



**CITY COUNCIL
AGENDA
December 08, 2020
6:30 p.m.**

- 1. Opening of meeting by Mayor Steve Morris.**
- 2. Invocation by Mayor Steve Morris.**
- 3. Amendments and Changes to Agenda.**
- 4. Consent Agenda:**
 - A. Disposition of Minutes of the November 10, 2020 Regular Meeting.**
 - B. Tax Collector's Report. (See Pages 4-8)**

Informational Items:

- 1.) Monthly Collection Report**
- 2.) Uncollected Taxes as of November 30, 2020**

Action Items:

- 1.) Refunds per County Assessor's Office.**
- 2.) Discovery bills added to Tax Scroll.**
- 3.) Releases per County Assessor's Office.**

- 5. Business by Planning Board.**
 - A. Set Public Hearings.**

Rezoning Request: Set public hearing for request a to rezone approximately 32.3 acres located at 718 N. Lee Street and identified as Richmond County PIN 7463-07-58-7135 from Industrial (I-1) to Residential Mill Village (R-7A).
(See Pages 9-10 & Map Insert)
 - B. Hold Public Hearings:**

UDO Text Amendment: Hold public hearing for an ordinance to readopt the City Unified Development Ordinance (UDO) with revisions incorporated as required by Part II of S.L. 2019-111 (Senate Bill 355). **(See Pages 11-13)**
 - C. Minutes from Various Boards. (Enclosed)**

6. **Consideration of an Amendment to the Verizon Lease Agreement for downtown water tank to clarify ambiguous language in Section 30. (See Pages 14-17)**
7. **Presentation of the FY 2019-20 Audit by Ken Anderson, CPA of Anderson, Smith & Wike, PLLC. (enclosed separately)**
8. **Business by Visitors.**
9. **Business by City Clerk.**
10. **Business by City Manager.**
11. **Business by City Attorney.**
12. **Items of discussion by City Council Members.**
13. **Business by Mayor**
14. **Adjournment.**

Merry Christmas & Happy New Year!



Rockingham, NC

City Council Agenda

SUPPORT DOCUMENTS

UNCOLLECTED TAXES

YEAR	AMOUNT	Nov-20
2020	1,721,287.17	
2019	11,384.23	
2018	9,365.13	
2017	8,480.46	
2016	6,900.31	
2015	7,342.92	
2014	7,258.41	
2013	8,676.74	
2012	6,476.66	
2011	6,016.10	
2010	5,163.08	
	1,721,287.17	Total Current Year
	77,064.04	Total Past Years
	1,798,351.21	Total All Years

CITY OF ROCKINGHAM
MONTHLY REFUNDS REGISTER
NOVEMBER 30, 2020

DATE	ACCOUNT	NAME	EXPLANATION	YEAR	AMOUNT	LATE LIST	TAGS	INTEREST	REFUNDED	CHECK #
11/19/20	18901306	FORD, RONALD/SECU	ESCROW OVERPMT	2020	300.00				300.00	
11/19/20	17875302	MCLAURIN, BRYAN/SECU	ESCROW OVERPMT	2020	5.00				5.00	77683
11/19/20	40165301	REES, WILLOUGHBY/SECU	ESCROW OVERPMT	2020	534.27				534.27	
11/19/20	115900302	DEAGUILAR, JOSE ARTURO	OVERPMT	2020	73.88				73.88	77682
11/19/20	114829301	WILSON, HEATHER/CORELOGIC	ESCROW OVERPMT	2020	729.52				729.52	77679
11/19/20	105060301	LAMPLEY, JENNIFER/CORELOGIC	ESCROW OVERPMT	2020	862.18				862.18	77680
11/19/20	25619301	LEVINER, JOSHUA/CORELOGIC	ESCROW OVERPMT	2020	782.16				782.16	77681
11/24/20	115327301	HARRELSON, MITCHELL/CORELOGIC	ESCROW OVERPMT	2020	540.66				540.66	77720
11/24/20	53797358	ALLEN, DELORES L	VEH TAX REFUND	2020			22.85		22.85	77722
11/24/20	41151050	CHAPPELL, JESSIE	VEH TAX REFUND	2020			53.46		53.46	77724
11/24/20	52617838	GRIFFIN NISSAN INC JTW	VEH TAX REFUND	2020			90.72		90.72	77731
11/24/20	47098274	JACKSON, DELORES M	VEH TAX REFUND	2020			76.46		76.46	77735
11/24/20	40343528	WATSON, JAMES T	VEH TAX REFUND	2020			5.18		5.18	77742
11/24/20	30933624	WATSON, JAMES T	VEH TAX REFUND	2020			18.40		18.40	
		TOTALS			\$3,827.67	\$0.00	\$267.07	\$0.00	\$4,094.74	

Staff Report to Planning and Zoning Board
Agenda Item: IV.A
December 1, 2020

Issue:

Rezoning Request: Jeremy Fesperman and Christopher Poole have submitted a request to rezone approximately 32.3 acres located at 718 N. Lee Street and identified as Richmond County PIN 7463-07-58-7135 from Light Industrial (I-1) to Residential Mill Village (R-7A).

Background:

On October 28, 2020, Jeremy Fesperman and Christopher Poole submitted a request to rezone approximately 32.3 acres located at 718 N. Lee Street from Light Industrial (I-1) to Residential Mill Village (R-7A). The subject property was previously referred to as the future "Sunnyside Industrial Park" site for many years.

As set forth in Section 3.01 of the UDO, the Light Industrial (I-1) zoning district is generally intended to accommodate and provide areas for wholesale activities, industrial research, warehousing and light manufacturing operations. The Residential Mill Village (R-7A) zone is generally intended to be applied to the existing mill village areas and is intended to accommodate the historic development patterns created in the mill village areas and thereby minimize the creation of nonconforming situations while still maintaining quiet, livable neighborhoods.

Staff Comments:

1. A zoning map and an aerial map illustrating the location of the subject property is included in the agenda packet for the Board's reference.
2. The applicant has plans to create single-family residential lots along the road frontages of N. Lee Street and Cox Street. Since the existing land uses along N. Lee Street and Cox Street are single-family residential, the requested rezoning is more consistent with the pattern of development in the area.

Plan Consistency Statement:

The requested rezoning is consistent with the future land use map set forth in Shaping Our Future: 2023. The subject property is identified on the future land use map as an area to encourage higher density single family and multi-family uses.

Statement of Reasonableness: The subject property consists of 32.3 acres in a predominantly residential area. Although there are a few small light industrial uses along the south side of N. Lee Street in the vicinity of the subject property, the majority and land uses adjoining the subject property are single-family residential. The request is a downzoning that will make any future development of the subject property more compatible with the immediately surrounding existing land uses. Therefore, the requested rezoning is determined to be reasonable.

Staff Recommendation:

City staff recommends the Board review the proposed rezoning request and recommend the City Council rezone the property as requested by the applicant.

Planning Board Recommendation:

The Planning Board reviewed the requested rezoning on December 1, 2020 and recommended unanimously that the City Council rezone the property as requested.



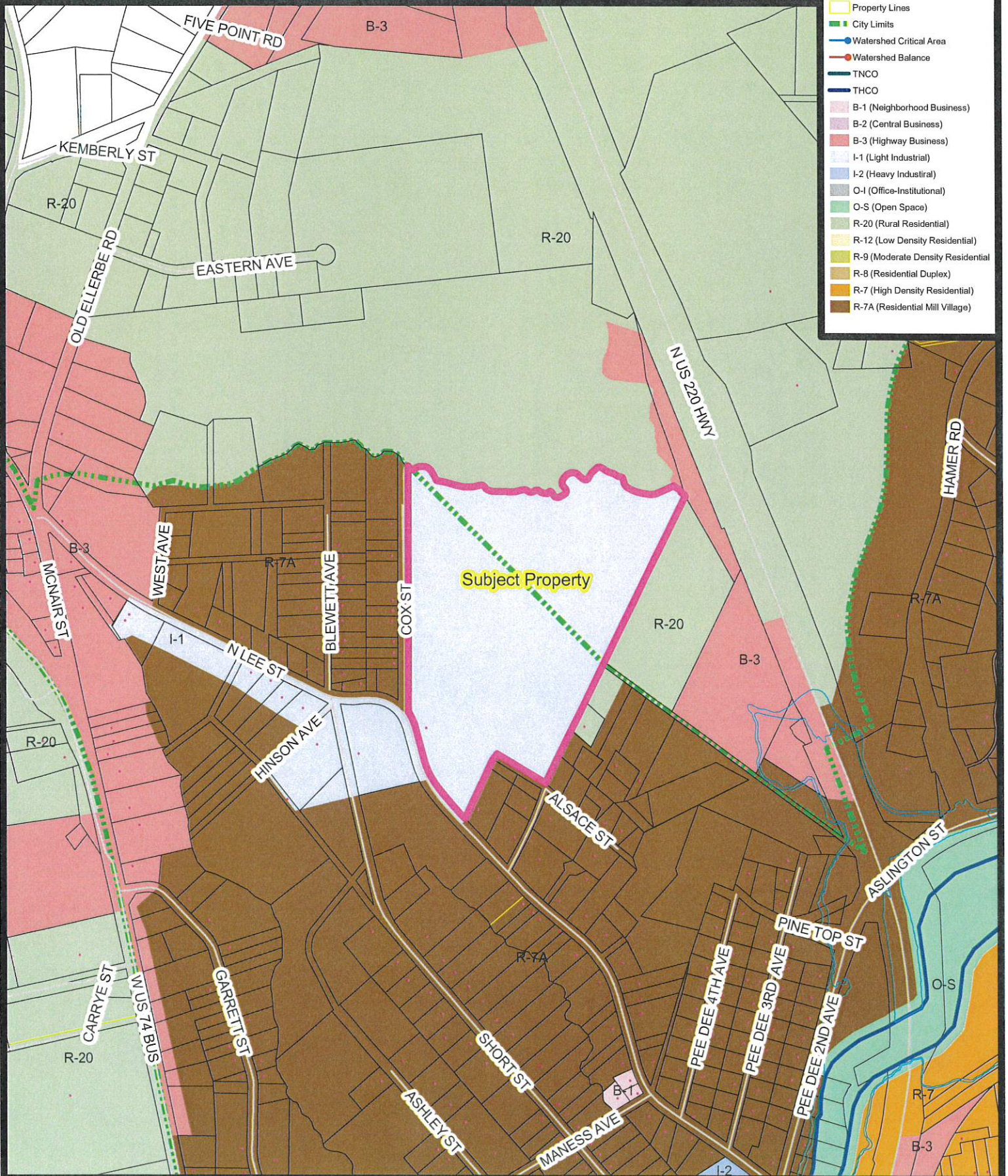
Fesperman/Poole Rezoning Request

Light Industrial (I-1) to Residential Mill Village (R-7A)



Scale:
1" = 600'

- Subject Property
- AE (Floodplain)
- SHADED X (Floodplain)
- AEFW (Floodway)
- Street Names
- Address Data
- Property Lines
- City Limits
- Watershed Critical Area
- Watershed Balance
- TNCO
- THCO
- B-1 (Neighborhood Business)
- B-2 (Central Business)
- B-3 (Highway Business)
- I-1 (Light Industrial)
- I-2 (Heavy Industrial)
- O-1 (Office-Institutional)
- O-S (Open Space)
- R-20 (Rural Residential)
- R-12 (Low Density Residential)
- R-9 (Moderate Density Residential)
- R-8 (Residential Duplex)
- R-7 (High Density Residential)
- R-7A (Residential Mill Village)



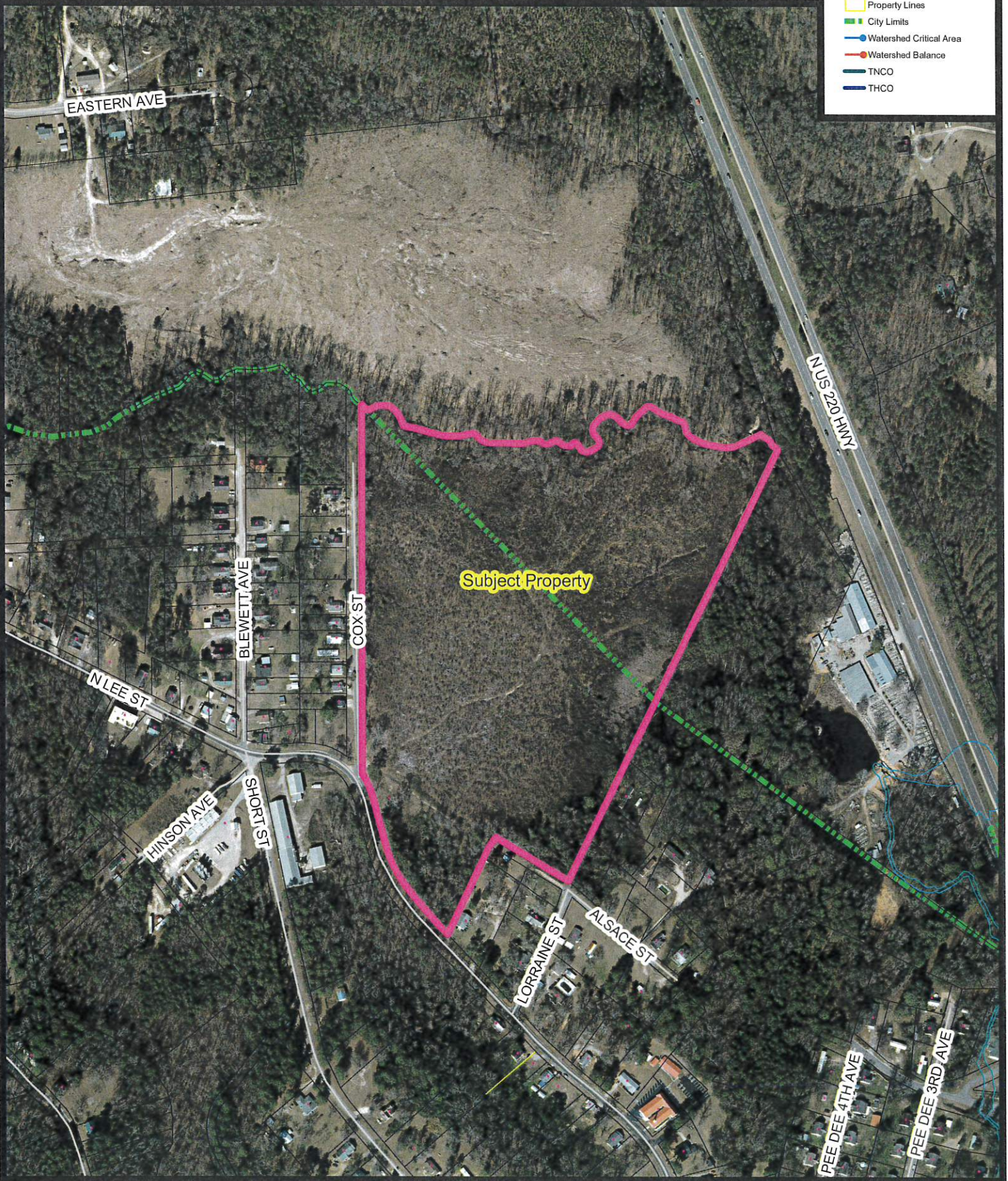
Fesperman/Pooler Rezoning Request

Light Industrial (I-1) to Residential Mill Village (R-7A)



Scale:
 1" = 400'

- Subject Property
- AE (Floodplain)
- SHADED X (Floodplain)
- AEFW (Floodway)
- Street Names
- Address Data
- Property Lines
- City Limits
- Watershed Critical Area
- Watershed Balance
- TNCO
- THCO



Staff Report to Planning and Zoning Board
Agenda Item: IV.A
November 3, 2020

Issue:

Consideration of an Ordinance to readopt the City's Unified Development Ordinance with revisions incorporated as required by Part II of S.L. 2019-111 (Senate Bill 355).

Background:

In 2019, the NC General Assembly adopted Senate Bill 355 (commonly referred to as "Chapter 160D"), which is the first major recodification and modernization of city and county development regulations since 1905. The new legislation was facilitated by the NC Bar Association with input from numerous entities including the NC League of Municipalities and the NC Homebuilders Association. The new legislation consolidates city and county statutes, reorganizes statutes into a much more logical, coherent document, and incorporates consensus reforms and established legal precedents. Major policy changes were generally avoided to avoid controversy. All city and county land development regulations must be amended to reflect the changes set forth in the new Chapter 160D.

For ease and efficiency, City staff proposes the City's UDO be re-adopted with all revisions incorporated as opposed to processing multiple amendments.

Staff Comments:

3. All the proposed changes and revisions generally relate to function, process, and terminology of the various Boards. There are no changes to the uses allowed in each zoning district, no changes to setback requirements, no changes to land development regulations, no changes to sign regulations, landscape regulations, or telecommunication regulations.
4. Articles 1 and 2 of the City's UDO contain the most extensive revisions. Articles 3, 4, 5, 7, 8, 12, 13, and 15, contain generally minor revisions. There are no changes to Articles 6, 9, 10, and 11. Appendices C and E also contain minor changes.
5. Since the UDO is more than 250 pages, City staff will not include a hard copy of the document with the agenda packet. Instead City staff will summarize the changes in this staff report and post a copy of the draft document with revisions highlighted on the City's website for anyone who wants to review it.
6. Multiple sections in the City's UDO have been rewritten/modified with no change in interpretation/application to maintain language consistent with that set forth in Chapter 160D. In most instances, the language from Chapter 160D was incorporated verbatim in the City's UDO. City staff will not attempt to summarize these revisions.
7. All references to specific General Statutes throughout the UDO have been updated to reflect the new corresponding statute in Chapter 160D.
8. Chapter 160D now requires all cities to adopt a comprehensive plan and reasonably maintain it to have zoning regulations. Section 1.07 in the City's UDO has been revised to incorporate this requirement. As a side note - the City has maintained a comprehensive land use plan since 2002 and used such plan as a basis for many of the regulations in the City's UDO – not because it was a requirement, but because it is a sound approach to community planning.

9. Section 1.12 was added to clarify that all development approvals run with the land as opposed to being applicant specific.
10. Regarding Planning Board, Board of Adjustment, and Historic Preservation Board voting, Sections 2.06(E), 2.14(E), and 13.06(E) are amended to add a provision to allow anyone to object to a Board member's participation prior to the hearing or vote on a matter if that member does not recuse himself. The remaining Board members shall rule on the objection by majority vote.
11. Chapter 160D eliminates the terms "conditional uses" and "conditional use permits" and universally uses "special uses" and "special use permits". As a part of the re-adoption, all references to "conditional uses" and "conditional uses permits" are changed to "special uses" and "special use permits" throughout the City's UDO.
12. Chapter 160D establishes that a variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability. This provision was added to the City's UDO in Section 2.33(B)(2).
13. The language set forth in Section 2.39: Evidence as it relates to evidence for quasi-judicial hearings has changed to be consistent with the language set forth in Chapter 160D. However, the changes in language do not materially affect process or function of the Board's activities.
14. The provision for protests to zoning district changes set forth in Section 2.57 of the UDO is deleted. NC General Statutes were amended several years ago (prior to Chapter 160D) to remove authority for the protest petition.
15. A new Section 2.57 is inserted to address requirements for a Plan Consistency Statement and a Statement of Reasonableness. The Plan Consistency Statement must be a part of all zoning text and map amendments. The statement essentially acknowledges that the action is or is not consistent with the City's adopted comprehensive plan. This statement is not subject to judicial review. The Statement of Reasonableness essentially addresses the four criteria previously established in judicial precedent for spot zonings: size and physical conditions of the property; benefits and detriments to the landowner, the neighbors, and surrounding community; the relationship between uses allowed in the current and proposed zones; and why the action is in the public interest.
16. Previous amendments to NCGS established that mailed notice of public hearings for quasi-judicial issues and zoning map amendments be sent to only abutting property owners. The City's UDO requires notice be sent to all property owners located within 200 feet of the affected property. In the revised UDO, City staff has proposed to change the mailed notice requirement to be consistent with NCGS.
17. Chapter 160D establishes that subdivision approval must follow a quasi-judicial process. Therefore, City staff has revised Section 7.03 to change subdivision review/approval authority from the Planning Board to the Board of Adjustment.
18. As authorized in NCGS 160D-1-5, a provision is added to Section 8.04(B) to automatically amend the special flood hazard area overlay district to the most recently adopted Flood Insurance Rate Maps (FIRM). This eliminates the need to adopt new updated maps as they become available in the future.

Staff Recommendation:

City staff recommends the Board review the proposed amendments to the City's UDO and recommend approval to the City Council.

Planning Board Recommendation:

The Planning Board reviewed the proposed amendments on November 3, 2020 and recommended unanimously that the City Council readopt the UDO with the amendments incorporated as proposed.

MEMORANDUM

To: Mayor Steve Morris and City Council Members

From: John R. Massey, Jr., Assistant City Manager

Date: November 24, 2020

Re: Consideration of an Amendment to Verizon Lease Agreement for downtown water tank.

In January 2019, the City Council approved a lease agreement with Cellco Partnership (d/b/a Verizon Wireless) to locate telecommunication equipment on the City's water tank beside the police department. In September 2020, the City Council approved the sale of this same lease agreement along with a 50-year easement on the water tank to SBA Site Management, LLC for \$409,000. During due diligence work by SBA, Section 30 in the original lease agreement was found to be ambiguous. As written, it could potentially be interpreted to apply to any property operated by the Lessor (SBA) nationwide. City staff contacted Verizon for clarification, and Verizon proposed the attached amendment. SBA will not proceed with their purchase of the lease and easement without the execution of this amendment by the City and Verizon. City staff recommends the City Council approve the amendment to the lease agreement as proposed.

FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT

This First Amendment to Water Tower Lease Agreement (the "Amendment") is made as of the last date of execution below, by and between The City of Rockingham, North Carolina, a municipal corporation ("Lessor") and Cellco Partnership, dba Verizon Wireless ("Lessee"), with reference to the facts set forth in the Recitals below:

RECITALS

A. Lessor is the owner of certain real property located at 119 S. Lawrence Street, Rockingham, North Carolina 28379 (the "Property"), which Property is further described in the Lease (defined below).

B. Lessor and Lessee originally entered into that certain Water Tower Lease Agreement dated November 15, 2019 (the "Lease"). Pursuant to the Lease, Lessee leases a portion (the "Premises") of the Property for the operation of a communications facility.

C. Lessor and Lessee have agreed to amend the Lease to limit the most favored lessee provision contained in Paragraph 30 of the Lease, as provided herein.

AGREEMENT

NOW, THEREFORE, in consideration of the facts contained in the Recitals above, the mutual covenants and conditions below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Most Favored Lessee.** Paragraph 30 of the Lease is hereby deleted in its entirety and shall hereafter read as follows:

"LESSOR represents and warrants that the rent, benefits and terms and conditions granted to LESSEE by LESSOR hereunder are now and shall be, during the Term, no less favorable than the rent, benefits and terms and conditions for substantially the same or similar tenancies or licenses granted by LESSOR to other parties located on the Property or on real property adjacent to the Property. If at any time during the Term LESSOR shall offer more favorable rent, benefits or terms and conditions for substantially the same or similar tenancies or licenses located on the Property or on real property adjacent to the Property as those granted hereunder, then LESSOR shall, within 30 days after the effective date of such offering, notify LESSEE of such fact and offer LESSEE the more favorable offering. If LESSEE chooses, the parties shall then enter into an amendment that shall be effective retroactively to the effective date of the more favorable offering, and shall provide the same rent, benefits or terms and conditions to LESSEE. LESSEE shall have the right to decline to accept the offering. LESSOR's compliance with this requirement shall be subject, at LESSEE's option, to independent verification."

2. **Continued Effect.** Except as specifically modified by this Amendment, all of the terms and conditions of the Lease shall remain in full force and effect. In the event of a conflict between any term or provision of the Lease and this Amendment, the terms and provisions of this Amendment shall control. In addition, except as otherwise stated in this Amendment, all initially capitalized terms will have the same respective defined meaning stated

in the Lease. All captions are for reference purposes only and shall not be used in the construction or interpretation of this Amendment.

[Signatures appear on the following page.]

IN WITNESS WHEREOF, Lessor and Lessee have caused this Amendment to be executed by each party's duly authorized representative effective as of the date last written below.

Lessor:

City of Rockingham, North Carolina,
a municipal corporation

By: _____
Name: _____
Title: _____
Date: _____

Lessee:

Cellco Partnership,
dba Verizon Wireless

By: _____
Name: _____
Title: _____
Date: _____

**DEPARTMENTAL
ACTIVITY REPORTS
for
COUNCIL'S INFORMATION**



FIRE CHIEF
HAROLD ISLER
ADMIN. ASST.
KRISTY PLAYER

November

We are pleased to submit the monthly fire report on the activities undertaken by the Rockingham Fire Department during the month of November 2020.

Total Alarms:	<u>46</u>	In Town:	<u>45</u>	Out of Town:	<u>1</u>
Turn In Alarms:	<u>4</u>	Silent Alarms:	<u>42</u>	Structure fire:	<u>3</u>
Wrecks:	<u>11</u>	Alarm Malf:	<u>14</u>	Good Intent:	<u>3</u>
Service Call:	<u>6</u>	Assist Police:	<u>0</u>	Trash/outside fire:	<u>2</u>
Power line down:	<u>1</u>	Assist Ems:	<u>1</u>	Unauthorized burn:	<u>0</u>
Smoke scare:	<u>1</u>	Building Collaspe:	<u>0</u>	Vehicle fire:	<u>1</u>
Electrical:	<u>1</u>	Co Detector:	<u>2</u>	Gas Leak:	<u>0</u>

Hours Spent on Calls: 12 hours 47 minutes

Total Property Exposed to Fire:	<u>\$32,555,500.00</u>
Total Property Damaged by Fire:	<u>\$155,500.00</u>
Total Property Saved:	<u>\$32,400,000.00</u>

During the month of November members of the fire department averaged 32 training hours per person; part-paid members averaged 7 hours per person for the month.

Respectfully Submitted,

Harold Isler
Fire Chief



W.D. Kelly, Chief of Police

To: Monty Crump

From: W. D. Kelly
Chief of Police

Date: December 2, 2020
Ref: November Activity Report

On behalf of the Rockingham Police Department, I am pleased to submit this report for your consideration. The following activities have been undertaken by officers of the Rockingham Police Department.

Total Calls for the Month: 1284
Public Service Calls - INCLUDES 455
Alarms, Unlocks and Battery Boosts)

Charges Generating Arrest:
Felonies: 14
Misdemeanors: 43
Drug Violations: 01
Juvenile: 06
Warrants Served: 48
Citations: 19

Accidents Reported/Investigated:
Property Damage only: 23
Personal Injury: 08

Officer Hours Spent in Court: 14
Officer Training Hours Logged 260

Items of interest:

We want to wish everyone a warm and Merry Christmas and a Happy New Year.

