

**CITY COUNCIL
AGENDA**

**September 9, 2014
7:30 p.m.**

- 1. Opening of meeting by Mayor Steve Morris.**
- 2. Invocation by Reverend Gene Alexander, Pastor of First Assembly of God Church.**
- 3. Amendments and Changes to Agenda.**
- 4. Consent Agenda:**
 - A. Disposition of Minutes of the August 12, 2014 Regular Meeting and August 12, 2014 Closed Session Minutes (enclosed separately)**
 - B. Tax Collector's Report. (See Pages 4-10-)**

Informational Items:

- 1.) Monthly Collection Report**
- 2.) Uncollected Taxes as of August 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.**
-
- C. Request to transfer lot No. 8 in Block B, Row No. 4 as recorded in Book of Plats No. 9, at page 199 now Plat Slide 199-A , Richmond County Registry from Shelby B. Jordan, widow, to Jennie Jordan Reynolds. (see enclosed pages 11-12)**

5. Business by Planning Board.

A. Set Public Hearing. (none)

B. Hold Public Hearing.

Rezoning Request: Hold public hearing for an ordinance to re-delineate the boundaries of the Open Space (O-S) zoning district along Hitchcock Creek between Pee Dee Lake Bed and Roberdel Dam; and to readjust the boundaries of the adjacent zoning districts accordingly. (See Pages 13-15- & Map Inserts)

6. Consideration of Demolition Ordinance for Dilapidated Dwelling located at 114 Midway Road and identified as Richmond County PIN 7463-19-71-2394. (See Ordinance Pages 16-18 and Photo Inserts)

7. Business by Visitors.

8. Business by City Clerk.

9. Business by City Manager.

10. Business by City Attorney.

11. Items of discussion by City Council Members.

12. Business by Mayor.

13. Adjournment.

Rockingham, NC

City Council Agenda

SUPPORT DOCUMENTS

UNCOLLECTED TAXES

YEAR	AMOUNT	August 2014
2014	2,140,355.79	
2013	48,343.17	
2012	30,212.52	
2011	24,865.86	
2010	18,008.21	
2009	14,430.23	
2008	11,989.23	
2007	7,001.00	
2006	5,325.47	
2005	4,564.47	
2004	3,322.56	
	2,140,355.79	Total Current Year
	168,062.72	Total Past Years
	2,308,418.51	Total All Years

CITY OF ROCKINGHAM
 MONTHLY TAX RELEASE REGISTER
 AUGUST 31, 2014

ACCOUNT	NAME	EXPLANATION	BILL #	VALUE	CITY TAX	CITY LATE	INTEREST	RELEASED
0019392101	ADP DEALER SERVICES INC	BILL LESS THAN \$1.00	03144	194	0.93			0.93
0119548114	AT&T MOBILITY LLC	BILL LESS THAN \$1.00	05180	9	0.04			0.04
0112971303	BENNETT ORLANDO T	BILL LESS THAN \$1.00	04872	177	0.85			0.85
0010240101	CAROLINA MOTORS AT THE	BILL LESS THAN \$1.00	02095	150	0.72			0.72
0080981107	CELLCO PTNR/VERIZON WIRELESS	BILL LESS THAN \$1.00	03802	114	0.55			0.55
0015581101	COMPASSION HOME CARE	BILL LESS THAN \$1.00	02843	150	0.72			0.72
00106301101	CURTIS MILITARY SURPLUS	BILL LESS THAN \$1.00	00897	122	0.59			0.59
0013421102	DELL EQUIPMENT FUNDING LP	BILL LESS THAN \$1.00	02703	208	1.00			1.00
0007589101	HAINES CONSTRUCTION &	BILL LESS THAN \$1.00	01374	168	0.81			0.81
0102562304	HALTIWANGER LEONARD H & KIMBER	BILL LESS THAN \$1.00	04393	66	0.32			0.32
0007718308	HATCHER MILES S & BETTY	BILL LESS THAN \$1.00	01411	34	0.16			0.16
0008037303	HUGGINS DONALD & CARLA	BILL LESS THAN \$1.00	01489	25	0.12			0.12
0005888101	LIBERTY AUTO SALES	BILL LESS THAN \$1.00	00790	41	0.20			0.20
0087326302	LONG LORI J	BILL LESS THAN \$1.00	04016	151	0.72			0.72
0003979102	MARATHON PETROLEUM CO LP	BILL LESS THAN \$1.00	00314	162	0.78			0.78
0097641302	NESBITT DANNY & JEAN T	BILL LESS THAN \$1.00	04223	151	0.72			0.72
0109385301	NICHOLSON JIMMY L & MARIA	BILL LESS THAN \$1.00	04673	200	0.96			0.96
0000830331	OWNER UNKNOWN	BILL LESS THAN \$1.00	00084	100	0.48			0.48
0012301307	PENINGER JAMES C & MARGARET	BILL LESS THAN \$1.00	02596	6	0.03			0.03
0116940101	PEPSI COLA BOTTLING CO	BILL LESS THAN \$1.00	05071	103	0.49			0.49

CITY OF ROCKINGHAM
 MONTHLY TAX RELEASE REGISTER
 AUGUST 31, 2014

ACCOUNT	NAME	EXPLANATION	BILL #	VALUE	CITY TAX	CITY LATE	INTEREST	RELEASED
0109384101	21 RAINWATER BAIL BONDS	BILL LESS THAN \$1.00	04672	90	0.43	0.04		0.47
0008485101	22 ROCKINGHAM GUNS & AMMO	BILL LESS THAN \$1.00	01623	56	0.27			0.27
0000463101	23 STERLING PAYPHONES LLC	BILL LESS THAN \$1.00	00028	126	0.60	0.06		0.66
0102821301	24 SWEATT ALICE GIBSON	BILL LESS THAN \$1.00	04396	170	0.82			0.82
0111703101	25 VILLAGE MINI STORAGE	BILL LESS THAN \$1.00	04805	135	0.65			0.65
	26							0.00
	27							0.00
	28							0.00
	TOTAL RELEASES			\$2,908	13.96	0.10	0.00	\$14.06

NORTH CAROLINA

CEMETERY DEED

RICHMOND COUNTY

THIS DEED, made and entered into this 20th day of August, 2014, by and between Shelby B. Jordan, widow, of 619 Williams Street, Rockingham, NC 28379, parties of the first part; and Jennie Jordan Reynolds of 118 Blewitt Avenue, 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:

Being Lot No. 8 in Block B, Row No. 4, as recorded in Book of Plats No. 9, at page 119, now Plat Slide 199-A, Richmond County Registry.

And being the same property conveyed to Jimmy R. Jordan (deceased) and wife, Shelby B. Jordan, by Cemetery Deed dated April 9, 1984.

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. 8, 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.

Shelby B. Jordan (SEAL)
SHELBY B. JORDAN

_____ (SEAL)

NORTH CAROLINA, RICHMOND COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that Shelby B. Jordan 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 20th day of August, 2014.

Terri P. Nichols
Notary Public

My Commission Expires: 9/7/2014

Instrument prepared by:
R. Thomas Nichols, Jr.

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.

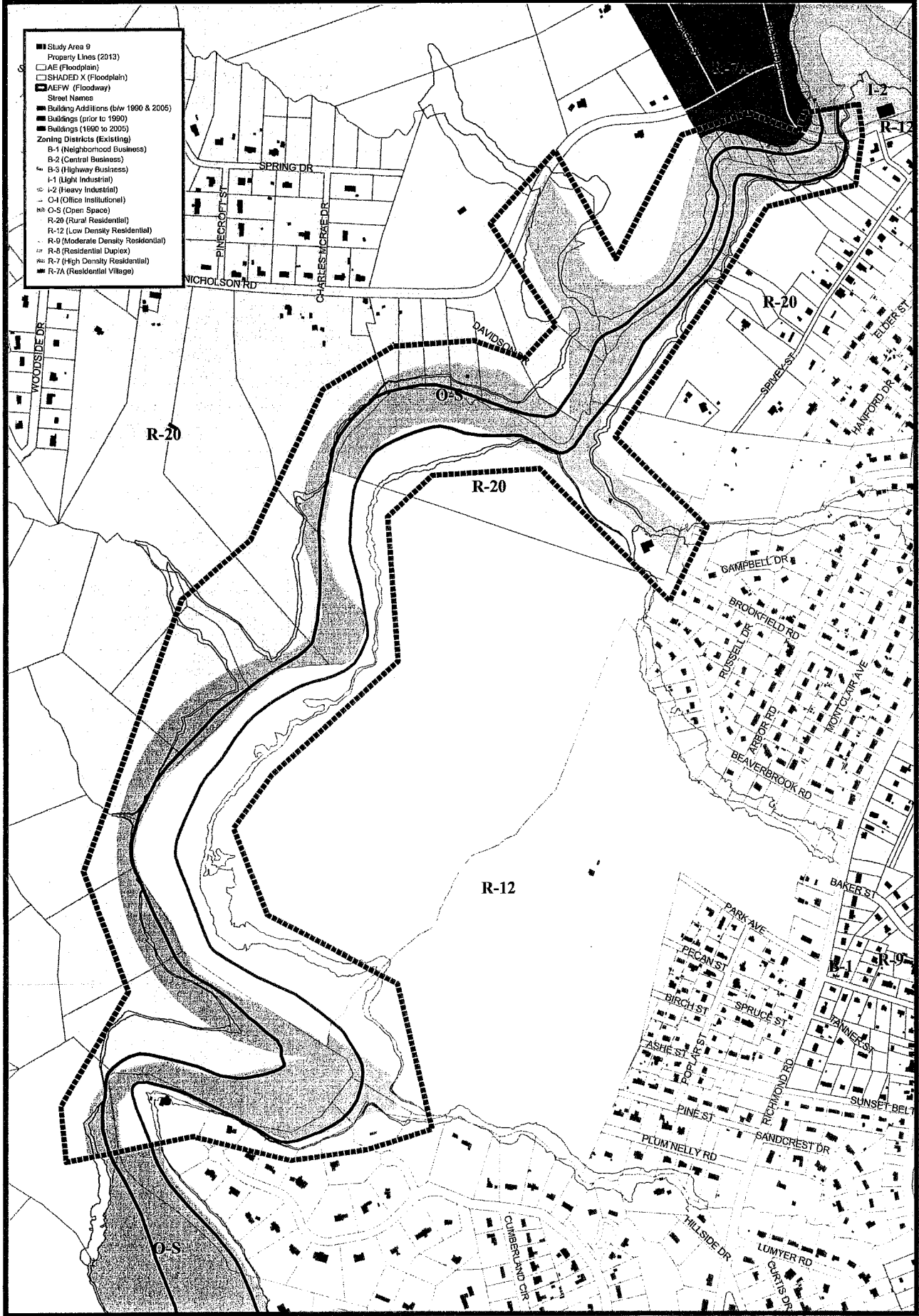


Existing Zoning District Boundaries along Hitchcock Creek

(Between the Pee Dee Lake Bed and Roberdel Dam)



Map Scale
1" = 550'



- Study Area 9
- Property Lines (2013)
- AE (Floodplain)
- SHADER X (Floodplain)
- AEFW (Floodway)
- Street Names
- Building Additions (btw 1990 & 2005)
- Buildings (prior to 1990)
- Buildings (1990 to 2005)
- Zoning Districts (Existing)
- B-1 (Neighborhood Business)
- B-2 (Central Business)
- B-3 (Highway Business)
- I-1 (Light Industrial)
- I-2 (Heavy Industrial)
- O-4 (Office Institutional)
- O-5 (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)



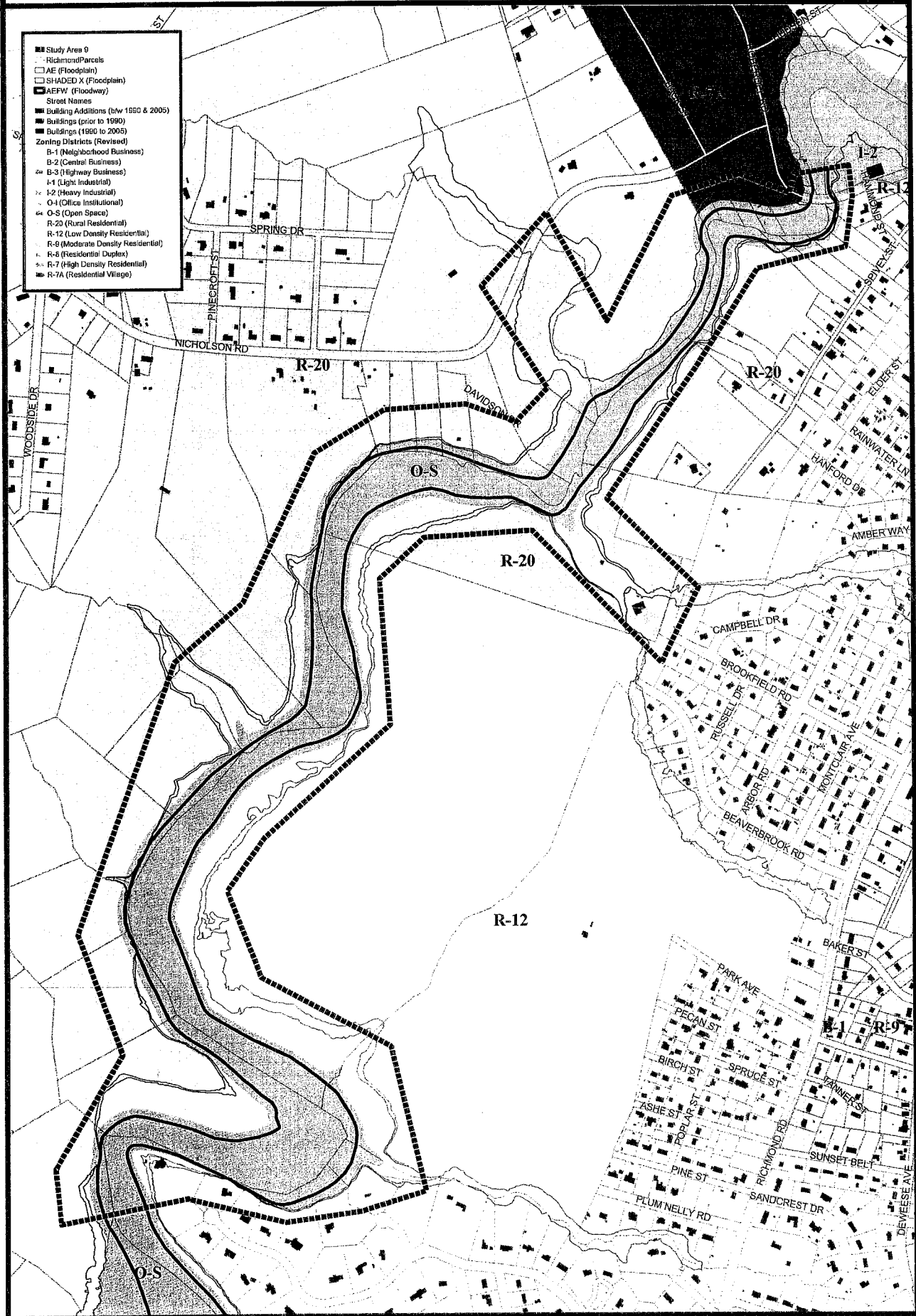
Proposed Zoning District Boundaries along Hitchcock Creek

(Between the Pee Dee Lake Bed and Roberdel Dam)



Map Scale
1" = 550'

- Study Area 0
- ▨ Richmond Parcels
- ▨ AE (Floodplain)
- ▨ SHADED X (Floodplain)
- ▨ AEFW (Floodway)
- Street Names
- Building Additions (btw 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-4 (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)





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
- JAE (Floodplain)
- ▨ SHADED X (Floodplain)
- ▨ JAEW (Floodway)
- 2-foot contours
- 5-foot contours
- 10-foot contours
- 20-foot contours
- Street Names



MEMORANDUM

To: Mayor Steve Morris and City Council Members

From: John Massey, Planning Director

Date: August 29, 2014

Re: Demolition Ordinance for Dilapidated Dwelling located at **114 Midway Road**

City staff recommends the City Council approve a demolition ordinance for the dilapidated dwelling located at 114 Midway Road and identified as Richmond County PIN 7463-19-71-2394. A copy of the demolition ordinance and photographs of the property are included in the agenda packet.

As background information, City staff initiated abandoned structure proceedings in April of 2014. The property owner (McEachern Forest Properties) and parties of interest were notified of a hearing with the Code Enforcement Officer regarding the condition of the dwelling via certified and regular mail; and notice was also posted on the subject property. Representatives for the property owner did attend the hearing. The Code Enforcement Officer issued his findings of fact and directed the property owners to either repair or demolish the dwelling by August 5, 2014. Notice of the findings of fact was provided via certified mail and regular mail; and notice was posted on the subject property. The property owner has taken no action to date.

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, the City Council of the City of Rockingham finds that the dwelling described herein is unfit for human habitation under the City Housing Code, and that all the procedures of the Housing Code have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of this dwelling, McEachern Forest Properties has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160A-443 (5) pursuant to an order issued by the Building Inspector on May 7, 2014, and the owner has failed to comply with the order;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockingham, that:

- Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend "*This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.*" on the building located at 114 Midway Road and identified by Richmond County PIN# 7463-19-71-2394.
- Section 2. The Building Inspector is hereby authorized and directed to proceed to remove or demolish the above described dwelling in accordance with his order to the owner thereof dated May 7, 2014, and in accordance with the Housing Code and G.S. 160A-443.
- Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector and City Clerk, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A
- (b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S 160A-446.

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This ordinance shall become effective upon its adoption.

Adopted this _____ day of _____, 2014

Mayor

Attest: _____
City Clerk

NORTH CAROLINA

RICHMOND COUNTY

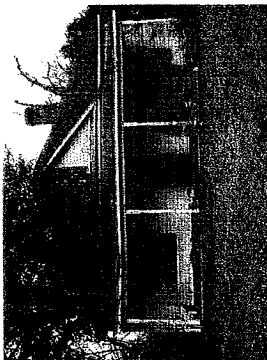
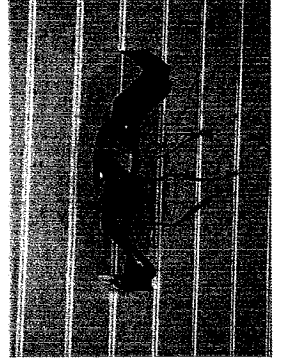
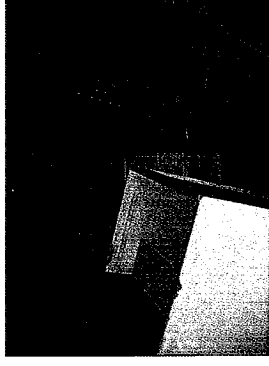
I, a Notary Public of the County and State aforesaid, certify that Gwendolyn F. Swinney personally appeared before me this day and acknowledged that she is City Clerk of the City of Rockingham, a North Carolina municipal corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its municipal seal and attested by herself as its City Clerk.

Witness my hand and official stamp or seal, this _____ day of _____, 2014.

Notary Public

My Commission expires:

114 Midway Road



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

ROCKINGHAM

A CITY LOOKING FORWARD

To: Monty Crump, City Manager
From: Dave Davis, Parks and Recreation Director
Date: September 2, 2014
Subject: Activity Report

The following is an update on current Parks and Recreation Activities.

Youth Soccer – Everything is on go as we begin on twenty-second season this coming Saturday, September 6th. If everything progresses accordingly we should complete our season the middle of October.

Youth Volleyball – Registration for the second season of this relatively new program begins Monday, September 8th. After last year's unexpected large enrollment we look forward to seeing what this year will bring.

Hinson Lake – Reservations are in place for every week-end through December 6th.

August-14

We are pleased to submit the monthly fire report on the activities undertaken by the Rockingham Fire Department during the month of August 2014.

Total Alarms:	<u>62</u>	In Town:	<u>61</u>	Out of Town:	<u>1</u>
Turn In Alarms:	<u>2</u>	Silent Alarms:	<u>60</u>	Structure:	<u>1</u>
Wrecks:	<u>14</u>	Alarm Malf:	<u>18</u>	Good Intent:	<u>14</u>
Smoke Scare:	<u>1</u>	Vehicle fire :	<u>2</u>	Grass/Brush:	<u>2</u>
Power line down:	<u>3</u>	Mutual Aid/Water rescue:	<u>1</u>	Gas Leak/Spill:	<u>1</u>
Service Call:	<u>1</u>	Co detector:	<u>2</u>	Assist Police:	<u>1</u>
Lighting Strike:	<u>0</u>	Bomb threat:	<u>0</u>	Electrical:	<u>1</u>

Hours Spent on Calls: 22 hours 13 minutes

Total Property Exposed to Fire:	<u>\$364,000.00</u>
Total Property Damaged by Fire:	<u>\$19,500.00</u>
Total Property Save:	<u>\$344,500.00</u>

During the month of August full time members of the fire department averaged 53 training hours per person; part-paid members averaged 4 hours per person for the month.

Public Life & Safety:

- ~Installed 12 car seats
- ~Inspections: 111
- ~2 station tours: 6 adults and 13 kids
- ~Hosted 1 CPR classes
- ~Sparky visited vacation bible school on Cauthen Drive

Respectfully Submitted,

Harold Isler

**Fire Chief
Harold Isler**



W.D. Kelly, Chief of Police

To: Monty Crump

W.D. Kelly
From: W. D. Kelly
Chief of Police

Date: September 2, 2014
Ref: August 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:	<u>1164</u>
Animal Control Calls:	<u>61</u>
Alarm Calls	<u>139</u>
Escorts:	<u>85</u>
Unlock Vehicles:	<u>114</u>

Charges Generating Arrest:

Felonies:	<u>43</u>
Misdemeanors:	<u>138</u>
Drug Violations:	<u>18</u>
Juvenile:	<u>0</u>
Warrants Served:	<u>147</u>
Citations:	<u>373</u>

Accidents Reported/Investigated:

Property Damage only:	<u>55</u>
Personal Injury:	<u>04</u>

Officer Hours Spent in Court:	<u>42</u>
Officer Training Hours Logged	<u>218</u>

Items of Interest

Our summer patrols in the Cauthen Drive area went extremely well, this summer was a quiet one. In conjunction with Crown Pointe Apartments and Gardenwood Apartments, the children were invited to popcorn and movie days at the E. R. Martin building, and the closing of summer fun was a great success with school supplies and hot dogs for the children.