. Employment Relationship.

All employees of the City are employees-at-will who may leave the City's employ at any time for any reason and whose services may be terminated by the City at any time with or without notice.

DIVISION 2. POSITION CLASSIFICATION PLAN

Section 2-1. Purpose.

The position classification plan provides a complete inventory of all authorized full-time position classifications in the City service and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 2-2. Composition of the position classification plan.

The classification plan shall consist of:

- (1) A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- (2) Class titles descriptive of the work of the class;
- (3) Written specifications for each class of positions; and
- (4) An allocation list showing the class title of each position in the classified service.

Section 2-3. Use of the position classification plan.

The classification plan is to be used:

- (1) As a guide in recruiting and examining applicants for employment;
- (2) In determining lines of promotion and in developing employee training programs;
- (3) In determining pay to be paid for various types of work;
- (4) In determining personnel service items in departmental budgets; and
- (5) In providing uniform job terminology.

Section 2-4. Administration of the position classification plan.

The City Manager, assisted by the Human Resources Director, shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review the classification plan and recommend appropriate changes to the City Manager and is

responsible for interpreting and recommending to the City Manager the appropriate application of the classification plan to situations not specifically covered in this Policy.

Department Heads shall be responsible for bringing to the attention of the City Manager and/or Human Resources Director any significant change in the duties, responsibilities, working conditions, or other factors, which would affect the classification of any position. Following the receipt of such information, the City Manager and the Human Resources Director shall determine whether a change is necessary. Department Heads should conduct a general review of each position within their department as listed in the classification plan at least annually, typically during the annual budget request process.

The City Manager is authorized to approve position title changes if the need arises. Upon analysis and recommendation from the Human Resources Director, position classifications currently on the position classification schedule may be modified up to a two-pay grade change providing budgetary allocations are available should the City Manager deem appropriate and necessary.

Section 2-5. Adoption of the position classification plan.

The position classification plan shall be adopted by the City Council and shall be on file with the Human Resources Director. Copies will be available to all City employees for review upon request. New positions or newly-created classes shall be established upon recommendation of the City Manager and approval of the City Council after which the City Manager shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated.

Section 2-6. Request for reclassification.

Any employee who considers the position in which he/she is classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the Department Head to the Human Resources Director. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification, and recommend to the City Manager necessary changes for consideration in the next budget process (at the latest) to revise the classification and pay plan where necessary.

DIVISION 3. THE PAY PLAN

Section 3-1. Definition.

The pay plan includes the basic pay schedule and the "assignment of classes to grades and ranges" adopted by the Council. The pay schedule consists of minimum and maximum rates of pay for all classes of positions. NOTE: When applying Division 3 The Pay Plan, see Division 4 and other policies for definition of applicable actions.

Section 3-2. Administration and maintenance.

The City Manager shall be responsible for the administration and maintenance of the pay plan and for establishing method(s) and/or criteria by which employees may progress within the assigned pay grade. All employees covered by the pay plan shall be paid at a rate listed within the pay range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the city, and other factors. To this end, from time to time the City Manager, assisted by the Human Resources Director, shall make comparative studies of all factors affecting the level of pay ranges and may make minor adjustments in the allocation of positions to pay grades. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the City Manager will recommend such changes to City Council. Such assignments will be made by increasing or decreasing the assigned pay grade for the class and adjusting the rate of pay for employees in the class. City Council may adopt the job classification and pay schedule, including any minor adjustments made by the City Manager during the budget year, annually as part of the budget process.

Periodically, the City Manager shall recommend that individual pay ranges be studied and adjusted as necessary to maintain market competitiveness.

The City Manager may approve in-range adjustments to employee pay not to exceed ten percent when necessary to accommodate inequities, special performance or achievements, or other issues. Such adjustments and the reason will be documented.

Section 3-3. Starting pay.

All persons employed in positions approved in the position classification plan typically are employed at the minimum pay for the classification in which they are employed when meeting the minimum qualifications of the position; however, on the recommendation of the Department

Head and Human Resources Director and with the approval of the City Manager, qualified applicants may be employed above the minimum of the established pay range. Appointment within the pay range is based on factors such as the applicant's qualifications being higher than the desired/required education, abilities, and experience for the class; recruiting difficulty; externally competitive starting pays for the classification's market; pay of current incumbents in the same or comparable jobs; and/or the refusal of qualified applicants to accept employment at the minimum rate for the grade. The Human Resources Director and Department Head shall consider internal equity of other employees in the department when making recommendations for employment above the hiring rate.

Section 3-4. Trainee designation and provisions.

Applicants being considered for employment or City employees who do not meet all the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the City Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head. "Trainee" salaries may be no more than two (2) grades below the minimum pay established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee. Trainee designations should be reviewed and approved by the Human Resources Director. The Department Head, with the supervisor's evaluation of the employee's performance, will periodically (at a minimum every six months) review the progress of the trainee status employee to determine when the employee is qualified to assume full responsibilities of the position.

If the training is not successfully completed to the satisfaction of the City Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

Section 3-5. Probationary pay increases.

Full-time employees hired or promoted into the minimum rate of the pay range shall receive a pay increase within the range of approximately five (5) percent upon successful completion of the probationary period.

Employees hired or promoted into a rate of pay above the minimum rate of the pay range *may* be considered for a probationary pay increase upon successful completion of the probationary period, provided such increase does not exceed 5%. The Human Resources Director and Department Head shall consider internal equity of other employees in the department when making recommendations for such rate of pay increases.

Section 3-6. Performance evaluation and performance pay increases.

Supervisors and/or Department Heads shall conduct performance evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing. Upward movement within the established pay range is not automatic but based upon specific performance criteria and/or pay policies. Procedures for determining performance levels and performance pay increases are established in procedures approved by the City Manager and administered by the Human Resources Director and Department Heads, consistent with budgets and funding approved by City Council. Employees may be considered for advancement within the established pay range based on the quality of their overall work performance subject to the availability of funds.

Section 3-7. Performance pay bonus.

Employees who are at the maximum pay of the range for their position classification are eligible to be considered for a performance bonus subject to the availability of funds. Performance bonuses are awarded based upon the performance of the employee as documented in the performance evaluation. Such bonuses are awarded in lump sum payments and do not become part of base pay. Employees pay shall not exceed the maximum established in the pay plan.

Employees who are near the maximum of the range for their position shall receive an amount of performance pay, when eligible, that does not allow them to exceed the maximum for their pay range. Any amount above the established maximum shall be paid in a performance pay bonus, which is not added to the employee's salary.

Section 3-8. Pay effect of promotions, demotions, transfers, and reclassifications.

(a) *Promotions.* When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position or to a pay which provides an increase of at least five (5) percent over the employee's pay before the promotion, provided, however, the new pay may not exceed the maximum rate of the new pay range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

(b) *Demotions.* When an employee is demoted to a position for which qualified, the pay shall be set at a rate within the lower pay range. The pay shall include a decrease of not less than 5% and may not be greater than the maximum of the new range. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration along with internal equity consideration of the pay rate of other employees in the same classification.

(c) *Transfers.* The pay of an employee reassigned to a position in the same class or to a position in a different class within the same pay range will normally not be changed by the reassignment. Adjustments to the pay may be made for special situations, if justified, upon the

Department Head's recommendation, review by the Human Resources Director, and approval by the City Manager.

(d) *Reclassifications.* An employee whose position is reclassified to a class having a higher pay range shall receive a pay increase of approximately five (5) percent or an increase to the minimum of the new pay range, whichever is higher. If the position is reclassified to a lower pay range, which places the employee's pay above the maximum of the new pay range, the employee's pay shall remain the same for a period not to exceed twelve (12) months, at which time the pay will be reduced to an amount not to exceed the maximum of the new pay grade.

Section 3-9. Pay effect of pay range revisions.

When a class of positions is assigned to a higher pay range as a result of labor market conditions, employees in that class shall receive a pay increase of five (5) percent for each pay grade increase, if such increases do not exceed the midpoint of the new range. The employee shall receive a minimum of five (5) percent for the range revision, even if such increases move the employee's pay above the midpoint of the new range. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum established for the new class, the pay of that employee shall be maintained at that level for a period not to exceed twelve (12) months, at which time the pay will be reduced to an amount not to exceed the maximum of the new pay grade.

Section 3-10. Effective date of pay changes.

Pay changes approved after the first working day of a pay period become effective at the beginning of the next pay period, or at such specific date as approved by the City Manager, with Human Resources Director recommendations for administrative or other procedures.

Section 3-11. Overtime & Compensatory pay provisions.

Employees of the City may be required to work overtime hours as necessitated by the needs of the City and determined by the Department Head. All overtime work must be authorized in advance, properly documented on the timesheet, and administered in accordance with the Fair Labor Standard Act (FLSA).

Supervisors shall attempt to arrange non-exempt employee work, schedules, and time off to accomplish the required work within the FLSA work period without incurring overtime or compensatory time. Similarly, supervisors may adjust work schedules to reduce compensatory leave balances.

To the extent that local governmental jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA). The City Manager shall determine, with recommendation of the Human Resources Director, which jobs are "exempt" under the terms of

exemptions in accordance with the FLSA and are therefore not subject to the FLSA in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

In declared disaster or emergency situations, such as a declared emergency where employees are required to work long and continuous hours, the City Manager may approve compensation at time and one-half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. This provision applies to exempt and non-exempt employees, including the City Manager.

Non-Exempt Employees

Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled or approved to work, except in cases of emergency. **Employees must not engage in off-the-clock or unrecorded work.** Off-the-clock work means work performed but not reported on the timesheet.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually forty (40) hours in a seven (7) -day work period; 171 hours for sworn law enforcement and 212 hours for fire protection employees in a twenty-eight (28)-day work period). Hours worked beyond the FLSA established limit will be compensated in either compensatory-time off or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will vacation, sick leave, or holiday be included in the computation of hours worked for FLSA purposes.

Earned compensatory time off should be granted whenever feasible and determined by the supervisor and Department Head. Departments are responsible for monitoring and managing compensatory time balances. If an employee reaches the FLSA maximum compensatory time accumulation, the employee must be paid for additional overtime hours of work in accordance with the FLSA. Non-exempt employees separating from employment shall be paid for their compensatory time balances.

When an employee is promoted from a non-exempt position to exempt position, he/she shall have his/her compensatory hours paid in accordance with the provisions of this policy.

During any absences from work, any compensatory time balance for non-exempt employees must be used before vacation leave time.

Exempt Employees

An exempt employee's compensation covers all hours worked without regard to the amount of time required to perform the job and is not subject to the FLSA overtime provisions. A normal work week is established by management for exempt employees, who are expected to be available during the normal workday. Although compensation is not determined by the specific number of hours worked, an exempt position normally requires a minimum of 40 hours

per week to meet the needs of the City and the responsibilities assigned to the position rather than working a specified number of hours. These employees may accrue compensatory leave for hours worked in excess of their normal schedule (and shall not exceed an hour-for-hour exchange for hours worked over 40 in a normal work week) with a balance not to exceed forty (40) hours. These employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the City Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

Section 3-12. On-call, stand-by, and call-back pay.

The City of Graham provides continuous, 24/7 services to its residents. As such, certain employees are required to be available to respond to reasonable requests for service at any time, day or night. Acceptance of this responsibility is a condition of employment for positions designated to provide continuous service. Employees who fail to respond to reasonable emergency or special service calls may be subject to disciplinary action, up to and including dismissal.

Time spent by an employee physically required to remain on the employer's premises, or so close to it that personal time cannot be used freely, is considered compensable working time. However, employees on general on-call or standby status are not compensated for the waiting period unless they are called in to work or assigned to formal standby duty.

Administrative procedures governing on-call, standby, and callback requirements shall be approved by the City Manager.

- (a) On-call. Non-exempt employees assigned to on-call duty must be available to respond when contacted but are not restricted to a specific location. On-call pay is provided as a flat amount, not linked to specific hours worked, and is included when calculating the regular rate for overtime purposes. During on-call periods, employees must maintain the physical and mental readiness necessary to safely and effectively perform their job, including compliance with the City's Substance Abuse policy.
- (b) Stand-by. Non-exempt employees who are assigned to stand-by duty refers to time when an employee is required to remain in close proximity to a designated telephone or contact device and be available to report to work immediately if needed. Employees assigned to standby duty will be compensated as follows:
 - Eight (8) hours of straight-time pay will be provided for each full week (approximately 128 hours, excluding active work time) of standby duty served.
 - For standby periods of less than one (1) full week, compensation will be calculated at a rate of 0.062 hours of pay per hour of standby time.

- Hours actually worked while on standby will begin accruing once the employee reports to the work site and will be added to the employee's total weekly hours.

(c) Callback. Non-exempt employees who are called back to duty outside of normal working hours are guaranteed a minimum of two (2) hours of pay. Callback time includes travel to and from the worksite. If the employee responds remotely (via telephone, computer, or other device) without returning to the worksite, they will be compensated for a minimum of 15 minutes per occurrence or for all actual time worked, whichever is greater. This provision does not apply to previously scheduled overtime or remote work performed as part of a telecommuting arrangement.

Section 3-13. Payroll deduction.

Deductions shall be made from each employee's pay, as required by law. Additional deductions may be made upon the request of the employee on determination by the City Manager as to capability of payroll equipment and appropriateness of the deduction.

Section 3-14. Bonus Program.

The City Manager may authorize signing, retention, or employee recognition bonuses with an established administrative procedure.

Section 3-15. Furlough.

The City Manager has the authority to reduce the hours worked and/or the pay of employees to meet budgetary restrictions.

Section 3-16. Direct deposit.

Employees are paid by electronic transfer of funds to their designated bank account. Employees will receive written or electronic documentation of their wages, deductions, and leave balances each pay period.

Section 3-17. Educational Increases.

The City Manager will establish a schedule of pay increases to reward employees for earning degrees that enhance their value to the City. These increases will apply only to degrees that exceed the minimum requirements outlined in the job specifications. Department Heads must provide a reasonable justification for how the degree directly benefits the employee's role and contributes to the City's operations. Without this justification, employees will not be eligible for educational pay increases.

Section 3-18. Interim/Special duty pay.

The existence of vacancies, long-term absences, or staffing challenges can create the necessity to redistribute work within the organization. Typically, the employee receiving interim/special duty pay continues to perform his/her regular job duties for the current classification while assuming the additional duties of a higher-classed position that are complex/difficult, of a hazardous nature, or of a nature that if not performed would risk fines, legal sanctions, or safety. A temporary pay increase may be implemented for an employee accepting such an assignment with the approval of the City Manager.

The amount of the temporary increase will be based upon department size, the significance of duties assumed, and the level of responsibility for persons, property, and operations. Increases will not be given for additional duties that are routine or like those of an employee's regular job assignment or within the same pay grade. Employees temporarily assuming all duties and functions of a supervisory level position, shall receive, at a minimum, a temporary pay at the minimum level of the position, or to a pay which provides a temporary increase of at least five (5) percent over the employee's pay before the temporary assignment.

Section 3-19. Final Paycheck Deductions and Debt Collection.

To the extent allowed by law, the City may deduct and withhold from an employee's final paycheck or leave payout any outstanding amounts owed to the City. If an employee's debt remains unpaid, the City may pursue collection through the North Carolina Debt Setoff Program (N.C.G.S. 105A) or other lawful means.

DIVISION 4. RECRUITMENT AND EMPLOYMENT

Section 4-1. Statement of equal employment opportunity policy.

See Section 1-7.

Section 4-2. Implementation of equal employment opportunity policy.

All personnel responsible for recruitment and employment will regularly review the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of race, age, sex/gender, sexual orientation, national origin, ancestry, citizenship status, religion, marital status, disability, military service or veteran status, genetic information, or any other classification protected by applicable federal, state, and local laws and ordinances. Notices with regard to equal employment matters shall be posted in conspicuous places on City premises in places where notices are customarily posted.

Section 4-3. Recruitment, selection, and appointment.

- a. *Recruitment sources.* When position vacancies occur, the Human Resources Department typically publicizes these opportunities for employment, including applicable pay information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources in order to seek qualified and diverse pool of applicants. Publication locations and/or recruitment services for a vacancy are determined for each position according to the position and City's needs, typically striving to reach broad diverse audiences for qualified applicants. Individuals are recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for City service. In certain situations, because of emergency conditions, high turnover, utilizing a temporary agency/recruitment firm, etc., the City may hire or promote without publicizing jobs upon approval of the City Manager.
- b. *Job advertisements.* Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes.
- c. *Application for employment.* All persons expressing interest in employment with the City shall be given the opportunity to file an application for employment for positions which are vacant during the timeframe as stated in the recruitment posting following the City's standard application procedures. All applicants must complete and provide accurate information on their application. Submission of false, misleading, or incomplete information may result in disqualification from further consideration or dismissal from City employment. Applicants who require a reasonable accommodation during the application or selection process due to disability may contact the Human Resources

Department for assistance. Applications are generally valid for consideration only for the specific position for which they are submitted unless otherwise noted.

- d. *Selection.* Department Heads, with assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the City shall be valid measures of job performance.
- e. *Employment screening and medical examinations.* Before any commitment is made to an applicant, the City requires position appropriate pre-employment, promotion, and reassignment screenings to include, yet not limited to, credit, criminal, driving, drug, educational, and reference information. Appropriate background checks are required for prospective volunteer coaches or other volunteers according to the nature of the volunteer tasks and public contact. The City will not engage in blanket disqualification of applicants based on background checks but will consider the specific requirements for each position. Authorization by the individual is required prior to screening. The City is a drug-free workplace. Offers of employment are conditional based on the results of drug and pre-employment screenings.
- f. *Conditional employment offers.* Offers of employment may be contingent upon the results of medical and/or fitness-for-duty examinations, depending on the requirements of the position. Any applicant, *after receiving a conditional offer of employment and prior to starting work with the City*, may be required to complete a City-paid medical examination to determine fitness for the position. This examination will be conducted at the City's expense by a medical provider selected by the City.
- g. *Appointment.* Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the City Manager, with assistance and review of the Human Resources Director, with a recommendation of the position to be filled, the pay to be provided, and the reasons for selecting the candidate over other candidates. The City Manager shall approve appointments and the starting pay for all applicants. All employment offers should be confirmed in writing.
- h. *Emergency Appointment.* An emergency appointment may be made when a situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined by the City Manager (and the Human Resources Director has been consulted) that an emergency appointment is necessary, all other requirements for appointment may be waived dependent upon the position duties. An emergency appointment may be made for a period of up to 120 calendar days (consecutive or non-consecutive). Any one individual may not receive successive emergency appointments with the same department. At least one (1) year must elapse before an individual may receive another emergency appointment.

Section 4-4. Probationary period.

The probationary period serves as both a working test period and an opportunity for employees to adjust to their new roles. During this time, employees must demonstrate their ability to perform the required duties and their overall fitness and suitability as public employees.

Initial & Promotional Probationary Periods

- a. Initial Hire: Employees shall serve a minimum six-month probationary period, except for appointed sworn police personnel, who shall serve a minimum twelve-month probationary period.
- b. Promotions: Employees promoted to a new position shall serve a minimum six-month probationary period, including sworn police personnel.
- c. Trainee Appointments: Employees in a trainee appointment will have a specific probationary period established at the time of appointment.

Performance Monitoring & Evaluation

- a. During the probationary period, supervisors shall monitor an employee's performance and provide regular feedback.
- b. Before the end of the probationary period, supervisors shall conduct a performance evaluation conference to review the employee's accomplishments, strengths, and areas for improvement.
- c. A written summary of this discussion shall be documented in the employee's personnel file.
- d. The supervisor shall recommend in writing whether the probationary period should be completed, extended (for up to six additional months), or if the employee should be transferred, demoted, or dismissed.

Probation for Disciplinary Action

Employees may also be placed on disciplinary probation due to violations of City policies, procedures, or performance standards. This serves as a corrective action period during which employees must demonstrate immediate and sustained improvement.

- a. Duration: Disciplinary probation may last up to one year, depending on the severity of the issue.
- b. Expectations: Employees will receive written notice specifying performance or conduct concerns, required improvements, and consequences for failing to meet expectations.
- c. Restrictions: Employees on disciplinary probation may be ineligible for promotions, transfers, or certain benefits, as determined by the City Manager or designee.
- d. Completion and Consequences:

1. Successful Completion: If the employee meets all expectations, probation will end, and the employee will return to normal employment status.
 2. Failure to Improve: If the employee fails to meet expectations, further disciplinary action may be taken, up to and including termination.
- e. Disciplinary Action During Probation: Disciplinary action, including demotion or dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy.
- f. A promoted employee who does not successfully complete their probationary period may be transferred or demoted to a position better suited to their abilities. If no such position is available, the employee shall be dismissed.
- g. Promoted employees retain all other rights and benefits, including the right to use the grievance procedures.

This policy ensures a structured approach to probation, emphasizing both performance evaluation and accountability while providing employees with a clear path for success.

Section 4-5. Promotion.

Promotion is the movement of an employee from one position to a vacant position in a competitive selection process or the non-competitive movement from one level to another in a job classification series (i.e., I to II) in a class assigned to a higher pay range. It is the City's policy to create career opportunities for its employees whenever possible and to encourage qualified City employees to apply for higher pay grade positions. Candidates for promotion shall be chosen based on their experience, qualifications, knowledge, skill, and work performance. Internal candidates must apply for promotions using the same application process as external candidates.

Section 4-6. Demotion.

Demotion is the movement of an employee from one position to a position in a class assigned to a lower pay range. Demotions may be voluntary or involuntary.

A voluntary demotion is not a disciplinary action but typically is in writing. It is subject to the availability of a vacant position, the recommendation of the Department Head, review by the Human Resources Director, and approval of the City Manager. Employees may request voluntary demotions to accept a position with less complex duties, reduced responsibilities, different career paths, or for other reasons.

An employee whose work or conduct in the current position is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this Policy.

Section 4-7. Transfer.

Transfer is the movement of an employee from one position to a position in a class in the same pay grade. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall typically apply for the transfer using the application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the City Manager with the consent of the receiving Department Head. Employees who transfer shall serve an additional probationary period but are not eligible for an increase upon successful completion of the probationary period.

Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy.

DIVISION 5. CONDITIONS OF EMPLOYMENT

Section 5-1. Work schedule.

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.

Section 5-2. Political activity.

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a. Engage in any political or partisan activity while on duty, including through phone calls, e-mails, letters, meetings, social media, etc.;
- b. Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c. Be required as a duty of employment or as condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
- d. Coerce or compel contributions from another employee of the City for political or partisan purposes;
- e. Use any supplies or equipment of the City for political or partisan purposes (i.e., to prepare or display political slogans, posters/stickers, and the like); or
- f. Be a candidate for nomination or election to office under the City Charter.

In addition to the above prohibitions, employees subject to the Hatch Act may not be candidates for elected office in a partisan election.

Any violation of this section shall subject the employee to disciplinary action up to and including dismissal.

Section 5-3. Outside employment.

The work of the City takes priority over other employment interests of employees. All outside employment for salaries, wages, or commission, and all self-employment must be reported in writing to the employee's supervisor before such work is to begin. The supervisor and Department Head will determine whether the outside work would create a conflict of interest or otherwise be incompatible with City service. Routing through the Human Resources

Director for prior review, Department Heads must obtain written approval from the City Manager. The assumption of outside employment without prior approval by the City may be deemed improper conduct and subject the employee to disciplinary action up to and including dismissal.

Outside employment-related activities and conduct away from the City must not compete with, conflict with, or compromise the City's interests or adversely affect job performance and the ability to fulfill all responsibilities to the City. Employees may not solicit or conduct any outside employment during work time for the City nor use any City tools, materials, equipment, or technology to conduct outside employment.

Employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment is not an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).

Employees may not use paid sick leave to perform work for another employer.

Outside employment is prohibited while an employee is on a paid or unpaid leave of absence for his/her own sickness or disability where benefits may be maintained. Department Heads must obtain written approval from the City Manager, routed through the Human Resources Director for a variation to this section.

Any employee violating the provision of this section shall be subject to disciplinary action up to and including dismissal.

Section 5-4. Use of City equipment, supplies, and vehicles.

City equipment, vehicles, materials, tools, and supplies shall not be available for personal use nor removed from City property except in the conduct of official City business, unless approved by the City Manager or authorized designee (i.e., written administrative policies/procedures or express written consent).

Employees are responsible for taking proper care of all City property and equipment with which they are entrusted. No employee shall purchase for personal use any equipment or supplies through City purchase accounts.

No individual shall operate or ride in a City vehicle except as required for the conduct of official City business. An individual who is not a City employee is not allowed to operate a City vehicle without prior approval or contract agreement. Employees are responsible for the IRS tax

liability imposed for commuting in vehicles that do not fall with the IRS categories of non-personal use.

Employees are responsible for adhering to all aspects of this policy and are subject to auditing and discipline for non-compliance. Additional detailed policies and procedures regarding the use of City equipment, supplies, and vehicles may be established in accordance with Section 1 of this Policy.

An employee who terminates employment is required to return all City-owned equipment, including uniforms, before their last working day. Failure to return issued items may result in the City billing the employee for the replacement cost. If the employee has provided prior written authorization, the City may deduct the replacement cost from the employee's final paycheck or accrued vacation leave balance, in accordance with North Carolina law.

Section 5-5. Employment of Relatives.

Due to the potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, a policy and approval process for employment of immediate family is necessary. This policy applies to candidates for employment, current employees, promotions, and other reassignments.

No two members of an immediate family shall be employed within the same work unit if such employment will result in one member supervising the other or in one member occupying a position that has influence over the other's employment, promotion, pay administration, or related management or personnel considerations. The City also prohibits the employment of any person who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, City Council Member, City Manager, Assistant City Manager, City Clerk, City Attorney, Human Resources Director, or Finance Director. Otherwise, the City will consider employing family members or related persons in the service of the City, provided that such employment does not result in a relative supervising relative, in a relative auditing the work of a relative, or does not create a conflict of interest with either relative and the City or the potential or perception of favoritism. The City reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if no direct reporting relationship or authority is involved. Nor shall *any* employee's family member be hired without prior Human Resources Director review and the approval of the City Manager. The hiring supervisor is responsible for ensuring policy compliance.

If any employee, after employment or change in employment, enters one of the above relationships, one of the affected individuals must seek a transfer, a change in the reporting relationship, or resign. Such changes must be approved by the City Manager. No exception to this policy will be made without the written consent of the City Manager.

This clause shall not apply retroactively to employees and their relatives who were employed by the City prior to April 8, 2025 and identified in the Resolution to adopt this Policy. However, this clause will apply to any new relationships formed on April 9, 2025 or after.

Section 5-6. No Harassment/No Discrimination/No Retaliation.

The City is committed to maintaining a workplace free from unlawful harassment, discrimination, and retaliation. This commitment extends not only to our employees but also to job applicants, contractors, and any third parties, including vendors and customers. Harassment, discrimination, and retaliation based on race, age, sex/gender, sexual orientation, national origin, ancestry, citizenship status, religion, marital status, disability, military service or veteran status, genetic information, or any other classification protected by federal, state, or local laws are strictly prohibited. Such conduct will result in disciplinary action.

Harassment Defined

Harassment includes, but is not limited to, inappropriate remarks, jokes, written materials, symbols, paraphernalia, clothing, or other verbal or physical actions that intimidate, ridicule, demean, or belittle an individual based on their race, age, sex/gender, sexual orientation, national origin, ancestry, citizenship status, religion, marital status, disability, military service or veteran status, genetic information, or any other protected category.

Sexual Harassment Defined

Sexual harassment encompasses unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. This includes behaviors, remarks, jokes, or innuendos that intimidate, ridicule, or belittle a person based on their gender, regardless of whether the remarks are sexually suggestive or provocative.

Harassment Occurs When:

- Submission to, or tolerance of, unwelcome conduct is explicitly or implicitly made a condition of employment.
- Submission to, tolerance of, and/or rejection of unwelcome conduct is used as a basis for employment decisions.
- Unwelcome conduct substantially interferes with work performance or creates an intimidating, hostile, or offensive work environment.

Addressing Harassment Outside the City

The City's commitment to a harassment-free environment extends beyond the workplace, including work-related settings such as business trips, conferences, and social functions. Harassment or discrimination is unacceptable in any setting involving the City, whether the conduct is from a supervisor, coworker, customer, vendor, or other third parties.

Responsibility to Report

Employees must report any harassment or discrimination they experience or witness to the City. Failure to report such incidents prevents the City from taking corrective actions. Any failure to report harassment or discrimination may lead to disciplinary actions, up to and including termination of employment.

Reporting Process

If an employee experiences or becomes aware of harassment or discrimination, they should immediately report the issue to their supervisor. The supervisor will initiate an investigation with the involvement of the Department Head and Human Resources Director. If an employee feels uncomfortable discussing the issue with their supervisor, they may report it directly to the Department Head, Human Resources Director, or City Manager. The City Manager and/or City Attorney will be notified as appropriate.

Investigation and Protection

The City will investigate all claims of harassment or discrimination thoroughly, promptly, and without consequence to the employee reporting or experiencing the conduct, as long as the report is made in good faith and the information provided is truthful. Employees are required to cooperate with investigations related to harassment or discrimination.

No Retaliation

The City strictly prohibits any form of retaliation against an employee for reporting harassment, discrimination, or retaliation, or for cooperating in the investigation of such claims. If an employee believes they have been subjected to retaliation, they should immediately report it to the Human Resources Director or City Manager.

Section 5-7. Gifts, favors, and conflicts of interest.

In compliance with N.C.G.S. 133-32, no official or employee of the City shall accept any gift, favor, or item of value that may tend to influence such employee in the discharge of the employee's duties or grant in the discharge of duty an improper favor, service, or thing of value.

No official or employee who is involved in making or administering a contract on behalf of the City may derive a direct benefit from the contract except as provided in N.C.G.S.14-234(b) or as otherwise allowed by law.

An official or employee who will derive a direct benefit from a contract with the City, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.

No official or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment in exchange for recommending, influencing, or attempting to influence the award of a contract by the City.

This section is not intended to prevent the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets. This section is not intended to prevent any contractor, subcontractor, or supplier from making donations to professional organizations to defray meeting expenses where City employees are members of such professional organizations, nor is it intended to prevent City employees who are members of professional organizations from participation in all scheduled meeting functions available to all members of the professional organization attending the meeting. This section is also not intended to prohibit customary gifts or favors between employees or officials and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business of the individual concerned which is the motivating factor for the gift or favor.

However, all gifts knowingly made or received are required to be reported to the Department Head if the gifts are made by a citizen, customer, contractor, subcontractor, or supplier doing business or desiring to do business directly or indirectly with the City to ensure policy compliance, conflicts of interest do not arise, and upholding ethical public steward standards.

Section 5-8. Safety.

Safety is the responsibility of both the City and employees. It is the policy of the City to establish a safe work environment for employees. The City shall establish a safety program including policies and procedures regarding safety practices, precautions, and training in safety methods. Department Heads and supervisors are responsible for ensuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal. Additional detailed administrative policies and procedures regarding safety, workers' compensation, injury, and related may be established by the City Manager.

Section 5-9. Zero Tolerance Substance Abuse Policy.

The City is committed to ensuring the safety and well-being of its employees and citizens and to complying with all relevant state, federal, and other regulations. As part of this commitment, the City maintains a Zero Tolerance Policy toward substance abuse.

Under this policy, the illegal or unauthorized use, being under the influence of, sale, distribution, or possession of narcotics, drugs, or controlled substances while on the job (whether on or off City property) will result in immediate termination of employment without exception. This includes alcohol, which cannot be consumed on City property except at authorized social functions sponsored by the City. Even in such cases, alcohol consumption must be reasonable and responsible. The use of alcohol during working hours or reporting to work under the influence of alcohol is strictly prohibited and will result in immediate disciplinary action, up to and including termination.

The use of controlled substances prescribed by a licensed physician or available over the counter is not prohibited by this policy. However, if prescribed medication poses safety concerns or requires accommodations, the Department Head or Human Resources Director must be notified. The City will assess any accommodation requests to ensure safety and compliance with this policy.

In addition to pre-employment screenings, the City will conduct reasonable suspicion drug and alcohol tests, post-incident tests, and tests based on appearance and/or performance concerns. Employees in safety-sensitive positions are subject to random drug tests. All testing will comply with federal and state laws, as well as any additional procedures established by the City's substance abuse policies.

Any violation of this Zero Tolerance Policy will result in immediate and final disciplinary action, up to and including termination. The City also maintains a policy of non-discrimination and will make reasonable accommodations for employees recovering from substance abuse conditions or those with a medical history of substance abuse treatment. However, employees may not use the need for accommodation as a way to avoid discipline for a policy violation.

Section 5-10. Reasonable Accommodation of Individuals with Disabilities.

The City recognizes and supports its obligation to endeavor to reasonably accommodate job applicants and employees with known physical or mental disabilities who are able to perform the essential functions of the position, with or without reasonable accommodation. The City will endeavor to provide reasonable accommodation to otherwise qualified job applicants and employees with known physical or mental disabilities, unless doing so would impose an undue hardship on the City or pose a direct threat of substantial harm to the employee or others.

An applicant or employee who believes he/she needs a reasonable accommodation of a disability should discuss the need for possible accommodation with Human Resources, Department Head, or his/her direct supervisor.

Section 5-11. Reasonable Accommodation of Individual's Religious Beliefs and Practices.

The City recognizes and supports its obligation to endeavor to reasonably accommodate job applicants and employees with sincere religious beliefs or practices who are able to perform the essential functions of the position, with or without reasonable accommodation. The City will endeavor to provide reasonable accommodation to otherwise qualified job applicants and employees, unless doing so would impose an undue hardship on the City.

An applicant or employee who believes he/she needs a reasonable accommodation of a sincere religious belief or practice should discuss the need for a possible accommodation with his/her direct supervisor, Department Head, or Human Resources.

Section 5-12. Workplace Violence Prevention.

The City is strongly committed to providing a safe workplace for all employees. The purpose of this Policy is to minimize the risk of personal injury to employees and damage to City property. The City specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, employees are expected and encouraged to exercise reasonable judgment in identifying potentially dangerous situations in the workplace and informing management accordingly.

Threats, threatening language, or any other acts of aggression or violence made towards or by any City employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, attempts to intimidate or to instill fear in others, menacing gestures, bringing weapons to the workplace, stalking, or any other hostile, aggressive, injurious and/or destructive actions undertaken for the purpose of domination or intimidation.

All potentially dangerous situations including threats by co-workers should be reported immediately to the employee's supervisor, Department Head, Human Resources Director, or any other member of management with whom the employee feels comfortable. Reports of threats should be made as soon as possible, ideally within 24 hours of the occurrence, but reports can be made at any time. Employees may report threats anonymously if they prefer. All reports of threats will be promptly investigated within a reasonable time frame, typically within 72 hours of the report being received. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat under this policy.

If an investigation confirms that threat of a violent act or violence itself has occurred, the City will take appropriate corrective action. Anyone, regardless of position or title, whom the City determines has engaged in conduct that violates this policy, including retaliation, will be subject to discipline up to and including dismissal.

Any employees who are the recipient of a threat made by an outside party should follow the steps detailed in this section. It is important for the City to be aware of any potential danger in the workplace.

Section 5-13. No Sexual or Other Abuse.

The City will not tolerate any form of sexual abuse or other abuse. This Policy affirms the City's commitment to provide a safe environment for citizens, customers, and employees and clearly condemns any instance of sexual or other abuse. Employees have the responsibility to report any form of abuse or inappropriate activity to the City.

Each employee or volunteer is responsible for helping assure that sexual or other abuse is avoided at the City. Any employee who becomes aware of or suspects any form of abuse must immediately report it to the Human Resources Director, Department Head, or City Manager.

A thorough and prompt investigation will be conducted on all claims of abuse or inappropriate activity. There will be no retaliation against the person reporting the conduct, so long as the report is made in good faith and the information provided is truthful to the best of your knowledge. The City will make every effort to maintain confidentiality throughout the process, but it cannot compromise its obligation to investigate complaints or to report instances of abuse to the appropriate law enforcement authorities.

If an investigation confirms that abuse or inappropriate conduct has occurred, the City will take immediate corrective action, including discipline up to termination depending on the nature of the offense. However, if the City determines that a complaint is not bona fide, was not made in good faith, or if false information was provided by the person(s) making the complaint, disciplinary action may be taken against the person(s) who filed the improper complaint or provided false information.

Violation of this Policy will subject employees to disciplinary action up to and including immediate dismissal.

Section 5-14. Searches of City and Employee Personal Property.

To protect employees and the City from theft and to enforce the City's policies including those related to substance abuse and workplace violence, the City reserves the right to search employees and their personal property (i.e., vehicles, clothing, packages, purses, brief cases, lunch boxes, or other containers brought onto City premises) when there is reasonable suspicion that a violation of City policy has occurred. Employees are expected to cooperate with such searches.

The City also provides property to employees for their use (e.g., City vehicles, desks, file cabinets, employee lockers, etc.). Searches of City facilities and property, including any City

property in the possession of the employees, may be conducted at any time and do not require reasonable suspicion of a policy is being violation. Employees may not withhold permission for the City to search City-supplied property, including, but not limited to desks, lockers, toolboxes, and City vehicles and/or equipment.

Section 5-15. Technology and Electronic Communications Use.

Any electronic devices and/or services provided by the City are property of the City and their purpose is to facilitate and support City business. All users have the responsibility to use these resources in a professional, ethical, and lawful manner. Technology resources and their use are subject to N.C.G.S. 132 Public Records Law and may be monitored, reviewed, and analyzed for business purposes and compliance. Additional detailed policies and procedures regarding the use of City technology and electronic communications may be established in accordance with Section 1 of this Policy.

Section 5-16. Whistleblower.

The City expects all employees to adhere to a high standard of business and personal ethics. All employees are expected to report any incidents which they reasonably believe are not in accordance with the policies, practices, and procedures of the City or activities in violation of law, as well as any suspicious or fraudulent activities.

Types of actions that may be reportable under this Policy, but not limited to, include a violation of state or federal law, rule or regulation, fraud, theft, misappropriation of City resources, substantial and specific danger to public health and safety, gross mismanagement, a gross waste of money, or gross abuse of authority.

A complaining employee may report unlawful activities verbally or in writing. If the employee is comfortable, the first report should be made to his/her immediate supervisor. If the employee is uncomfortable, the report may be made directly to the Department Head, Human Resources Director, City Manager or City Attorney. Supervisors are responsible for reporting any complaint to the Human Resources Director.

Once a complaint has been received, a prompt and thorough investigation will be initiated. Efforts will be made to maintain the complaining employee's identity as confidential; however, the confidentiality of the complainant's identity cannot be guaranteed.

The City prohibits any form of reprisal, retaliation, or otherwise discriminatory actions against a complainant who, in good faith, makes complaint under this Policy. The City Manager shall ensure reasonable steps to protect the employee from retaliation.

Section 5-17. Attendance.

The successful operation of the City depends upon the cooperation and commitment of each member of the City team. Therefore, attendance and punctuality are extremely important as fellow employees must bear the burden of absences.

Employees must be at their designated workplace and ready to work at the assigned starting time. Employees should allow themselves enough time to prepare to begin work prior to their starting time. However, non-exempt employees should not start work more than five (5) minutes before the starting time without the supervisor's permission. Furthermore, non-exempt employees should not stay more than five (5) minutes after the end of the workday without the supervisor's permission. Employees may never work off the clock.

The City recognizes there may be times when absences or tardiness cannot be avoided. In that event, supervisors should be notified as early as possible but at least one (1) hour before the scheduled shift. In cases where advanced notice is not possible due to an emergency or sudden illness, the employee should notify their supervisor as soon as they are able. Unless other arrangements have made (i.e., medical documentation) with the supervisor, employees must contact their supervisor for each absence.

Departments may adopt more stringent, written policies than the one listed within this section.

Failure to give supervisor notice of an absence may result in disciplinary action.

Section 5-18. Appropriate dress and identification badges.

Employees are expected to maintain a professional appearance and be clearly identifiable as City employees while at work. Non-uniformed employees are strongly encouraged to wear their identification badges in a visible manner. All employees must have their identification badge readily available to display upon request or when necessary.

Due to the City's relationship with citizens, customers, and the public, it is essential that employees maintain a neat and clean appearance at all times. Employees who are not required to wear uniforms should dress in a manner that is conservative, in good taste, and appropriate for the duties and responsibilities of their position. Clothing, footwear, and overall appearance must be suitable and safe for the specific work environment, duties, and location on any given day. Departments may implement additional dress standards based on business needs, work environment, and job requirements.

Employees who fail to meet the dress code standards may be asked to take corrective action, such as leaving the premises to change clothes. Any time missed due to non-compliance will be charged to accrued vacation leave. If vacation leave is unavailable, the time missed will be

unpaid. Supervisors are responsible for modeling professional appearance and ensuring adherence to the dress code.

If employees have questions about appropriate attire for their work area, or if they need an accommodation related to this policy, they should consult with their supervisor or Human Resources.

Section 5-19. Personal visits, telephone calls, e-mails, and social media.

While the City values family life and strives to support work-life balance for its employees, the City's first priority is to serve the public during work hours. Therefore, frequent, excessive, or extended presence of children and personal visitors during work hours are inappropriate and not allowed. Likewise, frequent, excessive, or extended personal telephone calls, emails, use of social media, etc., are considered a misuse of work time and are not allowed during work hours. Personal mail should be directed to your home and not to your City address. Personal use of social media and posts should occur on the employee's own personal electronic device, during personal time, and not using City resources.

Under North Carolina law, emails sent or received by the City are considered public records and are subject to inspection upon request. Additional detailed policies and procedures regarding this section may be established in accordance with Division 1 of this Policy.

Section 5-20. Firearms, weapons, and tobacco.

See Code of Ordinances for City of Graham located on the City's public website. Additional detailed policies and procedures regarding this section may be established in accordance with Section 1 of this Policy.

The City will not discriminate against employees based upon the lawful use of tobacco derived products while off duty.

Section 5-21. General performance and conduct standards.

It is impossible to specifically identify all forms of work standards; therefore, guidance on work standards is not intended to be all inclusive. Certain behaviors such as lying, cheating, or stealing are clearly unacceptable at any time. These standards are intended to help clarify what is acceptable work-related behavior. Together with good common sense and the employee's own understanding of right and wrong, these standards are meant to guide workplace behavior.

All employees shall strive to perform the duties and responsibilities of their position in an exceptional manner; follow appropriate instructions of their supervisor; work in a safe manner; and abide by all rules, regulations, and laws of the workplace.

Employees shall maintain a level of personal conduct that is befitting a public employee or officer; avoid real or perceived conflicts of interests; treat others with courtesy and mutual respect; work collaboratively and inclusively; use City time and resources for City business; keep confidential information confidential and protect sensitive information; give an honest day's work for every day's pay; and exercise stewardship and fiscal responsibility in their actions and decisions.

Employees shall use breaks and unpaid time rather than paid time to attend to personal matters, including but not limited to running errands, doing personal work, or making numerous or lengthy calls, texts, emails, social media use, etc.

Work standard violations, including those that impact continuity, efficiency, safety, or overall work performance, will not be tolerated. Any violation of these standards, whether a first-time offense or repeated, may result in disciplinary action, up to and including termination. The following are illustrative examples and are not intended to be an all-inclusive list:

- Unsatisfactory work performance.
- Discourteous treatment of the public or other employees.
- Tardiness, absenteeism, and failure to observe department working-hours schedules.
- Failure to report an absence or unavoidable late arrival at work to the supervisor or other designated departmental representative by the time required by departmental policy.
- Loafing or other abuse of time during assigned working hours.
- Interfering with another employee's performance of duties.
- Leaving regularly assigned work location without notifying the immediate supervisor (personal needs excepted).
- Performing unauthorized personal work on City time.
- Minor violations of safety rules; careless, negligent, or improper use of City property or equipment.
- Using City resources for personal work.
- Working unauthorized overtime.
- Failure to work assigned overtime, special hours/events, or fulfill on-call duties.
- Sleeping or giving the appearance of sleeping during work hours, unless otherwise provided by fire service.

Major work standard violations are of such a degree that continued employment of the individual may not be desirable. *The following are illustrative examples and are not intended to be an all-inclusive list* of some offenses that may subject an employee to immediate dismissal without warning:

- Wanton or willful neglect in the performance of assigned duties.
- Any negligent act that might endanger the safety or lives of others or that might result in damage to or destruction of City property.

- Insubordination (willful failure or refusal) to perform work assignments or tasks properly given by an authorized supervisor.
- Willful, deliberate, or repeated violations of safety rules.
- Falsification of personnel or City records including, but not limited to, employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or application.
- Making false claims.
- Leaving work location/premises during working hours without permission of a supervisor.
- Deliberately abusing, destroying, damaging, or defacing City property or the property of others on City premises.
- Gambling, possession or use of liquor or narcotics, or the unlawful or unauthorized possession of firearms or other dangerous weapons on City premises.
- Fighting or endangering others on City premises or while on duty.
- Failure to return to work on expiration of authorized leave.
- Willful disclosure of confidential information to unauthorized persons.
- Taking City or other employee's personal property without proper authorization or for one's own use.
- Failure to cooperate fully and truthfully in an authorized internal investigation.
- Immoral, unlawful, or improper conduct or indecency, either on or off the job, which would have such a nexus or connection to affect the employee's relationships to his/her job, co-workers, or goodwill in the community.
- Curtailment or restriction of production or interference with work in or about the City's workstations including, but not limited to, instigation, leading or participating in any walkout, strike, sit-down, stand-in, slowdown, demonstration on the job, or refusal to return to work at the scheduled time for the scheduled shift.

DIVISION 6. EMPLOYEE BENEFITS

Section 6-1. Eligibility.

All full-time and part-time (definitions in Division 1) employees of the City are eligible for employee benefits as provided for in this Division, which are subject to change at the City's discretion, annual budget appropriations, benefit laws, and/or benefit plan documents. Part-time employees shall receive no benefits unless specifically enumerated in these rules or required by law. Temporary employees are eligible only for legally mandated benefits such as workers' compensation and social security.

The provisions of the plans, including eligibility and benefit provisions, are summarized in the Summary Plan Descriptions (SPDs) and may be revised from time to time for each of the plans. The official plan documents are available for review upon request. The terms of the official plan documents control when and under what circumstances the various benefits are available and shall control over the language of any descriptions or summaries of the plans, including SPDs.

Section 6-2. Group health plan benefits.

The City provides group health plan benefits for eligible employees under the terms of the plan document.

The City may provide premium discount incentives to employees who are continuously covered by the group health plan during a plan year and who meet the employer's workplace wellness program standards.

To be eligible for health plan benefits, a regular employee must work at least thirty (30) hours or more per week on a continuous year-round basis or in accordance with the Affordable Care Act requirements.

Information concerning cost and benefits shall be available to all employees. Dependent and/or spousal coverage may also be available for an additional premium(s) pursuant to the terms of the applicable plan.

Section 6-3. Retiree health plan benefits.

A retiree health plan program will not be available to any employee hired on and after July 1, 2014.

Eligible full-time regular employees hired on or before June 30, 2014 are grandfathered into the provisions of the previous policy in effect on their full-time date of hire. See Human Resources for a copy of the policy in effect on and prior to July 1, 2014.

Section 6-4. Group life insurance.

The City may elect to provide group life insurance for each full-time regular employee subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage and/or to insure other family members under this plan at their expense subject to the stipulations of the insurance contract.

Section 6-5. Other optional group insurance plans.

The City may make other group insurance plans available to employees upon authorization of the City Manager or City Council.

Section 6-6. North Carolina Local Government Employees' Retirement System (NCLGERS).

Newly hired employees are required to become contributing members of the North Carolina Local Governmental Employees' Retirement System, which is administered by the Department of State Treasurer for North Carolina public employees, as a condition of employment, on the date in which they are hired if they are:

- employed in a regular position that regularly requires 1,000 hours or more of service per calendar year, or
- a retired member of the NCLGERS who is later reemployed by a participating unit on the same basis as stated above.

The City will pay the employer's stipulated contribution and deduct the employee's stipulated contribution from his/her paycheck.

Section 6-7. Supplemental Retirement Income Plans for Non-Sworn Employees.

All eligible non-sworn, full-time regular employees are able to participate in the NC 457 Plan (North Carolina Public Employee Deferred Compensation Plan) and the NC 401(k) Plan (Supplemental Retirement Income Plan of North Carolina). Subject to funding availability, the City will contribute a match up to 5% of the eligible non-sworn employee's gross pay into the NC 401(k) Plan.

In accordance with the SECURE Act 2.0, eligible employees who do not make an election regarding contributions may be automatically enrolled in the NC 401(k) Plan at a default contribution rate, with an option to opt out or adjust their contribution amount. The plan may also include an automatic escalation feature, gradually increasing contribution rates annually, unless the employee elects otherwise.

All temporary, part-time, and rehired retired NCLGERS employees are eligible to voluntarily participate in the NC 401(k) Plan and NC 457 through elected payroll deductions. However, the City does not provide a contribution.

Section 6-8. Supplemental Retirement Income Plan for Sworn Law Enforcement Officers.

All full-time law enforcement officers automatically become members of the North Carolina 401(k) Supplemental Retirement Income Plan. As prescribed by North Carolina state law, the City of Graham contributes 5% of each full-time officer's gross pay to the plan.

All full-time law enforcement officers may also voluntarily contribute to the NC 457 Plan (North Carolina Public Employee Deferred Compensation Plan) and the NC 401(k) Plan (Supplemental Retirement Income Plan of North Carolina) through elected payroll deductions.

In compliance with the SECURE Act 2.0, full-time officers who do not actively select a contribution rate may be subject to automatic enrollment at a default contribution percentage, with the ability to opt out or adjust their contribution level. The plan may also include an automatic escalation feature, increasing contributions annually unless an officer elects otherwise.

Part-time and rehired retired sworn law enforcement personnel may elect to participate in the NC 401(k) Plan and NC 457. However, the City does not provide a contribution.

Section 6-9. Law Enforcement Officers' Special Separation Allowance.

A. Eligibility for Special Separation Allowance

The City shall provide a special separation allowance to qualified law enforcement officers in accordance with North Carolina General Statutes. To be eligible for this allowance, the officer must meet all of the following criteria:

1. Creditable Service: The officer must have either:
 - Completed at least 30 years of creditable service; or
 - Attained age 55 and completed at least 5 years of creditable service immediately before service retirement (as defined by N.C.G.S. § 143-166.42).
2. Age Limit: The officer must be under age 62 at the time of retirement.
3. Continuous Service: The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately prior to retirement (as defined by N.C.G.S. § 143-166.41(a)(3) and 143-166.41(b)).

B. Termination of Separation Allowance

The special separation allowance payments will cease if the officer meets any of the following conditions:

1. The officer reaches age 62.
2. The officer dies.

3. The officer is reemployed in any capacity by the State of North Carolina or any of its political subdivisions, including local government employers.

Exception: Reemployment by a local government employer in a public safety position that does not require participation in the Local Governmental Employees' Retirement System will not cause the allowance to cease. However, the officer must notify the City of any such reemployment.

C. Notification Requirement for Re-employment

Upon separation from City employment, officers receiving the special separation allowance must notify the City of any new employment involving local law enforcement duties. The notification should include the nature of the employment, the extent of the duties, and any changes in employment status.

Section 6-10. Sworn Law Enforcement Officers' North Carolina Local Government Employee's Retirement System Death Benefit.

If a sworn law enforcement employee dies while still in active service while being paid a salary after one year as a contributing member, the employee's designated beneficiary will receive a single lump sum payment. The payment equals the highest 12 consecutive months of salary during the 24 months preceding death, but no less than \$25,000 and no more than \$50,000. This benefit is also paid if the sworn law enforcement officer dies within 180 days of their last day of service.

Section 6-11. Social Security.

The City, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

Section 6-12. Workers' compensation.

All employees of the City (full-time, part-time, temporary and volunteer firefighters) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury so that appropriate action may be taken.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two (2) years from date of injury. No employee will be retaliated against in any way for in good faith filing a workers' compensation claim or for participating in the workers' compensation process. No other employee is to deter or discourage employees from reporting work-related injuries or illnesses.

Section 6-13. Unemployment compensation.

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment compensation. City employees who are terminated due to a reduction in force or released from City service may apply for benefits through the North Carolina Division of Employment Security, where a determination of eligibility will be made.

Section 6-14. Tuition assistance program.

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time that will improve their skills for their current job. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Courses must be completed at an appropriately accredited institution of higher learning. Employees may be reimbursed eligible expenses up to a total of one thousand dollars (\$1,000) per fiscal year. Satisfactory completion of at least a C of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review and approval of City Manager and availability of funds. All required documentation for reimbursement must be submitted no later than thirty (30) days following completion of the course.

Employees receiving tuition reimbursement are required to continue City employment for 12 months following the completion date of the course that is reimbursed. Failure to meet this requirement will result in the reimbursed amount being deducted from the employee's final compensation or collected from the employee.

Section 6-15. Longevity pay.

A program of longevity pay may be provided to recognize and reward the length of service of City employees. The annual payment will typically be made the first week in December to those full-time employees who are employed by the City as of November 30 and who have completed the required number of years of continuous full-time service as of November 30 of the year the payment is made. Additionally, employees must have received at least a "meet expectations" on their most recent performance evaluation in order to be eligible for longevity pay. Payments will be made based on each employee's pay as of June 30 of that year.

(1)	2-5 years	1.0%
(2)	5-10 years	2.5%
(3)	10-20 years	5.0%
(4)	Over 20 years	6.0%

Section 6-16. Job related training and certifications.

The City may sponsor or provide job related training including certification preparation courses if needed for the employee's current role. Examples include UNC – School of Government courses and those offered by other professional organizations. If the course or series of courses is \$2,000 or greater inclusive of travel expense, the participating employee is subject to the continued employment agreement. If the employee leaves prior to completing one (1) year of service from the completion of training, they will be responsible for paying back 100% of the training expense and related costs as may be allowed by applicable law. If the employee leaves prior to completing two (2) years of service following the completion of the course, he/she will be responsible for 50% of the training expense as may be allowed by applicable law.

Certification test expenses will be paid by the City for a job-related certification for the first test. If the employee is not successful, they must pay for re-testing expenses. The City will reimburse the testing expense for the final, successful test.

DIVISION 7. HOLIDAYS AND LEAVES OF ABSENCE

Section 7-1. Policy.

The policy of the City is to provide vacation, sick, and holiday leave to all full-time and part-time benefited employees and to provide proportionately equivalent amounts of vacation leave to employees having average work weeks of different lengths.

Section 7-2. Holidays.

The following days, and other such days as the City Council may designate, are holidays with full pay for employees of the City:

New Year's Day	Independence Day
Martin Luther King, Jr. Day	Labor Day
Good Friday	Veterans Day
Memorial Day	Thanksgiving Thursday and Friday
	Christmas (see schedule below)

Holiday full pay for full-time employees is defined as 8 hours, and for part-time benefited employees, the holiday will be proportionately equivalent based upon hours worked.

When any recognized holiday falls on Saturday or Sunday, the following Monday will be the designated holiday. When Christmas Day falls on the day of the week indicated below, the days set forth will be observed as holidays:

Sunday	-	Friday, Monday and Tuesday
Monday	-	Friday, Monday and Tuesday
Tuesday	-	Monday, Tuesday, and Wednesday
Wednesday	-	Wednesday, Thursday, and Friday
Thursday	-	Wednesday, Thursday, and Friday
Friday	-	Thursday, Friday and Monday
Saturday	-	Friday, Monday and Tuesday

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s) or have been given approved leave.

Employees may wish to be away from work on a certain day for religious observances. Departments should attempt to arrange the work schedule so that an employee may be granted vacation leave if requested for a religious observance. If an employee has accrued vacation leave, no request for vacation leave shall be denied unless it would create an undue hardship or emergency condition which cannot be prevented in any other manner.

Section 7-3. Effect of holidays on other types of leave.

Regular holidays that occur during a vacation, sick, or other leave period of any employee shall not be considered as vacation, sick, or other leave. Regular holidays occurring during a FMLA protected absence are included in the tracking of FMLA protected leave.

Section 7-4. Holiday - when work is required.

Non-shift employees who are required to work on a regularly scheduled holiday shall record the actual hours worked along with the paid holiday hours. Compensation for these employees will be as follows:

- Non-exempt employees will be paid for both the actual hours worked and the paid holiday hours. If total hours worked exceed 40 in a workweek, overtime compensation will apply in accordance with FLSA guidelines.
- Exempt employees will receive their regular salary, and any additional holiday compensation will be subject to the City's policy.

Holiday Work Compensation for Shift Employees - Shift employees (typically in the Police, Fire, Water Plant, and Wastewater Plant) required to work on regularly scheduled holiday may be granted holiday time or paid at their hourly rate for the hours actually worked, in addition to any holiday pay to which they are entitled. Whenever feasible, holiday time accrual shall be granted.

If a holiday falls on a regularly scheduled off-duty day for shift employees, the employee shall receive paid holiday leave hours at another time. During any absences from work, holiday time must be used before compensatory time or vacation leave.

Holiday Time Compensation at Separation - Holiday time is compensable at separation. In June of each year, any holiday time exceeding 40 hours will be paid to the employee to ensure holiday accruals do not exceed 40 hours.

Section 7-5. Vacation leave - General usage.

Vacation leave is a privilege granted by the City. The primary purpose of paid vacation is to allow employees to renew their physical and mental capabilities and to remain a fully productive employee. Employees are encouraged to request leave during each year in order to achieve this purpose. Vacation leave may be used for rest and relaxation, other periods of absence for personal reasons, absences due to adverse weather conditions, personal or immediate family illness (in lieu of sick leave), holiday observances other than those granted by the City, and medical appointments.

Section 7-6. Vacation - Accrual rate.

Vacation leave earned by full-time and part-time benefited employees with more or fewer hours than the full-time 7-day work period (basic 80-hour bi-weekly pay) shall be prorated. The ratio is determined by the number of regular schedule hours per bi-weekly pay divided by the regular 80-hours bi-weekly for a 7-day work period employee. A day for the purposes of annual leave in the tables below is defined as the number of hours obtained by multiplying the ratio by 8 (the number of hours in a typical 40-hour week day). The accrual rate tables for full-time employees are as follows:

2,080			2,184			2,756		
	Days/Year	Hours/Month		Days/Year	Hours/Month		Days/Year	Hours/Month
< 2 years	10	6.67	< 2 years	10	7	< 2 years	10	8.83
2-4 years	12	8.00	2-4 years	12	8.4	2-4 years	12	10.60
5-9 years	14	9.33	5-9 years	14	9.8	5-9 years	14	12.37
10-14 years	16	10.67	10-14 years	16	11.2	10-14 years	16	14.13
15-19 years	18	12.00	15-19 years	18	12.6	15-19 years	18	15.90
20+ years	20	13.33	20+ years	20	14	20+ years	20	17.67

Section 7-7. Vacation - Maximum accumulation.

Vacation leave may be accumulated without any applicable maximum until December 31st of each year. Effective the last full pay period in the calendar year, any employee with more than 240 hours of vacation leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January 1 of the next calendar year.

For employees departing from service, payment for accumulated vacation leave shall not exceed 240 hours, less any debts outstanding to the City. Vacation leave balances in excess of 240 hours will be converted into sick leave balance upon employee departure. An employee retiring from the City under provisions of the Local Government Employees' Retirement System with twenty (20) years of service or more with the City of Graham will receive full vacation pay to which he/she is entitled for the year in which he/she retires, less any outstanding debt owed to the City, regardless of the month of retirement. Vacation payout is forfeited in the event of termination or resignation without working a two-week notice.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Due to the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess vacation accumulation during the latter part of the year and is unable to take such leave because of staffing demands,

the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 7-8. Vacation-Manner of taking.

The employee must seek pre-approval for vacation leave from the supervisor and be responsible for reviewing the accuracy of leave used and balances on their payroll advice statement. Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head that will least obstruct normal operations of the City. Department Heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery.

During any absences from work, compensatory time (non-exempt employees only) must be used before vacation leave.

Section 7-9. Vacation-Payment upon separation.

An employee will normally be paid for accumulated vacation leave upon separation not to exceed 240 hours, less any outstanding debt owed to the City, provided notice is given to the supervisor at least two (2) weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section and any employee terminated shall forfeit payment for accumulated leave. The notice requirement may be waived by the City Manager when deemed to be in the best interest of the City. An employee retiring from the City under provisions of the Local Government Employees' Retirement System with twenty (20) years of service or more with the City of Graham will receive full vacation pay to which he/she is entitled for the year in which he/she retires, less any outstanding debt owed to the City, regardless of the month of retirement.

Section 7-10. Same-Payment upon death.

The estate of an employee who dies while employed by the City shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in section 7-10 of this Division.

Section 7-11. Monthly Wellness Leave.

All full-time employees are permitted to take up to five (5) hours per month for doctor appointments or daily physical activity leave before being charged to accrual leave balances. Monthly wellness leave may be taken before compensatory time.

- The staffing and work demands are very different among departments. Monthly Wellness Leave for exercise may not be appropriate for all departments and employees. Therefore, the employee, supervisor, and Department Head must mutually agree to Monthly

Wellness Leave for the purpose of an employee's exercise routine before it is implemented.

- Monthly Wellness Leave for the purpose of exercise will not disrupt the normal workflow of the department or impede customer service or public service.
- Monthly Wellness Leave away from the job for the purpose of exercise will not exceed 30 minutes at a time. Employees can use up to 30 minutes at a time in conjunction with a lunch hour period.
- Monthly Wellness Leave for doctor or dentist appointments shall include the travel to and from the provider's office and may use the total monthly sum in a single appointment event.

Monthly Wellness Leave hours are not accumulative. Employees shall either use the 5 hours each month or lose them. When used, Monthly Wellness Leave hours shall be shown on employee's time sheet under wellness with an explanation required. Employees failing to adhere to Monthly Wellness Leave conditions and policies are subject to disciplinary action.

Section 7-12. Sick leave-General usage.

Sick leave with pay is not a right to which an employee may demand but a privilege granted by the City. Each full-time employee shall earn sick leave on a monthly basis at the rate of eight (8) hours per calendar month and part-time benefited employees is proportionately equivalent based upon hours worked. No employee shall be paid for any accrued sick leave at termination. An employee may be granted sick leave if the absence is due to:

1. Sickness or bodily injury which may prevent an employee from performing his/her regular duties, including during the waiting period before Workers' Compensation benefits begin.
2. Medical/dental appointments for the employee or the employee's immediate family.
3. Approved Family Medical Leave Act (FMLA).
4. Illness or injury of a member of the employee's immediate family, or an adult who stood in loco parentis to the employee during childhood, which requires the employee provide care to the family member but may not be used to care for healthy children when the regular care giver is sick or unavailable.
5. Exposure to a contagious disease when continuous work might jeopardize the health of others.

6. Death of an employee's immediate family, or an adult who stood in loco parentis to the employee during childhood, not to exceed three (3) days, for any one occurrence. Death of an employee's uncle, aunt, nephew, niece, plus the various combinations of half, step, in-law, and adoptive relationships that can be derived from those named, not to exceed two (2) days for any one occurrence. Additional leave time required for such occurrence may be charged to vacation or other approved leave when approved by the Department Head and/or City Manager.

Employees are expected to notify their supervisor as soon as practical when they are unable to report to work due to illness or injury. Unless extenuating circumstances prevent it, notice should be provided no less than one (1) hour before the start of the scheduled shift. In cases where advanced notice is not possible due to an emergency or sudden illness, the employee should notify their supervisor as soon as they are able.

For pre-scheduled medical or dental appointments employees must provide notice at least forty-eight (48) hours in advance, or as soon as the appointment is scheduled.

Department Heads may establish more specific notification timelines depending on operational needs. The employee has the responsibility to tell the supervisor the nature of the illness/injury and keep the supervisor informed of the status of the illness/injury to determine the potential of FMLA and ensure safety. Failure to do so appropriately may result in disciplinary action. Departments within the City may establish more restrictive guidelines to ensure adequate staffing levels.

The supervisor has the responsibility to share this information on a need-to-know basis only and respect the confidentiality of personal and medical information.

Section 7-13. Sick Leave-Accrual rate and accumulation.

Sick leave shall accrue at a rate of 8 hours per calendar month for full time employees. Sick leave for part-time benefited employees is proportionately equivalent based upon hours worked. Sick leave will be cumulative for an indefinite period and may be converted upon retirement for service credit with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the City, except as stated for employees retiring.

Upon retirement (as defined by the North Carolina Local Governmental Employee's Retirement System or North Carolina Law Enforcement Officer's Retirement and Benefit Fund) or death of any regular full-time employee who has served the City for ten (10) years or more, payment may be made to that employee or estate for accrued sick leave at the rate of one (1)

month (twenty (20) days) for each ten (10) years of continuous employment. Payment for fractions of a ten (10) year period will be based on one-tenth of a month for each additional year of service.

In case of voluntary or involuntary separation from City service, other than for retirement or death after ten (10) years of service, no payment will be made for accumulated sick leave.

Section 7-14. Medical certification.

The employee's supervisor or Department Head may require a physician's certificate or other acceptable verification concerning the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a pattern of absenteeism. The Department Head shall be responsible for the application of this provision to the end that:

- (1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- (2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay or failure of an employee to provide a physician's statement, or other acceptable verification shall constitute a reason for non-payment of the days taken and subject the employee to disciplinary action up to and including dismissal.

Section 7-15. Acceptance of Immediate Prior NC Governmental Employer Sick Leave Balance and Years of Service for Vacation Accrual Rates.

All full-time employees or eligible part-time employees will be permitted to transfer their accumulated sick leave balances from their direct previous North Carolina *governmental* (excludes educational and health institutions) employer into their City of Graham sick leave balances. A letter from the direct previous governmental employer certifying the amount of available sick leave balance to be transferred shall be required by human resources and received within 90 days of employment. Transferred sick leave will be credited to the employee's leave balance and available for use upon successful completion of the probationary period.

A full-time employee will accrue vacation leave, based on the **verified** aggregate years of service with their direct previous North Carolina *governmental* (excludes educational and health institutions) employer, providing the last day of employment with the previous NC governmental entity has been within the last six months and in accordance with the City's vacation leave policy.

Section 7-16. Family and Medical Leave Act (FMLA) Policy.

This policy provides basic information concerning FMLA entitlements and obligations. For questions concerning FMLA leave, employees should contact Human Resources. The City posts the DOL publication 1420 FMLA Notice in compliance with U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the FMLA on City employee bulletin boards.

FMLA leave is available to "eligible employees." To be eligible, an employee must: (1) have been employed by the City for at least 12 months (which need not be consecutive, but within 7 years); (2) have worked for the City for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and (3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

The FMLA provides eligible employees up to 12 unpaid/paid (coordinated and running concurrently with the City's other leave policies including workers' compensation absences) weeks of leave for certain family and medical reasons during a 12-month rolling period. The 12 months immediately preceding the current leave request will determine the eligibility and entitlement. Leave may be taken for any of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent (not in-law), including those under the employee's loco parentis, who has a serious health condition. For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- Because of any qualifying exigency arising out of the fact that an employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation, or the Regular Armed Forces for deployment to a foreign country.

Employees will be required to use all eligible accrued, unused compensatory, vacation, and sick days during the leave period. Once such eligible leave is exhausted, the balance of the FMLA leave will be without pay, unless you are eligible for short-term disability benefits in accordance with the City's plan.

FMLA leave for birth, adoption, or foster care expires at the end of the 12-month period beginning on the date of the birth or date of placement, respectively.

FMLA leave is typically taken for a continuous period of days, weeks, or months. However, employees may also take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to the serious health condition of the employee or a covered family

member, or due to the serious injury or illness of a covered servicemember. FMLA leave based on a qualifying exigency may also be taken intermittently.

When spouses are both employed by the City and eligible for FMLA leave, they will be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the birth of the employee's child or to care for the child after birth, for the placement of a child with the employee for adoption of foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

Employees requesting FMLA leave are entitled to receive written notice from the City stating whether they are eligible for FMLA leave, their rights and responsibilities, the City's designation of leave as FMLA, and the amount of leave, if known, that will be counted against their FMLA leave. If the employee is not eligible for FMLA and/or the reason for leave is not a FMLA-qualifying reason, the employee is entitled to receive written notice from the City.

The City may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the City's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the City and employee can mutually agree that leave be retroactively designated as FMLA leave.

Additional Military Family Leave Entitlement (Injured Servicemember Leave)

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember is available only during a single 12-month period, and when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period

begins on the first day an eligible employee takes leave to care for the injured servicemember. If a husband and wife both work for the City and each wish to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave. The FMLA definitions of serious injury or illness applicable to current members of the Armed Forces and covered veterans are distinct from the FMLA definition of serious health condition applicable to FMLA leave to care for a covered family member.

Group Health Insurance and Other Benefits

During FMLA leave, eligible employees are entitled to maintain group health plan coverage on the same terms and conditions as if they had continued to work provided the employee continues regular contributions to these plans. Other benefits, such as pension, 401(k), life insurance, and long-term disability, will be governed in accordance with the terms of each benefit plan. All City benefits that operate on an accrual basis (e.g., vacation, sick) will cease to accrue during any period of unpaid leave. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the reimbursement of the amount paid for the employee's health insurance premiums during the FMLA period.

Employee FMLA Leave Obligations

To trigger FMLA leave protections, employees must inform the City by notifying Human Resources of the need for leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically or explaining the reasons for leave so as to allow the City to determine the leave is FMLA-qualifying.

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable, using the City's official Leave of Absence Request Form. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City notice of the need for leave as soon as practicable under the circumstances by notifying their supervisor and filing the Leave of Absence Request Form. Normally, this should be within two business days from when the need for the leave becomes known to the employee. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

Calling in sick without providing the reasons for the needed leave is not sufficient notice under this policy. Employees must respond to the City's questions to determine if absences are potentially FMLA qualifying.

If employees fail to explain the reasons for FMLA leave or to provide necessary paperwork in a timely fashion, the leave may be denied. When employees seek leave due to FMLA qualifying reasons for which the City has previously provided FMLA protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

Medical Certifications

Employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. There are three general types of FMLA medical certifications: an initial certification, a recertification, and a return to work/fitness for duty certification. The employee is responsible for any fee charged by the health care provider for completion of the forms. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the City has reason to doubt an initial medical certification, it may require the employee to obtain a second opinion at the City's expense. If the opinions of the initial and second health care providers differ, the City may, at its expense, require the employee to obtain a third, final, and binding certification from a health care provider designated or approved jointly by the City and employee.

It is the employee's responsibility to provide the City with timely, complete, and sufficient medical certifications. Employees must provide medical certifications within 15 calendar days after the City requests certification, unless it is not practicable to do so despite an employee's diligent, good-faith efforts. The City may deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications. Whenever the City deems it appropriate to do so, it may waive its right to receive timely, complete, and/or sufficient FMLA medical certifications.

Employees may also be required to provide additional physician's statements at the City's request at reasonable intervals.

Return to Work/Fitness for Duty Medical Certifications

Unless notified otherwise, employees returning to work from FMLA leave taken because their own serious health conditions made them unable to perform their jobs must provide the City medical certification confirming they are able to return to work and to perform the essential functions of their positions, with or without reasonable accommodation. The City may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

The City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Employees seeking leave due to qualifying military exigency leave may be required to provide documentation in accordance with the FMLA regulations.

When leave is taken to care for a covered servicemember with a serious injury or illness, the City may require employees to obtain certifications completed by an authorized health care

provider of the covered servicemember and additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

Employees engaging in fraud, misrepresentation, or providing false information will be subject to loss of benefits, denial or termination of leave, and corrective action, up to and including termination of employment.

Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions, including situations where the position is no longer available due to job elimination or job restoration of key employees will cause the City substantial and grievous economic injury, employees have a right to return to the same or equivalent position with equivalent pay, benefits, and other employment terms. The City will notify employees if they qualify as key employees and advise them of their rights if it intends to deny reinstatement.

Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

Questions and/or Complaints about FMLA Leave

The function of this policy is to provide employees with a general description of their FMLA rights. If you have questions, concerns, or disputes regarding this FMLA policy, please contact Human Resources. The City is committed to complying with the FMLA, and whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact Human Resources immediately. The City will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation.

Section 7-17. Workers' compensation absence and other leave.

The North Carolina Workers' Compensation Act is not a type of protected leave law; it is a wage replacement and other benefits law for compensable workplace injuries/illnesses.

On the day of a compensable injury, the City will pay the injured employee for the balance of the scheduled workday if the employee is seeking medical treatment for the injury or if the employee is relieved of duty by a physician or the Department Head (or designee) for recuperation.

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick, vacation, or compensatory leave, in accordance with those leave policies, during the first waiting period of seven days for those workdays which the employee would normally have worked. The employee may also elect to supplement workers' compensation payments after they begin provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on a workers' compensation absence may be permitted to continue to be eligible for benefits under the City's group insurance plans. Benefit and payroll deductions are the responsibility of the employee, and they must make those payments for continued coverage of that benefit.

Any workers' compensation disability that qualifies under the requirements of FMLA shall run concurrently with FMLA.

Employees who are on workers' compensation absence may be asked to return to work in a light-duty or modified-duty job. Employees who refuse a light-duty or modified-duty job may lose their workers' compensation disability payments; however, the employee may still be eligible for approved leave in accordance with City policy or other applicable law (e.g., under the Family and Medical Leave Act or the Americans with Disabilities Act).

Section 7-18. Military and other USERRA leave.

Employee entering active military duty shall have their job status protected in full compliance with federal and state requirements. The City will fully comply with the applicable requirements of the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and related federal and North Carolina state regulations. The employee is responsible for complying with all required reporting, communications, and other USERRA related federal and North Carolina state regulations.

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten (10) workdays per calendar year for military leave with pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two (2) periods of training in one (1) calendar year. For this purpose only, an employee shall be granted an additional ten (10) days of military leave during the same calendar year. If such duty is required beyond these ten (10) workdays, the employee shall be eligible, not required, to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the City during this period.

Section 7-19. Bereavement Leave.

An employee may be granted up to three consecutive days off from regularly scheduled duty at full pay in case of death of an immediate family member, or an adult who stood in loco parentis to the employee during childhood. Additional time may be granted in accordance with sick and other leave policies.

Section 7-20. Civil leave.

A City employee called for jury duty or as a court witness outside the scope of his/her employment for the federal or state governments, or a subdivision thereof, shall receive leave with pay during the required absence without charge to accumulated leave. The employee may retain any jury fees or travel allowances received for their service, except that any witness fees or travel allowances awarded by the court for appearances related to official duties must be turned over to the City.

This policy does not apply to court appearances that are required as part of an employee's regular duty assignment.

While on leave, the employee's benefits and leave will accrue as though they were on regular duty.

Section 7-21. Educational leave.

A leave of absence at full, partial, or without pay during regular working hours may be granted to an employee to take one (1) course which will better equip the employee to perform assigned duties upon the recommendation of the Department Head and with the approval of the City Manager.

Educational leave at full, partial, or without pay for a period not to exceed twelve (12) calendar months may be granted to an employee to take one (1) or more courses that will better equip the employee to perform assigned duties upon the recommendation of the Department Head and the City Manager approval. An employee granted such extended educational leave with pay shall agree to return to the service of the City upon completion of training and remain in the employ of the city for a period of twice the educational leave received, or the employee shall reimburse the City for all compensation received while on educational leave.

An employee on educational leave with full pay shall continue to earn leave credits and other benefits to which City employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

Section 7-22. Shared leave policy.

Purpose: To provide an opportunity for employees to assist other employees affected by a serious medical condition that requires their absence from work for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave. Under this policy, an employee may donate a specified number of sick leave hours to help another employee who has exhausted all sick, vacation, holiday, and compensatory leave. It is not the intent of this policy to apply to incidental, normal, short-term medical conditions.

Eligibility: Any employee who is eligible to accrue leave and has exhausted all accumulated leave are eligible to receive donated sick leave.

An employee who is unable to work due to an accident, chronic illness, or major medical condition is eligible for shared leave. This definition also includes extended time off following the loss of a spouse or child.

An eligible employee must have a reasonable leave record, as determined by the Department Head or Human Resources, based on attendance patterns and work performance. If a shared leave request is to be denied, the employee must be informed of the decision and provided with the documented attendance patterns or work performance issues that led to the denial. Shared leave requests may be denied based on prior attendance patterns, documented work performance issues, or the operational needs of the City.

The following conditions are NOT Eligible for Shared Sick Leave:

- Short term or sporadic conditions or illness
- Elective surgery
- An employee eligible to receive Workers' compensation
- An employee eligible for disability retirement

Each application is reviewed and handled consistently and equitably. A decision rendered will be based on its conformity to policy intent.

Participant Guidelines: Shared sick leave may only be used during a maximum six (6) month period for any single injury or illness. Under no circumstances may the use of shared sick leave exceed the recipient's period of treatment and recovery.

Vacation leave, sick leave, and holidays shall continue to be earned while using shared sick leave. All earned leave accrued must be used by the employee prior to continued use of the donated shared sick leave.

The participant, family members, or employees may not solicit leave directly from other employees under any circumstances. Once a leave recipient has had time to rebuild leave

balances, donations to other co-worker shared leave requests are encouraged and appreciated for future leave share applicants in need.

Receipt of shared leave is not job protected leave and in no way creates any job protection beyond those provided by the Family Medical Leave Act (FMLA). Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act. Nothing in this policy will be construed to be a guarantee or expectation that the employee's request will be approved for any specific amount of shared leave or to cover the entire period of leave without pay.

Donor Guidelines: Any employee's donation of sick leave to a participant in the Shared Sick Leave program is voluntary.

Donation of sick leave must be in increments of four hours and may not exceed forty (40) hours per fiscal year without approval from the City Manager. The donation of leave is on an hourly basis, without regard to the dollar value of the donated or used leave. The donation may not reduce the donor employee's leave balance below 240 hours. Donations of leave at the time of separation from employment cannot be accepted.

An employee who wishes to donate sick leave must complete and submit a Shared Sick Leave Donation form to the Payroll department.

The donating employee may not receive compensation in any form for the donation of sick leave. Acceptance of remuneration for donated sick leave shall result in dismissal.

Process: Employees wishing to request shared sick leave must submit a completed Shared Leave Recipient Form along with a physician's statement describing the nature of the medical condition and projected duration and an authorization for the release of medical information to their Department Head.

If the employee is unable to make the request for sick leave, a third-party acting on the employee's behalf may make the application.

The Department Head will verify no abuse of leave and confirm the medical information with the attending physician. The City Manager and Department Head are authorized to take all necessary steps to prevent abuse of this policy, including requesting a nurse or physician to verify the medical condition or requiring a medical examination.

The Department Head will review the merits of the request and forward the request to the Human Resources Director with a recommendation to approve/disapprove. The City Manager (or designee), with the recommendations of Human Resources Director and the Department Head, makes the final approval/disapproval decision. Human Resources will send out a request for voluntary shared sick leave donors. Every effort is made to keep the requesting

employee and donor names confidential; however, due to the nature of the process, confidentiality cannot be guaranteed.

An employee who wishes to donate Sick Leave to an employee requesting Shared Sick Leave must complete a Shared Sick Leave Donation form and submit to the Payroll Department.

Solicitation by any employee on the behalf of the recipient employee is prohibited and shall be grounds for disciplinary action.

At the expiration of the period approved as determined by the City Manager, any donated sick leave will be returned to the donors on a pro rata basis. Human Resources maintains a system of leave accountability, which accurately records leave donations and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes.

Section 7-23. Leave for parental/guardian involvement in schools.

N.C.G.S. 95-28.3 law requires all employers to grant up to four hours per calendar year of unpaid leave per year to any person who is a parent, guardian, or person standing in loco parentis of a school-aged child so that he/she can become involved in school activities. School is defined as any public or private day school, preschool, or childcare facility.

Leave under this section is subject to the following conditions:

- The leave must be scheduled for a time that is mutually agreeable to the department and the employee.
- The employee must make a written request at least 48 hours before the leave begins.
- The employee may be required to provide written verification from the child's school that they attended or were involved in school activities during the time of leave.

Section 7-24. Domestic violence victim's leave.

An employee who is a victim of domestic violence is permitted a reasonable amount of time off from work to obtain or attempt to obtain assistance, including but not limited to, securing medical attention, counseling, victim services, legal assistance, court appearances, or relocation.

Employees must follow the City's usual procedures for requesting leave, unless doing so is not feasible due to an emergency. In emergency situations, the City may request documentation supporting the emergency after the fact.

Employees may elect to use accrued vacation leave, sick leave, compensatory leave, or take unpaid leave, as applicable. The City will make every effort to maintain confidentiality regarding domestic violence-related leave, except where disclosure is required by law.

The City strictly prohibits retaliation against employees for requesting or taking leave under this policy.

Section 7-25. Disaster response leave.

Employees who are members of volunteer fire departments, rescue squads, the North Carolina National Guard, or emergency medical services agencies called into service after the Governor or the General Assembly has proclaimed a state of disaster may take leave without pay to provide emergency services. Employees may, but are not required to, use vacation or other accrued leave. An employee should provide the City with a letter requesting the services of the employee from the director of the Division of Emergency Management or by the head of a local emergency management agency. If the City needs the services of the employee to address the City's ongoing emergency or disaster relief activities, the employee may be exempt from the leave.

Section 7-26. Administrative leave.

Purpose:

This section establishes guidelines for granting administrative leave in situations not specifically covered elsewhere in this policy. Administrative leave is a tool the City may use to address operational needs, ensure workplace safety, or recognize exceptional employee contributions.

In certain circumstances, it may be necessary to place an employee on paid or unpaid administrative leave outside of other defined leave categories. Unless otherwise provided in this policy, administrative leave must be authorized by the City Manager. This provision does not limit the Department Head or supervisor's authority to send an employee home with pay for the remainder of the workday when warranted for workplace safety or during an investigation.

Administrative leave may be granted in situations such as, but not limited to:

- Workplace investigations
- Safety concerns
- Policy or compliance issues
- Emergencies or inclement weather
- Attendance at a funeral or visitation for a co-worker, elected official, or appointed board member
- Early closure of City offices before a holiday or following an all-City staff development event
- Employee Assistance Program manager's referral

Department Heads, in consultation with Human Resources, may place employees on investigatory suspension. Each case will be reviewed to determine whether it will be designated as paid or unpaid leave.

Additionally, the City Manager may authorize paid administrative leave to formally acknowledge exemplary employee achievements, contributions, or exempt employee efforts involving extensive work hours.

Paid administrative leave for recognition purposes is a discretionary benefit and not an entitlement. It is intended to promote the recruitment and retention of capable, diligent, and honest employees. Upon separation from employment, an employee is not eligible for payout of unused administrative leave granted under this provision.

Section 7-27. Leave without pay.

An employee may be granted a temporary leave of absence without pay by the City Manager or designee after all available leave (eligible to be used for the absence reason) has been exhausted. Requests are reviewed on a case-by-case basis. Typically, leave without pay must be requested **before** the absence.

Reasons for the leave without pay may include, but are not limited to:

- Suspensions, including investigatory or disciplinary. Time spent on leave without pay due to disciplinary suspension will be considered part of the employee's official disciplinary record.
- Military service when the employee does not have to exhaust other available leave.
- Personal or educational leave of absence. Job performance, length of service, absenteeism, workloads, and other factors relevant to City operations all will be taken into consideration in reviewing the request.
- FMLA leave is exhausted for the employee's serious medical condition and may or may not be a qualified individual with a disability as defined under the ADA and
 - The employee is certified by his/her medical provider as being able to return after some limited additional leave; and/or
 - A short limited additional time is needed for the physician to provide additional medical information to determine if the employee can return; and/or
 - The employee is unable to return due to his/her City workers' compensation injury.

The employee must submit a written request to the Department Head and supervisor. The Department Head will review the request, consult with Human Resources as needed, and provide a recommendation to the City Manager for approval.

The employee is obligated to return to work within or at the end of the time approved. Employees are required to respond to communications from the City during the absence and

notify Human Resources of any changes in situations during the absence within two (2) business days. Failure to report at the end of the expiration of a leave of absence will be considered a voluntary resignation. Except for mandated benefits extensions associated with FMLA, military leave laws, or other laws, an employee in Leave Without Pay status will not accrue benefits such as vacation leave and sick leave. Unless otherwise required by law, the employee will contribute the full cost of health plan premiums or be eligible for continuation coverage as required by state and federal law (placed in "COBRA" status).

Section 7-28. Volunteerism leave.

The City encourages employees to become involved in the Alamance County communities, lending their voluntary support to programs that positively impact the quality of life within these communities.

Employees will receive up to twelve (12) hours of City paid time off each calendar year for qualifying volunteer activities. Time must be during the employee's regularly scheduled work hours to be eligible for this paid leave benefit. Volunteer time must be requested in advance, and when possible, should be regular and on a set schedule to help with the coordination of other work-related responsibilities. An employee's job responsibilities take precedence over volunteer activities. Volunteer time should not conflict with the peak work schedule and other work-related responsibilities, create need for overtime, or cause conflicts with other employees' schedules. Interested employees should meet or exceed standards of performance for their position in order to be eligible. Interested employees should request and receive department approval prior of their volunteer choice and time off schedule.

Examples of qualifying events include school events such as tutoring, guest lecturer, EOG and exam proctoring, mentoring unrelated to the employee's child/ren, Special Olympics, Habitat for Humanity, Boys and Girls Club, Meals on Wheels, soup kitchen, and United Way.

Section 7-29. Inclement weather and emergency conditions.

This section sets guidelines for establishing business hours and reporting to work during periods of severe inclement weather or other unusual circumstances including, but not limited to, natural or man-made disasters. Severe inclement weather includes, but is not limited to, an event that produces damaging winds, flooding, or accumulations of ice and/or snow.

City offices will not close unless the severe inclement weather or other unusual circumstance situation requires. Any deviation from normal work hours or this policy shall be issued by the City Manager. Regardless of whether City offices are open or closed, in the case of inclement weather, each employee must make a personal decision regarding safety traveling to and from the workplace.

When there is no City closing or delayed opening, employees will report to work as usual. Employees unable to report to work for the day, not able to arrive at the normal scheduled start time, or needing to leave work early due to inclement weather must notify their supervisor following normal department call-in and advance approval procedures. Employees will take leave for time not worked. Departments may authorize employees to make up missed time due to inclement weather within the same work period.

Occasionally, conditions caused by severe inclement weather may warrant closing or shortened business hours of City offices. The factors that may be considered in the decision-making process include, but are not limited to, school closings, road conditions, a declaration of a state of emergency, and utility outages. When this occurs, all employees except for essential personnel, to be determined by the department, will be excused from work and will be paid at their regular rate. Departments are responsible for determining and communicating to employees who must report to work, remain available for contact/call-in (unless on previously approved leave), and/or perform work remotely.

Employees reporting to work after a delayed opening or leaving work prior to an early closing must notify their supervisor following normal department call-in and advance approval procedures. Employees will take leave for time not worked after the delayed opening or before the early closing. Departments may authorize employees to make up missed time due to inclement weather within the same work period. *Examples for illustrative purposes only:*

Example 1: City offices have a delayed opening at 10:00 a.m. An employee reporting to work at 11:00 a.m. will take one-hour of leave.

Example 2: City offices have a two-hour delay or early closing. An employee is scheduled to work but received department approval to not report due to inclement weather will take six hours of leave. An employee on previously approved leave or calling in sick for the day, will take the full number of hours of leave for the shift not worked.

Essential and shift employees required to work during a 24-hour period between 12:00 a.m. and 12:00 midnight, when City offices have been closed, will have vacation leave hours credited to their leave balance equivalent to the number of hours City offices were closed. If there is a delayed opening or early closing, essential and shift employees must work their entire regularly scheduled shift to be eligible for this vacation leave credit. If City offices are closed the entire day, essential and shift employees must work a minimum of $\frac{3}{4}$ of their regularly scheduled shift to be eligible for this vacation leave credit not to exceed the number of hours worked. Departments are responsible for providing a list of eligible employees with hours of vacation leave credit to payroll with timesheet submission. *Examples for illustrative purposes only:*

Example 1: City offices have a 10:00 a.m. delayed opening. Essential and shift employees would be credited two hours of vacation leave.

Example 2: City offices are closed for the day. Essential and shift employees would be credited eight hours vacation leave not to exceed the number of hours worked.

Section 7-30. Lactation Breaks.

In accordance with the Fair Labor Standards Act (FLSA) and applicable North Carolina law, the City will provide a reasonable amount of break time to accommodate an employee who needs to express breast milk for their infant child for up to one year after the child's birth.

Whenever possible, lactation breaks should run concurrently with the employee's existing paid rest or meal periods. If additional time is needed beyond the paid break or meal periods, that time will be unpaid for non-exempt employees, in accordance with applicable law.

The City will make reasonable efforts to provide a private space, other than a restroom, for employees to express breast milk. This space will be shielded from view and free from intrusion and may include the employee's private office, if appropriate.

The City will comply with all legal requirements but may be limited in providing additional break time or a private space where doing so would impose an undue hardship on City operations.

Employees should consult Human Resources with any questions or to arrange for accommodations under this policy.

DIVISION 8. SEPARATION AND REINSTATEMENT

Section 8-1. Types of separations.

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, unavailability, voluntary retirement, dismissal, or death.

An exit interview may be requested by the departing employee or may be offered by Human Resources.

Section 8-2. Resignation.

An employee may resign by submitting the reason(s) for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. The City requires a minimum notice requirement of two (2) weeks. Department Heads are required to give a minimum notice of thirty (30) days. The City reserves the right to accept or decline the notice period provided and may choose to make the resignation effective immediately or on an alternative date at the City's discretion.

Failure to provide the requested minimum notice shall result in forfeiture of payment for accumulated vacation leave, unless the minimum notice requirement is waived upon recommendation of the Department Head and Human Resources Director and approval by the City Manager.

Two (2) consecutive days of unauthorized absence without contacting the immediate supervisor or Department Head will be considered a voluntary resignation. Before finalizing such separation, the department shall make reasonable efforts to determine if the employee was able to give or have someone else give notice during absence.

Sick leave will only be approved during the final (2) weeks of a notice period with a physician's certification or comparable documentation. The date of separation is typically the last day worked, unless verified unavailability due to physical or mental impairment, other documented extenuating circumstances, or as otherwise required by law.

Section 8-3. Reduction in force.

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two (2) weeks' notice of the anticipated action; should a severance package be provided, advance notice is not required. No regular employee shall be separated because of

a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee. The City Manager may implement a reduction in force.

Section 8-4. Disability-unable to perform the essential functions of the position.

The City will comply with the Americans with Disabilities Act and will make all responsible efforts to identify and provide reasonable accommodation(s) to qualified employees through the interactive process. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated. Action may be initiated by the employee or the City. In either case, such action should be accompanied by medical evidence certified by a licensed physician. The City may require an examination, at the City's expense, performed by a physician of the City's choice. Before an employee is separated for inability to perform the essential functions of his/her position, a reasonable effort shall be made to accommodate the employee in his/her current position or locate a vacant alternate position within the City for which the employee may be suited. Employees who may be eligible to retire under the disability provisions of the North Carolina Local Governmental Employees' Retirement System should contact Human Resources or the retirement system for information.

Section 8-5. Separation Due to Unavailability When Leave is Exhausted.

An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after applicable leave has been exhausted and leave without pay has not been granted for reasons deemed sufficient by the employing department. Part-time employees with no leave accrual benefits may be separated for this reason when they are not available to work as needed for City business operations. Such reasons include, but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such separation is an involuntary separation, not a disciplinary dismissal, and may grieved or appealed.

Section 8-6. Voluntary retirement.

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System (NCLGERS) may elect to retire and receive all benefits earned under the retirement plan.

To provide the City sufficient advanced planning and succession time, an employee separating employment with the City by voluntary retirement under the provisions of NCLGERS who provides a written six (6) month notice is eligible to receive a 5% retirement submittal pay incentive. In like manner of all other pay changes, the effective date of this pay change is in accordance with Section 3-10. An employee who provides less than a six (6) month notice is not eligible for this pay incentive.

Section 8-7. Death.

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 8-8. Dismissal.

Dismissal is an involuntary separation in accordance with the discipline procedures of this Policy. Employees forfeiture payment for accumulated vacation leave in the event of dismissal.

An employee may be dismissed at any time during the probationary period for failure in performance of duties or failure in personal conduct. Separation during the probationary period creates no right of grievance or appeal pursuant to this Policy.

Section 8-9. Reinstatement.

An employee who is separated because of reduction in force may be reinstated within one (1) year of the date of separation, upon recommendation of the Department Head and upon approval of the City Manager. An employee who is reinstated in this manner shall be reccredited with his/her previously accrued sick leave and shall accrue vacation at a rate that reflects previous service with the City. If the employee retired or transferred the sick leave to another employer, sick leave will begin at a zero balance.

Section 8-10. Rehiring.

An employee who resigns while in good standing may be rehired with the approval of the City Manager and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

DIVISION 9. Discipline

Section 9-1. Policy and Purpose.

City employees are expected to meet performance standards and conduct themselves appropriately. This Policy provides tools for addressing employee conduct and performance issues in a reasonable, consistent, and effective manner.

Disciplinary action may be taken under one or more of the following categories:

1. **Unsatisfactory job performance** - The failure to consistently meet established work standards or expectations.
2. **Unacceptable personal conduct** – Behavior, whether on-duty or off-duty, that is illegal, unethical, or otherwise violates the City’s rules, policies, or standards of conduct.

The categories are not mutually exclusive, as certain actions may fall into more than one category depending on the circumstances. No disciplinary action shall be deemed invalid solely because it was incorrectly categorized.

The City’s progressive discipline process is typically applied for unsatisfactory job performance, providing employees with notice of deficiencies and an opportunity to improve them. However, it is recognized that some misconduct is so serious that immediate termination or severe disciplinary action may be necessary without following progressive discipline. This includes certain instances of unsatisfactory job performance and unacceptable personal conduct. Whenever possible, discipline should be progressively applied. However, each case will be assessed on its individual facts, and the City reserves the right to take disciplinary action, up to and including dismissal, as deemed appropriate.

Employment with the City is at will, meaning employees may resign at their discretion and the City may end employment at its discretion. The City will, however, endeavor to ensure disciplinary actions are fair, equitable, and consistent across all departments.

The City prohibits discrimination in all employment actions, including discipline, on the basis of race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, veteran status, or any other category protected by applicable law.

Section 9-2. Duties and Responsibilities.

While it is desirable that all employees strive to achieve the highest success in their jobs, it is the responsibility of each employee to maintain at least an acceptable level of job performance and conduct.

It shall be the duty of employees to comply with and to assist in carrying out the provisions of the Personnel Policy, administrative policies and procedures, and departmental level policies and procedures. It is the duty of all supervisory personnel to promptly discuss improper or inadequate performance/conduct with employees so as to correct deficiencies for the work or conduct to be satisfactory.

Supervisors shall document in writing all corrective actions taken to help employees correct deficiencies, performance, and/or conduct.

The following measures may be used, as appropriate, and in an equitable manner to help employees correct deficiencies for the work or conduct to be satisfactory. Nothing in this policy shall read that a particular measure or corrective action be utilized.

- Coaching
- Training
- Verbal warnings
- Written warning
- Disciplinary probation
- Performance improvement plans
- Suspension with or without pay
- Referral to the Employee Assistance and Counseling Program (EACP)

Section 9-3. Unsatisfactory Job Performance.

The intent of disciplinary action for unsatisfactory job performance is to promote improvement in employee performance. When a documented counseling session fails to correct employee performance, the manager/supervisor may address the matter by issuing a formal disciplinary action, the first level of which is a written warning. Disciplinary actions administered for unsatisfactory job performance are intended to prompt a permanent improvement. Should the required improvement later deteriorate, or other inadequacies occur, the supervisor may address the new occurrence of unsatisfactory job performance with additional progressive disciplinary actions.

In determining whether an employee's job performance is unsatisfactory, any one or a combination of the factors set forth below may be considered, including but not limited to:

1. Failure to produce work of acceptable quality, accuracy, quantity, promptness, or by established deadlines;
2. Deficiencies in performance as required in the work plan or as noted in the performance evaluation;
3. Inability to follow instructions or procedures, demonstrated poor judgment, analysis, or decision-making;
4. Insufficient or inappropriate customer service, service delivery, or teamwork;

5. Misuse/abuse of fiscal resources, including wasteful use of City resources;
6. Absenteeism, tardiness, or other abuses of work time;
7. Any other factors, in the opinion of the supervisor or Department Head, deemed appropriate to determine whether an employee's performance constitutes unsatisfactory job performance.

Section 9-4 Unacceptable Personal Conduct.

Unacceptable personal conduct includes, but is not limited to, the following:

1. Conduct for which no reasonable person should expect to receive prior warning: This refers to behaviors that are universally unacceptable or egregious in nature, for which an employee should already understand the severe consequences. These are typically serious infractions that don't require prior notice to the employee, such as engaging in illegal activities or actions that endanger the safety and well-being of others. Examples include, but are not limited to:
 - Coming to work under the influence of drugs or alcohol or using drugs/alcohol on duty.
 - Engaging in a conflict of interest, where personal interests interfere with professional duties.
 - Requesting or accepting gifts that could be perceived as a bribe or create a conflict of interest.
 - Engaging in brutality or violence, whether verbal or physical.
 - Endangering or damaging people's lives or property as a result of reckless behavior or negligence.
2. Job-related conduct which constitutes a violation of state or federal law.
3. Conviction of a felony or an offense involving moral turpitude that negatively impacts the employee's service to the City or diminishes the public's trust and confidence in the City.
4. Willful violation of known or written work rules.
5. Conduct unbecoming a City employee that is detrimental to City service, such as actions that harm the City's reputation or undermine its operations.
6. Material falsification of a City application or other employment documentation, including falsification of work-related documents, timesheets, or performance records.
7. Use of professional City credentials for personal gain, such as using a City-issued ID or resources for personal or outside employment-related purposes.
8. Serious disruption in the workplace, including violent or aggressive behavior, or actions that interfere with normal operations and a productive work environment.
9. Insubordination including refusal to follow lawful instructions or orders from supervisors or management.
10. Subjecting an employee, citizen, customer, or the public to intentionally discriminatory treatment or harassment, including any form of verbal, physical, or

emotional abuse based on race, religion, sex, gender, sexual orientation, disability, or any other protected characteristic.

Section 9-5. Disciplinary Procedures.

Disciplinary action may include, but is not limited to, a written warning, suspension without pay, reassignment, probation, demotion, or dismissal.

Written Warning/Reprimand

A written reprimand should include the following:

- The nature and date of the offense;
- The corrective action required by the employee;
- A statement that continued unsatisfactory performance may lead to dismissal.

The employee should sign the reprimand to acknowledge receipt, not to indicate agreement with its contents. A copy of the reprimand will be placed in the employee's personnel file.

In addition, the employee will receive a written notice detailing:

- The reasons for the disciplinary action;
- The corrective action needed;
- The specific date of any suspension, if applicable;
- A statement that further violations may result in dismissal or other disciplinary actions;
- The employee's right to appeal through the grievance procedure.

Suspension

An employee suspended for disciplinary reasons will be temporarily relieved of all duties without pay. This includes the suspension of any accumulated vacation leave for the duration of the suspension. Suspensions may last from one full workday up to a maximum of ten (10) full workdays.

Suspensions can be imposed immediately by the Department Head without prior notice if necessary to prevent disruption of work, protect the safety of persons or property, or for other serious reasons. In these cases:

- The Department Head must instruct the employee to leave City property immediately and remain away for the specified suspension period.
- The Department Head will notify the Human Resources Director right away.
- Additional disciplinary actions may be taken, if appropriate, based on the situation.

Reassignment

An employee may be reassigned as a disciplinary measure in response to unsatisfactory performance or unacceptable conduct. Reassignment may involve a change in job duties, location, or reporting structure, as determined by management.

Probation

An employee may be placed on probation as a disciplinary measure due to unsatisfactory job performance or unacceptable conduct. Probation serves as a formal period for the employee to demonstrate immediate and sustained improvement in performance or behavior.

Demotion

An employee may be demoted as a disciplinary action due to unsatisfactory job performance or unacceptable conduct. A demotion may occur:

- After at least one prior disciplinary action for unsatisfactory job performance, or
- For unacceptable personal conduct without prior disciplinary action.

Before demoting an employee, the Department Head must hold a pre-disciplinary conference with the employee, following the procedures outlined in this policy. Demotions must be in accordance with applicable salary administration policies.

Dismissal

If a non-probationary employee is dismissed, the employee must be granted a pre-disciplinary conference, during which they will have the opportunity to hear and respond to the charges against them. Attorneys or other representatives will not be allowed to attend the conference. However, management may allow witnesses or security personnel to be present if deemed necessary.

The Human Resources Director (or designee) will be present to monitor the pre-disciplinary conference process. The Department Head and the employee's supervisor will present the reasons for the proposed disciplinary action. The employee will have the right to respond during the conference.

After the pre-disciplinary conference, the management representative, usually the Department Head, will review the information and make a decision, which will be communicated in writing to the employee no earlier than the following business day. The decision letter, which will be reviewed by the Human Resources Director, must include:

- The City's decision regarding the disciplinary action;
- The reasons for the action;
- The effective date of the decision;
- The employee's right to appeal through the grievance procedure;
- The employee's right to a name-clearing hearing.

Section 9-6. Non-disciplinary Suspension for Investigatory Purposes.

Non-disciplinary suspensions may be implemented to allow time for investigation, fact-finding, and decision-making regarding an employee's status. This type of suspension may occur when it is determined that the employee should not continue working during the investigation, to facilitate scheduling a pre-disciplinary conference, to avoid disruption of work, or to ensure the safety of persons or property.

A non-disciplinary suspension may be with or without pay, or a combination of both. If the investigation concludes with no disciplinary action or if the allegations are found to be unsubstantiated, the employee will return to active work status without any loss of pay or benefits.

DIVISION 10. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 10-1. Policy and Purpose.

It is the policy of the City to provide an adequate and fair means for the presentation, consideration, and disposition of employee grievances. Employees whose grievances result from work situations deserve and have the right to submit such grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. Supervisors or other employees who violate this policy are subject to disciplinary action up to and including dismissal. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

The provisions of this procedure shall apply to all City employees, except the City Manager.

Time spent by a current employee during their regular work hours to address a grievance under this policy is considered work time. Any time spent outside the employee's regular work hours will only be considered work time if the Department or the City requires the employee's attendance.

The purposes of the grievance procedure include, but not limited to:

- Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- Encouraging employees to express themselves about the conditions of work which affect them as employees;
- Promoting better understanding of policies, practices, and procedures which affect employees;
- Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- Increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship; therefore, encouraging conflicts to be resolved at the lowest possible level of the chain of command; and
- Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the City or its leaders; thus, freeing up employee motivation, productivity, and creativity.

Grievance Defined: A grievance is a complaint or dispute by an employee relating to his/her employment, including but not limited to:

- Disciplinary actions involving dismissals, demotions, suspensions, reduction in pay, or involuntary transfer;
- An event or condition which affects the circumstances under which an employee works;
- Allegedly caused by inaccurate information, inconsistent application of policies, or the absence of clear policies regarding employment conditions. Alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment;
- Alleged unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow coworkers, or unreasonable work quotas;
- Acts of reprisal as the result of utilizing the grievance procedure;
- Complaints of discrimination, harassment, or retaliation; or
- Any other grievance relating to conditions of employment.

Section 10-2. Grievance Procedure.

When an employee has a grievance, the following successive steps are to be taken, unless otherwise provided. The number of calendar days indicated at each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. A recommendation or decision to rescind a disciplinary suspension, demotion, or dismissal must be approved by the Department Head or City Manager before the rescission decision becomes effective.

Nothing in this grievance procedure is intended to create an expressed or implied agreement that alters the employment at-will relationship that exists between the City and the employee, nor does it provide or vest any employee with any due process or procedural rights prior to the imposition of disciplinary action or dismissal.

If an employee has any question as to which step of the procedure to initiate his/her grievance, he/she should contact Human Resources for direction.

In the case of an unlawful workplace harassment complaint involving a supervisor or leader in the employee's chain-of-command, the employee may skip any of these steps, report the matter directly to the Department Head or the Human Resources Director. Please see the City's No Harassment/No Discrimination/No Retaliation policy in Section 5 within this Personnel Policy.

Informal Resolution: Prior to submitting a formal grievance, the employee and supervisor are encouraged to meet to discuss the issue and attempt to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the issue. Additionally, either party may request support from Human Resources to assist in finding a solution. Support can be used at any stage of the process if both the employee and the relevant

City supervisor or Department Head mutually agree. This process involves a neutral party helping the involved individuals identify mutually agreeable solutions or understandings.

The response from the supervisor for each step in the formal grievance process outlined below shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director. The Human Resources Director may be consulted at any step to help resolve the grievance.

Step One: If no resolution to the grievance is reached informally, the employee should present the grievance to their immediate supervisor in writing within fifteen (15) calendar days of the complaint occurrence or of the time they became aware of the occurrence. The supervisor must respond in writing within ten (10) calendar days after receipt.

In situations where the employee's immediate supervisor is the Department Head, the employee should submit the grievance directly to the Department Head in writing. The Department Head is encouraged to consult with any necessary employees to ensure a fair, impartial, and equitable determination. Any employee consulted by the Department Head is required to fully cooperate.

Step Two. If the grievance is not resolved to the satisfaction of the employee by the immediate supervisor, the employee may appeal in writing to the Department Head within ten (10) calendar days after receipt of response in Step One. The Department Head has fifteen (15) calendar days to investigate the matter and to make a written determination after receipt of the appeal. The Department Head may request additional information from the employee and/or schedule a meeting with the employee to obtain additional information related to the grievance

Step Three: If the grievance is not resolved to the employee's satisfaction by the Department Head, the employee may appeal in writing to the City Manager within ten (10) calendar days of receiving the response from the Department Head. The City Manager will render a written decision within fifteen (15) calendar days after receipt of the appeal. The City Manager may postpone issuing the decision for up to thirty (30) additional days to further investigate, consult with the City Attorney, or seek advice from other responsible sources.

In providing the written decision to the grievant, the City Manager may seek the advice and consent of the City Attorney or other legal counsel to review all potential ramifications and liabilities associated with the decision. The City Manager's decision shall be final and not subject to further appeal.

In cases where a Department Head or a direct report of the City Manager files a grievance, the City may choose to involve a neutral outside party or the City Attorney to assist in resolving the conflict. The City Manager, with the assistance of this neutral party or the City Attorney, will seek a fair resolution to the grievance. If necessary, the neutral party or City Attorney may

provide guidance to ensure the grievance process is handled impartially and without conflict of interest.

Section 10-3. Role of the Human Resources Director.

Throughout the grievance procedure, the roles of the Human Resources Director are as follows:

- To advise parties, including employee, supervisors, and City Manager, of their rights and responsibilities under this policy, including interpreting the grievance, and other policies for consistency of application;
- To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;
- To give notices to parties concerning timetables of the process, etc.;
- To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- To help locate mediation or other resources as needed.

Section 10-4. Grievance and Adverse Action Appeal Procedure for Discrimination.

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e., is based on age, sex, race, national origin, religion, creed, political affiliation, or non-disqualifying disability, genetic information, or veteran status), he/she has the right to appeal such action using the grievance procedure. While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Director. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within fifteen (15) calendar days of the alleged discriminatory action

DIVISION 11. PERSONNEL RECORDS AND REPORTS

Section 11-1. Personnel records maintenance.

Such records as are necessary for the proper administration of the personnel system will be maintained by Human Resources and shall be the depository for said records. The City shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes and in accordance with applicable federal, state, and City record-keeping, access, and retention laws or policies. These files shall contain information gathered by the City with respect to that employee by way of illustration but not limited to employment application, records of personnel actions, disciplinary warnings and actions, performance appraisals, promotions, demotions, transfers, suspensions, retirement and insurance records, letters of commendation, and other personnel related documents.

The Americans with Disabilities Act (ADA) requires that employee medical records be maintained confidentially and separate from an employee's general personnel file. Human Resources shall be the depository for said employee medical records.

Section 11-2. Public information and access to confidential information.

All employee files are confidential except in accordance with N.C.G.S. 160A-168, "Privacy of Employee Personnel Records". The City shall provide the information listed in the N.C.G.S. that is public record with respect to each City employee.

As required by N.C.G.S. 160A-168(b), any person may have access to the information listed therein, subject to applicable federal or state laws and such rules and regulations for the safekeeping of public records as the City Council may adopt.

Section 11-3. Personnel actions.

The Human Resources Director, with the approval of the City Manager, will prescribe necessary forms and reports for all personnel actions and will manage and direct the retention of records necessary for the proper administration of the personnel system.

Section 11-4. Records of former employees.

The provisions for access to records apply to former employees as they apply to present employees.

Section 11-5. Remedies of employees objecting to material in file.

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

Section 11-6. Penalties for permitting access to confidential records.

Section 160A-168(e) of the North Carolina General Statutes provides that any public official or employee who knowingly, willfully, and with malice permits any person to have access to any confidential information contained in an employee's personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor, and upon conviction, shall be fined in an amount consistent with the applicable General Statutes.

Section 11-7. Examining and/or copying confidential material without authorization.

Section 160A-168(f) of the North Carolina General Statutes provides that any person not specifically authorized by the statute to have access to a personnel file designated as confidential who shall knowingly and willfully examine in its official filing place, remove, or copy any portion of a confidential personnel file shall be guilty of a misdemeanor, and upon conviction, shall be fined consistent with the General Statutes.

Section 11-8. Destruction of records regulated.

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with North Carolina General Statute. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it will be guilty of a misdemeanor, and upon conviction will be fined in an amount provided in Chapter 132-3 of the General Statutes.

ACKNOWLEDGMENT RECEIPT OF PERSONNEL POLICY MANUAL

I have received a copy of the City’s Personnel Policy Manual effective on May 1, 2025. I understand this Policy is designed to familiarize me with the current personnel policies, procedures, and benefits of the City, which govern my employment, and I understand that the City reserves the right to interpret, modify, or eliminate any of these policies, procedures, and benefits at any time. I also understand the Policy is not a contract or an offer to contract between the City and any employee. I understand that I am employed by the City at will.

I understand this Policy is City property. As a recipient of it, I understand that I am responsible for knowing its contents and updates. Specifically, I acknowledge that I am responsible for reading and knowing the contents and updates of all policies, including the City’s policy against workplace harassment.

Supervisor Signature

Employee Signature

Employee Name (Printed)

Date