

**CITY COUNCIL
AGENDA**

**August 12, 2014
7:30 p.m.**

- 1. Opening of meeting by Mayor Steve Morris**
- 2. Invocation by Reverend Mickey Briles, Pastor of Beverly Hills Baptist Church**
- 3. Amendments and Changes to Agenda**
- 4. Consent Agenda:**
 - A. Disposition of Minutes of the July 8, 2014 Regular Meeting**
 - B. Tax Collector's Report (See Pages 4-6)**

Informational Items:

- 1) Monthly Collection Report**
- 2) Uncollected Taxes as of July 31, 2014**

Action Items:

- 1) Refunds per County Assessor's Office**
 - 2) Discovery bills added to Tax Scroll**
 - 3) Releases per County Assessor's Office**
 - 4) Cemetery Deed Transfer prepared by Attorney Tommy Nichols Block 11 Lot 44 of the New Eastside Cemetery from Eddie Edwards, Jr. & wife Sherry Edwards to James M. Inman and wife Wanda Inman (Pages 7-8)**
- 5. Business by Planning Board**
 - A. Consideration of a Resolution ordering the removal of the Nuisance swimming pool located at 116 Phillips Circle and identified as Richmond County PIN 7472-02-86-2452 (See pages 9-10 & map insert)**

B. Set Public Hearing

Rezone Request: Set public hearing for an ordinance to re-delineate the boundaries of the Open Space (O-S) zoning district along Hitchcock Creek between the Pee Dee Lake Bed and Roberdel Dam; and to readjust the boundaries of the adjacent zoning districts accordingly. **(See Pages 11-13 & map inserts)**

C. Minutes from various boards (enclosed separately)

D. Hold Public Hearing (none)

6. **Consideration of Appointments to fill a vacancy on the Planning Board and a vacancy on the Board of Adjustment (See Page 14)**
7. **Hold public hearing for CDBG Infrastructure Grant Application To extend public sewer to portions of East Rockingham (See Manager's Comments and Public Notice Pages 15-16)**
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**

Rockingham, NC

City Council Agenda

SUPPORT DOCUMENTS

UNCOLLECTED TAXES

YEAR	AMOUNT	July 2014
2014	2,668,551.22	
2013	50,492.98	
2012	30,517.97	
2011	24,798.09	
2010	18,006.67	
2009	14,556.24	
2008	12,082.40	
2007	7,572.61	
2006	5,545.70	
2005	4,564.47	
2004	3,411.91	
	2,668,551.22	Total Current Year
	171,549.04	Total Past Years
	2,840,100.26	Total All Years

NORTH CAROLINA

CEMETERY DEED

RICHMOND COUNTY

THIS DEED, made and entered into this 15th day of July, 2014, by and between Eddie Edwards and wife, Sherry Edwards of 491 Old Cheraw Hwy., Rockingham, NC 28379, parties of the first part, and James M. Inman, Jr. and wife, Wanda Inman, of 298 Terry Bridge Road, Rockingham, NC 28379, parties of the second part;

WITNESSETH:

That the parties of the first part, for good and valuable consideration, have bargained and sold, and by these presents do bargain, sell, confirm and convey unto the parties of the second part, their heirs and assigns, all of their interest in and to a certain Lot situated in New Eastside Cemetery, City of Rockingham, Rockingham Township, Richmond County, North Carolina, and more particularly described as follows:

Two (2) grave spaces in the Northwest corner of Lot No. 44, Block 11 of New Eastside Cemetery, as recorded in Book of Plats No. 3 at Page 11, Registry of Richmond County.

And being the same property conveyed to Eddie Edwards and Ella Ruth Edwards (deceased) by Cemetery Deed dated April 24, 1982, and recorded in Deed Book 647, Page 149, Richmond County Registry.

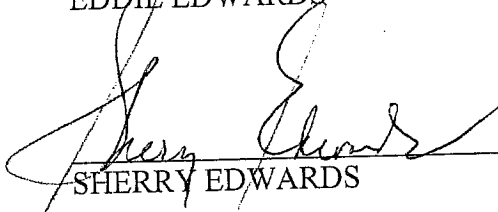
The attorney preparing this instrument was employed to draft this instrument only and has not been involved in any closing transaction with regard to the subject property. The attorney preparing this instrument has made no title examination and makes no title certification with regard to the subject property.

TO HAVE AND TO HOLD said cemetery Lot No. 44, to the said parties of the second part, their heirs and assigns, for burial purposes solely. And it is hereby provided, and this Deed is made upon the condition, that in case said plots of land are used by the parties of the second part, or their assigns, for any other purpose, then and in that event this Cemetery Deed is, and shall be, inoperative and void; and upon the further condition that said Lot will not be transferred without the consent of the appropriate authorities of the City of Rockingham, North Carolina.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand and seal as of the day and year first above written.



EDDIE EDWARDS (SEAL)

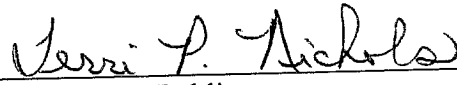


SHERRY EDWARDS (SEAL)

NORTH CAROLINA, RICHMOND COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that Eddie Edwards and Sherry Edwards personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Official Seal, this 15th day of July, 2014.



Notary Public

My Commission Expires: 9/7/2014

Instrument prepared by:
R. Thomas Nichols, Jr.

MEMORANDUM

To: Mayor Steve Morris and City Council Members
From: John Massey, Planning Director
Date: August 1, 2014
Re: Nuisance Swimming Pool – Steve and Robin Scott, 116 Phillips Circle

City staff recommends the City Council issue an order directing the removal of the nuisance swimming pool owned by Steve and Robin Scott located at 116 Philips Circle. As evidenced by the photographs included in the agenda packet, the swimming pool has not been maintained in a number of years; is overgrown with weeds, vines, and trees; and is holding stagnant water. City staff has received numerous complaints regarding the conditions on the subject property. Many of these complaints pertain to the lack of maintenance that causes the swimming pool to become a breeding ground for mosquitoes. These conditions constitute a public nuisance pursuant to City Code 92.002 (A) and (C). The broken, dilapidated fence surrounding the swimming pool is also a violation of the North Carolina Residential Building Code and City of Rockingham Unified Development Ordinance. The most recent Notice of Code Violation regarding the condition of the swimming pool was issued to the property owner on May 8, 2014. To date, the owner has failed to take any corrective actions.

Pursuant to North Carolina General Statute 160A-193, the City Council has the authority to order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health and safety. As evidenced by the attached photographs, the breeding of mosquitoes from the stagnant water in the swimming pool poses a public health issue; and the damaged fence to prevent children from accessing and/or falling into the swimming pool poses a public safety issue.

A RESOLUTION ORDERING THE REMOVAL OF THE SWIMMING POOL AND RELATED APPURTENANCES LOCATED AT 116 PHILLIPS CIRCLE

WHEREAS, North Carolina General Statute 160A-193 authorizes the City Council to order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health and safety; and

WHEREAS, the City Council has reviewed photographs illustrating the unsafe conditions and public health issues related to the swimming pool and its appurtenances owned by Steve G. and Robin Scott located at 116 Phillips Circle; and

WHEREAS, the City Council finds the City Code Enforcement Officer issued a Notice of Code Violation dated May 8, 2014 to the property owners, Steve G. and Robin Scott, regarding the nuisance condition of the swimming pool and the property owners failed to take corrective action; and

WHEREAS, the City Council finds that collections of standing water such as that found in the swimming pool owned by Steve G. and Robin Scott located at 116 Phillips Circle provide breeding places and harborage for mosquitoes, which pose a significant public health hazard; and

WHEREAS, the City Council finds that swimming pools such as that owned by Steve G. and Robin Scott located at 116 Phillips Circle that are not secured by proper fencing and latching gates or comparable barriers pose a significant public safety issue.

NOW THEREFORE, BE IT RESOLVED, the City Council hereby declares the swimming pool owned by Steve G. and Robin Scott located at 116 Phillips Circle and identified as Richmond County PIN 7472-02-86-2452 dangerous and prejudicial to public health and safety; and

NOW THEREFORE, BE IT FURTHER RESOLVED, the City Council hereby orders the removal of the swimming pool owned by Steve G. and Robin Scott located at 116 Phillips Circle and identified as Richmond County PIN 7472-02-86-2452 and all expenses associated with such removal shall be paid by the property owner, and if not paid shall become a tax lien on the subject property.

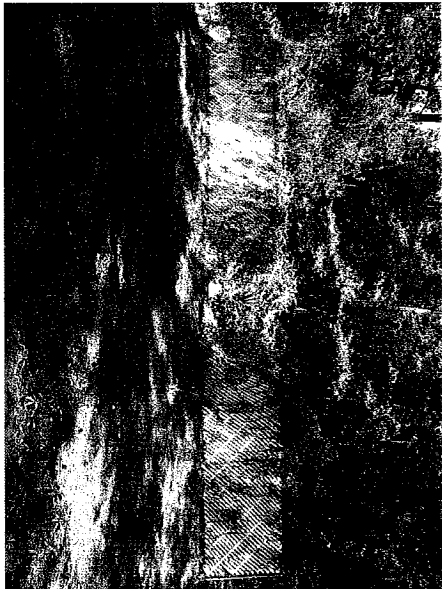
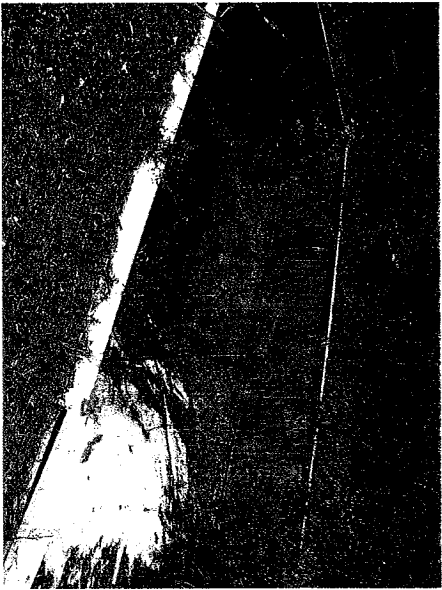
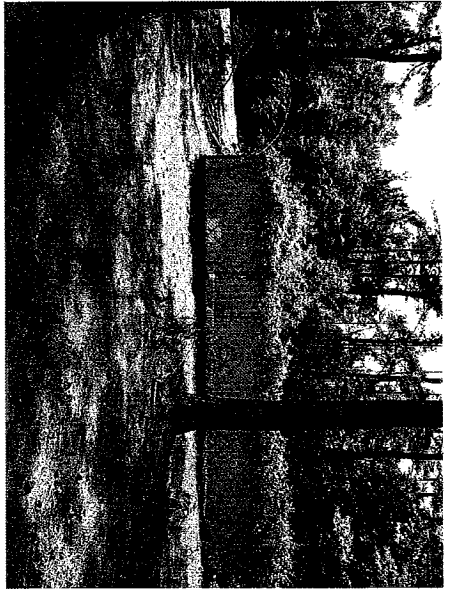
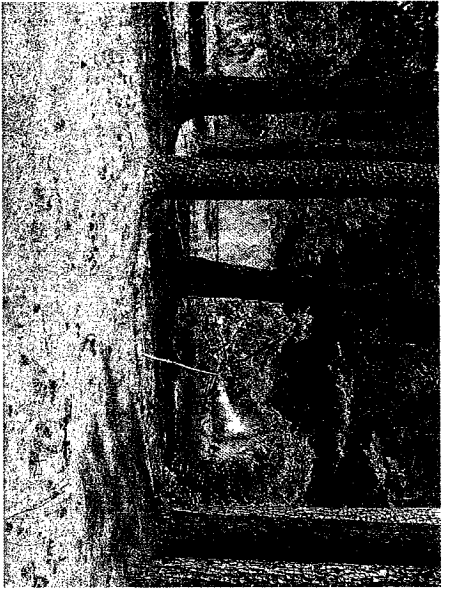
This the _____ day of _____, 2014

ATTEST:

Gwendolyn F. Swinney
City Clerk

M. Steven Morris
Mayor

116 Phillips Circle - Nuisance Swimming Pool



Staff Report to Planning and Zoning Board
Agenda Item: IV.A
August 5, 2014

Issue:

Rezoning Request: City staff has prepared a series of ordinances to re-delineate the boundaries of the Open Space (O-S) zoning district along the north and south prongs of Falling Creek and portions of Hitchcock Creek.

Background:

City staff began the process of re-delineating the O-S zone boundaries in 2008 and completed all areas along the north and south prongs of Falling Creek; and the portion of Hitchcock Creek from the City's southern ETJ boundary to N. Lee Street. City staff stopped with the re-delineation process along Hitchcock Creek at N. Lee Street in 2008 to avoid potential complications with several other projects underway at the time. (As the Board may recall, the City was actively engaged in a process to acquire the old Pee Dee Lake bed; and in discussions with several property owners north of the Pee Dee Lake bed regarding a potential residential development.)

As set forth in Section 3.01 (M) of the UDO, the Open Space (O-S) zoning district is intended "to be applied to undeveloped areas that are ecologically, economically, culturally, or historically significant to the community in their current undeveloped state." The same subsection goes on to state that the district is "intended to maintain and preserve undeveloped areas that are environmentally sensitive, wildlife refuges, passive recreation areas, scenic areas, or have other significance in order to justify maintaining their undeveloped state". On the City's current zoning map, the O-S district is predominately applied to property along Hitchcock Creek and the north and south prongs of Falling Creek. Those O-S boundaries yet to be re-delineated were originally delineated more than 30 years ago. In some instances those boundaries do not accurately correspond to the environmentally sensitive areas as they actually exist on the ground primarily because mapping technology was not as advanced 30 years ago as it is today. City staff began this process of re-delineating the O-S district boundaries in an effort to make the O-S district boundaries better relate to the actual environmentally sensitive areas along Hitchcock Creek and the north and south prongs of Falling Creek. Such re-delineation is based on the newest color aerial photographs, recent floodway and floodplain data prepared by FEMA and NCDEM, and more accurate contour data.

Staff Comments (General):

1. At the beginning of this process, City staff divided the areas along Hitchcock Creek and the north and south prongs of Falling Creek into small study areas to make the rezoning process more manageable. Seven study areas were completed in 2008. Two have yet to be completed. These small study areas should make the comparison between existing boundaries and proposed boundaries easier.
2. Since it will be nearly impossible to specifically identify the location and acreage involved in every little shift and tweak in the O-S boundaries, City staff has prepared a series of maps that illustrate existing zoning and proposed zoning within each study area. All interested parties will have to compare the existing zoning map with the proposed zoning map to determine the proposed changes.
3. In making the determination as to the appropriate location for the revised O-S boundaries, City staff generally used three criteria. Generally, all property located inside the FEMA delineated floodway is included in the O-S zone. In addition, City staff generally included a 50-foot wide area outside the

floodway boundary in the O-S zone, which will serve as a riparian buffer. In addition to the floodway and riparian buffer areas, City staff generally included those areas that are clearly and reasonably identified as lowland or wetland areas. There are exceptions to these general criteria which are discussed below.

4. For the Board's reference, the term floodway is defined in Section 15.01 of the UDO as "the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot."
5. One exception to the above-mentioned criteria used in re-delineating the O-S district boundaries is that existing commercial and industrial development located in the floodway will remain zoned for commercial and industrial uses (ie. B-1, B-3, I-1 or I-2). The reason being that FEMA and NCDEM gave consideration to such encroachments in calculating the floodway boundaries; and Section 8.09 (I) of the City's UDO will allow the reconstruction or replacement of any building located in the floodway under certain conditions. If such buildings were rezoned O-S, then they could not be reconstructed or replaced because commercial and industrial development is not allowed in the O-S zone. The same exception applies to the existing commercial and industrial development located within 50 feet of the floodway boundary (the proposed riparian buffer).
6. The concept for a conservation or riparian buffer along Hitchcock Creek and the north and south prongs of Falling Creek was identified as an objective in Shaping Our Future: 2012 (the City's Land Use Plan adopted in 2002) and remained an objective in the updated version Shaping Our Future: 2023. Additionally, the importance of establishing riparian buffers was noted in the City's Hazard Mitigation Plan adopted in 2009, and the Hitchcock Creek Watershed Assessment completed in 2006. The purpose of the proposed riparian buffer is to preserve a natural area that assists in filtering sediment and pollution from surface run-off prior to entering the stream channels and thereby improve water quality. City staff has proposed generally a 50-foot wide strip along the outside boundary of the floodway be zoned O-S to serve as this conservation or riparian buffer. In the opinion of City staff, a 50-foot wide buffer should be adequate natural area to help filter sediment and pollution from surface run-off prior to entering the stream channels.
7. Other areas included in the O-S zone besides the floodway areas and 50-foot riparian buffer areas include lowland areas as discerned from contour data and aerial photography; areas with standing water as identified from aerial photography; and areas around the confluence of smaller stream tributaries with the main creek channels.

Staff Comments (Study Area 9 – Between the Pee Dee Lake Bed and Roberdel Dam)

8. Study Area 9 includes the portion of Hitchcock Creek between the upper portion of the Pee Dee Lake bed and Roberdel Dam. Maps illustrating the existing zoning and proposed zoning are included in the agenda packet. An aerial map of the study area is also included in the agenda packet.
9. The section of Hitchcock Creek in this study area includes very little development. A comparison of the current and proposed O-S zone boundaries on the aerial map indicates no major changes are proposed - only minor shifts and adjustments for the O-S zone in Study Area 9.

Staff Recommendation:

City staff recommends the Board review the proposed changes in the O-S zoning district boundaries and adjacent zoning district boundaries. If the Planning Board is comfortable with the proposed changes,

then City staff recommends the Board recommend City Council rezone all properties as indicated on the "proposed zoning" maps.

Planning Board Recommendation:

The Planning Board reviewed the request on August 5, 2014 and recommended unanimously that the City Council rezone all properties as indicated on the "proposed zoning map" in Study Area 9.



Aerial Map for Study Area 9

(Between the Pee Dee Lake Bed and Roberdel Dam)



Map Scale
1" = 550'

- Study Area 9
- Property Lines (2013)
- ▣ Proposed O-S District Boundary
- ▢ Current O-S District Boundary
- AE (Floodplain)
- ▨ SHADED X (Floodplain)
- ▣ AEFW (Floodway)
- 2-foot contours
- 5-foot contours
- 10-foot contours
- 20-foot contours
- Street Names





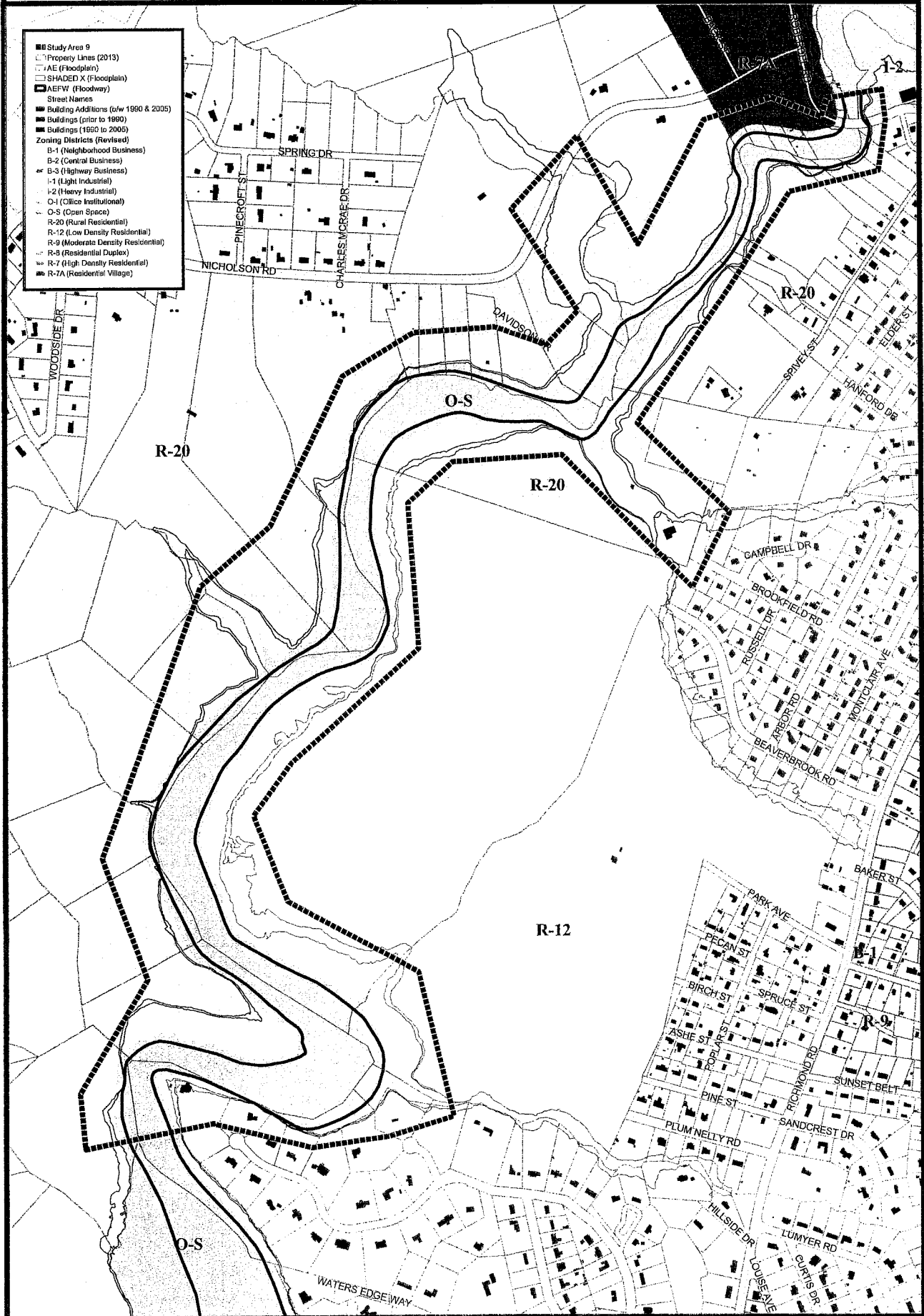
Proposed Zoning District Boundaries along Hitchcock Creek

(Between the Pee Dee Lake Bed and Roberdel Dam)



Map Scale
1" = 550'

- Study Area 9
- Property Lines (2013)
- ▨ AE (Floodplain)
- ▨ SHADED X (Floodplain)
- ▨ AEFW (Floodway)
- ▨ Street Names
- Building Additions (w/ 1990 & 2005)
- Buildings (prior to 1990)
- Buildings (1990 to 2005)
- Zoning Districts (Revised)
- 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 Village)



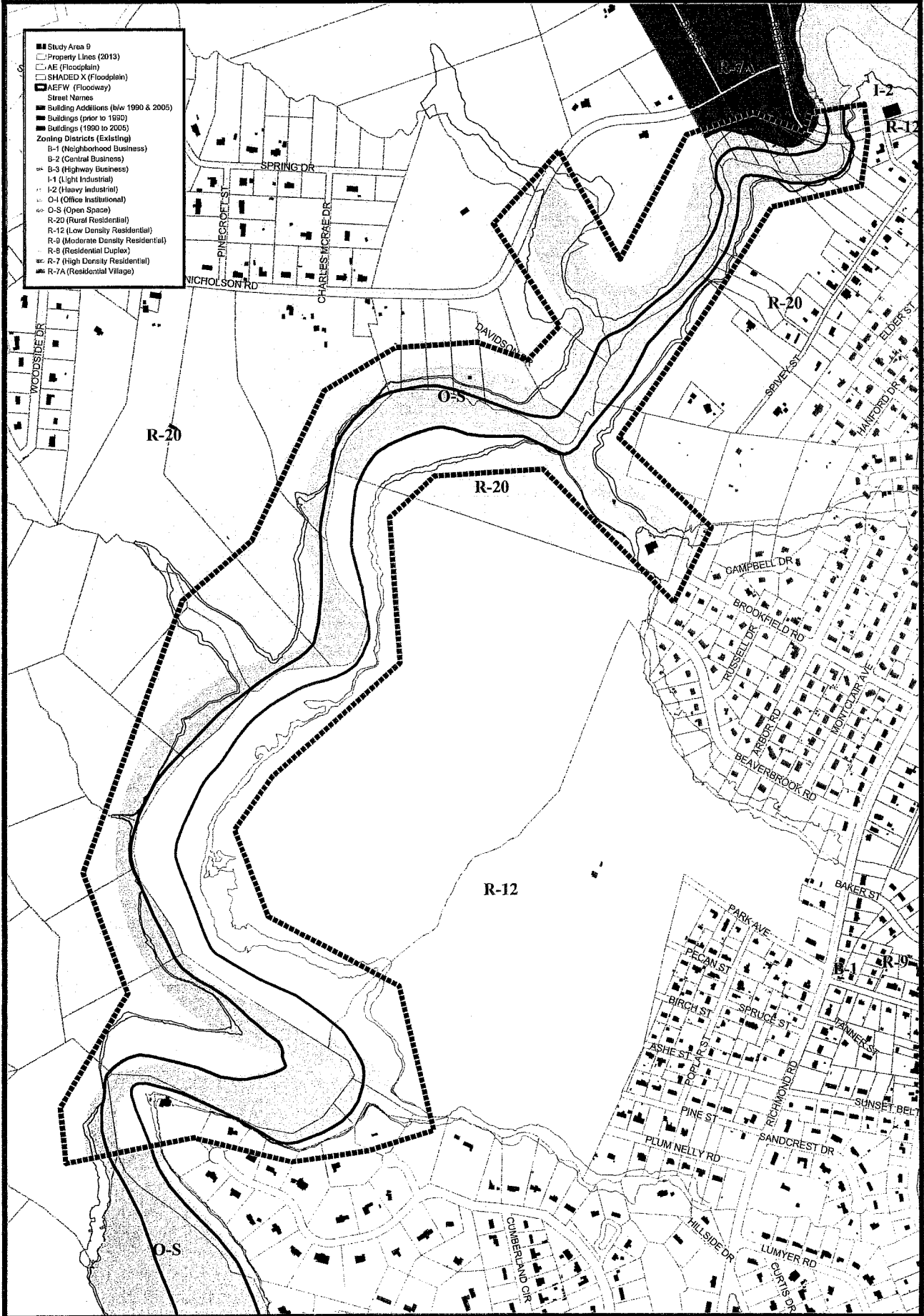


Existing Zoning District Boundaries along Hitchcock Creek

(Between the Pee Dee Lake Bed and Roberdel Dam)



Map Scale
1" = 550'



MEMORANDUM

To: Mayor Steve Morris and City Council Members
From: John R. Massey, Jr., Planning Director
Date: August 5, 2014
Re: Board Appointments

Board of Adjustment

- City staff recommends the City Council recommend the Richmond County Board of Commissioners appoint Tim Long to fill the ETJ alternate seat. City staff has contacted Mr. Long and he has agreed to serve.

Planning and Zoning Board

- Shortly after the City Council appointed Kennedy Gates to the Planning and Zoning Board in July; she accepted a new employment position and will be relocating outside Richmond County. Therefore, she has submitted her resignation from the Planning and Zoning Board. City staff does not currently have a recommendation for an individual to fill the in-city seat vacated by Ms. Gates.

Memo To: Mayor Steve Morris and City Council

From: Monty R. Crump, City Manager

Date: August 6, 2014

Re: Agenda

REGULAR AGENDA:

Hold public hearing to solicit public comments on the proposed intent of the City of Rockingham to resubmit a CDBG Infrastructure Grant Application to extend public sewer to portions of East Rockingham.

The public hearing has been scheduled as required to submit an infrastructure grant application for the extension of public sewer in East Rockingham. The city had previously submitted a similar application for the first round of funding from NCDENR earlier this year. That request was not funded. A second public hearing is required to resubmit application for the second round of funding for the September 2014 funding cycle.

ITEMS OF INTEREST:

- 1) Work on the FY 2013/14 audit for year end June 30, 2014 is progressing well. It is anticipated that the audit will be ready for presentation to council by November or December 2014.
- 2) Harold Isler began serving as the City's new Fire Chief effective August 1, 2014. He and his family have become permanent residents of the city. Harold and his family moved to Rockingham in July. Harold's wife, Tesha has been employed with the Richmond County School System and will be working at L.J. Bell School. Chief Isler is currently working with current Chief Gardner until Chief Gardner's retirement on August 21, 2014. The city will honor Chief Gardner with a retirement reception at the fire department on August 19, 2014 from 2:00 to 4:00 p.m.
- 3) The city has entered into an agreement with Duke Energy to convert all city street lights on Duke's system to LED lights. As a demo, all the lights on Fayetteville Road from Green Street to the city limits were converted about 2 months ago. The total number of lights to be converted to LED this fall is 1,213. The city will pay a one

CITY OF ROCKINGHAM
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS
NOTICE OF SECOND PUBLIC HEARING

Notice is hereby given that the City of Rockingham City Council will conduct a public hearing at 7:30 pm on Tuesday, August 12, 2014 at Rockingham City Hall, 514 Rockingham Road, Rockingham, North Carolina for the purpose of submitting a CDBG Infrastructure Grant Application to the North Carolina Department of Environment and Natural Resources (NCDENR) Division.

In 2013, the NC General Assembly allocated Community Development Block Grant funds to the Infrastructure program, and transferred funds to the NC Department of Environment and Natural Resources' Division of Water Infrastructure to administer. The purpose of these funds is to construct public water and/or sewer infrastructure to mitigate public and environmental health problems in areas where the percentage of low to moderate income persons is at least 51 percent. NCDENR has approximately \$26 million available for funding CDBG Infrastructure projects during the September 2014 funding cycle. The purpose of the public hearing will be to discuss an application for a \$2,946,000 (of which at least \$2.65 million (90%) will benefit low/moderate income persons) Community Development Block Grant for Infrastructure as administered by the North Carolina Department of Environmental and Natural Resources. The City of Rockingham will also provide a local match of \$360,000 for a total estimated project cost of \$3,306,000. The funds will be used to extend public sewer to portions of the East Rockingham area, a community in Rockingham that is served by failing onsite septic systems. No persons will be displaced as a result of the proposed project.

Interested parties may present their views orally or in writing at the public hearing or prior to the public hearing by communicating with Monty Crump, City Manager at 910/997-5546. Written citizen comments will be responded to in writing within ten (10) calendar days of receipt of comments by the applicant. All citizens of the City of Rockingham are invited to attend and participate in the public hearing.

Persons needing special assistance or non-English speaking persons should contact the Rockingham City Hall at 910/997-5546 no later than 48 hours prior to the meeting. Hearing impaired persons desiring additional information or having questions regarding this subject matter should call the North Carolina Relay Numbers for the Deaf at 1-800-735-8262.

Las personas que necesitan asistencia especial o personas que no hablan Inglés deben ponerse en contacto con Rockingham City Hall al 910/997-5546 por lo menos 48 horas antes de la reunión. Personas con discapacidad auditiva que deseen información adicional o tienen preguntas sobre este tema deben llamar al número de Servicios para Personas Sordas de Carolina del Norte en 1-800-735-8262.

PLEASE PUBLISH THE ABOVE FOR ONE-DAY ONLY IN THE NON-LEGAL (DISPLAY) SECTION ON WEDNESDAY, JULY 30, 2014.

Invoice and Affidavit of Publication should be forwarded to:

Monty Crump, City Manager
City of Rockingham
514 Rockingham Road
Rockingham, NC 28379

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