

City of Graham
City Council Meeting Agenda
October 10, 2023
6:00 p.m.



CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATION: WoodmenLife – Kay Teague, Chuck Farrior, Jay Faucette

PROCLAMATION: Fire Prevention Week – October 8-14, 2023

CONSENT AGENDA:

- a. To approve the September 12, 2023, City Council meeting minutes and the September 20, 2023, City Council Special meeting minutes.
- b. To set a date of public hearing for November 14, 2023, to consider a non-contiguous annexation request extending the corporate limits to the City of Graham for a tract of land totaling 7.8 acres located off Sunset Drive and to direct the City Clerk to investigate the sufficiency of the petition. (AN2307)
- c. To approve a budget amendment for a \$75,000 donation given by Friends of Graham Recreation to be used for additional playground pieces.
- d. To approve a budget amendment to increase budgeted Federal Drug Funds by \$20,000 (from \$30,000 to a total of \$50,000.)
- e. To approve tax releases totaling \$2,810.34 and a refund for \$205.55.

NEW BUSINESS:

1. AMEND CODE OF ORDINANCE – PARADES, DEMONSTRATIONS AND STREET EVENTS

City Council will consider amending the Code of Ordinance amendment to Chapter 20, Article VI, Sec. 20-171-184 Parades, Demonstrations, and Street Events.

PUBLIC HEARINGS:

2. ANNEXATION – 18.132 ACRES – LONGDALE DRIVE – PHASE 1 - GRAHAM SPRINGS - AN2306

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 18.132 acres located off Longdale Drive.

3. SPECIAL USE PERMIT AMENDMENT– 0 LITTLE CREEK DRIVE AND 0 BROADWAY DRIVE

A public hearing has been scheduled to consider a Special Use Permit amendment for a previously approved townhouse development located at 0 Little Creek Drive and 0 Broadway Drive.

4. REZONING – STONEHAVEN DRIVE

A public hearing has been scheduled to consider a request to rezone 19.17 acres located at Stonehaven Drive from R-18, Low-Density Residential to C-R, Conditional Residential for the construction of an 8-lot subdivision. (Planning Board unanimously recommended approval)

5. TEXT AMENDMENT – BOARD OF ADJUSTMENT ALTERNATES

A public hearing has been scheduled to consider approval of a text amendment allowing the Board of Adjustment Alternates to take the place of a member of the board in the event a member is absent, needs to be recused, or a seat is vacant and pending an appointment for a regular member.
(Planning Board unanimously recommended approval)

PUBLIC COMMENT PERIOD:

CITY STAFF COMMENTS

CITY COUNCIL COMMENTS

ADJOURN



Proclamation

“Fire Prevention Week”

In the City of Graham

WHEREAS, the City of Graham, NC, is committed to ensuring the safety and security of all those living in and visiting Graham; and

WHEREAS, fire is a serious public safety concern, both locally and nationally, and homes are where people are at the most significant risk of fire; and

WHEREAS, this year’s focus on cooking safety works to educate the public about simple but necessary steps they can take to help reduce the risk of fire when cooking at home, keeping themselves and those around them safe; and

WHEREAS, according to the National Fire Protection Association (NFPA), cooking is the leading cause of home fires, with half (49 percent) of all home fires involving cooking equipment; and

WHEREAS, cooking is also the leading major cause of home fire injuries and related deaths, and

WHEREAS, a home fire escape plan provides the skill set and ability to escape a home fire situation quickly and safely; and

WHEREAS, a home fire escape plan includes two exits from every room in the home; a path to the outside from each exit; smoke alarms in all required locations; and a meeting place outside where everyone in the home will meet upon exiting; and

WHEREAS, this year’s theme, **“Cooking Safety Starts with YOU! Pay Attention to Fire Prevention,”** emphasizes staying in the kitchen, using a timer, and avoiding distractions that remove your focus from what is on the stove.

NOW, THEREFORE, I, Mayor Jennifer Talley, and the Graham City Council hereby proclaim **October 8 - 14, 2023, Fire Prevention Week** throughout this community. We urge all citizens of Graham to find and develop a home fire escape plan with all household members and practice it twice a year. We encourage all citizens to practice safe cooking skills at home.

ADOPTED THIS 10th DAY OF OCTOBER 2023.

Jennifer Talley, Mayor

City of Graham

City Council Meeting Minutes

September 12, 2023



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on September 12, 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
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 6:06 p.m. and presided.

INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Parsons gave the invocation and all stood for the 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)

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 12th day of September 2023.

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 12th, 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.

- d. To approve a Budget Amendment to increase the Federal Drug Monies budget, in the amount of \$30,000, for Professional Services.

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:					
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Fund Balance	-	30,000.00	30,000.00		
	-	30,000.00	30,000.00	-	30,000.00
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Funds - Professional Services	-	30,000.00	30,000.00		
	-	30,000.00	30,000.00	-	30,000.00
Adopted this 12th day of September 2023.					

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

PUBLIC HEARING:

1. ANNEXATION – 67.441 ACRES – KIMREY ROAD – AN2303

A public hearing had 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.

Assistant City Manager Aaron Holland stated it was discovered that the meets and bounds were incorrect when the Council considered this annexation. He stated the surveyor included property that was not meant to be a part of the annexation request. This annexation is now being brought before the Council with the correct meets and bounds for an extension of the corporate limits for property located off Kimrey Road containing approximately 67.441 acres.

The public hearing was opened and there were no comments.

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

Motion by Council Member Whitaker to approve the annexation ordinance to extend the corporate limits to the City of Graham, NC for 67.441 acres located off Kimrey, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

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 5th, 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 12th day of September 2023.

NEW BUSINESS:

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

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

Assistant City Manager Holland stated following the repeal of the Parade and Demonstration Ordinance in July 2020, the City Council approved subsequent new language at its 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. He stated following the adoption of the ordinance, it was determined that further legal review of this ordinance in conjunction with the NCLM was needed. He stated Mr. Christian Ferlan with Hall Booth Smith, LLC, worked with staff to prepare a revised ordinance updating the language and streamlining the process. As further described, this amendment was 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. He stated Council would not be approving the ordinance tonight because it required another reading and would be scheduled for the next City Council meeting. He stated the ordinance language would be introduced tonight and Mr. Christian Ferlan was present to do so.

Mr. Christian Ferlan stated he was an Attorney at Hall Booth Smith, LLC, in Charlotte and worked for the NC League of Municipalities. He stated he took on the task of Graham's prior Demonstration Ordinance to revise it and put it in a workable state where it could be implemented at the next City Council meeting.

Mr. Ferlan reviewed the revised ordinance and the City Council requested the following to be included or amended:

- 1) Add insurance requirements and review the City's Parks and Recreation special events application to compare with case law.
- 2) Look into the reasonable distance between counter-speech groups.
- 3) Look into a time, place, and manner of restriction for amplification while the City Council is conducting its business and putting restrictions on the use of the space provided on the front lawn of City Hall.
- 4) Verify streets with an average traffic count in excess of 10,000 cars per day are for both City streets and NCDOT streets.
- 5) Look into expanding the three-day turnaround for a road closure for demonstration purposes.
- 6) Look into adding language to Sec. 20-183(c)(2) and (6) to reflect objective factors. Mr. Ferlan stated that it was designed where reasonable minds have to look at the facts and decide.

Mayor Pro Tem Hall motioned to schedule a second reading of an Ordinance amendment to Chapter 20, Article VI, Sec. 20 – 171-184, Parades, Demonstrations, and Street Events at the next meeting (October 10, 2023), seconded by Council Member Whitaker. The motion passed unanimously.

PUBLIC COMMENT PERIOD:

There were no public comments.

CITY STAFF COMMENTS

Assistant City Manager Holland asked the Council to schedule a special meeting to approve a grant addressing Emerging Contaminants. It was decided to hold a special meeting on Wednesday, September 20, 2023, at 12:00 p.m.

Council Member Whitaker asked the Council to approve \$1,500 for the Appearance Commission for fall beautification. Mayor Talley suggested it be added to the special meeting on September 20, 2023.

CITY COUNCIL COMMENTS

Mayor Talley:

- Balloon Festival was a success – she thanked Bobby Chin, Joey Parsons, and others for all the hard work put into making the event a success.
- Movies in the Park – Bill Cooke Park – September 16, 23, 30 – 7:30 pm
- Graham Recreation is offering paddle tours on the lake at Graham/Mebane Lake
- Thursdays’ at 7:00 concerts; September 28-Mason Lovette Band and October 12-Magnificents Band
- Kinfolk Concert – Back Porch Orchestra – September 16th and October 21st – 7:00 pm – Graham Amphitheater

ADJOURN

Mayor Pro Tem Hall motioned to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting was adjourned at 7:57 p.m.

Renee M. Ward, CMC
City Clerk

**City of Graham City Council
Special Meeting Minutes
September 20, 2023
12:00 p.m.**



The City Council of the City of Graham held a Special Meeting on September 20, 2023, at 12:00 p.m. in the Council Chamber, City Hall Municipal Building, located at 201 South Main Street, Graham, NC.

Councilmembers Present:

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

Staff Present:

Megan Garner, City Manager
Aaron Holland, Assistant City Manager
Renee M. Ward, City Clerk

CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order and presided at 12:00 p.m.

NEW BUSINESS:

1. RESOLUTION – EMERGING CONTAMINANTS STUDY

City Council considered approving the Drinking Water Contaminants Study and the 2023 Water Capital Improvement Plan resolutions.

Assistant City Manager Aaron Holland stated Council had approved the Drinking Water Contaminants Study as part of the 2023-2024 budget. He stated this request was for a grant opportunity and if awarded, it would offset or cover a portion of the cost. He asked the Council to approve the resolutions for staff to submit an application to the State of North Carolina for a grant to aid in the study.

Motion by Mayor Pro Tem Hall to approve the Drinking Water Emerging Contaminants Study and 2023 Capital Improvement Plan resolutions, seconded by Council Member Whitaker. The motion passed unanimously.

**RESOLUTION TO ADOPT AND APPROVE THE
2023 WATER SYSTEM CAPITAL IMPROVEMENT PLAN**

WHEREAS, the City of Graham has developed a water system in and around the City of Graham; and

WHEREAS, said municipal water system is operated and maintained by the City of Graham; and

WHEREAS, the City of Graham recognizes the need for, and advantage of, maintaining adequate short-term and long-term planning for capital improvements for the water system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Graham that the 2023 Water Capital Improvement Plan is hereby adopted and approved.

BE IT FURTHER RESOLVED that the City Council authorizes staff to update the plan as new information becomes available.

Adopted this the 19th day of September 2023.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The City of Graham has a need for and intends to conduct a study in a project described as Drinking Water Emerging Contaminant Study, and

WHEREAS, The City of Graham intends to request a State loan and/or grant assistance for the project.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GRAHAM:

That the City of Graham, the **Applicant**, will arrange financing for all remaining costs of the project if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make a scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Megan Garner, the **Authorized Representative**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 20th day of September 2023, at Graham City Hall, North Carolina.

FORM FOR CERTIFICATION BY THE RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Graham does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Graham duly held on the **20th day of September 2023**; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of September 2023.

2. BUDGET AMENDMENT

City Council considered approving a budget amendment to increase the General Fund-Fund Balance Appropriated budget and the Recreation – Capital Outlay Other Improvements by \$204,696.00 each for damages caused by a fire at Shelter #2. City Manager Garner clarified the City Council approved a similar budget amendment last year; however, the project was not able to be completed and the funding reverted to fund balance. The cost of improvements was covered by insurance proceeds.

Motion by Council Member Chin to approve the budget amendment to increase the General Fund – Fund Balance Appropriated Budget and Recreation – Capital Outlay Other Improvements by \$204,696 each, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2022-2023					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2022 - 2023 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
GENERAL FUND					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Recreation - Capital Outlay Other Improvements	51,000.00	255,696.00	204,696.00		204,696.00
	51,000.00	255,696.00	204,696.00	-	204,696.00
Section 2.					
GENERAL FUND					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
General Fund - Fund Balance	1,246,245.00	1,450,941.00	204,696.00		204,696.00
	1,246,245.00	1,450,941.00	204,696.00	-	204,696.00
Adopted this 20th day of September 2023.					

3. APPEARANCE COMMISSION ALLOCATION

City Council considered an allocation in the amount of \$1,500, to the Appearance Commission to be used for beautification.

Motion by Council Member Whitaker to allocate \$1,500 to the Appearance Commission for beautification, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ADJOURN

A motion was made by Mayor Talley, seconded by Mayor Pro Tem Hall to adjourn. The motion passed unanimously. (12:16 pm)

Renee M. Ward

Renee M. Ward, CMC
City Clerk

September 20, 2023
City Council Special Meeting



STAFF REPORT

SUBJECT:	ANNEXATION OF 7.8 +/- ACRES OFF SUNSET DRIVE
PREPARED BY:	EVAN WORKMAN, PLANNER

REQUESTED ACTION:

Approve the resolution directing the City Clerk to investigate a petition under G.S. 160A-58 for a potential noncontiguous annexation of GPIN #'s: 8884806770, 8884818184, & 8884808737.

Approve the resolution fixing date of **November 14, 2023**, for a public hearing on the question of annexation pursuant to G.S. 160A-58 for a 7.8(+/-)-acre lot off of Sunset Drive.

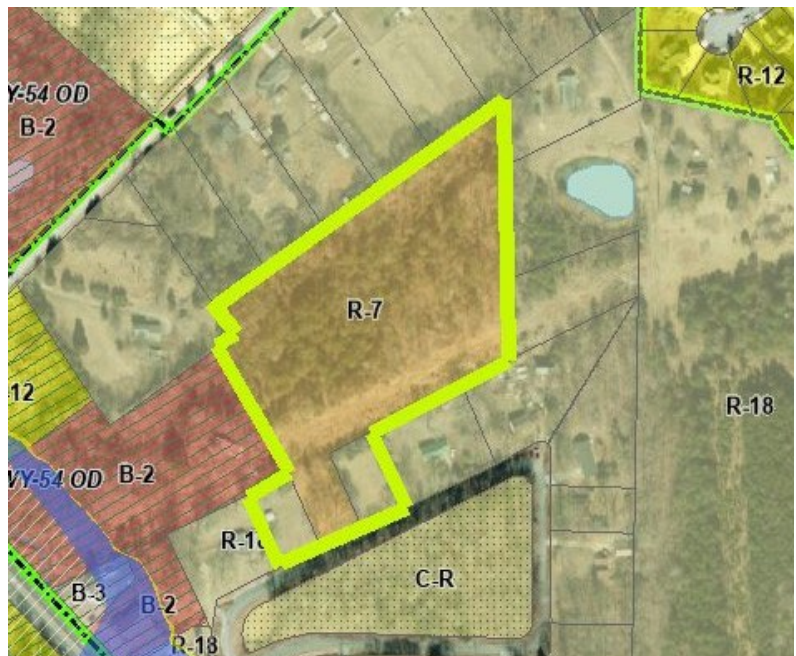
BACKGROUND/SUMMARY:

The area being considered for annexation is noncontiguous. The applicant plans to connect the lot to public utilities.

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.

FISCAL IMPACT:

New residential development generally creates positive tax revenue for the city, and because the applicant will ensure public services will be connected, the cost to the City of Graham is minimal.



STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

1. I move we approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-58 for a parcel located off Sunset Drive.
2. I move we approve the Resolution Fixing Date of **November 14, 2023**, for a Public Hearing on the question of annexation pursuant to G.S. 160A-58 for a 7.8(+/-)-acre lot off of Sunset Drive.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58
FOR PROPERTY OFF SUNSET DRIVE (AN2307)

WHEREAS, a petition requesting annexation of an area described in said petition was received on October 10th, 2023, by the Graham City Council; and

WHEREAS, G.S. 160A-58 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, City of Graham

ATTEST:

Renee Ward, City Clerk

**RESOLUTION FIXING DATE OF NOVEMBER 14TH, 2023 FOR A PUBLIC HEARING ON QUESTION OF NON-
CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-58 FOR A 7.8 (+/-) ACRE LOT OFF OF SUNSET
DRIVE (AN2307)**

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 6:00 pm on November 14, 2023.

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

Legal Description:

Beginning at an Existing Iron Pipe said corner being in the Northern margin of Sunset Drive having a 40' right of way and being the southwest corner of Riverwalk LLC Eather now or formerly as described in instrument deed book 3959 page 0944 in the Alamance County Register of Deeds and having a parcel number 147602 and also being the southeast corner of Salvador Leon either now or formerly as described in instrument deed book 3263 page 017 in the Alamance County Register of deeds and having a parcel number 147600 and also being located North 32 deg. 45 min 11 sec. West with a grid distance of 2221.87 feet from NCGS Monument Conklin Nad 83/ 2011 and having grid coordinates Northing 838739.49 ift and Easting 14889870.40 ift Thence with the corner North 23 deg.45 min. 02 sec. West and a distance of 168.28 feet to an existing iron pipe said point being the north west corner of the before mentioned Salvador Leon and the southern corner of James c. Brown either now or formerly as described in instrument deed book 2568 page 151 in the Alamance County Register of Deeds and having a parcel number 147598 Thence with the corner North 65 deg. 01 min. 33 sec. East and a distance of 99.37 feet to a new iron pipe said pipe being the south east corner of the before mentioned James C. Brown and the south west corner of Keith Dodson either now or formerly as described in instrument deed book 2713 page 205 in the Alamance County Register of deeds and having a parcel number 147613 Thence with the corner North 30 deg. 22 min. 24 sec. West and a distance of 309.46 feet to an existing iron pipe said point being the north east corner of the before mentioned James C. Brown and the north west corner of the before mentioned Keith Dodson and the south eastern corner of Betsy White (Heirs) either now or formerly as described in instrument deed book 473 page 920 in the Alamance County Register of Deeds Thence with the corner North 55 deg. 55 min 10 sec. East and a distance of 41.97 feet to an existing iron pipe said point being the north west corner of the before mentioned Keith Dodson and the south east corner of the before mentioned Betsy White (Heirs) Thence with the corner North 35 deg. 41 min. 06 sec. West and a distance of 69.04 feet to a new iron pipe said point being the most south east corner of the before mentioned Betsy White (Heirs) the most north west corner of the before mentioned Keith Dodson and the south west corner of Amber Meeks either now or formerly as recorded in instrument deed book 3634 page 521 in the Alamance County Register Deeds and having a parcel number 147610 Thence with the corner North 55 deg. 24 min. 01 sec. East and a distance of 795.98 feet to an existing iron pipe said corner being the most north eastern corner of the before mentioned Keith Dodson and the southern corner for Marion Whittemore either now or formerly in instrument deed book 3914 page 213 in the Alamance County Register of Deeds and having a parcel number 147673 and the north west corner of Sandra Whittemore either now or formerly in instrument deed book 772 page 310 in the Alamance County Register of Deeds and having a parcel number 147676 Thence with the corner South 00 deg. 38 min 40 sec. West and a distance of 384.23 feet to an existing iron pipe said corner being the north eastern corner of the before mentioned Keith Dodson and the south west corner of Ray Whittemore Either now or formerly as recorded in instrument deed book 896 page 348 in the Alamance County Register of Deeds and having a parcel number 152571 and also the north west corner of Kennon Whittemore either now or formerly in instrument deed book 235 page 70 in the Alamance County Register if Deeds and having a parcel number 147675 Thence with the corner South 02 deg. 40 min. 39 sec. West and a distance of 180.21 feet to an existing iron pipe said corner being the south east corner of the before mentioned Keith Dodson and also being the south west corner of the before mentioned Kennon Whittemore and the northern corner of Ricky Apple now or formerly as recorded in the Alamance County Register of Deeds and having a parcel number 147668 Thence with the corner South 64 deg. 06min.51 sec. West and a distance of 334.92 feet to an existing iron pipe said corner being the southern corner of the before mentioned Keith Dodson and the north west corner of David

Wilson now or formerly in instrument deed book 3295 page 275 in the Alamance County Register of Deeds Thence with the corner South 25 deg. 12 min. 50 sec. East and a distance 177.65 feet to a new iron pipe in the northern margin of Sunset Drive Thence South 65 deg. 08 min. 54 sec. West and a distance of 103.00 feet to a new iron pipe Thence with the corner and the northern margin of sunset Drive South 66 deg. 26 min. 14 sec. West and a distance of 200.39 feet to an existing iron pipe and Point and Place of Beginning said property containing 7.84 acres +/-

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 10th of October, 2023.

Jennifer Talley, Mayor, City of Graham

ATTEST:

Renee Ward, City Clerk



STAFF REPORT

SUBJECT:	BUDGET AMENDMENT – FRIENDS OF GRAHAM RECREATION
PREPARED BY:	MELANIE KING, FINANCE OFFICER

REQUESTED ACTION:

Approve the budget amendment to budget \$75,000 for park improvements at Graham Regional Park and to recognize \$75,000 in revenue from Friends of Graham Recreation.

BACKGROUND/SUMMARY:

Impact Alamance granted \$75,000 to Friends of Graham Recreation for park improvements at Graham Regional Park. The additional playground pieces will be added to further enhance the natural play area and the inclusive playground. All pieces selected for the natural playground will fit into the natural appearance of the playground which is nestled into a wooded location. Most of the equipment is designed for younger children, as there is currently a lack of pieces for that age group in this section of the park. Additionally, a tall climbing piece will be added to appeal to older children. In the inclusive playground, a musical ball piece will be added and will greatly enhance the benefits of the playground as it not only is a piece that promotes physical activity as it is human powered, but cognitive development in children as well. All of the new pieces are inclusive for children of all abilities.

In order for the park additions to be completed at the best available pricing, equipment will need to be ordered by the City of Graham in order to take advantage of contract pricing. We are asking that Council budget for a donation from Friends of Graham Recreation in the amount of \$75,000 and also budget 75,000 for the park additions to be completed.

FISCAL IMPACT:

The grant funding received by Friends of Graham Recreation will be given to the City of Graham in order to maximize the benefit of contract pricing available to the municipality. The \$75,000 will be used to for park improvements.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move we approve the budget amendment to budget \$75,000 for park repairs and to recognize \$75,000 in revenue from Friends of Graham Recreation.

CITY OF GRAHAM

BUDGET AMENDMENT ORDINANCE

2022-2023

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2022 - 2023 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

Section 1.

GENERAL FUND

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Capital Outlay Other Improvements	255,696.00	330,696.00	75,000.00		75,000.00
	255,696.00	330,696.00	75,000.00	-	75,000.00

Section 2.

GENERAL FUND

REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Recreation Donations	5,000.00	80,000.00	75,000.00		75,000.00
	5,000.00	80,000.00	75,000.00	-	75,000.00

Adopted this 10th day of October 2023.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk



STAFF REPORT

SUBJECT:	BUDGET AMENDMENT – FEDERAL DRUG FUNDS
PREPARED BY:	MELANIE KING, FINANCE OFFICER

REQUESTED ACTION:

Approve the budget amendment to increase budgeted Federal drug funds by \$20,000 (from \$30,000 to \$50,000).

BACKGROUND/SUMMARY:

The Federal Drug Monies budget is currently \$30,000. The carryover balance of available Justice Department Funds from FY23 is \$170,102.53. In order for these funds to be utilized by the police department, they must be budgeted first. We are requesting that the current budget be increased by \$20,000, making a total budget of \$50,000 available for appropriate use by the police department for enhanced law enforcement operations.

FISCAL IMPACT:

The additional \$20,000 in budget will increase expenditures as well as revenues as this amount is coming from available fund balance.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move we approve the budget amendment to increase budgeted Federal drug funds by \$20,000 (from \$30,000 to \$50,000).

CITY OF GRAHAM

BUDGET AMENDMENT ORDINANCE

2022-2023

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2022 - 2023 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

Section 1.

GENERAL FUND

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Professional Services	30,000.00	50,000.00	20,000.00		20,000.00
	30,000.00	50,000.00	20,000.00	-	20,000.00

Section 2.

GENERAL FUND

REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	30,000.00	50,000.00	20,000.00		20,000.00
	30,000.00	50,000.00	20,000.00	-	20,000.00

Adopted this 10th day of October 2023.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk

**CITY OF GRAHAM
RELEASE ACCOUNTS**

OCTOBER

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
3526	2023	AKINS, L KEITH	QUALIFIED FOR HOMESTEAD EXEMPTION	\$181.46
4927	2023	GRIFFIN, LETHA J	QUALIFIED FOR HOMESTEAD EXEMPTION	\$278.99
1933	2023	STRAUSS, LOUISE J	QUALIFIED FOR HOMESTEAD EXEMPTION	\$337.54
13979	2023	CHEEK, TOMMIE JONES	MOBILE HOME USED FOR STORAGE ONLY	\$8.81
11435	2023	ORR, MARCUS SAMUEL	SOLD BOAT	\$4.57
8188	2023	HAYNES, MARSHALL	SOLD BOAT	1.20
43009	2023	APPLE, PATRICIA	QUALIFIED FOR HOMESTEAD EXEMPTION	456.50
722381	2023	HEATHCOTE, BERTRAM F JR	QUALIFIED FOR HOMESTEAD EXEMPTION	\$412.15
5364	2023	PINEWOOD PROPERTIES	BOER APPEAL	\$187.28
702863	2023	BROOMER, GERALD C	BOER APPEAL	\$160.16
714016	2023	MARSH, ROBERT	BOER APPEAL	\$167.03
362278	2023	HYATT, NELSON	ADJ VALUE FROM YACHT TO A CANOE-PER ALA CO	\$68.42
697334	2023	LONG, WILLIAM RAY JR	BOAT DOUBLE LISTED	\$46.82
115657	2023	NICE, KEITH	CODING ERROR - NOT IN CITY OF GRAHAM	\$1.30
483904	2023	COELHO, MARCO	CODING ERROR - NOT IN CITY OF GRAHAM	\$23.36
718127	2023	ROGERS, HOWARD ALEX	CODING ERROR - NOT IN CITY OF GRAHAM	\$0.99
718705	2023	WHITMAN, MARKUS ALLEN	CODING ERROR - NOT IN CITY OF GRAHAM	\$131.49
3582170	2023	SWINK, ADAM FRANKLIN	CODING ERROR - NOT IN CITY OF GRAHAM	\$11.86
597522	2023	KELLY, JOSHUA ALLEN	SOLD BOAT	\$46.68
597522	2023	KELLY, JOSHUA ALLEN	ADJ VALUE OF BOAT	\$142.05
507650	2023	ANDREWS, SAMUEL CRAIG	BOAT DOUBLE LISTED	\$130.46
715818	2023	PATEL, NAYANKUMAR	TAGGED VEHICLE	\$11.22

TOTAL RELEASES \$2,810.34

**CITY OF GRAHAM
REFUNDS**

SEPTEMBER

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
5343	2022	CANTELMO, ANDREW	ADJ SQUARE FOOTAGE OF HOME	205.55

TOTAL REFUNDS 205.55



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 to approve the following amendment to Chapter 20, Article VI, Sec. 20-171-184 Parades, Demonstrations and Street Events of the Code of Ordinances.

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 eCity staff to determine whether or not proposed Parades and Street Events meet the standards established herein as well as all other applicable regulations within the City of Graham and to issue Ppermits where authorized by this Aarticle. The committee shall designate an employee who shall serve as the point of contact for receiving Parade and Street Event Ppermit applications and be the conduit for communications with the committee and City Council.

Sec. 20-172. – PARADE PERMIT REQUIRED

- (a) The term Parade 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 Parade; or
 - (5) Footraces and bicycle races.
- (b) No Parade shall be conducted on the public ways of this city and no person shall inaugurate, promote, or participate in any such Parade unless the Parade is conducted in conformity with the requirements set out herein and unless a Ppermit has been obtained from the special events committee. A Parade Permit shall not be required for any Parade consisting of fewer than ten persons or three vehicles.
- (c) It shall be unlawful for any person to conduct or participate in a Parade except in conformance with the provisions of this Aarticle.

Sec. 20-173. – PROCEDURES FOR OBTAINING PERMIT

- (a) A person seeking issuance of a Parade Permit shall file an application with the special events committee on forms provided by such committee not less than sevenfourteen (14) days nor more than three hundred sixty-five (365) days before the proposed Parade date. The application for a Parade Permit 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, 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 City where the Parade is proposed to take place;
 - (4) The date and hours for which Permit is sought;
 - (5) The name of the person(s) and/or organization(s) applying for the Permit;
 - (6) Whether or not persons below the age of 18 years are expected to participate;
 - (7) The person or persons to be in charge of the activity and who will accompany it and carry the Permit at all times;
 - (8) Contact information for the organization(s), group(s) and/or individuals sponsoring or proposing the Parade, the Permit applicant, and the person to be in charge of the activity;
 - (9) The approximate number of persons and vehicles expected to participate in the Parade and the types of vehicles expected to participate;
 - (10) The dimensions of any floats or other traveling displays; and
 - (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) Subject to the requirements of Section 20-183 regarding street closures, to the extent street closure is required or requested for the Parade. 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 proposed event.

- (c) The issued Permit 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 City may assign police officials to be present 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, in the following instances:
- (1) When adequate provision cannot be made for the safe and orderly movement of the Parade and for other traffic, pedestrian or vehicular, contiguous to its route;
 - (2) When the Parade cannot be held without unreasonable interference with the provision of or ~~unreasonable~~~~excessive~~ diversion of normal police or fire protection or emergency services to the public;
 - (3) The Parade 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 Parade will require the closing of, or unreasonably restrict the flow of vehicular traffic along a highway under the control of the ~~S~~state. If this is the case, the applicant should obtain permission from appropriate ~~S~~state officials prior to making reapplication for a Parade Permit; ~~or~~
 - (5) The Parade conflicts with other previously scheduled events or activities.

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

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

- (a) No 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 ~~C~~city ~~C~~ouncil upon circumstances warranting different hours.
- (b) Every 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 ~~C~~city ~~C~~ouncil.
- (c) No one participating in a Parade or proceeding along the route of a 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.

Sec. 20-175. – REVOCATION OF PERMIT.

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

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

Sec. 20-176. – APPEAL.

Any person not satisfied with a Parade-~~or, Demonstration, or Road Closure~~ ~~p~~Permit, ~~as the terms Parade and Demonstration are defined herein,~~ or otherwise unsatisfied or aggrieved by action taken pursuant to this ~~A~~article may file a written “notice of appeal” with the city manager within no later than five (5) business days of from the issuance of such Permit or other action taken pursuant to this Article. Such written notice shall identify the person filing the appeal and shall specify with particularity the facts and basis for the appeal. The ~~C~~eity ~~M~~anager shall forward the appeal to the ~~e~~City ~~e~~Council at the next scheduled ~~C~~eity ~~e~~Council meeting should time permit prior to the requested event.

Sec. 20-177 – INTERFERENCE PROHIBITED

No person shall hamper, obstruct, impede, or interfere with any ~~P~~parade being conducted under authority of a lawfully issued ~~P~~permit. No driver of any vehicle shall drive between the vehicles or persons comprising a ~~P~~parade when such vehicles or persons are in motion and identifiable as a ~~P~~parade under this ~~A~~article.

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, convened for a common purpose, including but not limited to a protest, picket, march, rally, public exhibition, or assembly, in or upon the public streets, alleys, parks, or other public grounds 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 subject-matter or 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 Demonstration Permit is not required:
- (1) except as provided in subsection (d), 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 or amplification 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) seeks the closure of any public street, subject to the additional requirements under subsection (e) of this Section.

(d) Except during the time that the City Council is in session, one-half hour before the City Council is in session, and one-half hour after the City Council session has been concluded,
~~(d)~~ — aA Demonstration 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 requests or requires the closure of any public street, a Demonstration Permit is required. In addition, prior to submitting the Demonstration 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, suspensions, 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 or amplification devices equipment, 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 Ceounter-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 Ceounter-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 ~~Ceounter--~~Demonstrators, to include requiring physical separation between Demonstrators and ~~Ceounter--~~Demonstrators. The potential or expected presence of ~~Ceounter--~~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 Pparade or any Demonstration.
- (b) It shall be unlawful for any person present at any Pparade or Demonstration or any person upon any street, sidewalk, alley or other public property within five hundred (500) feet of any Pparade 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 Aarticle, 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 emergency personnel; 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 ~~P~~parade, 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) Applicants for Road Closure Permits are required to provide a certificate of insurance listing the City of Graham as “additionally insured” and show documentation of comprehensive general liability insurance of at least one million dollars (\$1,000,000).

~~(b)~~(c) 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.

~~(e)~~(d) Applications for Road Closure Permits shall be made to the City Council on a form supplied by the Council no less than ~~fourteen (14)~~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 ~~thirty (30)~~ or more days prior to the Event. The applicant must submit the documentation described in (b) with the Road Closure Permit application. The Road Closure Permit application shall be deemed incomplete if the applicant fails to secure and submit documentation of the required insurance. The City Council shall review a properly completed Road Closure Permit application as soon as reasonably possible

~~and, 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. Such Road Closure Permit shall be issued no later than four (4) days before the Event is scheduled to take place. The applicant shall be notified of the date and time at which the City Council will meet and review the application and be 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 and the application is denied, 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 only the following criteria:

(1) The application for a Road Closure Permit, including any attachments or required additional submissions or documentation, is not fully completed and executed;

~~(1)(2)~~ (2) 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)(3)~~ (3) The location of the Event and whether closing the road(s) requested materially inhibits the flow of traffic and unreasonably threatens public safety based on traffic counts of the road(s) sought to be closed;

~~(3)(4)~~ (4) Whether the Event and activities would be in compliance with other applicable laws;

~~(4)(5)~~ (5) 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)(6)~~ (6) Whether the Event is sponsored or co-sponsored by a City Department; and

~~(6)(7)~~ (7) Whether the Event would be likely to adversely-unreasonably disrupt or interfere with the rights of owners and occupiers of property abutting those portions of the street sought to be closed or persons having a right of ingress and egress from their own abutting property to the portions of the street sought to be closed.

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 Parade, Demonstration, or Street Event
- (b) Except for permitted devices, it shall be unlawful for any Demonstration, Parade, 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.

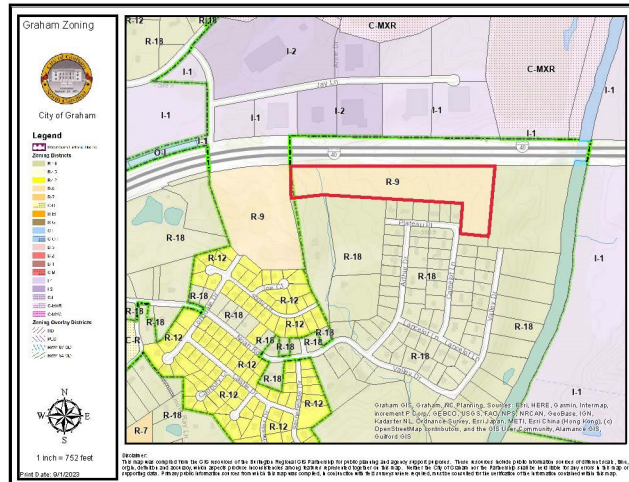


STAFF REPORT

SUBJECT:	ANNEXATION OF 18.132 +/- ACRES OFF LONGDALE DRIVE
PREPARED BY:	EVAN WORKMAN, PLANNER

REQUESTED ACTION:

Approve the Annexation Ordinance to Extend the Cooperate Limits of the City of Graham, North Carolina for a tract of land totaling 18.132-acres off Longdale Drive.



BACKGROUND/SUMMARY:

The attached petition is a request for the Council's approval for an annexation of the tract and an extension of the cooperate limits. The area being considered for annexation is located off of Longdale Drive and contains approximately 18.132-acres in total. Applicants wish to tie into the City's infrastructure from the water and sewer lines that will be located in Phase 1 of the Graham Springs subdivision upon its completion. Annexation is required to make this process possible.

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 Annexation Ordinance to extend the corporate limits of the City of Graham, North Carolina, 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-I
- C-O-I
- B-3
- B-2
- B-1
- C-B
- I-1
- I-2
- C-I
- C-MXR
- C-MXC

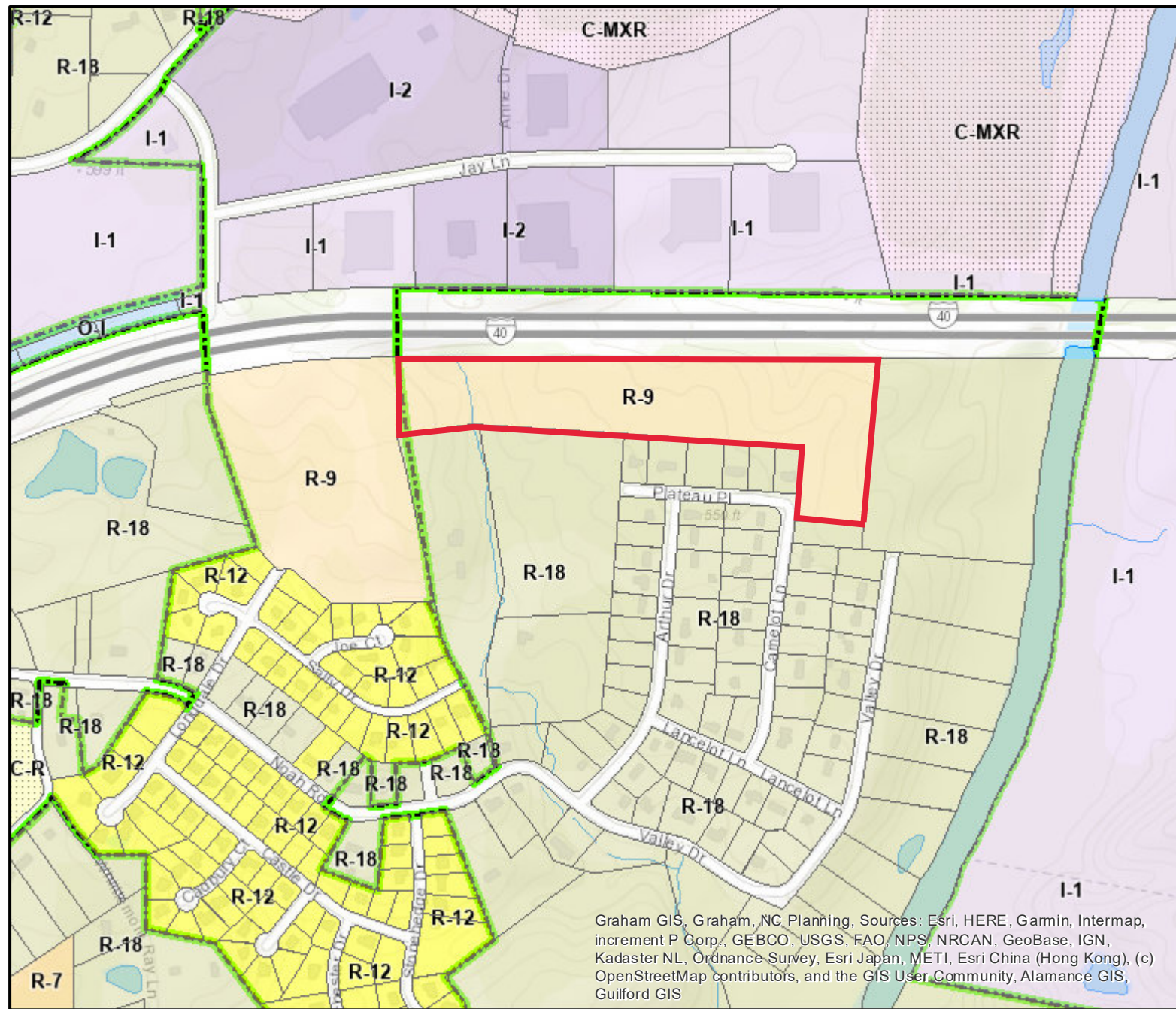
Zoning Overlay Districts

- HD
- PUD
- HWY-87 OD
- HWY-54 OD



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.

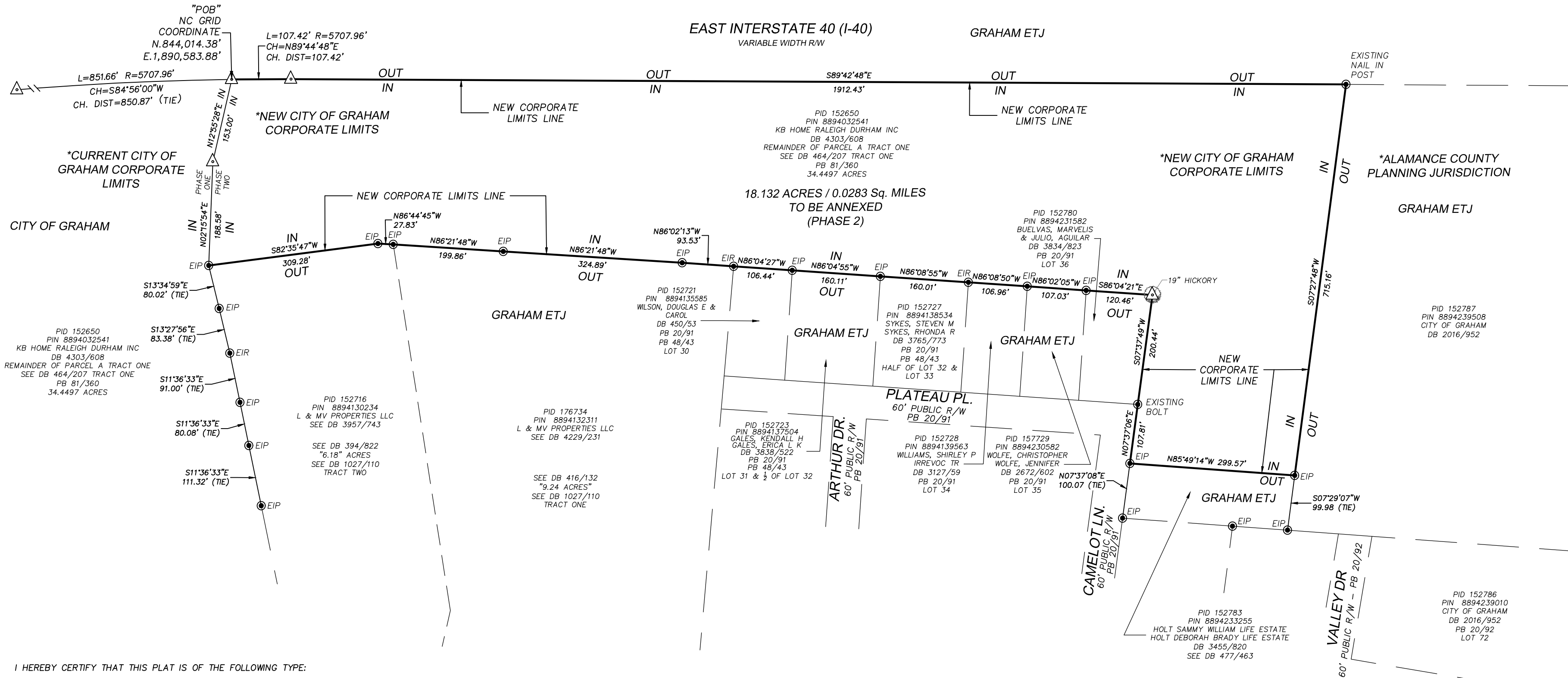
NOTE "A"
ALL DISTANCES ARE HORIZONTAL
GROUND AND AREA BY COORDINATE
COMPUTATION.

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 (j).



I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
G.S. 47-30 (F)(11)(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 ENFORMENT OFFICER CERTIFICATE:

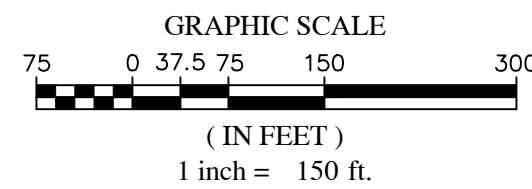
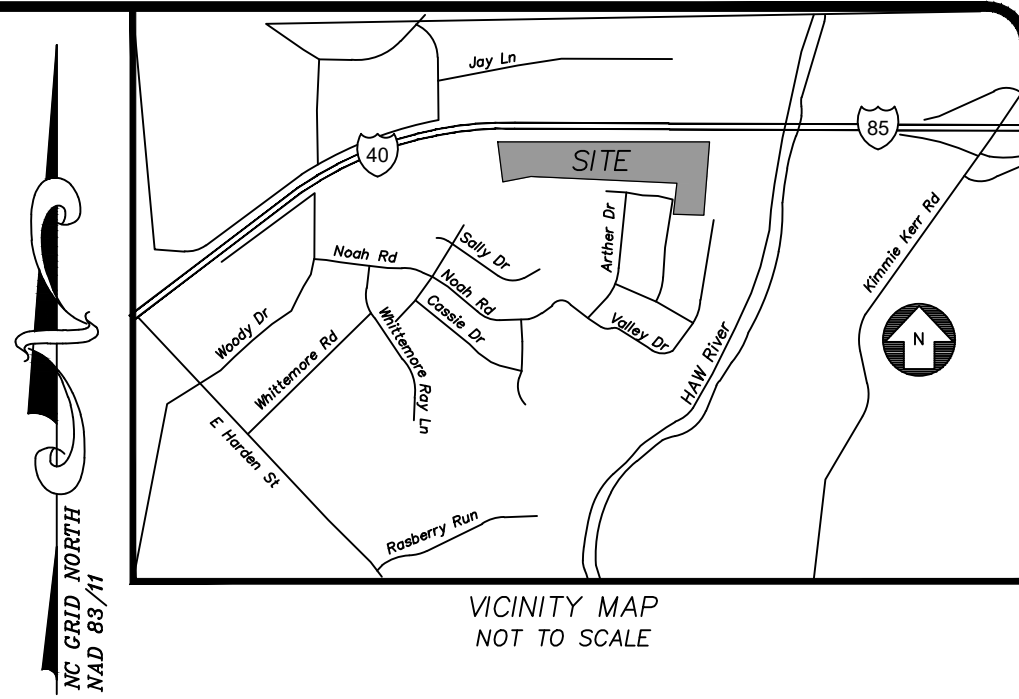
NO APPROVAL REQUIRED UNDER ARTICLE VII SECTION 10-336(b)
OF THE DEVELOPMENT ORDINANCE OF THE CITY OF GRAHAM

ZONING ENFORCEMENT OFFICER _____ DATE _____

ANNEXATION # _____

I, XXXXXXX, 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 _____



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	_____

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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

License #: P-0339
320 Executive Court
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

**ANNEXATION ORDINANCE
TO EXTEND THE
CORPORATE
LIMITS OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR A 18.132 ACRE TRACT OF LAND OFF OF LONGDALE DRIVE (AN2306)**

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 public hearing on the questions of this annexation was held at City Hall, 201 S Main Street, Graham at 6:00 P.M. on October 10th, 2023, after due notice by publication September 28th, 2023; and

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

NOW, THEREFORE, BE IT ORDINATED 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 October 10th, 2023:

Legal Description GPIN#: 8894032541

Legal Description:

All that certain piece, parcel or tract of land, lying and being in the Graham Township, Alamance County, North Carolina, and being 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' and 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 an 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 10th day of October, 2023

Jennifer Talley, Mayor, City of Graham

ATTEST:

APPROVED AS TO FORM:

Renee M. Ward, City Clerk

Bryan Coleman, City Attorney



STAFF REPORT

Prepared by Cameron West, Planner

Windsor Oakmont Townhome Amendment (SUP2101)

Type of Request: Special Use Permit

Meeting Dates

Planning Board on September 19, 2023

City Council on October 10, 2023

Contact Information

Windsor Investments, LLC

804 Garden Valley Road, Suite 200

Greensboro, NC 27408

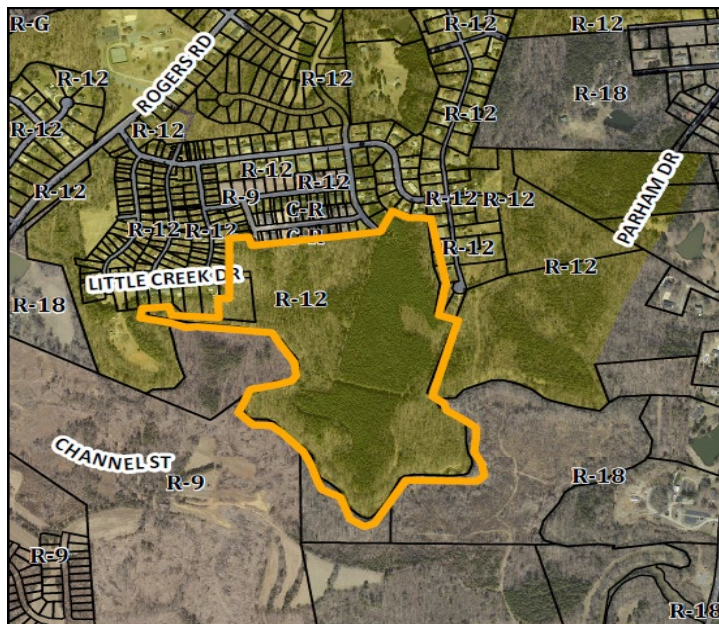
(336) 609-5137,

amanda@isaacsonsheridan.com

Summary

This is a request for a Special Use Permit Amendment for the previous approved Townhouse Development located at 0 Little Creek Drive and 0 Broadway Drive. The amendment is to remove the Hanson Lane street connection. The street connection removal will also shift the location of the townhomes themselves and reduce the number of townhome units from 70 to 68. Both of which are an approvable administrative amendment by Planning staff. The request is specifically for the Hanson Lane removal as the Development Team and City Staff have discussed the connection was not appropriate. The plans are set for TRC approval with no remaining comments, but with the removal of the roadway connection, the amendment must be approved by Council before the plans can be TRC approved.

Planning Board heard the item and moved it forward to City Council without a recommendation



Location

0 Little Creek Drive,

0 Broadway Drive

GPIN: 8883000530, 8883100157

Current Zoning

Residential (medium density)

(R-12)

Proposed Zoning

Residential (medium density)

(R-12)

Overlay District

None

Surrounding Zoning

R-12, R-18, R-9, C-R

Surrounding Land Uses

Residential, Vacant

Size

59.52 +/- acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval

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

Planning Type: Neighborhood

Development Type: Suburban Residential

Vision: Diverse Housing, Complete Neighborhoods

Graham will be a desirable place to live because of its variety of high quality housing options, providing affordable choices to people of all backgrounds. Neighborhoods will be walkable, safe, and vibrant and will promote private investment and enhancement of existing and future properties.

Issue 2: Maximize Land Use Efficiency

Communities are often tempted to support inefficient development in the name of economic growth. This can end up leading to higher costs to the public in the long term. Graham should plan for the efficient allocation and use of infrastructure over time, especially within employment and industrial areas.

Applicable Policies;

- **2.2.1: Focused Development** In order to maintain Graham's affordability and promote infill development and focused, walkable, and mixed use built environments. *Permitting a townhome development here would allow for greater density without lengthy extensions of municipal infrastructure.*
- **5.1.1 Housing variety** Encourage a mix of housing types within Graham to increase choice. These can include single family dwelling units, multifamily dwelling units, small units, pre-fabricated homes, co-housing, and clustered housing. *This Special Use Permit facilitates additional housing options.*
- **5.2.1 Diverse Neighborhoods** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units. *This amendment allows a neighborhood design which hasn't been widely constructed in recent years, but is increasingly popular for home-buyers.*

Planning Type

Neighborhood

Development Type

Suburban Residential

For single family residential, townhouses, duplexes, accessory dwelling units, and small scale multi-family dwelling of twelve units or less.

Buildings should be located near the front of the property line, oriented towards the street, and include front porches and other private outdoor spaces.

Recess garages behind the front of buildings to avoid streetscapes dominated by garage doors.

Density of 3 to 6 DU/acre

DRAFT Findings of Fact and Conclusions

In granting a special use permit, the City Council shall find that all of the six conditions listed below have been met, or it shall be denied. Staff has prepared the following DRAFT findings of fact for each of the six conditions. These findings should be modified by the Council as it considers its decision.

1. All applicable regulations of the zoning district in which the use is proposed are complied with.
 - *The property is zoned R-12, a townhome is permitted only with a special use permit, or a rezoning to R-MF or R-G.*
 - *A Special Use permit was previously approved for this development. This request is specifically for an amendment to the previously approved site plan.*

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
 - *The Technical Review Committee has requested the Hansen Lane connection be removed. An administrative amendment could not be requested so the main reason for this special use request is to amend the originally approved site plan.*
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
 - *Removing the Hansen Lane connection will not materially endanger the public health or safety and was a suggestion by the Technical Review Committee to remove any potential issues with the potential connection.*
4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
 - *Removing the Hansen Lane connection will not sub substantially injure the value of adjoining property.*
5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
 - *The plan is located in a neighborhood residential section of Graham, and is in general conformity with The Graham 2035 Comprehensive Plan.*
6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.
 - *The sketch plan submitted indicates general compliance with these requirements. The Graham TRC asked for the amendment to be made to the site plan due to concerns over the Hansen Lane roadway connection.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff **recommends approval** of the Special Use Permit Amendment. The following supports this recommendation:

- The development furthers goals of *The Graham 2035 Comprehensive Plan* and is in conformance with the Suburban Residential development type.
- The development meets all six conditions required by Section 10.144 of the *Development Ordinance*.

Graham Zoning



City of Graham

Legend

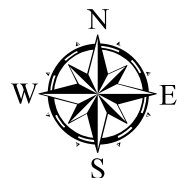
Downtown Historic District

Zoning Districts

- R-18
- R-15
- R-12
- R-9
- R-7
- C-R
- R-MF
- R-G
- O-I
- C-O-I
- B-3
- B-2
- B-1
- C-B
- I-1
- I-2
- C-I
- C-MXR
- C-MXC

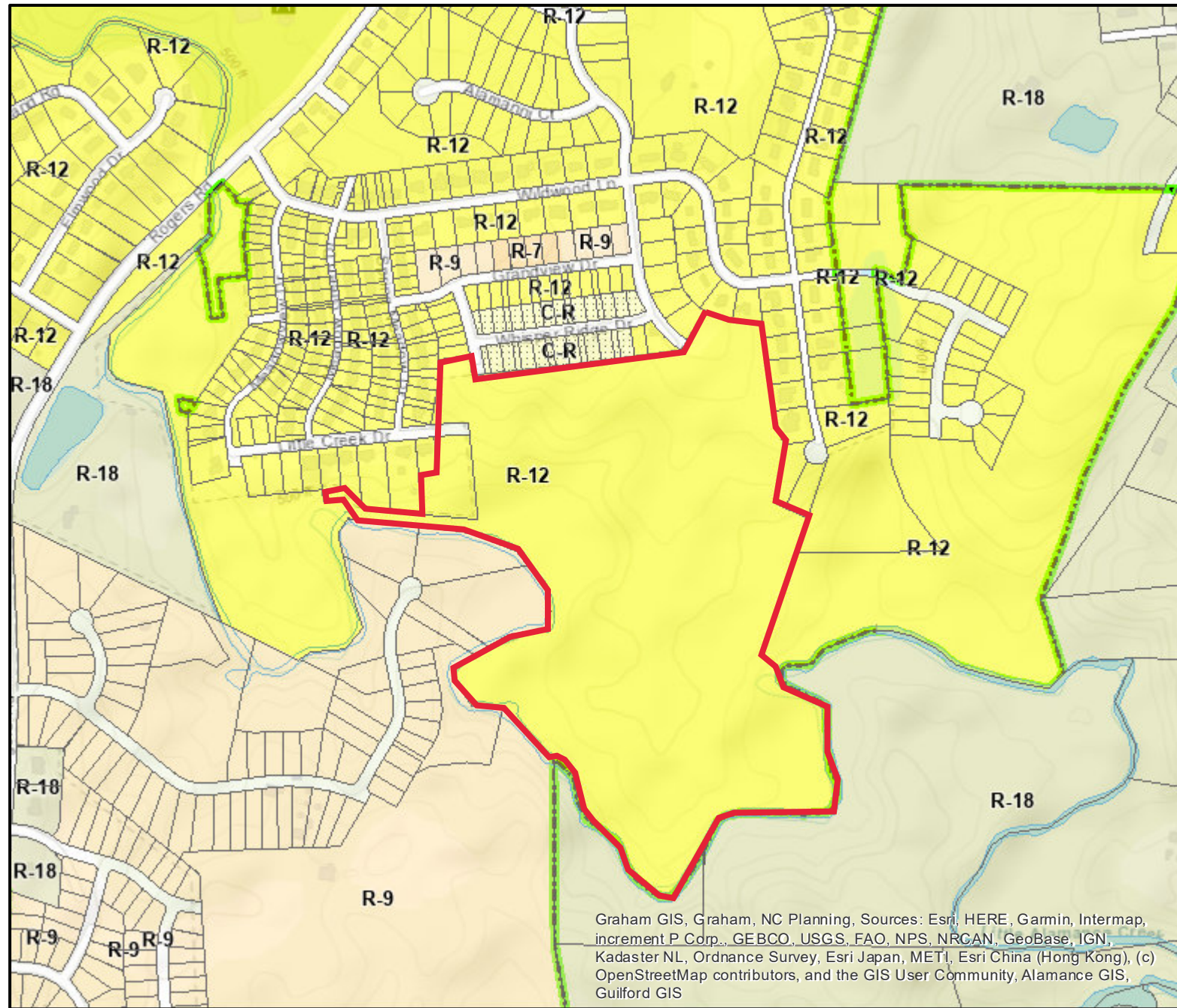
Zoning Overlay Districts

- HD
- PUD
- HWY-87 OD
- HWY-54 OD



1 inch = 752 feet

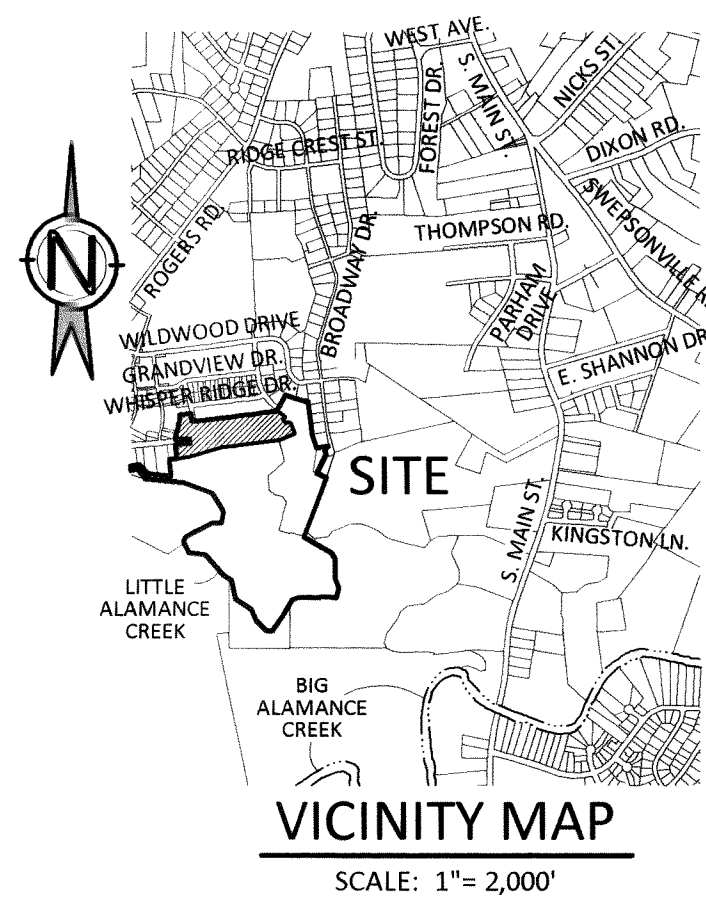
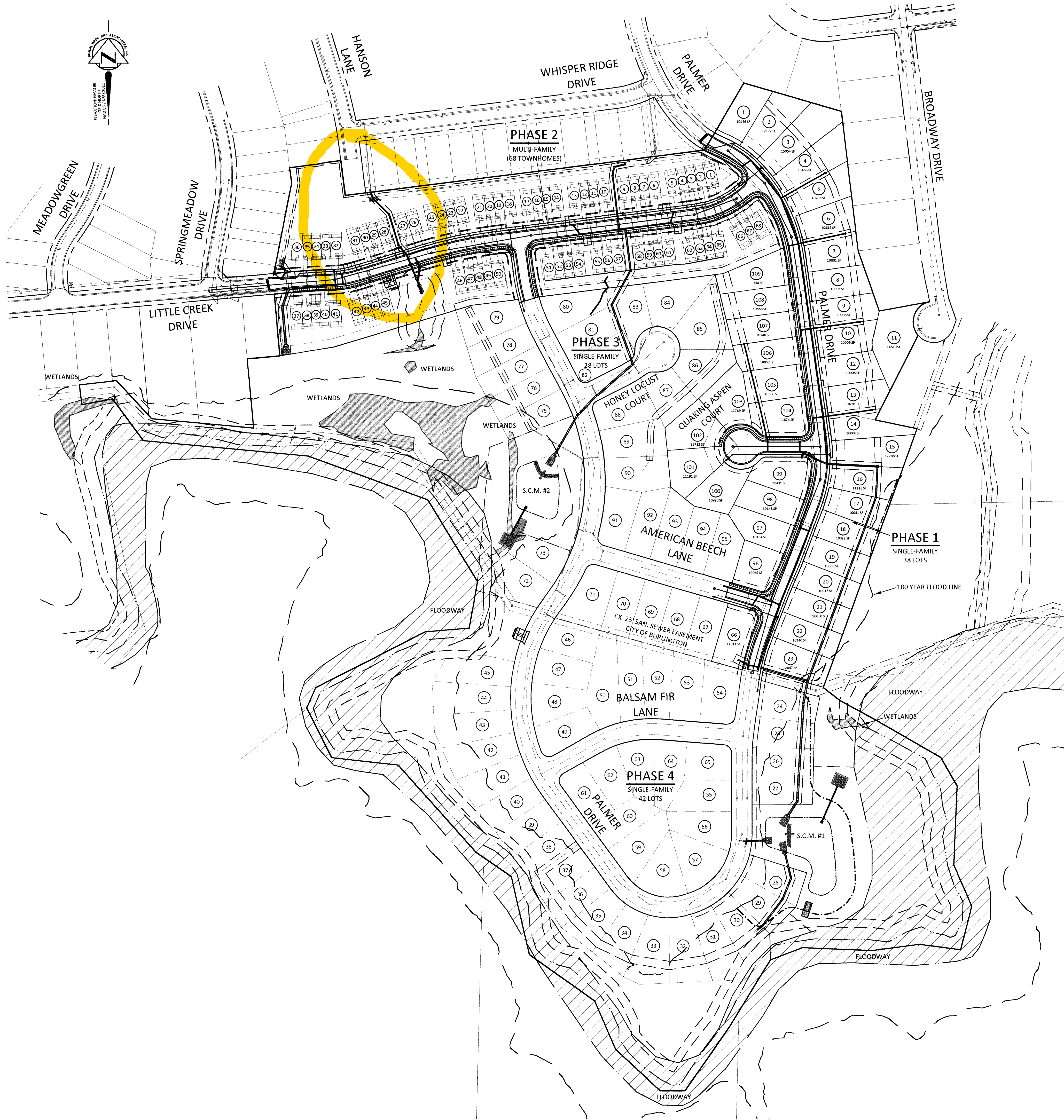
Print Date: 9/6/2023



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.



SETBACKS AND LOT DIMENSIONS

R-12 DIMENSIONAL REQUIREMENTS UTILIZING OPEN SPACE OPTION:	
LOT SIZE REQUIRED:	10,000 S.F.
MINIMUM LOT WIDTH:	60'
STREET SETBACKS	
FRONT:	30'
SIDE:	20'
INTERIOR SETBACKS	
SIDE:	10'
REAR:	20'
HEIGHT (FEET/STORIES):	35'

GENERAL NOTES:

- BOUNDARY, TOPOGRAPHIC AND LOCATION INFORMATION TAKEN FROM SURVEY BY BORUM, WADE AND ASSOCIATES, P.A.
- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CITY OF GRAHAM STANDARDS AND SPECIFICATIONS.
- POSTED SPEED LIMIT FOR ALL STREETS TO BE 25 M.P.H.
- ALL INTERSECTIONS TO BE ALL WAY STOPS (EXCEPT FOR QUAKING ASPEN COURT).
- ROADWAY SIGNS (STREET NAMES, STOP SIGN, ETC.) TO BE IN PLACE BEFORE FIRST C.O. IS ISSUED.
- DIFFUSE FLOW WILL BE PROVIDED AT PIPE OUTLETS TO STREAMS.
- SEE PILOT ENVIRONMENTAL, INC. REPORT (PROJECT 4915.2) FOR WETLANDS AND STREAM EVALUATIONS.
- ALL COMMON AREAS AND PRIVATE EASEMENTS SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION (HOA).

SITE DATA

SITE AREA:	59.52 ACS. (±)
GPIN#:	8883100157
PIN:	143795
DEB REFERENCE:	DB. 4230, PG. 0478
ZONING:	R-12 (OPEN SPACE OPTION)
NUMBER OF LOTS:	108 SINGLE FAMILY, 68 TOWNHOMES
DENSITY:	176 LOTS / 59.60 ACS. = 2.95 UNITS / ACRE
RIVER BASIN:	LITTLE ALAMANCE CREEK / HAW RIVER / CAPE FEAR RIVER
WATERSHED:	JORDAN LAKE
SOIL TYPES:	CnB2, CnC2, CnD2, EnC, EnD, EoB2
DISTANCE TO FLOODWAY:	@ PROPERTY
F.E.M.A. PANEL:	#3710888300K (11/17/07)
OPEN SPACE PROVIDED:	16.68 ACS. (±)

SITE DATA - PHASE 1

SITE AREA:	16.88 ACS. (±)
ZONING:	R-12 (OPEN SPACE OPTION)
NUMBER OF LOTS:	38 SINGLE FAMILY
OPEN SPACE REQUIRED:	1.09 ACS. (SEE CALCULATIONS PROVIDED)
OPEN SPACE PROVIDED:	5.19 ACS. (±)

SITE DATA - PHASE 2

SITE AREA:	8.52 ACS. (±)
RIGHT-OF-WAY AREA:	1.31 ACS. (±)
LOT AREA:	2.51 ACS. (±)
OPEN SPACE / COMMON ELEMENT PROVIDED:	4.70 ACS. (±)
ZONING:	R-12 (OPEN SPACE OPTION)
NUMBER OF LOTS:	68 TOWNHOMES (MULTI FAMILY)

BUILT-UPON AREA DATA

LOTS:	7.44 ACS. (108 LOTS X 3,000 S.F. / LOT)
ROADWAY:	4.56 ACS.
SIDEWALKS:	0.75 ACS.
TOWNHOMES & DRIVES:	2.65 ACS.
TOTAL:	15.40 ACS.
PERCENT OF SITE AREA:	25.87% (15.40 ACS. / 59.52 ACS.)

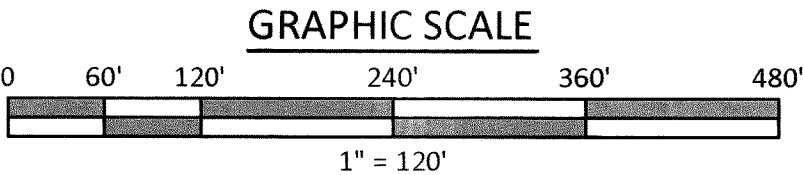
BUILT-UPON AREA DATA - PHASE 1

LOTS:	2.62 ACS. (38 LOTS X 3,000 S.F. / LOT)
ROADWAY:	1.24 ACS.
SIDEWALKS:	0.20 ACS.
TOTAL:	4.06 ACS.
PERCENT OF SITE AREA:	6.82% (4.06 ACS. / 59.52 ACS.)

BUILT-UPON AREA DATA - PHASE 2

B.U.A. TO S.C.M. #2:	2.17 ACS.
B.U.A. BYPASS AREA:	1.82 ACS.
TOTAL B.U.A. FROM PHASE 2:	3.99 ACS.
PERCENT OF SITE AREA:	6.70% (3.99 ACS. / 59.52 ACS.)
OFFSITE B.U.A. TO S.C.M. #2:	2.43 ACS. (±)
TOTAL AREA TO S.C.M. #2 (PHASE 2):	4.60 ACS. (±)
BYPASS AREA (FUTURE PHASE):	0.06 ACS.
TOTAL BYPASS AREA:	1.88 ACS. (< 2.43 ACS. OK)

NOTE: PHASES 3 AND 4 TO BE DETERMINED ONCE DEVELOPMENT PLANS ARE FINALIZED FOR EACH PHASE.



BWA

Engineers
Planners
Surveyors

Borum, Wade and Associates, P.A.

621 Engage Court, Suite 100, Greensboro, NC 27401-2711
PO Box 21882 Greensboro, NC 27420-1882
Phone: 336-275-0471 Fax: 336-275-3719
Web: www.borum-wade.com
N.C. License # C-0868

SEALS:

PHASING PLAN
NOT FOR CONSTRUCTION

NORTH CAROLINA
REGISTERED PROFESSIONAL
SURVEYOR
T. Borum
10/1/2014
10/1/2014

Wade

PROJECT:

OAKMONT SUBDIVISION

PHASE 2

LITTLE CREEK DRIVE AND PALMER DRIVE
GRAHAM TOWNSHIP, ALAMANCE COUNTY
GRAHAM, NORTH CAROLINA

OWNER/DEVELOPER:

LAND ACQUISITION AND
DEVELOPMENT SERVICES LLC
PO BOX 3147
GREENSBORO, NORTH CAROLINA
336-282-5535
CONTACT: DAVID MICHAELS

DRAWN BY: CLM

DATE: AUGUST 4, 2023

REVISIONS:

SHEET TITLE:

DEVELOPMENT
PHASING PLAN

FILE NO: F:\SHORTNER 12\ * 1 SITE PLAN.DWG

DRAWING SCALE: 1" = 120'

PLAN SHEET NO.

C-0



Application for SPECIAL USE PERMIT

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

Uses shown as "S" in the *City of Graham Development Ordinance*, Section 10.135 Table of Permitted Uses, require a Special Use Permit before the use will be permitted in the zoning district. Applicants are strongly encouraged to consult with the City Planner to understand the requirements for the proposed special use and the information that will be needed as part of this application.

Site

Street Address: N/A
Tax Map#: 143471 GPIN: 8883100157
Current Zoning District(s): R-12 (Open Space Option)
Overlay District, if applicable:
☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54
Current Use: Residential
Property Owner: Land Acquisition and Development Services, LLC
Mailing Address: PO Box 9147
City, State, Zip: Greensboro, NC 27408
Phone # (336) 282-3535
Email: David Michaels <dmichaels@windsorcompanies.us>

Applicant and Project Contact

Name: Amanda Hodierne
☐ Property Owner Other Attorney for Property Owner
Mailing Address: 804 Green Valley Road, Suite 200
City, State, Zip: Greensboro, NC 27408
Phone # (336) 609-5137
Email: amanda@isaacsonsheridan.com

I certify that all information furnished is true to the best of my knowledge. I have provided all information needed to demonstrate that all requirements of the proposed special use will be met.

Amanda P. Hodierne 8/25/23
Signature of Applicant Date
DBall Company 8/24/23
Signature of Property Owner Date
(if other than applicant)

Office Use Only. DEVID#

Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):
Townhomes

☒ Check if this use is also listed in
Section 10.149 Special uses listed

This application **must include sufficient information** to demonstrate that all requirements of the proposed special use will be met. Check which of the following are submitted with this application:

☒ Preliminary Site Plan
☐ Descriptive Information

Please See Attached TRC Approved Phase 2 Construction Plans.

This Application is for a limited amendment to an existing, approved Special Use Permit for the Townhomes indicated on the attached plans.

☐ Additional sheets of Descriptive Information

Because applications for a Special Use Permit go through the public hearing process, applicants are encouraged to contact neighboring property owners prior to the public hearing.

Other Requirements

☐ NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing



STAFF REPORT

Prepared by Cameron West, Planner

Stonehaven C-R (CR2303)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on September 19, 2023

City Council on October 10, 2023

Summary

This is a request to rezone 19.17 acres at Stonehaven Drive (GPIN: 8872465865) from R-18 (Low-Density Residential to C-R (Conditional Residential) to construct an 8 lot subdivision. The developments intention is to be serviced entirely by well and septic systems. The development will also be accessed via private roadways. Staff was unable to approve the subdivision as a presented due to the fact that the entire subdivision needed to connect to Chartwell Lane, extend city Right of Way throughout the development, and extend public water and sewer throughout the development. The applicant has requested these items be accepted as adequate conditions to develop the property without the financial constraints of having to pay for Right of Way and Utility extensions. This project exceeds the suggested density of 3-6 dwelling units per acre, but a dense development in this area was denied in the past and met with heavy objections from surrounding property owners.

Planning Board unanimously recommended approval of the request with the condition that Chartwell Lane will never connect to the development.

Contact Information

Phyliss Holt

3928 Young Court

Burlington, NC 27215

336-266-0445; phylissb.holt53@yahoo.com

Location

Stonehaven Drive

GPIN:

8872465865

Current Zoning

R-18 (Single Family Residential)

Proposed Zoning

C-R (Conditional Residential)

Overlay District

N/A

Surrounding Zoning

R-18, R-12

Surrounding Land Uses

Single Family, Vacant

Size

19.17 acres

Public Water & Sewer

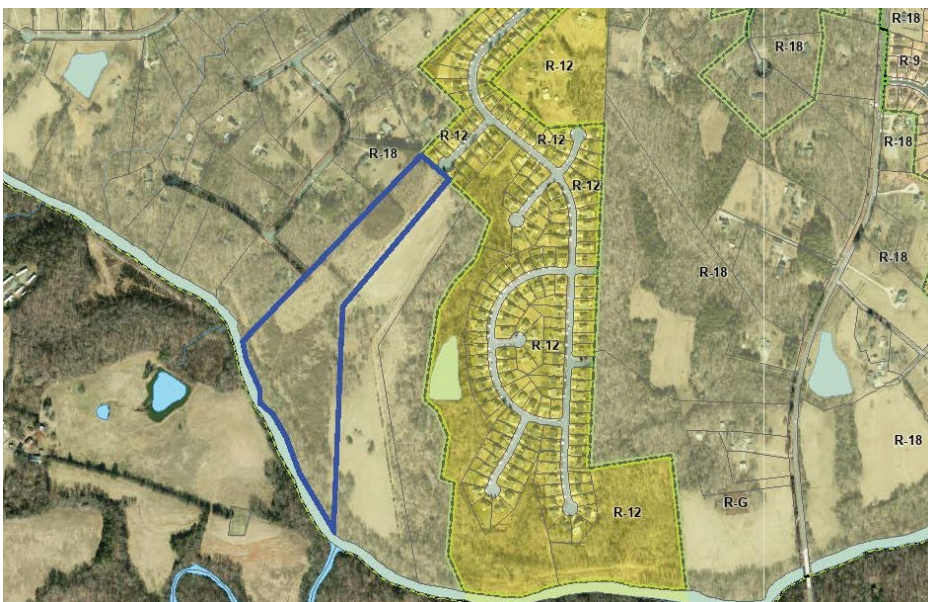
No

Floodplain

Yes

Staff Recommendation

Approval



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-I
- C-O-I
- B-3
- B-2
- B-1
- C-B
- I-1
- I-2
- C-I
- C-MXR
- C-MXC

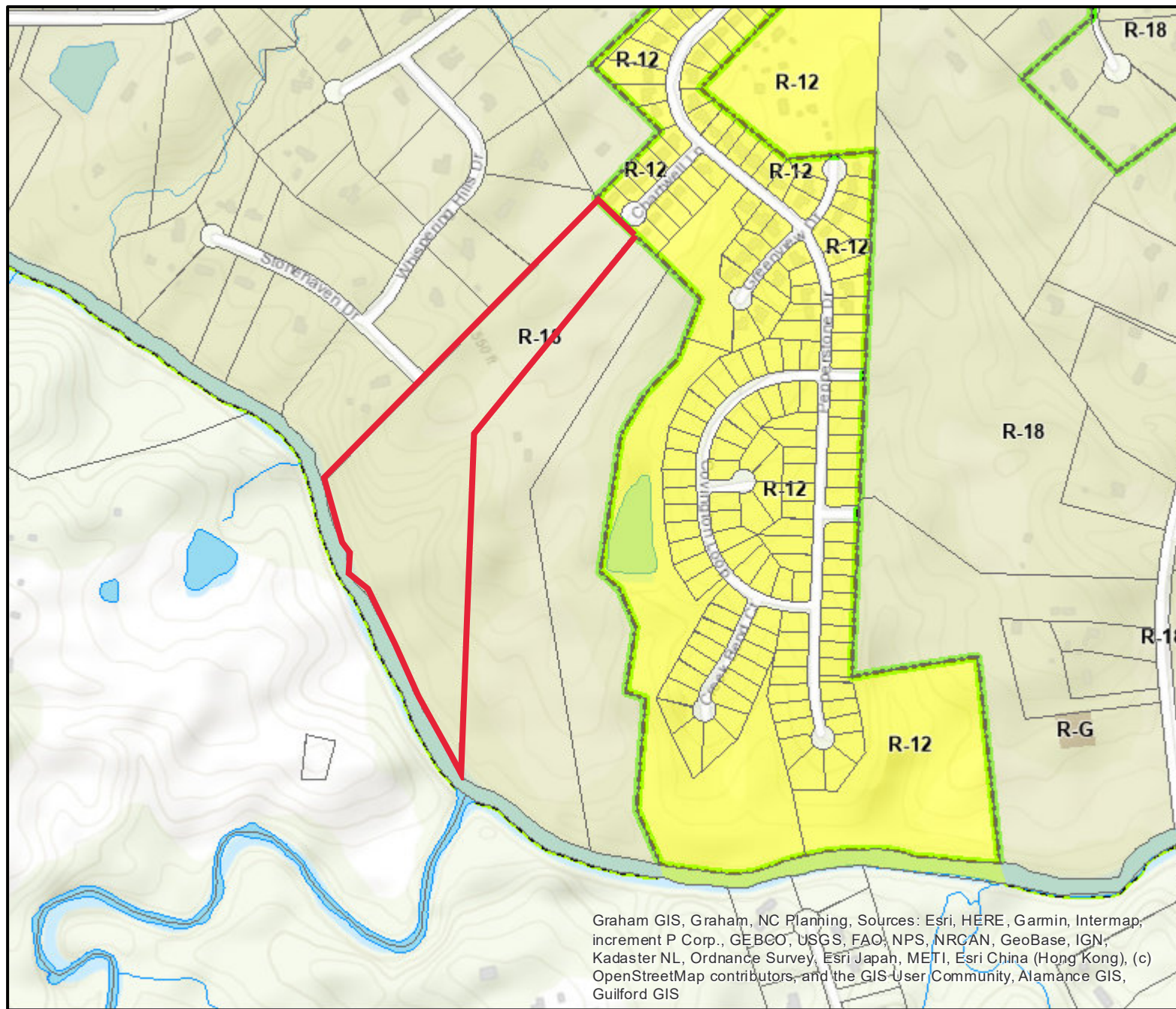
Zoning Overlay Districts

- HD
- PUD
- HWY-87 OD
- HWY-54 OD



1 inch = 752 feet

Print Date: 9/6/2023



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

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Graham Zoning



City of Graham

Legend

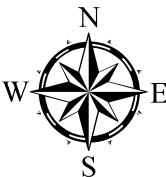
Downtown Historic District

Zoning Districts

- R-18
- R-15
- R-12
- R-9
- R-7
- C-R
- R-MF
- R-G
- O-I
- C-O-I
- B-3
- B-2
- B-1
- C-B
- I-1
- I-2
- C-I
- C-MXR
- C-MXC

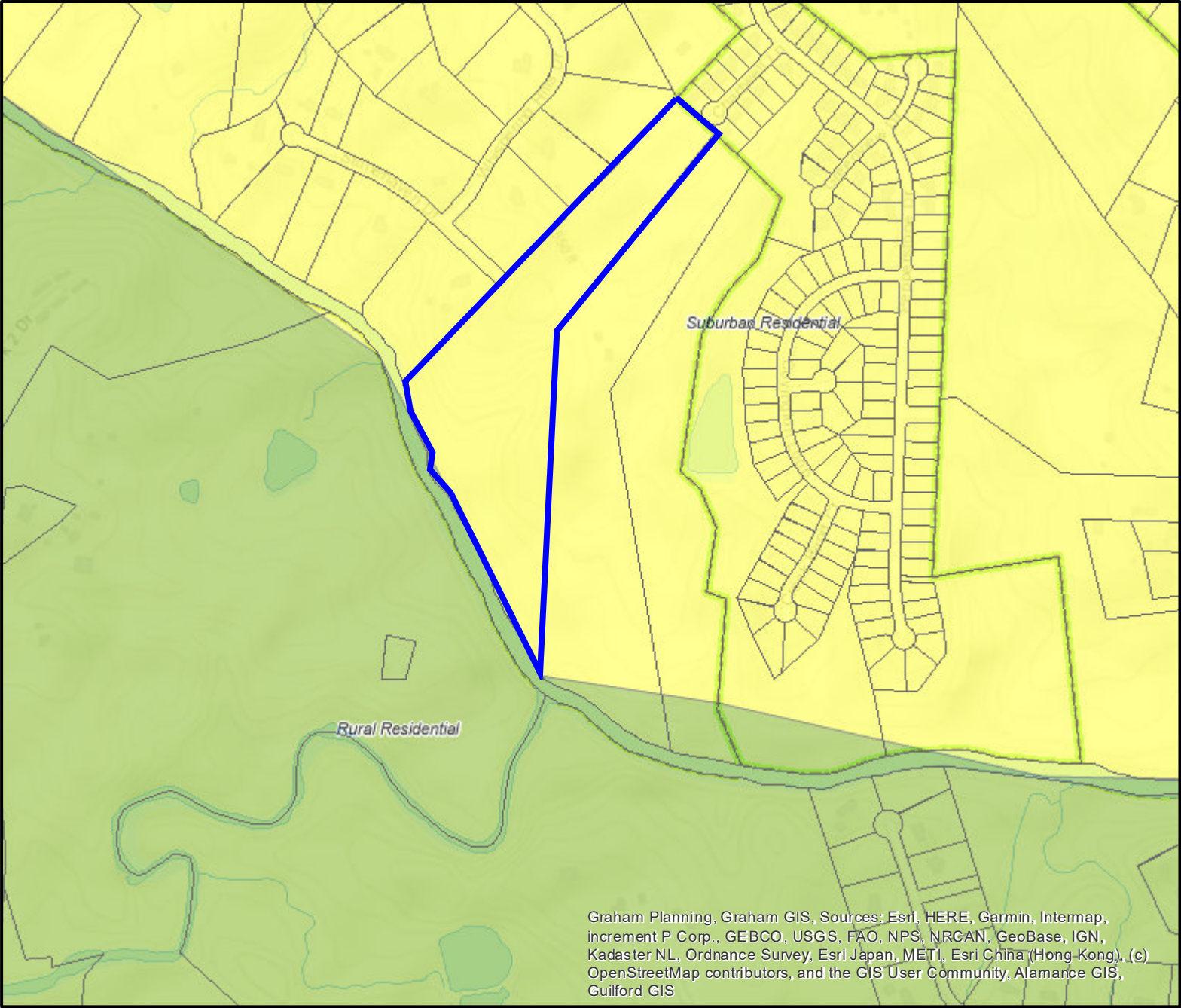
Zoning Overlay Districts

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- PUD
- HWY-87 OD
- HWY-54 OD



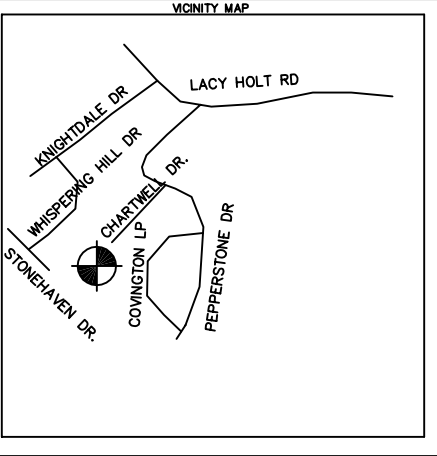
1 inch = 752 feet

Print Date: 9/12/2023



Graham Planning, Graham GIS, 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.



LEGEND
Mathematical Point X

SETBACKS
FRONT: 40'
SIDE: 15'
REAR: 20'
SIDE STREET: 20'

NOT TO BE USED FOR SALES,
CONVEYANCES, OR RECORDINGS.

RONALD R. KIMREY
LIFE ESTATE
DB 4412 PG 521

DEWEY MAXWELL
DORIS MAXWELL
DB 1219 PG 706

BUDDY G. McREYNOLDS
THOMAS GEORGE
DB 3848 PG 885

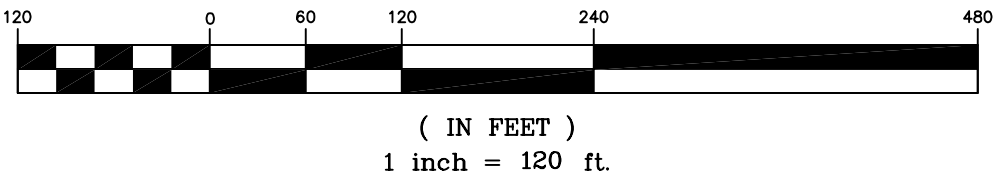
JACQUELINE B. TERRELL
DB 465 PG 577

JONATHAN S. HOLT
DB 3907 PG 410

NOTES:
TOTAL ACREAGE: 19.16 AC.±
TOTAL LOTS: 8
AVERAGE LOT SIZE: 2.40 AC.±
1163' LINEAR FOOTAGE IN PROPOSED STREETS
CURRENT ZONING: R-18
ALL LOTS TO HAVE PRIVATE WELL AND SEPTIC.
NO CONNECTION TO PUBLIC WATER OR SEWER
LOT 1 MUST BE ACCESSED BY PRIVATE DRIVE.

Minimum Road Standards for Class I Private Road:
TYPE DISTANCE
Width 50'
Travelway (minimum)
Class I Road (4" Compacted Gravel) 10'
Shoulder (minimum)
Class I Road 8'
Ditch (typical)
Class I Road 4'
Utilities (typical) 4'
Outside Ditch to Outside Ditch 42'
Maximum Cut or Fill Slope 2:1
Design Speed (per N.C. DOT) 20 MPH
Minimum Sight Distances, Curves 110'
Minimum Centerline Radius 90'
Maximum Grade 12%
Cul-de-Sac Radius, Minimum 50'
Intersection Angle, Minimum degrees 75'
All standards are minimum. The certifying engineer may require higher standards based on site conditions and accepted engineering and construction practices.

PRELIMINARY SITE PLAN
POTENTIAL SUBDIVISION FOR
DAKOTA CAROLINA
INVESTMENT PROPERTIES LLC
GRAHAM TOWNSHIP
ALAMANCE COUNTY, NORTH CAROLINA
GRAPHIC SCALE



CAROLINA CORNERSTONE
SURVEYING, INC.
3028-D ROCK HILL ROAD
BURLINGTON, NORTH CAROLINA 27215
(336) 222-1856 (336) 215-2539
BUSINESS LIC: C-4662 WWW.CAROLINACORNERSTONE.COM

SCALE: 1" = 120' DATE: 06/08/23

SURVEY BY: DWG BY: JHL APP'D BY: JHL

PARCEL ID: 130028 JOB# 230603PRIVATE ROAD

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

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

Applicable Policies:

- **Policy 4.3.1: Land Use Patterns.** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *This project would allow for efficient land use and not connect to existing services in an area that has been denied in the past for a more dense development.*
- **Policy 5.1.1 Housing Variety.** Encourage a mix of housing types within Graham to increase choice. These can include single family dwellings units, multifamily dwelling units, small units, pre-fabricated homes, co-housing and clustered housing. *This project would construct additional single-family-detached housing.*
- **Policy 5.2.1: Diverse Neighborhood.** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units. *The proposed zoning would allow for single-family-detached.*

Planning Type

Neighborhoods

Development Type

Suburban Residential

The term neighborhood refers to the idea of a compact, walkable, diverse, and connected community. As the building blocks of City urban fabric, neighborhoods should be organized around small-scale activity centers that provide civic and commercial functions within a five to ten-minute walk for residents to meet their daily needs.

Neighborhoods should be well connected internally and externally for bicyclists, pedestrians, and commuters. Small blocks and high connectivity ratios should be established and maintained both within and between neighborhoods.

Appropriate Density

3-6 dwelling units per acre

Staff Recommendation

Based on the *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends **approval** of the rezoning per Applicable Policies above.

Planning Board Recommendation:

Planning Board unanimously recommended approval of the request with the condition that Chartwell Lane will never connect to the development.



City Council
Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the “The Graham 2035 Comprehensive Plan” and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the “The Graham 2035 Comprehensive Plan” shall not preclude consideration or approval of the proposed amendment by the City Council. If the City Council approves, this rezoning shall be effective upon written consent to the conditions herein described.

Stonehaven C-R
(CR2302)

Type of Request
Conditional Rezoning

Meeting Dates
Planning Board on September 19, 2023
City Council on October 10, 2023

Choose one...

- ☐ I move that the application be **APPROVED**.
- ☐ I move that the application be **APPROVED with the following conditions**.
 - [insert additional conditions]
- ☐ I move that the application be **DENIED**.

Choose one...

- ☐ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- ☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 10th day of October, 2023.

Attest:

Jennifer Talley, Mayor

Renee Ward, City Clerk



STAFF REPORT

Prepared by Cameron West, Planner

Text Amendment for: Board of Adjustment Language Update

Type of Request: Text Amendment

Contact Information

N/A

Meeting Dates

Planning Board on September 19, 2023

City Council on October 10, 2023

Summary

Clarification has been requested on the topic of Board of Adjustment Alternates in the Development Ordinance. As it is currently read and interpreted, it states that alternates on the Board of Adjustments can only replace a City members position, and if an ETJ member were to not be present or have to recuse themselves, the alternate would not be able to take their place on the Board. This text amendment will clear up and state the Board of Adjustment Alternates can take the place of all members of the Board. Planning Board recommended approval through a unanimous vote.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable.

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on the comprehensive plan, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment allows the Board of Adjustment to function without issues in the future.

Project Name

Board of Adjustment Language
Update
(AM2301)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Planning District

All

Development Type

All

CITY OF GRAHAM
P. O. Drawer 357
201 South Main Street
Graham, North Carolina 27253
(336) 570-6700 / Fax: (336) 570-6703

At the request of the Chairman of the Board of Adjustment, I was asked to amend our ordinance so that alternate members of the Board of Adjustment can replace both City Members and ETJ members if said members are absent, temporarily disqualified, or to fill a vacancy.

Proposed amendment to City of Graham Development Ordinance, Division 4. BOARD OF ADJUSTMENT, Section 10.95, "Creation, members; appointment; compensation"

Section 10.95 Creation; members; appointment; compensation

There shall be and is hereby created a board of adjustment, referred to in this division as the "board," consisting of five members of the City of Graham Planning Board. Three members shall be citizens and residents of the City of Graham and shall be appointed by the City Council; two members shall be citizens and residents of the area lying outside the corporate limits of the City of Graham (extraterritorial area) but within the Graham planning area and shall be appointed by the Alamance County Board of Commissioners in accordance with section 160A-362 of the General Statutes of North Carolina. Extraterritorial members shall have equal rights, privileges, and duties with the other members. ~~The Council shall appoint the remaining two members of the City of Graham Planning board as alternate members to serve on the board in the absence or temporary disqualification of any City member or to fill a vacancy pending appointment of a City member.~~ **The Council shall appoint the remaining two members of the City of Graham Planning Board as alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appoint of a regular member.** Alternate members shall be appointed for the same term, at the same time, and in the same manner as City members. ~~Each alternate serving on behalf of any City member has all the powers and duties of a City member.~~ **Each alternate serving on behalf of a regular member has all the powers and duties of a regular member.** The members of the board shall receive no compensation for their services.