

**City of Graham**  
**City Council Meeting Agenda**  
**September 12, 2023**  
**6:00 p.m.**



**CALL TO ORDER:** Mayor Jennifer Talley

**INVOCATION & PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA:**

- a. To approve the August 8, 2023, City Council meeting minutes.
- b. To approve a request for the Alamance Community College Reinhartsen 5K Run/Walk event on November 4, 2023, from 7:00 a.m. to 10:00 a.m. and to close a portion of Jimmie Kerr Road and Cherry Lane pending NC Department of Transportation approval.
- c. To set a date of public hearing for October 10, 2023, to consider a contiguous annexation request extending the corporate limits to the City of Graham for a tract of land totaling 18.132 acres located off Longdale Drive and to direct the City Clerk to investigate the sufficiency of the petition. (AN2306)
- d. To approve a Budget Amendment to increase the Federal Drug Monies budget, in the amount of \$30,000, for Professional Services.

**PUBLIC HEARINGS:**

**1. ANNEXATION – 67.441 ACRES – KIMREY ROAD – AN2303**

A public hearing has been scheduled to consider an Annexation Ordinance to extend the corporate limits to the City of Graham for a tract of land totaling 67.441 acres located off Kimrey Road.

**NEW BUSINESS:**

**2. DEMONSTRATION ORDINANCE – CHAPTER 20 – ARTICLE VI – SECTION 20-171-184 – PARADES, DEMONSTRATIONS AND STREET EVENTS**

City Council will consider an Ordinance amendment of Chapter 20, Article VI, Section 20-171-184, Parades, Demonstrations, and Street Events of the Code of Ordinances.

**PUBLIC COMMENT PERIOD:**

**CITY STAFF COMMENTS**

**CITY COUNCIL COMMENTS**

**ADJOURN**

# City of Graham City Council Meeting Minutes August 8, 2023



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on August 8, 2023, in the Council Chamber, City Hall Municipal Building located at 201 South Main Street, Graham, NC.

## Council Members Present:

Mayor Jennifer Talley  
Mayor Pro Tem Ricky Hall  
Council Member Bobby Chin  
Council Member Joey Parsons  
Council Member Bonnie Whitaker

## Staff Present:

Megan Garner, City Manager - Absent  
Aaron Holland, Assistant City Manager  
Bryan Coleman, City Attorney  
Renee Ward, City Clerk

## CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order at 6:00 p.m. and presided.

## INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Talley gave the invocation and all stood for the Pledge of Allegiance.

## MAYOR ANNOUNCEMENTS:

- Alamance Adventure Race – September 30<sup>th</sup> – 8:00 am – 8:00 pm
- Movies in the Park – Bill Cooke Park – September 2, 9, 16, 23, 30 – 7:30 pm
- Vendors and Food Trucks Expo – Graham Recreation Center – August 26 - 8:00 am – 2:00 pm and August 27 - 3:00 pm – 7:00 pm
- Graham Recreation is offering paddle tours on the lake at Graham/Mebane Lake
- Thursdays' at 7:00 concerts
- Balloon Festival – September 8, 9, 10 – Featuring Bucky Covington – Saturday - 6-8:00 pm

## RECOGNITION: Vicky Braniff – Recreation and Parks Department Retiree

Mayor Talley and Councilmembers recognized Ms. Braniff for her 20 years of service with the City of Graham.



**CONSENT AGENDA:**

- a. To approve the July 11, 2023, City Council meeting minutes and to approve and seal the July 21, 2023, Special Closed Session meeting minutes.
- b. To approve the Veterans Day Parade on Saturday, November 11, 2023, and the closure of McAden Street from 9:00 am to 12:30 pm.
- c. To rescind the adoption of an Annexation Ordinance to extend the corporate limits to the City of Graham for an area off Kimrey Road approved on July 11, 2023, due to incorrect property information submitted on the annexation ordinance including the legal description and plat. (AN2303)

**ORDINANCE RESCINDING  
ANNEXATION ORDINANCE  
TO EXTEND THE CORPORATE LIMITS OF  
CITY OF GRAHAM, NORTH CAROLINA  
FOR AN AREA OFF OF KIMREY ROAD (AN2303)**

**WHEREAS**, Shugart Enterprises, LLC pursuant to G.S. 160A-31 petitioned the City of Graham to annex certain property off Kimrey Road (AN2303); and

**WHEREAS**, a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on July 11, 2023, after due notice by publication on June 1, 2023; and

**WHEREAS**, the City Council upon conclusion of the public hearing adopted an Ordinance annexing 68.791 acres as more particularly set forth in the Annexation Ordinance (AN2303) and recorded in the Alamance County Register of Deeds on July 17, 2023, in Book 4491, Start Page 129 and End Page 130 which is incorporated herein by reference; and

**WHEREAS**, it was subsequently discovered that the property described in said Annexation Ordinance (AN2303) incorporated land that was not zoned into the city of Graham and that was not a part of the original application; and

**WHEREAS**, it appears that the petitioner, Windsor Commercial, had no intention of annexing the added portion as it was a mistake shown when the plat and legal descriptions were created; and

**WHEREAS**, the City Council determined that the additional portion of land included in the legal description and plat caused the annexation application to be invalid and not presented properly before the City Council, the action by the City Council on July 11, 2023, would not be valid as to the annexation of said property described in (AN2302); and

**WHEREAS**, the City Council, therefore, determined that said Ordinance (AN2303) adopted on July 11, 2023, should be rescinded; and

**WHEREAS**, the City Council at a meeting of this body upon notice duly convened on August 8<sup>th</sup>, 2023 in accordance with the Open Meetings Law (G.S. Section 143-318.12) to consider this matter of the rescission of said Annexation Ordinance (AN2303).

**NOW THEREFORE**, the City Council does hereby **RESCIND AND REPEAL** the action of July 11, 2023, adopting Annexation Ordinance (AN2303); and said action adopting said Ordinance is otherwise of no effect.

The Mayor of the City of Graham shall direct city staff to take all actions required to give full force and effect to this action and shall cause to be recorded in the office of the Register of Deeds of Alamance County, this **ORDINANCE RESCINDING ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF CITY OF GRAHAM, NORTH CAROLINA FOR AN AREA OFF OF KIMREY ROAD (AN2303)**.

**Adopted this 8<sup>th</sup> day of August 2023.**

- d.** To set a date of public hearing for September 12, 2023, to consider a contiguous annexation request extending the corporate limits to the City of Graham for a tract of land totaling 64.441-acres located off Kimrey Road and to direct the City Clerk to investigate the sufficiency of the petition. (AN2303)

**RESOLUTION FIXING DATE OF SEPTEMBER 12, 2023, FOR A PUBLIC HEARING ON THE QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 67.441 +/- ACRES OFF KIMREY ROAD (AN2303)**

**WHEREAS**, a petition requesting annexation of the contiguous area described herein has been received; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of the petition has been made.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Graham, North Carolina that:

**Section 1.** A **public hearing** on the question of the annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on **September 12, 2023**.

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

**Legal Description** GPIN#: 9803172212

Beginning at a 1" existing iron pipe (eip) located within the right-of-way of Kimrey Road, S.R. #2125 (a 60' public right-of-way per Plat Book 65, Page 177 and subsequent plats), being in a westerly line of the "249.01 Acres" plot as shown on "Final Plat Property of William C. Scott and Jane M. Scott" as recorded in Plat Book 65, Page 177, said beginning point lying N 26°37'55" E, a horizontal ground distance of 1,279.42' from a North Carolina Geodetic Survey Monument "Kimrey" and beginning point having North American Datum 83(2011) coordinates of N: 836,469.14' and East : 1,900,430.64'; Thence running within the public right-of-way the following two (2) courses and distances: (1) N 63°41'50" E, 42.81' to a non-monumented point, and (2) N 25°46'34" W, 15.73' to an existing magnetic (mag) nail located in the approximate centerline intersection of Kimrey Road and Governor Scott Farm Road, S.R. #2124 (a 60' public right-of-way per Plat Book 65, Page 177 and subsequent plats); thence running within the public right-of-way of said Kimrey Road and with the approximate centerline of Kimrey Road as shown on "Subdivision for Scott/Mayo Properties II, LLC" and recorded in Plat Book 82, Page 99, the

following six (6) courses and distances: (1) N 67°26'34" E, 94.24' to an existing "hole" in asphalt, (2) N 70°25'31" E, 200.03' to an existing mag nail, (3) N 70°24'50" E, 300.09' to an existing cut "x" in asphalt, (4) N 70°24'13" E, 299.93' to an existing mag nail, (5) N 70°40'53" E, 300.01' to an existing mag nail, and (6) N 70°26'15" E, 19.59' to a non-monumented point being the westerly most corner of Lot 1 of "Final Plat James Earl Covington, Jr. and Wife Mary Shaw Covington" as recorded in Plat Book 75, Page 345, thence leaving Kimrey Road and running with the westerly line of said Lot 1, S 23°36'55" E, crossing a 1" eip at 30.14' located at the southerly margin of the right-of-way of Kimrey Road, and continuing 709.12' for a total distance of 739.26' to a 3/4" eip falling in the northern line of Tract Two of "Final Plat Mary Shaw Covington" as recorded in Plat Book 80, Page 174, thence running with northern and western lines of Tract Two, S 60°46'05" E, 39.98' to a 3/4" eip and S 30°38'54" E, 570.58' to a 3/4" pinched top eip at the northwestern corner of Tract One of Plat Book 80, Page 174; thence running with the western line of Tract One, S 30°41'55" E, crossing an existing stone (at a loose concrete monument) at 733.32' and continuing 20.97' for a total distance of 754.29' to a non-monumented point located within the right-of-way of North Carolina Highway # 119 (a 60' public right-of-way Per Plat Book 65, Page 117); thence running with the approximate center of North Carolina Highway # 119, S 36°52'40" W, 710.07' to a non-monumented point located near the centerline of North Carolina Highway # 119, and falling in the extension of the northerly boundary line of now or formerly Tax Parcel Id: 159501 an additional Scott/Mayo Properties III, LLC, as recorded in Deed Book 3953, Page 21, thence running along the extension line and falling in the northerly boundary line, and continuing with the westerly boundary line of Tax Parcel Id, 159501, the following two (2) courses and distances: (1) N 58°09'52" W, crossing a 3/4" eip at 33.94' and continuing 208.72' for a total distance of 242.66' to a 3/4" eip, and (2) S 37°28'32" W, crossing a 1" eip at 208.76' and continuing 51.96' for a total distance of 260.72' to a non-monumented point located near the centerline of Jim Minor Road, S.R. #2135 (a 60' public right-of-way per Plat Book 65, Page 177); thence running with the approximate center line of Jim Minor Road the following two (2) courses and distances: (1) N 66°31'51" W, 157.55' to a non-monumented point and (2) N 66°59'51" W, 281.90' to a non-monumented point; thence leaving the right-of-way of Jim Minor Road and running with the easterly lines of now or formerly Tax Parcel Id: 159467, the Anderson H, Scott, II property as recorded in Deed Book 1369, Page 292: (1) N 06°55'30" W, crossing a 1" eip (pinched top) at 34.70' (being on the northern margin of the right-of way) and continuing 246.80' for a total distance of 281.50' to a 1" eip (pinched top), (2) N 36°48'58" W, 178.20' to a 1" eip (pinched top), (3) N 55°38'03" W, 250.25' to a 1" eip (bent), (4) N 60°44'51" W, 461.70' to a 1" eip (pinched top), 5) N 19°25'52" E, 373.80 to a 1" eip (pinched top) and (6) N 21°48'54" W, 781.52' to the point and place of beginning, containing a total of 67.441 acres more or less, as surveyed by Triad Land Surveying, P.C., on October 5<sup>th</sup>, 2017, and having job #17136-4.

Being the major portion of the same land conveyed to Scott/Mayo Properties III, LLC by instrument recorded in Deed Book 3866, Page 553.

ALL Deed Book, Plat Book, and Page references are to the Alamance County Registry.

**Adopted this 8<sup>th</sup> day of August 2023.**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED**  
**UNDER G.S. 60A-31 (GPIN: 9803172212) (AN2303)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on August 8, 2023, by the Graham City Council; and

**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City

Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Graham: That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

- e. To authorize the City Manager and City Attorney to effectuate the on-call engineering services agreement with Alley, Williams, Carmen, & King, WithersRavenel, and Hazen and Sawyer pending legal review.
- f. To approve a resolution adopting the 2023 Water Shortage Response Plan pursuant to NCGS 143-355(I). The State completed its review of the 2023 WSRP for the City’s water system and found that it meets the minimum criteria.

**RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN**

**WHEREAS**, North Carolina General Statute 143-355 (I) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for (City of Graham), has been developed and submitted to the (Graham City Council) for approval; and

**WHEREAS**, the (Graham City Council) finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (I) and that it will provide appropriate guidance for the future management of water supplies for (City of Graham), as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute.

**NOW, THEREFORE, BE IT RESOLVED** by the (Graham City Council) of (the City of Graham) that the Water Shortage Response Plan entitled, Graham Water Shortage Response Plan dated March 3, 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources.

**BE IT FURTHER RESOLVED** that the (Graham City Council) intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

**Adopted this the 8<sup>th</sup> day of August 2023.**

- g. To approve a resolution authorizing the conveyance of a 2005 Chevy Impala, a 2007 Ford Crown Victoria, and a 2010 Ford Crown Victoria to Alamance Community College pursuant to G.S. 160A-274.

**RESOLUTION AUTHORIZING CONVEYANCE OF A 2005 CHEVY IMPALA, 2007 FORD CROWN VICTORIA, AND 2010 FORD CROWN VICTORIA TO ALAMANCE COMMUNITY COLLEGE PURSUANT TO G.S. 160A-274**

**WHEREAS**, the City of Graham owns;

- 2005 Chevy Impala, Inventory # 138, VIN# 2G1WF52K959348960
- 2007 Ford Crown Victoria, Inventory #172, VIN# 2FAFP71W27X151800
- 2010 Ford Crown Victoria, Inventory #157, VIN# 2FABP7BV3AX11732

**WHEREAS**, the above-referenced vehicles have been declared surplus due to age and mechanical condition; and

**WHEREAS**, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in the real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

**WHEREAS**, the City of Graham has determined that it is in the best interest of the City to convey a 2010 Ford Crown Victoria vehicle, a 2007 Ford Crown Victoria, and a 2005 Chevy Impala to Alamance Community College, and deems it wise to do so for no consideration; and

**WHEREAS**, the City of Graham has determined that donating said vehicles to Alamance Community College will continue to provide a public benefit.

**THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:**

1. The City of Graham hereby conveys to Alamance Community College the following property:
  - 2005 Chevy Impala, Inventory # 138, VIN# 2G1WF52K959348960
  - 2007 Ford Crown Victoria, Inventory #172, VIN# 2FAFP71W27X151800
  - 2010 Ford Crown Victoria, Inventory #157, VIN# 2FABP7BV3AX11732
2. The property herein described shall be conveyed for consideration of continued public benefit.
3. The City Manager, Finance Officer, and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

**Adopted this 8<sup>th</sup> day of August 2023.**

- h. To approve a Budget Amendment updating the Project Ordinance for an addition to the existing garage at the public works facility in the amount of \$215,000 to be funded by the American Rescue Plan Act project.

**RESOLUTION ESTABLISHING THE BUDGET FOR ARPA FUNDS GRANT ORDINANCE**

**WHEREAS**, On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President;

**WHEREAS**, Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Fund (together, the Fiscal Recovery Funds);

**WHEREAS**, On June 8, 2021, the City Council of the City of Graham hereby created an American Rescue Plan Act (ARPA) Local Fiscal Recovery Fund.

**WHEREAS**, On August 9, 2022, the City Council of the City of Graham approved \$3,784,134 in projects for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$1,202,206.

**WHEREAS**, On September 13, 2022, the City Council of the City of Graham approved additional projects amounting to \$69,916 for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$1,132,290.

**WHEREAS**, On October 11, 2022, the City Council of the City of Graham approved additional projects amounting to \$195,000 for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$937,290.

**WHEREAS**, On December 19, 2022, the City Council of the City of Graham approved additional projects amounting to \$550,000 for the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$387,290.

**WHEREAS**, On January 10, 2023, the City Council of the City of Graham approved an amendment of \$7,555 to the ARPA Local Fiscal Recovery Fund leaving an unencumbered balance of \$379,735.

**NOW, THEREFORE, 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 Project Ordinance is hereby revised to include additional projects:

Section 1. The Project authorizes the use of ARPA Funds.

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:

ARPA Revenue	\$4,821,605
<b>TOTAL</b>	\$4,821,605

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

10” Water Line Replacement	\$3,500,000
GPD Positions Equipment	\$62,101



Vehicles	\$204,033
Fuel Master System Upgrade	\$18,000
Civic Center Repairs – Roof & Floor	\$66,343
Camera at Parks – Entrances	\$11,128
GM Lake – Ramp Renovation	\$195,000
Albright Ave Water Line Replacement	\$550,000
Public Works Building	\$215,000
<b>TOTAL</b>	<b>\$4,821,605</b>

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 8<sup>th</sup> day of August 2023.**

- i. To approve a settlement of uncollected Real and Personal Property taxes in the amount of \$114,706.09, for fiscal year 2022-2023.

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

**PUBLIC HEARINGS:**

**1. REZONING – 53.904 ACRES - 0 SOUTH NC 87 HWY – PHASE 4 – ROGERS SPRING HOMES**

City Council considered a request to rezone 53.904 acres located at 0 South NC 87 Hwy from R-18, Low-Density Residential, to R-9, High-Density Residential, for the purpose of extending the fourth phase of Rogers Spring Homes.

*(Continued from the May 9, 2023, June 13, 2023, and July 11, 2023, City Council meetings.) (Planning Board recommended denial of the rezoning by a vote of 4-1.)*

Assistant City Manager Aaron Holland stated this request was to rezone 53.904 acres of property from R-18 (Low-Density Residential) to R-9 (High-Density Residential) for the purpose of extending the 4th phase of Rogers Springs Homes. He stated the property was mostly inside of the Suburban Residential Future Land Use zone while the area near the river made up the Rural Residential area, which cannot be built upon due to it being in the floodway. The Future Land Use Plan notes that principal uses in the Suburban Residential zone predominately are made up of detached single-family homes. The appropriate density for this area is 3-6 dwelling units per acre. The maximum number of

lots/units one could build with 9,000 square feet, according to the Development Ordinance, was 256 +/- . The max lots/units the Future Land Use Plan deemed appropriate at six units per acre was 318 +/- . The Planning Board voted 4-1 recommending denial of the rezoning at its April 18, 2023, meeting.

Mr. Jason Ewing, Land Acquisition Manager for Shugart Homes, introduced Land Development Manager Will Derrickson and Paul Lawler Project Engineer of Bowman Consulting. Mr. Ewing stated this was the extension of the fourth phase of Rogers Springs. He stated the property owner sold an additional 54 acres in February 2021, which was a few months after platting the first phase of Rogers Springs and began selling homes. Mr. Ewing stated that phase three was almost ready to be platted.

The public hearing was opened and the following spoke:

Mayor Talley expressed concerns with lot sizes and suggested a common area or shelter.

Mayor Talley asked why the Planning and Zoning Board denied the request.

Assistant City Manager Holland stated it was due to additional traffic being generated from new homes being added in the area.

Councilmember Whitaker voiced concerns about additional traffic on Rogers Road.

Mr. Peter Murphy, 1933 Meadowview Drive, Graham, spoke in opposition to the rezoning due to noise, adding more homes, and R-9 high-density zoning.

Ms. Janice Holt Cashion, 1820 Lacy Holt Road, Graham, owner of a 25-acre farm, spoke in opposition to the rezoning due to additional traffic on Lacy Holt Road.

Mayor Talley asked if the developers would be open to R-12 conditional rezoning.

Mr. Ewing stated they would be open to conditions, as far as density, that Council was comfortable with. He stated that as long as they were able to build the 84 homes that were planned, they were open to ideas.

Mayor Talley stated that she could not vote for a straight rezoning. She stated she would like to see something recreational in the development. She stated if the developers would come back with a conditional rezoning or a request for R-12 she would be more open to those requests. She stated that was her personal opinion and she only counted as one vote.

Mayor Talley asked if the Council should move forward with a vote or did the petitioner want to withdraw and come back with a new plan.

Mr. Ewing stated they would like to evaluate R-12 zoning requirements and add community amenities and then come back to Council.

The public hearing was closed.

Mr. Ewing stated they would like to withdraw the rezoning request and the annexation request.

Motion by Mayor Talley to accept the withdrawal for Items 1 and 2, rezoning of Phase Four Rogers Springs, and the annexation of 59.9 acres located off Mayfield Drive, seconded by Council Member Whitaker. The motion passed unanimously.

**2. ANNEXATION – 53.90 ACRES – LOCATED OFF MAYFIELD DRIVE – (AN2301)**

City Council will consider approval of an Annexation Ordinance to extend the corporate limits of the City of Graham for a tract of land totaling 53.90 acres located off Mayfield Drive.

(Continued from the May 9, 2023, June 13, 2023, and July 11, 2023, City Council meetings.) (Planning Board recommended denial 4-1 vote.)

Motion by Mayor Talley to accept the withdrawal for Items 1 and 2, rezoning of Phase Four Rogers Springs, and the annexation of 59.9 acres located off Mayfield Drive, seconded by Council Member Whitaker. The motion passed unanimously.

**3. REZONING – MONROE HOLT & LACY HOLT ROAD – 57 ACRES – AMEND EXISTING C-R CONDITIONAL RESIDENTIAL**

City Council considered a request to amend the existing C-R Conditional Rezoning of 57 acres located at Monroe Holt Road and Lacy Holt Road to make changes to the site-specific plan to remove the street tie-in to Tonewood Drive, reconfigure open space, and reduce the number of mail kiosks.

(Planning Board recommended approval of the rezoning 5-0.)

Assistant City Manager Aaron Holland stated this was a request by Leoterra Graham, LLC, and agents to amend the existing Conditional Rezoning to make changes to the site-specific plan by removing the street tie-in to Tonewood Drive, reconfiguring open space, and reducing the number of mail kiosks. The previous conditions were that Wendy Drive would not be connected to the existing street stub-out, but the easements would be given to the City for water, sewer, and other utilities as necessary. Phase 1 of this project had been completed, but this request came from reviewing the phase 2 & 3 plans that showed a removal of the open space area and a question regarding removing the Tonewood Drive street connection. He shared the Planning Board recommended approval 5-0 with the following conditions:

- All previously approved conditions remain.
- Tonewood Drive connection is abandoned.
- Mail kiosks are moved to a centralized location at the front of the development.
- Remove open space and incorporate lots 117 and 125.
- Maneuver the turnaround area on the northern portion of Archer Drive to not be inside of the evergreen plantings and allow lot 85 to be relocated with the potential addition of 1-3 lots.

He stated that staff would like to add if the Council approved the amendment, the process to begin the abandonment of the right-of-way of Tonewood Drive on the other side in the coming months.

The public hearing was opened and the following spoke:

Mr. Vince Townsend, 1A Windy Court, Greensboro, owner of Green Mountain Engineering, stated the owners were happy with the recommendation of the Planning Board to add a lot and reconfigure the turnaround to satisfy a neighbor.

Mayor Talley stated that a shelter would be nice to have in the open space.

Mr. Clay Mize, LeoTerra Graham LLC, stated that deals are made without things such as shelters in mind and he would have to say no. He stated they had no access to the area for a shelter and it had not been figured into the plan. He stated he had heard Mayor Talley loud and clear and that he would be designing more neighborhoods in Graham and promised that everyone would have adequate shelters. Mr. Townsend stated it would be nice if the two cul-de-sacs were connected via a trail but it would put people wandering behind homes and some would not be excited about that.

Mr. Mize stated the trail may be okay because you would not be affecting very many residents.

Mayor Talley again asked if they could do anything in the open space to make it more recreational friendly.

Mr. Mize stated they would agree to a trail system connecting the cul-de-sacs.

Assistant City Manager Holland suggested making the trail a recommendation in order to leave a little flexibility with the connection between the cul-de-sacs in the event the trails could not be constructed in certain areas, the petitioner would not have to come back before Council.

Ms. Janice Holt Cashion, 1820 Lacy Holt Road, Graham, homeowner and landowner, stated concerns about the hammerhead turn-around being relocated off the boundary line and the 30-foot buffer being landscaped for safety when heavy machinery was being used on her farm. She also expressed concern about additional traffic.

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

Motion by Mayor Talley to approve amending the existing C-R conditional rezoning of 57 acres located at Monroe Holt and Lacy Holt Road and that it was consistent with Graham 2035 Comprehensive Plan and the City of Graham Development Ordinance and to include the following conditions:

- All previously approved conditions remain.
- Tonewood Drive connection to be abandoned.
- Mail Kiosks are moved to a centralized location at the front of the development.
- Remove open space and incorporate lots #117 and #125.
- Maneuver the turn-around area on the northern portion of Archer Drive so it is not inside of the evergreen plantings and allow lot #85 to be relocated with the potential addition of 1-3 lots.
- Allow for a lot where the previous easement for Tonewood Drive connected.

- Add an additional lot adjacent to lot #173 where the previous mail kiosks were located.
- The other mail kiosks to the north would be reverted to additional open space.
- The developer will create a trail connecting the two cul-de-sacs located on the eastern side of the development to be used for walking trails with rock screening.
- Fence to be added to the end of Archer Road to discourage pedestrian traffic from traveling into the neighbor's farm area.

Seconded by Mayor Pro Tem Hall. The motion passed unanimously.

## **NEW BUSINESS:**

### **4. STREET CLOSURE – PATRIOTS FESTIVAL – SEPTEMBER 16, 2023**

City Council considered approving the Patriots Festival on Saturday, September 16, 2023, and approving the closure of the 100 blocks of East and West Elm Streets and the 100 blocks of North and South Main Streets from 7:00 am to 6:00 pm and the closure of all parking spaces within court square from 12:00 am to 6:00 pm.

Assistant City Manager Holland stated that Staff had discussed internal ideas for a future event and requested to withdraw the request and come back in the future.

### **5. RESOLUTION – EASTERN PIEDMONT NC HOME CONSORTIUM – SUPPORTING LOW-INCOME RESIDENTS**

City Council considered approving a resolution in support of participation in an agreement to join the Eastern Piedmont NC HOME Consortium, which will provide an opportunity for low-income residents of the City to receive benefits from grant funds to be used toward the development of affordable housing.

Mayor Talley stated City Attorney Ward shared that Burlington had pulled out of its existing consortium with Guilford/Greensboro and was now asking the County and others to join the Eastern Piedmont HOME Consortium.

City Attorney Ward stated back in March there was consideration given to withdrawing from the Guilford/Greensboro Consortium to set up another consortium to include Burlington and five other counties along with the municipalities within those counties. He stated that the consortium had been handled by Michael Blair and Matt Reece of the Piedmont Triad Council of Governments and if Council had questions, it would be more appropriate to ask them to come and address Council.

Mayor Talley stated she would like to have more information. She stated Graham did not have a problem with consolidating and working with Burlington on the consortium. She expressed concern if there was a particular piece of property in Graham that would qualify, how Graham would make sure requests were heard or to have input on the board that made decisions on how affordable housing would be funded. Mayor Talley asked if this could be tabled to the next meeting.

Assistant City Manager stated there was an August 15, 2023, deadline.

Mayor Talley stated regardless of the deadline, she did not know enough about it to make an informed decision. She asked if PTCOG could come and speak to the Council.

Assistant City Manager Holland stated he would reach out to the PTCOG and the Council may have to call a special meeting in order to meet the deadline.

## **6. EASEMENT AGREEMENT – DUKE ENERGY – CHERRY CREEK SUBDIVISION**

City Council considered approving an easement agreement for Duke Energy Carolinas, LLC to serve the Cherry Creek Subdivision located off Cherry Lane and to authorize the City Manager and City Attorney to effectuate the agreement.

Assistant City Manager Holland stated Duke Energy had submitted a request to the City of Graham to provide an easement area for overhead and underground lines. The property was located south of the Cherry Creek Subdivision located off Cherry Road. He stated the reason for the agreement was the City-owned property in that vicinity and the easement would allow Duke Energy to work within that space.

Motion by Mayor Pro Tem Hall to approve an easement agreement for Duke Energy to serve the Cherry Creek subdivision and to authorize the City Manager and City Attorney to effectuate the agreement, seconded by Council Member Chin. The motion passed unanimously.

## **7. APPOINTMENT – GRAHAM HOUSING AUTHORITY**

City Council considered making an appointment to the Graham Housing Authority due to a clerical error. The applicants who wish to be considered are Maynard Jeannis and Lisa Moser.

Motion by Mayor Talley to appoint Lisa Moser to the Graham Housing Authority Board, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

## **PUBLIC COMMENTS:**

Mr. Keith Westbrooks asked if the City was going to have another Arts Around the Square event.

Mayor Talley stated there was \$10,000 to be used towards putting on an Arts Around the Square event. She stated she had applied to the Tourism Board on behalf of the City and was awarded a \$10,000 grant. She shared that they had met with the Arts Council and Recreation staff to encourage the development of an Arts Around the Square and possibly have an event in Spring 2024.

Mr. Westbrook also expressed concern about a citizen mowing his grass and blowing the clippings in the street.

Assistant City Manager Holland stated he understood; however, the ordinance was very hard to enforce by the time our code enforcement was notified. He suggested Mr. Westbrook call immediately when he saw issues such as this.

## CITY STAFF COMMENTS

There were no City Staff comments.

## COUNCIL COMMENTS:

Mayor Pro Tem Hall announced that former Retired Firefighter Ralph Stockard passed away on August 4, 2023, and offered condolences, on behalf of the Council, to the family.

Council Member Chin asked about the Arts Around the Square.

Parks and Recreation Director Brian Faucette stated the Recreation Department had envisioned the 9/11 5K to grow into an “Arts Around the Square.” He shared that it would be really hard to recreate Arts Around the Square, which had more than 250 artist vendors back in the 1980s and 1990s and this past year, Burlington’s Carousel Festival had about 60 vendors.

Mayor Talley shared that downtown businesses and others would be supportive and that the community would be very receptive. She stated there were enough people in Alamance County who really wanted to see the event come back and would offer their services. She asked that the Recreation Department support the event and move forward with something that would be amazing. She also suggested doing a one-day event versus two or three days.

Assistant City Manager Holland stated meetings are set up to continue conversations with stakeholders and the Mayor had asked to be present and there could be another Council Member present for conversations.

Mayor Talley asked about the open space ordinance amendment for the Council to consider. She also asked about changing the overlay language for Main Street.

Assistant City Manager Holland stated the overlay language was being discussed and staff had reached out to the School of Government to get direction on the open space amendment.

Mayor Talley asked staff to revisit and reinstate the Alamance County Historic Commission to handle the National Registry of Historic Places. She stated it was a waste of money to duplicate services.

Assistant City Manager Holland stated he would reach out to the County to see how the City could be a part of that again.

## ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting was adjourned at 8:53 p.m.

*Renee M. Ward, CMC*  
City Clerk



# STAFF REPORT

SUBJECT:	ACC 5K RUN/WALK EVENT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

## REQUESTED ACTION:

Approve the ACC Reinhartsen 5k Run/Walk event which will occur beyond campus on November 4, 2023, and involve the closure of a portion of Jimmie Kerr Road and Cherry Lane (pending NCDOT approval).

## BACKGROUND/SUMMARY:

Annually, ACC hosts the Reinhartsen 5K Run/Walk on campus to raise funds for student scholarships. As seen in the included route, the majority of this event takes place on campus with a portion occurring down Jimmie Kerr Rd and Cherry Lane. This event did not require City Council approval in past years as both Jimmie Kerr Rd and Cherry Lane are NCDOT roads with a majority of the route outside of the City limits. In compliance with the City Council's directive, any closure of a street within the City will require City Council approval of the event. The portion of the event occurring on Jimmie Kerr Rd and Cherry Lane is expected to be an hour.

## FISCAL IMPACT:

There is no fiscal impact on the City of Graham in order to close the street.

## STAFF RECOMMENDATION:

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

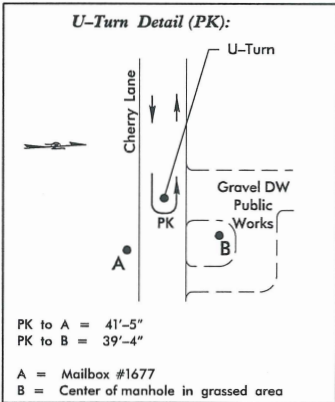
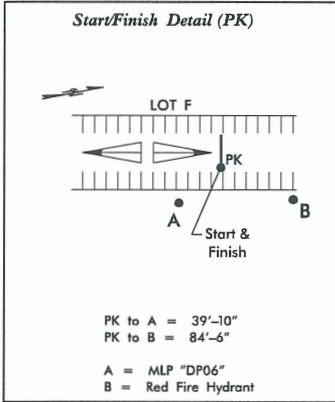
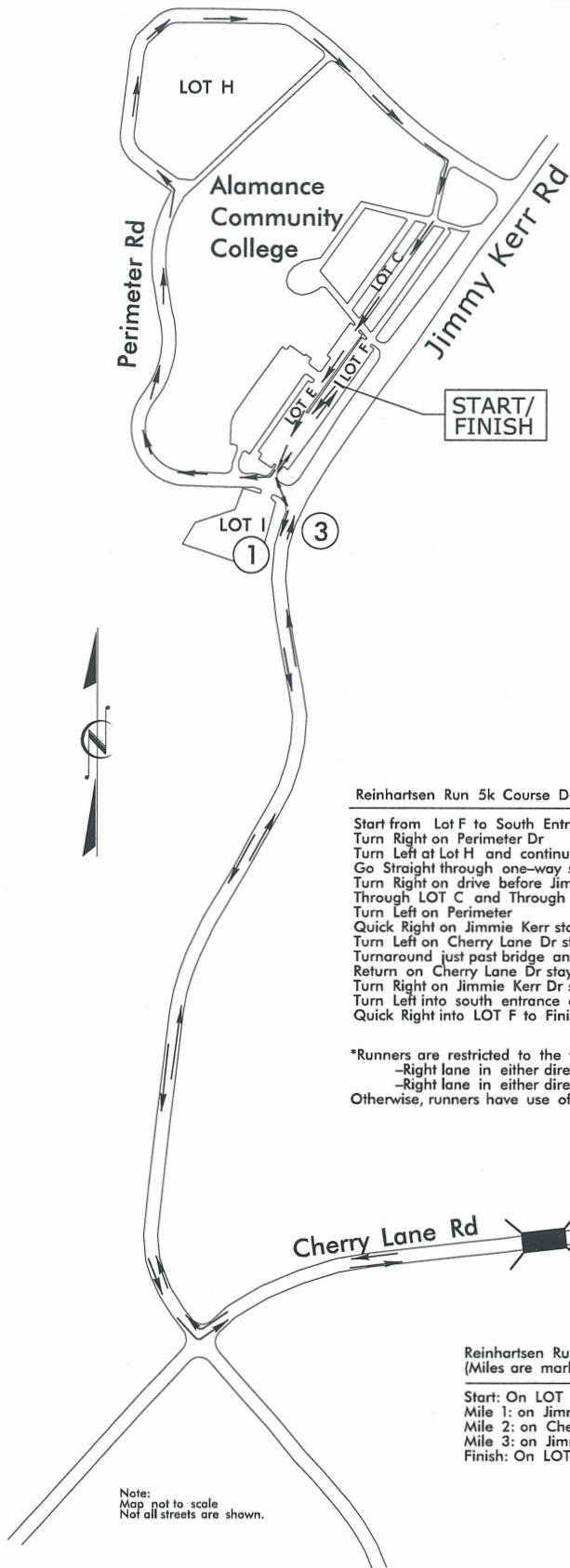
## SUGGESTED MOTION(S):

I move we approve the request for the ACC Reinhartsen 5k Run/Walk event which will occur beyond campus on November 4, 2023, from 7 am-10 am (setup included) and involve the closure of a portion of Jimmie Kerr Road and Cherry Lane (pending NCDOT approval.)



Reinhartsen Run 5k  
 Haw River, NC  
 Measured:  
 by Brad Smythe  
 bdsmythe78@yahoo.com  
 on October 11, 2014

USATF Certificate # NC14149DF  
 Effective Oct 15, 2014 to Dec 31, 2024



**Reinhartsen Run 5k Course Directions**

Start from Lot F to South Entrance to ACC  
 Turn Right on Perimeter Dr  
 Turn Left at Lot H and continue on Perimeter Dr  
 Go Straight through one-way section on north side of Lot H  
 Turn Right on drive before Jimmie Kerr Rd  
 Through LOT C and Through LOT E to south entrance of ACC  
 Turn Left on Perimeter  
 Quick Right on Jimmie Kerr staying in right lane only  
 Turn Left on Cherry Lane Dr staying in right lane only  
 Turnaround just past bridge and right at gravel access to public works  
 Return on Cherry Lane Dr staying in right lane only  
 Turn Right on Jimmie Kerr Dr staying in right lane only  
 Turn Left into south entrance of ACC  
 Quick Right into LOT F to Finish

\*Runners are restricted to the following:  
 -Right lane in either direction on Jimmie Kerr Dr  
 -Right lane in either direction on Cherry Lane Dr  
 Otherwise, runners have use of entire road.\*

**Reinhartsen Run 5k Split Locations**  
 (Miles are marked with Green point on the runners' right side of the road.)

Start: On LOT F, mid-way of parking aisle, see detail  
 Mile 1: on Jimmie Kerr Dr, 7' past WUP "125582442" on right  
 Mile 2: on Cherry Lane Dr, on return, 30' past the end of guardrail at public works  
 Mile 3: on Jimmie Kerr Dr, 12' before last WUP on right before ACC entrance  
 Finish: On LOT F, same as Start

Note:  
 Map not to scale  
 Not all streets are shown.

## **CITY OF GRAHAM SPECIAL EVENT APPLICATION**

Thank you for considering Graham to host your Special Event, we're glad you see our City as a great place to hang out!

All requests for parade and street events under the City of Graham's ordinance Chapter 20, Article V, Section 171 - 174 and 183 - 185 will be reviewed by the Graham Special Events Committee (SEC). Any Street closures or use of public spaces will need City Council approval.

SEC\* - Public Works Director, Fire Chief, Police Captain, Recreation Director, and Assistant City Manager

Next Steps\*\* - Depending on the location of the event and the request(s), applicants may be required to provide event insurance which names the City as an additional insured, schedule public safety through Extra Duty Solutions, provide an event map, give detail for sanitation purposes, and other similar logistical information.

Applicants are encouraged to reach out to the Assistant City Manager prior to completing this form if they have any questions pertaining to the City's requirements, event locations, event logistics, etc.

City of Graham  
Aaron Holland, Assistant City Manager  
201 South Main Street  
Graham, NC 27253  
336.570.6700  
[aholland@cityofgraham.com](mailto:aholland@cityofgraham.com)

1. Your email: **sgarzon519@alamancecc.edu**
2. Event name (if applicable): **Reinhartsen 5k**
3. Reason for the event (be specific): **Scholarship Fundraising**
4. Event date(s): **Saturday, November 4**
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):  
**Reinharsten 5K 07:00 am - 08:0 am setup | 9:00 am event starts | 10:00 am event ends**
6. Event category: **5k run/walk**

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? **The route starts and ends at ACC. Temporary closure of Jimmie Kerr Road from ACC to Cherry Lane & Cherry Lane (from Jimmie Kerr Road) to Back Creek Bridge is needed.**

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. **Jimmie Kerr Rd from ACC to Cherry Lane & Cherry Lane to Back Creek Bridge.**

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

**Closure will be needed from 9 am to 10 am**

11. What is your anticipated event attendance total? **150**

12. Does your event include musical entertainment?

Yes  No

13. Where will your musical entertainment be located?

**This will not be a musical event; however, sound station will be placed at ACC**

14. Will sound amplification be used?  Yes  No

If yes, provide the start time and end time.

**Sound amplification will be used between the hours of 8:30 am to 10:30 am**

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.

**We will have a Star/Finish Line and an inflatable bouncy man**

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: **N/A**

If no, please explain **Participants may use ACC facilities**

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

**Since the race starts and ends at ACC, our volunteers and staff will take care of the cleanup**

Does your event require additional trash receptacles?

Yes \_\_\_ No **X**\_

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

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

Yes **X**\_\_\_ No \_\_\_

**Within ACC Campus**

24. Applicant name and affiliated agency if applicable

**Alamance Community College- Stephanía Garzón**

25. Applicant's Address

**1247 Jimmie Kerr Rd, Graham, NC 27253**

26. Applicant's phone number

**336-506-4102**

27. Applicant's email address

**sgarzon519@alamancecc.edu**

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

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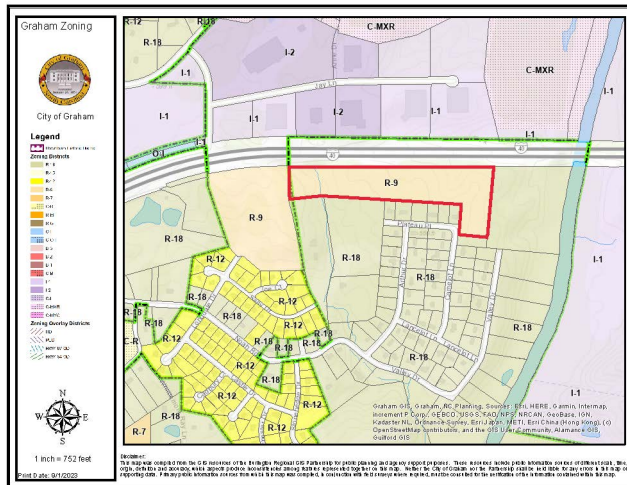
29. How many years has this event taken place? **10 Years**

  
**CITY OF GRAHAM**  
 NORTH CAROLINA  
**STAFF REPORT**

<b>SUBJECT:</b>	<b>ANNEXATION OF 18.132 +/- ACRES OFF LONGDALE DRIVE</b>
<b>PREPARED BY:</b>	<b>CAMERON WEST, PLANNER</b>

**REQUESTED ACTION:**

Approve the resolution directing the City clerk to investigate a petition received under G.S. 160A-31 for potential contiguous annexation of GPIN 8894032541. Approve the resolution fixing a date of October 10, 2023, for a public hearing on the question of contiguous annexation pursuant to G.S. 160A-31 for a tract of land totaling 18.132-acres off Longdale Drive.



**BACKGROUND/SUMMARY:**

The 18.132-acre area being considered for annexation is contiguous. The Developer is planning to connect to public water and sewer to this site for a residential development.

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

**FISCAL IMPACT:**

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

**STAFF RECOMMENDATION:**

Approval.

**SUGGESTED MOTION(S):**

1. I move we approve the resolution directing the City clerk to investigate a petition received under G.S. 160A-31 for potential contiguous annexation of GPIN 8894032541.
2. I move we approve the resolution fixing date of October 10 2023, for a public hearing on the question of annexation pursuant to G.S. 160A-31 for 18.132-acres off Longdale Drive.

# Graham Zoning



City of Graham

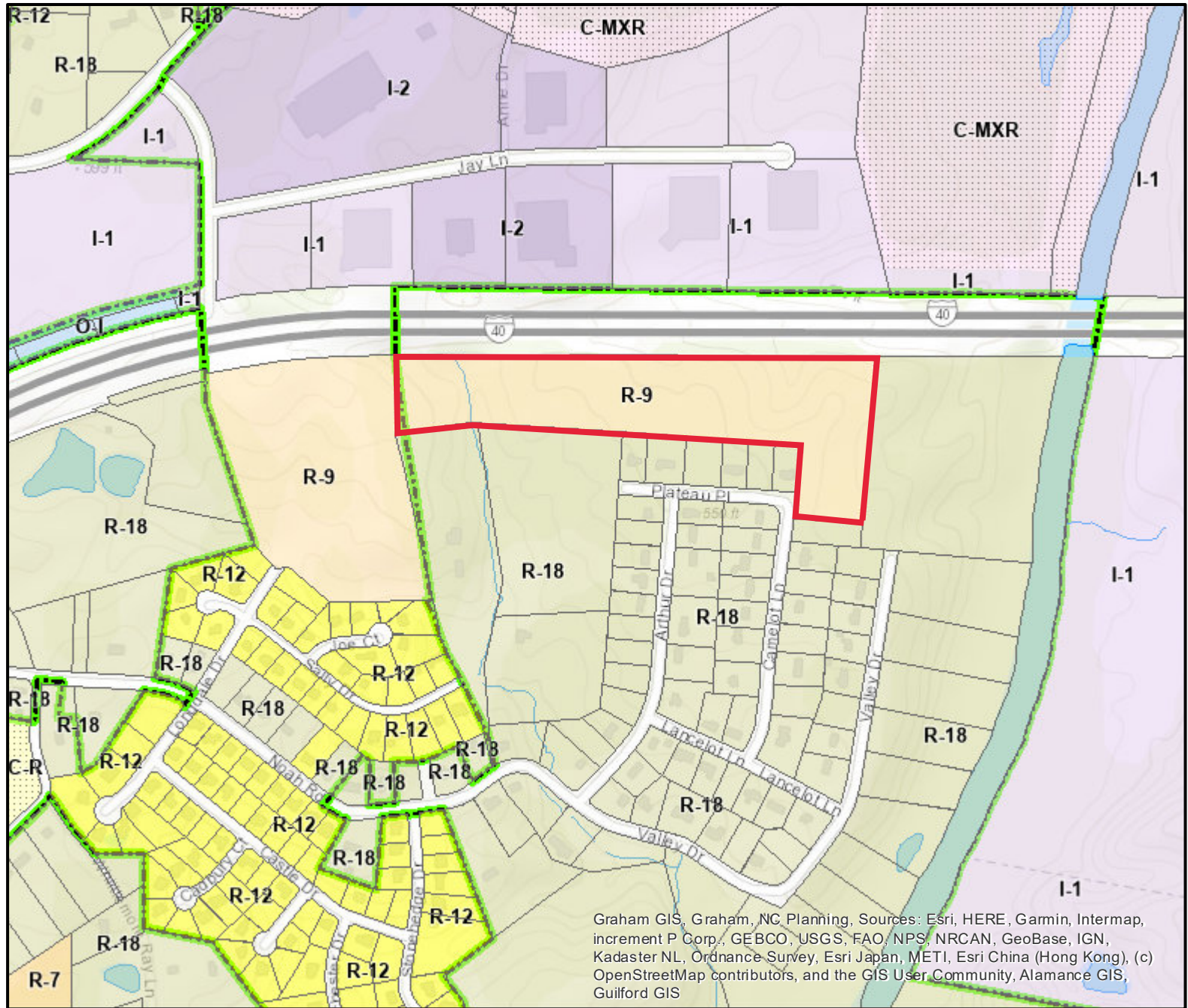
## Legend

- Downtown Historic District
- Zoning Districts**
- R-18
- R-15
- R-12
- R-9
- R-7
- C-R
- R-MF
- R-G
- O-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 inch = 752 feet

Print Date: 9/1/2023



Graham GIS, Graham, NC Planning, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Alamance GIS, Guilford GIS

**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.



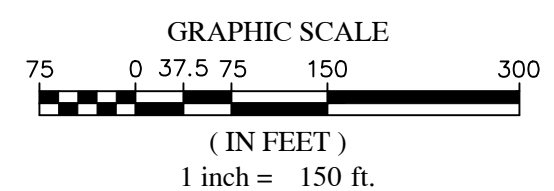
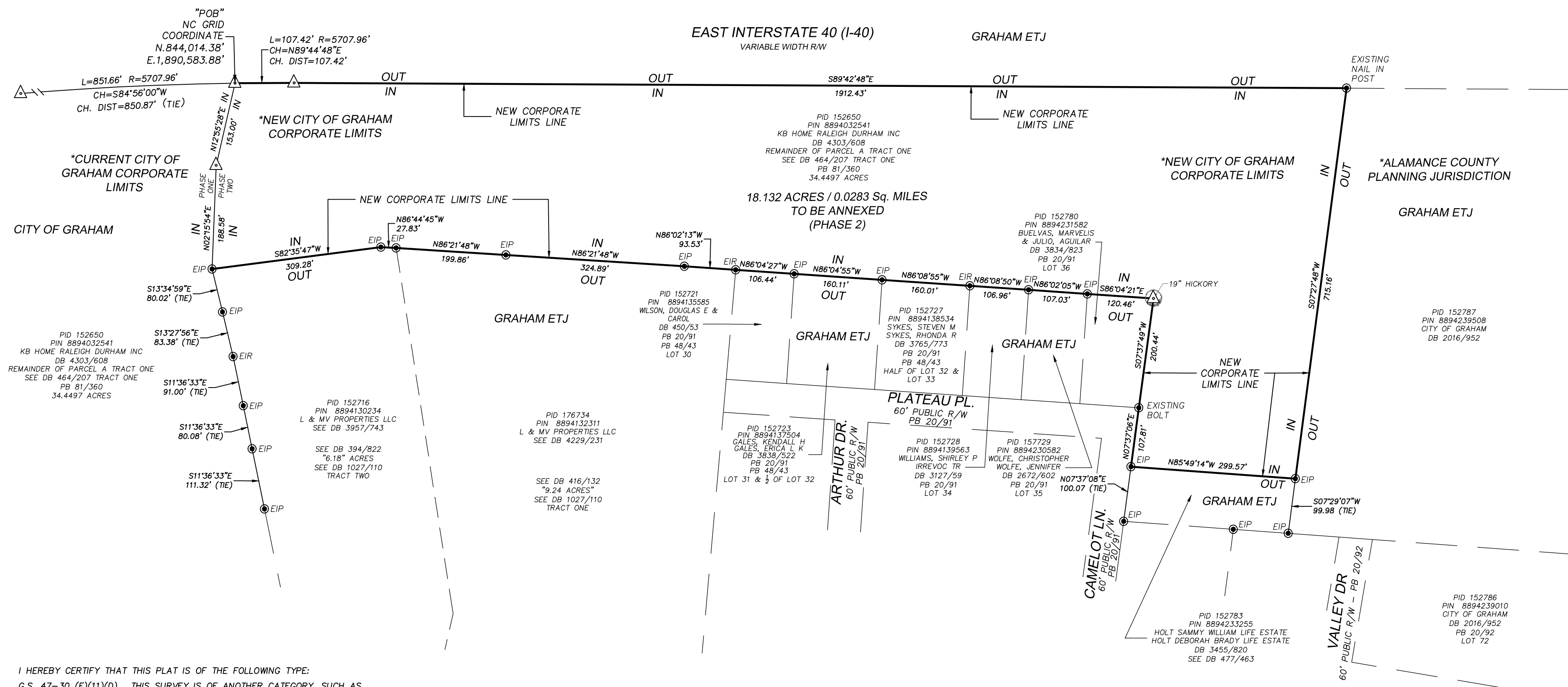
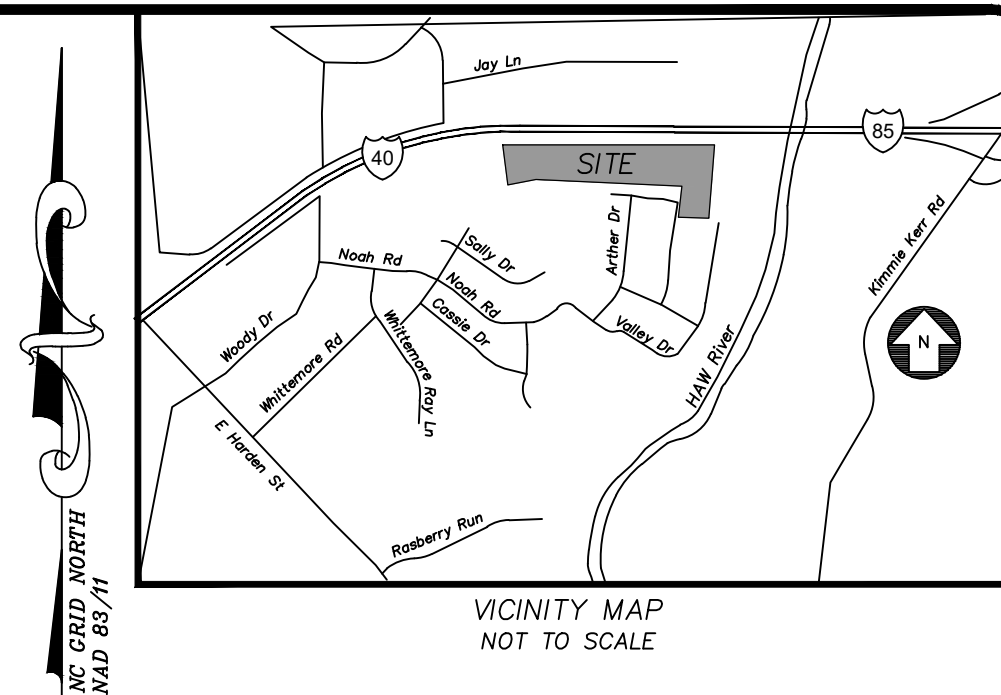
**NOTE "A"**  
ALL DISTANCES ARE HORIZONTAL  
GROUND AND AREA BY COORDINATE  
COMPUTATION.

**NOTE "B"**  
SEE PLAT  
A PLAT DATED JANUARY 8, 1980,  
JOHN D. SOMERS RLS NO. L-1172"  
AS DESCRIBED IN DEED 1139/436.

**NOTE "C"**  
THIS MAP PREPARED FOR THE SOLE  
PURPOSE TO ANNEX A MUNICIPAL  
BOUNDARY. THIS MAP IS NOT A  
RECOMBINATION SURVEY MAP. THIS  
MAP SHOULD NOT BE USED TO  
TRANSFER ANY PROPERTY SHOWN  
HEREON.

**NOTE "D"**  
EXISTING PHYSICAL CONDITIONS NOT  
SHOWN.

**NOTE "E"**  
THIS MAP OR PLAT IS EXEMPT FROM  
THE REQUIREMENTS OF G.S. 47-30  
PURSUANT TO G.S. 47-30 (.).



SYMBOL LEGEND	
●	EIP = EXISTING IRON PIPE
○	EIR = EXISTING IRON ROD
■	ECM = EXISTING CONCRETE MONUMENT
△	MATHEMATICAL POINT
■	CONCRETE MONUMENT
LINE LEGEND	
---	PROPERTY LINE
---	LINE NOT SURVEYED
---	RIGHT OF WAY LINE

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:  
G.S. 47-30 (F)(1)(D). THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS  
THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY,  
OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

"I THOMAS TELLUP, PLS NO. 4298, CERTIFY THAT THIS MAP WAS DRAWN  
UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY  
SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK/PAGE: (AS NOTED  
HEREON) OR OTHER REFERENCE SOURCE: (AS NOTED HEREON)); THAT THE  
BOUNDARIES NOT SURVEYED ARE INDICATED IN A BROKEN LINETYPE AS  
DRAWN FROM INFORMATION IN BOOK/PAGE: (AS NOTED  
HEREON) OR OTHER REFERENCE SOURCE: (AS NOTED  
HEREON); THAT THE RATIO OF PRECISION OR  
POSITIONAL ACCURACY IS 1:10000+; AND THAT  
THIS MAP MEETS THE REQUIREMENTS OF THE  
STANDARDS OF PRACTICE FOR LAND SURVEYING  
IN NORTH CAROLINA (21 NCAC 56. 1600). THIS  
MAP WAS DRAWN IN ACCORDANCE WITH  
G.S. 47.30 AS AMENDED. WITNESS MY ORIGINAL  
SIGNATURE, REGISTRATION NUMBER AND SEAL  
THIS 8th DAY OF AUGUST 2023.



**PRELIMINARY PLAT**  
Not for Recordation, Conveyance or Sales  
PROFESSIONAL LAND SURVEYOR REG. NUMBER L-4298

SUMMIT DESIGN & ENGINEERING, SERVICES, PLLC. REG. NUMBER P-0339

**GRID TIE CERTIFICATION:**  
I, THOMAS A. TELLUP, N.C.P.L.S.#4298, CERTIFY THAT NC GRID TIE  
DATA SHOWN ON THIS PLAT WAS OBTAINED FROM AN ACTUAL GPS  
SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION  
WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: "A"
- (2) POSITIONAL ACCURACY: 0.07
- (3) TYPE OF GPS FIELD PROCEDURE: VRS
- (4) DATES OF SURVEY: 10/01/20
- (5) DATUM/EPOCH: 83/11
- (6) PUBLISHED/FIXED CONTROL USED: HELD VRS
- (7) GEOID MODEL: 2012b
- (8) COMBINED GRID FACTOR: 0.999957312
- (9) UNITS: US SURVEY FEET

**ZONING ENFORCEMENT OFFICER CERTIFICATE:**  
NO APPROVAL REQUIRED UNDER ARTICLE VIII SECTION 10-336(b)  
OF THE DEVELOPMENT ORDINANCE OF THE CITY OF GRAHAM

ZONING ENFORCEMENT OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

ANNEXATION # \_\_\_\_\_  
I, XXXXXX, XXX, XXXX XXXXXX, GRAHAM, NORTH CAROLINA, CERTIFY THAT THIS IS A  
TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 20\_\_\_\_, BY THE CITY COUNCIL. I SET MY HAND AND SEAL OF THE  
CITY OF GRAHAM \_\_\_\_\_, 2023.

\_\_\_\_\_  
DATE

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ACTING UNDER THE DIRECTION OF LICENSED  
ARCHITECT, PROFESSIONAL ENGINEER, LANDSCAPE  
ARCHITECT, OR LAND SURVEYOR TO ALTER ANY ITEM  
ON THIS DOCUMENT IN ANY WAY. ANY LICENSEE WHO  
ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO  
AFFIX HIS OR HER SEAL AND THE NOTATION "ALTERED  
BY" FOLLOWED BY HIS OR HER SIGNATURE AND  
SPECIFIC DESCRIPTION OF THE ALTERATIONS.

**SUMMIT**  
DESIGN AND ENGINEERING SERVICES

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Hillsborough, NC 27278-8551  
Voice: (919) 732-3883 Fax: (919) 732-6676  
www.summitde.net

**FINAL PLAT**  
PROPERTY OF KB HOME RALEIGH-DURHAM INC.  
**CITY OF GRAHAM CONTIGUOUS ANNEXATION MAP**  
GRAHAM TWP., ALAMANCE CO., NORTH CAROLINA  
FIELD WORK PERFORMED 10/15/20  
PROPERTY AS DESCRIBED IN DEED BOOK 4303 PAGE 608  
STANDING IN THE NAME OF  
KB HOME RALEIGH DURHAM INC.

PROJECT ENGINEER: DS
SURVEY PROJECT MGR: TAT
DRAWN BY: JRW
SURVEYED BY: KH
CHECKED BY: TT

PROJECT NO.  
**20-0235**  
DRAWING NAME  
20-0235\_ANNEX\_PH2

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED**

**UNDER G.S. 60A-31**

**(GPIN: 8894032541) (AN2306)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on September 12<sup>th</sup>, 2023, by the Graham City Council; and

**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Graham:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

---

Jennifer Talley, Mayor

ATTEST:

---

Renee M. Ward, City Clerk

**RESOLUTION FIXING DATE OF OCTOBER 10, 2023, FOR A PUBLIC HEARING ON  
QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 18.132 +/-  
ACRES OFF LONGDALE DRIVE (AN2306)**

**WHEREAS**, a petition requesting annexation of the contiguous area described herein has been received;  
and

**WHEREAS**, certification by the City Clerk as to the sufficiency of the petition has been made; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Graham, North Carolina  
that:

Section 1. A **public hearing** on the question of the annexation of the area described herein will be held  
at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 p.m. on **October 10, 2023**.

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

**Legal Description GPIN#: 8894032541**

A PARCEL OF LAND LOCATED IN GRAHAM TOWNSHIP, ALAMANCE COUNTY, NORTH  
CAROLINA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT IN THE EXISTING CITY OF GRAHAM CORPORATE  
LIMITS, SAID CALCULATED POINT BEING IN THE SOUTHERN RIGHT OF WAY OF EAST  
INTERSTATE 40 AND HAVING NC GRID COORDINATES N: 844,014.38', E: 1,890,583.88' NAD  
83/11 AS DETERMINED BY AN ACTUAL GPS SURVEY (COMBINED GRID FACTOR 0.  
999957312); THENCE PROCEEDING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS  
ALONG AND WITH EAST INTERSTATE 40 A CURVE TO THE RIGHT HAVING A RADIUS OF  
5707.96', ARC LENGTH OF 104.42', CHORD BEARING & DISTANCE N 89° 44' 48" E 107.42' TO  
A CALCULATED POINT, THENCE CONTINUING WITH THE NEW CITY OF GRAHAM  
CORPORATE LIMITS ALONG AND WITH EAST INTERSTATE 40 S 89° 42' 48" E 1912.43' TO AN  
EXISTING NAIL IN POST, SAID NAIL MARKING THE NORTHWESTERN CORNER OF THAT  
PROPERTY OWNED BY THE CITY OF GRAHAM (DEED BOOK 2016, PAGE 952 ALAMANCE  
COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM  
CORPORATE LIMITS LEAVING THE SOUTHERN RIGHT OF WAY OF EAST INTERSTATE 40  
ALONG AND WITH THE WESTERN LINE OF THE CITY OF GRAHAM PROPERTY S 07° 27' 48"  
W 715.16' TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHEASTERN  
CORNER OF THAT PROPERTY OWNED BY SAMMY W. & DEBORAH B. HOLT (DEED BOOK  
3455, PAGE 820 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW  
CITY OF GRAHAM CORPORATE LIMITS ALONG AND WITH THE NORTHERN LINE OF  
SAMMY W. & DEBORAH B. HOLT N 85° 49' 14" W 299.57' TO AN EXISTING IRON PIPE, SAID  
IRON PIPE BEING IN THE EASTERN RIGHT OF WAY OF CAMELOT LANE THENCE  
CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG AND WITH  
THE EASTERN RIGHT OF WAY OF CAMELOT LANE N 07° 37' 06" E 107.81' TO AN EXISTING  
BOLT, SAID BOLT MARKING THE SOUTHEASTERN CORNER OF THAT PROPERTY OWNED

BY BUELVAS MARVELIS & JULIO AGUILAR (DEED BOOK 3834, PAGE 823 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG & WITH BUELVAS MARVELIS & JULIO AGUILAR THE FOLLOWING TWO (2) CALLS, 1) N 07° 37' 49" E 200.44' TO A CALCULATED POINT IN A HICKORY TREE, 2) N 86° 04' 21" W 120.46' TO AN IRON PIPE, SAID IRON PIPE MARKING THE NORTHEASTERN CORNER OF THAT PROPERTY OWNED BY CHRISTOPHER & JENIFER WOLFE (DEED BOOK 2672, PAGE 602 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG & WITH THE NORTHERN LINE OF CHRISTOPHER & JENIFER WOLFE N 86° 02' 05" W 107.03' TO AN IRON PIPE, SAID IRON PIPE MARKING THE NORTHEASTERN CORNER OF THAT PROPERTY OWNED BY SHIRLEY P. WILLIAMS (DEED BOOK 3127, PAGE 59 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG & WITH THE NORTHERN LINE OF SHIRLEY P. WILLIAMS N 86° 08' 50" W 106.96' TO AN EXISTING IRON ROD, SAID IRON ROD MARKING THE NORTHEASTERN CORNER OF A PROPERTY OWNED BY STEVEN M. & RHONDA R. SYKES (DEED BOOK 3765, PAGE 773 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG & WITH THE NORTHERN LINE OF STEVEN M. & RHONDA R. SYKES N 86° 08' 55" W 160.01' TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHEASTERN CORNER OF THAT PROPERTY OWNED BY KENDALL H. & ERICA L. GALES (DEED BOOK 3838, PAGE 522 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG & WITH THE NORTHERN LINE OF KENDALL H. & ERICA L. GALES N 86° 04' 55" W 160.11' TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHEASTERN CORNER OF THAT PROPERTY OWNED BY DOUGLAS E. & CAROL WILSON (DEED BOOK 450, PAGE 53 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG & WITH THE NORTHERN LINE OF DOUGLAS E. & CAROL WILSON N 86° 04' 27" W 106.44' TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHEASTERN CORNER OF THAT PROPERTY OWNED BY L & MV PROPERTIES LLC. (DEED BOOK 4229, PAGE 231 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG & WITH THE NORTHERN LINE OF L & MV PROPERTIES LLC. THE FOLLOWING THREE (3) CALLS, 1) N 86° 02' 13" W 93.53' TO A EXISTING IRON PIPE, 2) N 86° 21' 48" W 324.89' TO AN EXISTING IRON PIPE, 3) N 86° 21' 48" W 199.86' TO AN EXISTING IRON PIPE, SAID IRON PIPE MARKING THE NORTHEASTERN CORNER OF PROPERTY OWNED BY L & MV PROPERTIES LLC (DEED BOOK 3957, PAGE 743 ALAMANCE COUNTY REGISTRY), THENCE CONTINUING WITH THE NEW CITY OF GRAHAM CORPORATE LIMITS ALONG & WITH THE NORTHERN LINE OF L & MV PROPERTIES LLC. THE FOLLOWING TWO (2) CALLS, 1) N 86° 44' 45" W 27.83' TO A EXISTING IRON PIPE, 2) S 82° 35' 47" W 309.28' TO AN EXISTING IRON PIPE, SAID IRON PIPE BEING IN THE EXISTING CITY OF GRAHAM CORPORATE LIMITS MARKING THE NORTHWESTERN CORNER OF L & MV PROPERTIES LLC., THENCE CONTINUING WITH THE EXISTING CITY OF GRAHAM CORPORATE LIMITS LEAVING THE NORTHERN LINE OF L & MV PROPERTIES LLC. THE FOLLOWING TWO (2) CALLS, 1) N 02° 15' 54" E 188.58' TO A CALCULATED POINT, 2) N 12° 55' 28" E 153.00 BACK TO THE POINT AND PLACE OF BEGINNING,

CONTAINING 18.132 ACRES OR 0.0283 SQUARE MILES MORE OR LESS. AS SHOWN ON PLAT

ENTITLED “FINAL PLAT OF: CITY OF GRAHAM CONTIGUOUS ANNEXATION MAP”, BY THOMAS A. TELLUP, PLS, SUMMIT DESIGN AND ENGINEERING SERVICES PROJECT 20-0235, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAME.

Adopted this the 12<sup>th</sup> day of September 2023.

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Jennifer Talley, Mayor

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Renee M. Ward, City Clerk



# STAFF REPORT

SUBJECT:	FEDERAL FORFEITURE FUND BUDGET AMENDMENT 2023-2024
PREPARED BY:	MELANIE KING, FINANCE OFFICER

## REQUESTED ACTION:

The Graham Police Department requests the transfer of federal drug forfeiture fund balance to the federal account balance for use.

## BACKGROUND/SUMMARY:

The Graham Police Department participates in The Department of Justice Asset Forfeiture Program. This program “is a nationwide law enforcement initiative that removes the tools of crime from criminal organizations, deprives wrongdoers of the proceeds of their crimes, recovers property that may be used to compensate victims, and deters crime” (DOJ, 2009). “One of the ancillary benefits of asset forfeiture is the potential to share federal forfeiture proceeds with cooperating state and local law enforcement agencies through equitable sharing” (DOJ, 2018). Being one of the recipient agencies, the police department receives these funds as we participate in certain investigations.

To use these funds, as directed by NCGS 159-8 contained in the Local Government Budget and Fiscal Control Act, the law enforcement agency’s governing body must authorize the transfer of these revenue funds to a required, separate, budgeted account for its use. The use of these funds rest with the law enforcement agency head. Equitably shared funds shall be used by law enforcement agencies for law enforcement purposes only to add to the department’s budget, not supplement.

## COSTS

There is no cost to the City of Graham as transferred funds come from the equitable sharing program. The funds to be transferred to the federal drug fund budget total \$30,000.00 for Crisis Management Communication Development Support and Training.

## CONCLUSION

The Police Department is requesting a budget amendment on behalf of Chief MK Baker for the use of these funds. This request is in compliance with the rules and regulations for the use of forfeiture funds under Federal guidelines.

**FISCAL IMPACT:**

This action will not impact the operating budgets of the City.

**STAFF RECOMMENDATION:**

Approval.

**SUGGESTED MOTION(S)**

I move we approve the budget amendment to increase the Federal Drug Monies budget for Professional Services by \$30,000.

**CITY OF GRAHAM**

**BUDGET AMENDMENT ORDINANCE  
2023-2024**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT  
THE 2023-2024 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

<b>Section 7. CAPITAL PROJECTS AND OTHER SPECIAL FUNDS REVENUES</b>					INCREASE
	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)

Federal Drug Fund Balance	-	30,000.00	30,000.00		
	-	<b>30,000.00</b>	<b>30,000.00</b>	-	<b>30,000.00</b>

<b>Section 7. CAPITAL PROJECTS AND OTHER SPECIAL FUNDS EXPENDITURES</b>					INCREASE
	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)

Federal Drug Funds - Professional Services	-	30,000.00	30,000.00		
	-	<b>30,000.00</b>	<b>30,000.00</b>	-	<b>30,000.00</b>

Adopted this 12th day of September 2023.

Attest: \_\_\_\_\_ Mayor Jennifer Talley

\_\_\_\_\_  
Renee M. Ward, City Clerk

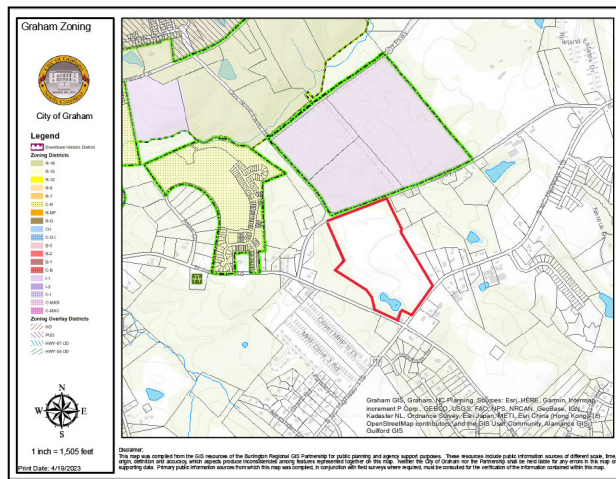


  
**CITY OF GRAHAM**  
 NORTH CAROLINA  
**STAFF REPORT**

SUBJECT:	ANNEXATION OF 67.441 +/- ACRES OFF KIMREY ROAD
PREPARED BY:	CAMERON WEST, PLANNER

**REQUESTED ACTION:**

Approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina for a tract of land totaling 67.441-acres off Kimrey Road.



**BACKGROUND/SUMMARY:**

The attached petition is a request for the Council’s approval for an extension of the corporate limits to include the subject properties. The area being considered for annexation is located off of Kimrey Road and contains approximately 67.441-acres total. Water and sewer are located near the property down Governor Scott Farm Road , and the applicants wish to extend the services to tie onto the City’s infrastructure.

**FISCAL IMPACT:**

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

**STAFF RECOMMENDATION:**

Approval.

**SUGGESTED MOTION(S):**

- I move we approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for 67.441-acres off Kimrey Road.

# Graham 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-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

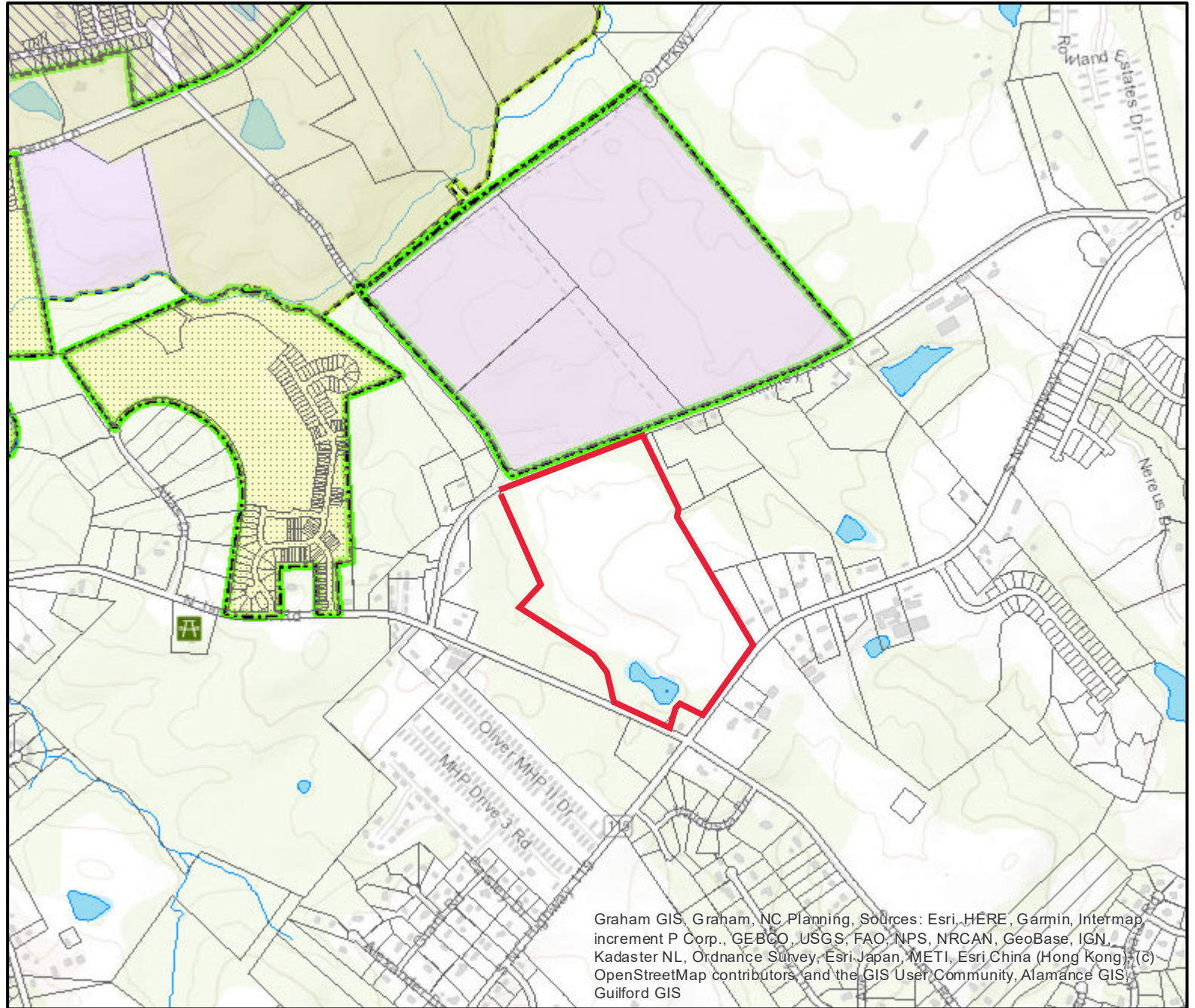
HWY-87 OD

HWY-54 OD



1 inch = 1,505 feet

Print Date: 4/19/2023



Graham GIS, Graham, NC Planning. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Alamance GIS, Guilford GIS

#### 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.



Attn : Mail Box  
J. Bryan Coleman Attorney

**ANNEXATION ORDINANCE  
TO EXTEND THE  
CORPORATE LIMITS OF  
THE  
CITY OF GRAHAM, NORTH CAROLINA  
FOR A 67.441-ACRE TRACT OF LAND OFF OF KIMREY ROAD (AN2303)**

**WHEREAS**, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

**WHEREAS**, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, the City Clerk has certified the sufficiency of the petition, and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on September 12, 2023, after due notice by publication on August 31, 2023; and

**WHEREAS**, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Graham, North Carolina that:

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of July 11, 2023:

**Legal Description GPIN#: 9803172212**

Beginning at a 1" existing iron pipe (eip) located within the right-of-way of Kimrey Road, S.R. #2125 (a 60' public right-of-way per Plat Book 65, Page 177 and subsequent plats), being in a westerly line of the "249.01 Acres" plot as shown on "Final Plat Property of William C. Scott and Jane M. Scott" as

recorded in Plat Book 65, Page 177, said beginning point lying N 26°37'55" E, a horizontal ground distance of 1,279.42' from a North Carolina Geodetic Survey Monument "Kimrey" and beginning point having North American Datum 83(2011) coordinates of N: 836,469.14' and East : 1,900,430.64'; Thence running within the public right-of-way the following two (2) courses and distances: (1) N 63°41'50" E, 42.81' to a non-monumented point, and (2) N 25°46'34" W, 15.73' to an existing magnetic (mag) nail located in the approximate centerline intersection of Kimrey Road and Governor Scott Farm Road, S.R. #2124 (a 60' public right-of-way per Plat Book 65, Page 177 and subsequent plats); thence running within the public right-of-way of said Kimrey Road and with the approximate centerline of Kimrey Road as shown on "Subdivision for Scott/Mayo Properties II, LLC" and recorded in Plat Book 82, Page 99, the following six (6) courses and distances: (1) N 67°26'34" E, 94.24' to an existing "hole" in asphalt, (2) N 70°25'31" E, 200.03' to an existing mag nail, (3) N 70°24'50" E, 300.09' to an existing cut "x" in asphalt, (4) N 70°24'13" E, 299.93' to an existing mag nail, (5) N 70°40'53" E, 300.01' to an existing mag nail, and (6) N 70°26'15" E, 19.59' to a non-monumented point being the westerly most corner of Lot 1 of "Final Plat James Earl Covington, Jr. and Wife Mary Shaw Covington" as recorded in Plat Book 75, Page 345, thence leaving Kimrey Road and running with the westerly line of said Lot 1, S 23°36'55" E, crossing a 1" eip at 30.14' located at the southerly margin of the right-of-way of Kimrey Road, and continuing 709.12' for a total distance of 739.26' to a 3/4" eip falling in the northern line of Tract Two of "Final Plat Mary Shaw Covington" as recorded in Plat Book 80, Page 174, thence running with northern and western lines of Tract Two, S 60°46'05" E, 39.98' to a 3/4" eip and S 30°38'54" E, 570.58' to a 3/4" pinched top eip at the northwestern corner of Tract One of Plat Book 80, Page 174; thence running with the western line of Tract One, S 30°41'55" E, crossing an existing stone (at a loose concrete monument) at 733.32' and continuing 20.97' for a total distance of 754.29' to a non-monumented point located within the right-of-way of North Carolina Highway # 119 (a 60' public right-of-way Per Plat Book 65, Page 117); thence running with the approximate center of North Carolina Highway # 119, S 36°52'40" W, 710.07' to a non-monumented point located near the centerline of North Carolina Highway # 119, and falling in the extension of the northerly boundary line of now or formerly Tax Parcel Id: 159501 an additional Scott/Mayo Properties III, LLC, as recorded in Deed Book 3953, Page 21, thence running along the extension line and falling in the northerly boundary line, and continuing with the westerly boundary line of Tax Parcel Id, 159501, the following two (2) courses and distances: (1) N 58°09'52" W, crossing a 3/4" eip at 33.94' and continuing 208.72' for a total distance of 242.66' to a 3/4" eip, and (2) S 37°28'32" W, crossing a 1" eip at 208.76' and continuing 51.96' for a total distance of 260.72' to a non-monumented point located near the centerline of Jim Minor Road, S.R. #2135 (a 60' public right-of-way per Plat Book 65, Page 177); thence running with the approximate center line of Jim Minor Road the following two (2) courses and distances: (1) N 66°31'51" W, 157.55' to a non-monumented point and (2) N 66°59'51" W, 281.90' to a non-monumented point; thence leaving the right-of-way of Jim Minor Road and running with the easterly lines of now or formerly Tax Parcel Id: 159467, the Anderson H, Scott, II property as recorded in Deed Book 1369, Page 292: (1) N 06°55'30" W, crossing a 1" eip (pinched top) at 34.70' (being on the northern margin of the right-of way) and continuing 246.80' for a total distance of 281.50' to a 1" eip (pinched top), (2) N 36°48'58" W, 178.20' to a 1" eip (pinched top), (3) N 55°38'03" W, 250.25' to a 1" eip (bent), (4) N 60°44'51" W, 461.70' to a 1" eip (pinched top), (5) N 19°25'52" E, 373.80' to a 1" eip (pinched top) and (6) N 21°48'54" W, 781.52' to the point and place of beginning, containing a total of 67.441 acres more or less, as surveyed by Triad Land Surveying, P.C., on October 5<sup>th</sup>, 2017, and having job #17136-4.

Being the major portion of the same land conveyed to Scott/Mayo Properties III, LLC by instrument recorded in Deed Book 3866, Page 553. ALL Deed Books, Plat Books, and Page references are to the Alamance County Registry.

**Adopted this, the 12<sup>th</sup> day of September, 2023**

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Jennifer Talley, Mayor, City of Graham

ATTEST:

APPROVED AS TO FORM:

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Renee M. Ward, City Clerk

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Bryan Coleman, City Attorney

# STAFF REPORT

SUBJECT:	AMEND PARADES, DEMONSTRATIONS, AND STREET EVENTS ORDINANCE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

**REQUESTED ACTION:**

Amend Code of Ordinances for sections regulating parades, demonstrations, and street events.

**BACKGROUND/SUMMARY:**

Following the repeal of the Parade and Demonstration Ordinance in July 2020, the City Council approved subsequent new language at their March 2021 meeting to address deficiencies from the prior ordinance as well as defined guidance for staff to evaluate parades and street events with the formation of a Special Events Committee.

Following the adoption of this ordinance, it was determined that further legal review of this ordinance in conjunction with the NCLM was needed. Christian Ferlan with Hall Booth Smith, LLC worked with staff to prepare a revised ordinance to update the language and streamline the process. As further described in the revised ordinance, the purpose of this amendment is to ensure the safe passage of public rights-of-way, and safe and unimpaired enjoyment of public places while encouraging the exercise of the rights to free speech and assembly in the City.

**FISCAL IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Approval.

**SUGGESTED MOTION(S):**

I move a 2<sup>nd</sup> reading to the Ordinance amendment of Chapter 20, Article VI, Sec. 20-171-184 Parades, Demonstrations and Street Events of the Code of Ordinances be scheduled for October 10, 2023.

**Sec. 20-171. – PURPOSE; SPECIAL EVENTS COMMITTEE ESTABLISHED**

(a) Pursuant to the authority granted to the City of Graham by the General Statutes of North Carolina and its general police powers, the City has adopted the following sections in order to provide for the public health, safety, and general welfare in the City, to ensure the free and safe passage of pedestrians and vehicles on the public rights-of-way, and to ensure the safe and unimpaired use and enjoyment of public property in places open to the general public and otherwise to regulate and control the time, place, and manner of activities that would otherwise threaten or impair the public health, safety, and welfare in the City while also encouraging the exercise of the rights to free speech and assembly in the City.

(b) The city manager shall establish a special events committee from city staff to determine whether or not proposed Pparades and Sstreet Eevents herein as well as all other applicable regulations within the City of Graham and to issue permits where authorized by this article. The committee shall designate an employee who shall serve as the point of contact for receiving permit applications and be the conduit for communications with the committee.

**Sec. 20-172. – PARADE PERMIT REQUIRED**

(a) The term Pparade as used in this section is defined as an assemblage of ten or more persons, or three or more vehicles, participating in any march, ceremony, show, exhibition, or in any procession, promotion, or objection of any kind in or upon the public streets, alleys, parks, or other public grounds in any manner; provided, the term shall not include:

- (1) “Demonstrations,” etc. as defined in section 20-178;
- (2) Funeral processions;
- (3) Any governmental agency acting within the scope of its functions
- (4) Bands or marching groups proceeding to an assembly point for participation in a paradeParade; or
- (5) Footraces and bicycle races.

(b) No paradeParade shall be conducted on the public ways of this city and no person shall inaugurate, promote, or participate in any such paradeParade unless the paradeParade is conducted in conformity with the requirements set out herein and unless a permit has been obtained from the special events committee. A paradeParade Ppermit shall not be required for any paradeParade consisting of fewer than ten persons or three vehicles; however, notice of such an event may be made in accordance with section 20-179.

(c) It shall be unlawful for any person to conduct or participate in a paradeParade except in conformance with the provisions of this article.



**Sec. 20-173. – PROCEDURES FOR OBTAINING PERMIT**

(a) A person seeking issuance of a ~~parade~~Parade ~~P~~ermit shall file an application with the special events committee on forms provided by such committee not less than seven days nor more than 365 days before the proposed ~~parade~~Parade date. The application for a ~~parade~~Parade ~~p~~ermit shall set forth the following information:

- (1) The name(s), if any, of the individual, organization(s), group(s) and/or individual(s) sponsoring or proposing the ~~parade~~Parade, unless the individual, organization, or group indicates that it wishes to remain anonymous, in which case no name is required;
- (2) Contact information for the applicant;
- (3) The location or locations in the Ceity where the ~~parade~~Parade is proposed to take place;
- (4) The date and hours for which permit is sought;
- ~~(5)~~ The purpose of the parade;
- ~~(6)~~(5) The name of the person(s) and/or organization(s) applying for the permit;
- ~~(7)~~(6) Whether or not persons below the age of 18 years are expected to participate;
- ~~(8)~~(7) The person or persons to be in charge of the activity and who will accompany it and carry the permit at all times;
- ~~(9)~~(8) Contact information for the organization(s), group(s) and/or individuals sponsoring or proposing the ~~parade~~Parade, the permit applicant, and the person to be in charge of the activity;
- ~~(10)~~(9) The approximate number of persons and vehicles expected to participate in the ~~parade~~Parade and the types of vehicles expected to participate;
- ~~(11)~~(10) \_\_\_\_\_ The dimensions of any floats or other traveling displays; and
- ~~(12)~~(11) \_\_\_\_\_ Any additional, content neutral information which the special events committee finds reasonably necessary to a fair determination as to whether a permit should issue.

- (b) Upon receipt of an application properly completed and timely filed as hereinabove set out, the special events committee shall review the application as promptly as reasonably possible and shall issue a permit consistent with the standards of conduct prescribed herein containing all the information stated on the application, noting where modifications or requirements have been made, and signed by the issuing employee. Such Permit shall be issued or denied no later than 4 days before the event.
- (c) The issued Ppermit may prescribe reasonable requirements necessary for the control and free movement of pedestrian and vehicular traffic, including emergency services, to protect the safety and property rights of participants and of the general public. The Ccity ~~reserves the right and authority to have~~ may assign police officials to be present on the scene during the Parade to further designate (reasonably expand or limit) permitted area(s) in furtherance of the ordinance and to protect public safety and order. The special events committee may prescribe reasonable requirements for, or place reasonable conditions on, the permitted Parade activity, to include modifying times, places and routes, ~~of the permitted parade activity~~ in the following instances:
- (1) When adequate provision cannot be made for the safe and orderly movement of the Pparade and for other traffic, pedestrian ~~and or~~ vehicular, contiguous to its route;
  - (2) When the Pparade cannot be held without unreasonable interference with the provision of or excessive diversion of normal police or fire protection or emergency services to the public;
  - (3) The pParade cannot be held without unreasonable interference with the right of property owners in the area to enjoy peaceful and lawful use and occupancy of their property;
  - (4) The Pparade will require the closing of, or unreasonably restrict the flow of vehicular traffic along a highway under the control of the state. If this is the case, the applicant should obtain permission from appropriate state officials prior to making reapplication for a pParade pPermit;
  - (5) The Pparade conflicts with other previously scheduled events or activities.

**Sec. 20-174. – STANDARDS FOR CONDUCT OF PARADES**

The following standards shall apply to all paradeParades conducted in the City:

- (a) No ~~parade~~Parade or part thereof may be conducted on the streets of the City between the weekday hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. unless otherwise expressly authorized by the city council upon circumstances warranting different hours.
- (b) Every ~~parade~~Parade shall follow a route approved by the special events committee. The special events committee shall approve no route which is incompatible with the preservation of public health, safety and welfare, nor upon streets with average traffic counts in excess of 10,000 cars per day unless expressly authorized by the city council.
- (c) No one participating in a ~~parade~~Parade or proceeding along the route of a ~~parade~~Parade shall distribute therefrom any candy, cigarettes, prizes, or favors of any kind.
- (d) No vicious animal whether leashed or unleashed shall participate in or proceed along the route of a ~~parade~~Parade.

**Sec. 20-175. – REVOCATION OF PERMIT.**

The committee's designated employee may revoke any permit granted for a ~~parade~~Parade if:

- (a) Any ~~person-participant~~ violates the standards for the conduct of ~~parade~~Parades set out herein; or
- (b) Any participant in a ~~parade~~Parade fails to comply with the formation, terms, and conditions set out in the application and ~~p~~Permit or fails to comply with the terms of this section.

**Sec. 20-176. – APPEAL.**

Any person not satisfied with a ~~P~~parade or ~~protest-Demonstration~~ permit, as the terms Parade and Demonstration are defined herein, or otherwise aggrieved by action taken pursuant to this article may file a written “notice of appeal” with the city manager within five business days of the issuance. Such written notice shall identify the person filing the appeal and shall specify with particularity the facts and basis for the appeal. The city manager shall forward the appeal to the city council at the next scheduled city council meeting should time permit prior to the requested event.

**Sec. 20-178 – DEMONSTRATIONS DEFINED.**

The terms Demonstrate, Demonstration, and Demonstrating, as used herein are deemed to include conduct by “Demonstrators,” *i.e.*, persons participating in pre-planned gathering[s] of ten (10) or more persons, not constituting a ~~parade~~Parade, convened for ~~the purpose of conducting a public exhibition~~a common purpose, including but not limited to a protest, picket, march, ~~or~~ rally, public exhibition, or assembly, in or upon the public streets, alleys,

parks, or other public grounds in any manner that has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the public rights-of-way within the City or that interferes with or has a tendency to interfere with the normal use and enjoyment of any public property in a place open to the general public.

**Sec. 20-179 - DEMONSTRATIONS PERMITTED; PERMIT FREE and SPONTANEOUS GATHERING ZONES; WHEN PERMIT IS/IS NOT REQUIRED.**

- (a) Peaceful Demonstrating is permitted in the City provided the same is done in accordance with this Article. Public assembly and Demonstrating in the City shall not be prohibited or prevented based on political, social, or religious grounds or based upon the content of the views expressed.
- (b) Except as provided in this subsection, no Demonstrating may be conducted in the public ways of the City and no person may participate in the same unless a Demonstration Permit ("Permit") has been obtained. A Permit is not required:
  - (1) in any Permit Free or Spontaneous Gathering zone designated by the City or other governmental agency;
  - (2) for Demonstrations involving less than one hundred (100) people conducted within the fire limits of Downtown Graham, as defined in § 6-31 of the Code of Ordinances; or
  - (3) for Demonstrations involving less than seventy-five (75) people conducted outside the fire limits of Downtown Graham; or
  - (4) for Demonstrations convened and conducted in response to breaking news within the previous 36 hours, and the group size limitations provided herein shall not apply.
- (c) A Demonstration Permit is required for any Demonstration that:
  - (1) would require deviation from the Standards of Conduct for Demonstration Activities set forth within this Article, such as for the closure of streets to vehicular traffic or the use of a sound magnification device;
  - (2) would involve one hundred (100) or more persons within the fire limits of Downtown Graham;
  - (3) would involve seventy-five (75) or more persons outside the fire limits of Downtown Graham;

- (4) the Demonstration organizers request the presence of police or medical personnel;
- (5) the Demonstration will involve the use of sound amplification or magnification equipment as described in Section 20-184;
- (6) the Demonstration organizers desire to erect temporary structures as part of the Demonstration; or

(7)

~~(8)~~(7) seeks the closure of any public street, subject to the additional requirements under subsection (e) of this Section.

(d) A Permit Free and Spontaneous Gathering zone is hereby established on the Highway 87 lawn of the City Municipal Building.

(e) **Demonstration Permit for Demonstrations Requiring Street Closure:** Where a Demonstration requires the closure of any public street, a Demonstration Permit is required. In addition, prior to submitting the Permit application described in paragraph (f) of this section, the person(s) applying for the Demonstration Permit must obtain a Road Closure Permit from the City Council and attach the City Council's Road Closure Permit to the Demonstration Permit application. Except as otherwise provided by the laws of this State or the United States, only the City Council may authorize the closure of any public street for a Demonstration in accordance with the provisions of Section 20-183.

(f) **Demonstration Permit:** Where a Demonstration Permit is required, a person seeking issuance of a Demonstration Permit shall file a written Permit application with the Chief of Police or his/her designated representative not less than seventy-two (72) hours in advance of such Demonstration. Counter-Demonstrators are subject to the same Demonstration Permit requirements as Demonstrators, and do not fall within the scope of the Demonstrator's application, unless specially acknowledged and authorized in the Police Chief's written Permit. The application for a Permit shall be on a form prescribed by the Chief and available for download from the Police Department's website, be signed by the applicant(s), and include the following information:

- (1) The name, if any, of the individual, organization, or group sponsoring the Demonstration or proposing to Demonstrate, unless the individual or group indicates that it intends to Demonstrate anonymously, in which case no name is required;
- (2) The contact information for the applicant;
- (3) The location or locations in the City where the Demonstration proposes to assemble and demonstrate;

- (4) Whether any deviations, suspension, or modifications from the City's Standards of Conduct for Demonstration Activities is requested;
  - (5) The date or dates on which the Demonstration is to occur and planned duration (the "Noticed Period");
  - (6) The total number of people anticipated to participate in the Demonstration;
  - (7) Whether the presence of Counter-Demonstrators is anticipated;
  - (8) The name of the person and organization and applying for the Demonstration Permit, unless the person or organization indicates that it intends to apply anonymously, in which case no name is required;
  - (9) Whether persons below the age of eighteen (18) years are expected to participate;
  - (10) Whether any sound magnification device will be used during the Demonstration;
  - (11) Telephone contact information for one or more persons organizing or otherwise in charge of the Demonstration so as facilitate communication with the Police Department during the Demonstration in furtherance of public safety; and
  - (12) If applicable, documentation showing the City Council's authorization of road closures for the Demonstration.
- (g) Within forty-eight (48) hours of receiving a properly completed Demonstration Permit application, the Chief of Police or his/her designated representative shall review the application and, absent grounds to deny the application as specified in this subsection, shall issue a Demonstration Permit signed by the issuing employee. Upon the earlier of the expiration of the Noticed Period or cessation of the Demonstration for more than three (3) hours, the Demonstration Permit expires. Before resumption of Demonstrating, a new Demonstration Permit must be obtained. The Chief of Police or his/her designated representative shall not consider the content of speech in determining whether a Permit will be issued. The Chief of Police or his/her designated representative may deny or revoke a Permit application including the application for a Permit to use sound magnification devices, or an issued Permit on any of the following grounds:
- (1) The application for a Permit, including any attachments or required additional submissions, is not fully completed and executed;
  - (2) The application for a Permit contains a material falsehood or misrepresentation;
  - (3) The applicant is legally incompetent to contract or to sue and be sued;
  - (4) The applicant has on prior occasions damaged City property and has not paid in full for such damage or has other outstanding and unpaid debts to the City;
  - (5) A fully executed application for Permit for the same time and place was received prior to the applicant's application, and a Permit has been or will be granted to the prior applicant(s) authorizing uses or activities which do not reasonably permit

additional or multiple occupancy of the area where the Demonstration is to take place;

- (6) The Demonstration intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
- (7) The Demonstration intended by the applicant is prohibited by law;
- (8) Whether the scope of the Demonstration intended by the applicant would present an unreasonable danger to the health, safety, or welfare of the applicant or individuals in the area or areas where the Demonstration is to take place;
- (9) Whether the applicant has made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior Permits issued to or on behalf of the applicant.

In denying a Permit application or revoking a previously issued Permit, the Chief of Police or his/her designated representative shall immediately notify the applicant or Permit holder of the reason(s) for such denial or revocation.

- (h) Any issued Demonstration Permit may prescribe reasonable requirements or conditions necessary for the control and free movement of pedestrian and vehicular traffic, including emergency services, and to protect the safety and property rights of participants, including counter-Demonstrators, and of the general public. The City reserves the right and authority to have police officials on the scene to further designate (reasonably expand or limit) Permitted area(s) in furtherance of the ordinance as reasonably necessary for public safety.

- (1) The Chief of Police may set the starting time, duration, and space between groups; may prescribe the portions or areas of streets, sidewalks or other public places to be used, and may impose such other reasonable requirements as the Chief may prescribe for the control and free movement of pedestrian or vehicular traffic or for the health, safety, and property rights of the participants and the general public, to include the ability of first responders to be able to respond to emergencies.

- (2) Where a Demonstration Permit applicant seeks a Demonstration Permit for a location subject to a City of Graham Recreation and Parks Department (GRPD) facility rental policy, which would interfere with the renters' exclusive use of the location, the Chief of Police, or designated representative, will attempt to facilitate a compromise. Should compromise not be reached, preference shall be given to the person or group first in time to rent the facility or submit a Demonstration Permit application.

- (i) The failure to obtain a Demonstration Permit where required by this Section shall be punishable as a Class 3 misdemeanor.

#### **Sec. 20-180 – STANDARDS OF CONDUCT FOR DEMONSTRATION ACTIVITIES.**

All Demonstrating and counter-Demonstrating activities within the City shall adhere to the following standards:

- (a) Demonstrating shall not impede the flow of vehicular traffic on the public ways or portions of the public ways used primarily for vehicular parking. This requirement does not apply to Demonstrations proceeding on the portion of the public ways used for vehicular traffic pursuant to a Road Closure Permit.
- (b) It is unlawful for any person to engage in Demonstrating before or about the residence or dwelling of any individual.
- (c) Demonstrators may carry handheld written or printed placards or signs not exceeding thirty-six (36) inches provided the words used would not tend to incite or produce imminent lawless or violent action when the words are likely to produce such action, or otherwise communicate a threat punishable under N.C.G.S. § 14-277.1.
- (d) The Chief of Police or the Chief's designated agent(s) may in their discretion on an equitable basis allocate space and considerations for counter Demonstrators, to include requiring physical separation between Demonstrators and counter Demonstrators. The potential or expected presence of counter Demonstrators shall not constitute grounds for denial of a Permit application.
- (e) Demonstrations shall be restricted to the use of the outermost half of the sidewalk or other public way nearest the street and shall not at any time nor in any way obstruct, interfere with, or block: persons entering or exiting from vehicles; persons crossing streets or otherwise using the public way; the entrance or exit to any building or access to property abutting the street or sidewalk; a driveway serving any building or abutting property; a temporary encroachment pursuant to Article VII; or pedestrian or vehicular traffic.
- (f) No person observing, engaging in, or assisting in Demonstrating shall bring to or allow to remain in the immediate area of Demonstrating any vicious animal.
- (g) It is unlawful to apply graffiti or paint to, damage, threaten damage to, or deface public property as part of a Demonstration.
- (h) It is unlawful to apply graffiti or paint, damage, threaten damage to, or deface private property as part of a Demonstration, absent the express permission of the private property owner.
- (i) It is unlawful to interfere with the use or enjoyment of public spaces that have been lawfully reserved for purposes unrelated to the Demonstration activity.
- (j) It is unlawful as part of Demonstration activities to intentionally interfere with or address speech to a bridal, marriage, funeral, or other ceremonies or celebrations being conducted in a manner that tends to incite or produce imminent lawless or violent action when the speech is likely to produce such action, or otherwise communicate a threat punishable under N.C.G.S. § 14-277.1.
- (k) During any declared state of emergency by a governing authority due to a pandemic or epidemic, Demonstrators shall abide by all health and safety requirements applicable to social or other gatherings.



- (l) A violation of the requirements imposed by this Section shall be punishable as a Class 3 misdemeanor.

**Sec. 20-181 – INTERFERENCE WITH DEMONSTRATIONS PROHIBITED; POLICE AUTHORITY TO DISPERSE CROWDS; FAILURE TO LEAVE WHEN ORDERED DECLARED OFFENSE.**

- (a) It shall be unlawful for any person to physically interfere with Demonstrations in the use of the streets, sidewalks, or other public places, or to address at a Demonstration or Demonstrator speech that tends to incite or produce imminent lawless or violent action when the speech is likely to produce such action, or to otherwise communicate a threat punishable under N.C.G.S. § 14-277.1.
- (b) Whenever the free passage of any street or sidewalk in the City shall be unreasonably obstructed by a crowd, whether or not the crowd assembles as a result of or in connection with Demonstrating, the persons composing such crowd shall disperse, move, or move on so the street or sidewalk is no longer obstructed when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse, move, or move on when so directed by a police officer as provided herein or by N.C.G.S. § 14-288.5.
- (c) A violation of this Section shall be punishable as a Class 3 misdemeanor.

**Sec. 20-182 – PROHIBITION OF FIREARMS AND DANGEROUS WEAPONS.**

- (a) It shall be unlawful for any person to possess on or about his person or vehicle any firearm or dangerous weapon of any kind, as defined below, whether exposed or concealed, while participating in any ~~parade~~Parade or any Demonstration.
- (b) It shall be unlawful for any person present at any ~~parade~~Parade or Demonstration or any person upon any street, sidewalk, alley or other public property within five hundred (500) feet of any ~~parade~~Parade or Demonstration, to possess on or about his person or vehicle any firearm or dangerous weapon of any kind, as defined below, whether exposed or concealed.
- (c) For purposes of this article, the term “dangerous weapon” shall be defined as any device or substance designed or capable of being used to inflict serious injury to any person or property, including, but not limited to: firearms, airguns, BB guns, pellet guns, knives, swords, razors, or other sharp objects with a blade more than three (3) inches in length, metallic knuckles, clubs, blackjacks, nightsticks, dynamite cartridges, bombs, grenades, explosives, molotov cocktails, and sword canes.

- (d) This section shall not apply to the following persons while acting lawfully and within the scope of their duties and authority:
  - (1) Law enforcement officers; and
  - (2) Officers and soldiers of the armed forces and national guard.
- (e) A violation of this Section shall be punishable as a Class 3 misdemeanor.

**Sec. 20-183 – STREET EVENTS AND CLOSURE OF CITY STREETS.**

- (a) The term “Street Event” shall include all organized activity that utilizes or impedes City streets, parking lots, greenways, or public rights-of-way such that the planned closure of one or more streets, parking lots, greenways, or public rights-of-way to all vehicular traffic is requested or is reasonably necessary to assure the safety and convenience of participants and the public based on the time, location or route, and size of the Event. Street Events include, but are not limited to the following:
  - (1) Neighborhood Block Parties: Organized small-scale activity that closes a small, defined number of blocks on a local-service, residential street. These small-scale gatherings are initiated by and are intended to attract only residents who live on or in close proximity to the street being closed. They are not intended for the general public.
  - (2) Footraces or Bicycle Races: Organized activity involving running, biking, walking or other means of transportation, involving three or more participants and utilizing a fixed course that involves the use or obstruction of City rights-of-way, City sidewalks, and greenways.
  - (3) General Events: All organized activity, not constituting a [paradeParade](#), that has an identifiable location and/or route exclusively or primarily taking place on the portion of one or more public streets, parking lots, greenways, or rights-of-way that is primarily used for vehicular traffic for a specific duration of time. Examples include, festivals, performances, markets, parties, tournaments, rallies, [Demonstrations](#), and other similar events.
- (b) It shall be unlawful for any person to conduct or participate in any Street Event except in conformance with the provisions of this Section and unless a Road Closure Permit has been obtained from the City Council. A violation of this Section shall be punishable as a Class 3 misdemeanor.

(c) Applications for Road Closure Permits shall be made to the City Council on a form supplied by the Council no less than 7 days prior to the Event. It is encouraged, but not required, that applications for Road Closure Permits be submitted to the City Council on the prescribed form 30 or more days prior to the Event. Within 3 days of receiving a properly completed Road Closure Permit application, the City Council shall review and, absent grounds to deny the application as specified in this subsection, issue the Road Closure Permit signed by a member of the City Council. The applicant shall be notified of the date and time at which the City Council will meet and review the application and invited to attend the meeting to receive the City Council's decision. If the application is denied, the City Council shall inform the applicant of the reason(s) for such denial and allow the applicant to appeal the denial at that meeting. If the applicant does not attend the meeting, the City Council shall notify the applicant of the denial and the reason(s) therefor immediately following the conclusion of the meeting. The City Council may not consider the content of speech in determining whether to authorize the closure of any public street. A Road Closure Permit may be denied by the City Council based upon the following criteria:

- (1) The timing of the Event and whether Permit applications for Events have already been submitted for the same date, time, and location that do not reasonably permit the additional occupancy of the later-in-time applicant's desired Event if the earlier applicant's application is approved;
- (2) The location of the Event and whether closing the road(s) requested materially inhibits the flow of traffic and threatens public safety based on traffic counts of the road(s) sought to be closed;
- (3) Whether the Event and activities would be in compliance with other applicable laws;
- (4) Whether the level of public resources required to support the Event have been or reasonably will be secured by the event organizer prior to the start of the Event based on the size, time, and location of the Event;
- (5) Whether the Event is sponsored or co-sponsored by a City Department;
- (6) Whether the Event would be likely to adversely disrupt or interfere with the rights of owners and occupiers of property abutting those portions of the street sought to be closed or having a right of ingress and egress from their own property to the portions of the street sought to be closed; and
- ~~(7) Whether the scope of the Event would present an unreasonable danger to the general health, safety, and welfare of event participants, adjoining property owners, and citizens of the City.~~

**Sec. 20-184 – SOUND MAGNIFICATION AND SOUND PERMITS**

- (a) Sound magnification devices on the public ways of this City shall not be used unless a permit has been obtained, except in a manner consistent with this section. Sound permits may be issued in connection with permits for a [paradeParade](#), Demonstration, or Street Event
- (b) Except for permitted devices, it shall be unlawful for any Demonstration, [paradeParade](#), or Street Event to use or operate on or over any street within the City any sound magnification device including, but not limited to, any radio, phonograph, speaker, mechanical loudspeaker, amplifier, siren, public address system, bullhorn, or other similar mechanical device to produce, amplify, intensify, or reproduce sound at a level of volume greater than sixty (60) dB(A) measured from a distance of fifty (50) or more feet from the location from which the sound is emanating when such sound tends to cause an unreasonable disturbance to the peace, health, safety, or welfare of people in the vicinity or the community.
- (c) Reasonable restrictions may be placed on the volume of loudspeakers or other mechanical sound-magnifying devices used pursuant to any permit. Such restrictions shall not be based on the content of the speech to be emitted by the sound magnification device.
- (d) Any such operation of a sound magnification device shall be unlawful unless such loudspeaker or other mechanical sound-magnifying device shall be equipped with a meter by which the power output can be registered and determined, so that the volume may be limited in accordance with the restrictions hereinbefore specified.
- (e) No such equipment or device shall be used or operated on the streets of the City during the period between sunset and 9:00 a.m. Further, no such equipment or device shall be operated to produce magnified sounds along that portion of any street within the block where there is located any school, institution of learning, house of worship, or court, while the same are in session, or where any hospital, funeral home, or undertaking establishment is located, or where a funeral is being conducted at any place.
- (f) A violation of this Section shall be punishable as a Class 3 misdemeanor.