

**CITY COUNCIL
AGENDA
February 9, 2016**

7:30 p.m.

- 1. Opening of meeting by Mayor Steve Morris.**
- 2. Invocation by Reverend Allison Farrah, Associate Pastor of First United Methodist Church (Rockingham).**
- 3. Amendments and Changes to Agenda.**
- 4. Consent Agenda:**
 - A. Disposition of Minutes of the January 12, 2016 Regular Meeting.**
 - B. Tax Collector's Report. (See Pages 5-8)**

Informational Items:

 - 1.) Monthly Collection Report**
 - 2.) Uncollected Taxes as of January 31, 2016.**

Action Items:

 - 1.) Refunds per County Assessor's Office.**
 - 2.) Discovery bills added to Tax Scroll.**
 - 3.) Releases per County Assessor's Office.**
 - C. Minutes of various boards.**
- 5. Business by Planning Board. (none)**
 - A. Set Public Hearing.**
 - B. Hold Public Hearing.**
 - C. Minutes from Various Boards**

**City Council Agenda
February 9, 2016
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- 6. Adopt Budget Ordinance Amendments for FY 2015-16 Powell Bill Funds.
(See Page 9)**
- 7. Presentation on Richmond Public Library System programs and services
by Director Kelly Vadney.**
- 8. Presentation of Rockingham Fire Department's Annual Report for 2015
by Fire Chief Harold Isler. (Enclosed separately)**
- 9. Consideration of approval of Rockingham Police Department Policy
governing use of Body-Worn Cameras (BWC) (See Pages Manager's
Comment & pages 10-13)**
- 10. Business by Visitors.**
- 11. Business by City Clerk.**
- 12. Business by City Manager.**
- 13. Business by City Attorney.**
- 14. Items of discussion by City Council Members.**
- 15. Business by Mayor.**
- 16. Closed Session G.S. 143-318.11 (a) (5) real estate.**
- 17. Adjournment.**

MEMO TO: Mayor Steve Morris & City Council

FROM: Monty R. Crump, City Manager

DATE: February 2, 2016

RE: Agenda Items

REGULAR AGENDA:

9. Consideration of approval of Rockingham Police Department Policy governing use of Body-Worn Cameras (BWC) (See Pages Manager's Comment & pages 10-13)

The Rockingham Police Department anticipates that it will receive BWC within the next couple of weeks. The cost of the BWC is approximately \$17,500 which includes computer hardware and software to administer BWC is included in cost. The full cost of the BWC is covered by a grant received from the Governor's Crime Commission. Enclosed please find proposed BWC Policy prepared by Chief Kelly. I have reviewed the proposed policy with Chief Kelly and I both recommend the policy and commend Chief Kelly for a job well done. Due to the fact that most law enforcement agencies are just beginning to use BWC there are not a lot of model policies to gain insight from in drafting one for RPD. As with all new policies governing new technology in law enforcement, this policy will change over time as court cases and other events dictate changes in elements contained in this proposed policy. As an example, a very recent decision in a court case involving tasers has prompted additional change to RPD's taser use policy, one of several since that policy was adopted many years ago. The Chief and I look forward to hearing your direction on adoption of the BWC Policy as presented.

Rockingham, NC

City Council Agenda

SUPPORT DOCUMENTS

UNCOLLECTED TAXES

YEAR	AMOUNT	January 2016
2015	239,117.68	
2014	35,925.03	
2013	26,585.46	
2012	17,915.72	
2011	15,934.68	
2010	12,108.28	
2009	10,256.87	
2008	8,925.59	
2007	5,290.51	
2006	4,294.50	
2005	3,973.77	
2004	3,004.32	
	239,117.68	Total Current Year
	144,214.73	Total Past Years
	383,332.41	Total All Years

CITY OF ROCKINGHAM
MONTHLY REFUNDS REGISTER
JANUARY 31, 2016

DATE	ACCOUNT	NAME	EXPLANATION	YEAR	AMOUNT	TAGS/LATE LIST	INTEREST	REFUNDED	CHECK #
1/8/16	747202851716	CORELOGIC/EVANS, MITCHELL	OVERPAYMENT	2015	796.26			796.26	63736
1/8/16	747202782636	CORELOGIC/LAYTON, JANE H	OVERPAYMENT	2015	501.04			501.04	63737
1/8/16	747311558076	CORELOGIC/WOOLARD HUNTER	OVERPAYMENT	2015	270.40			270.40	63738
1/8/16	747311660890	CORELOGIC/STURDIVANT, RESHANNA R	OVERPAYMENT	2015	442.58			442.58	63739
1/8/16	746201289267	CORELOGIC/GREENE, CLINT PATRICK	OVERPAYMENT	2015	667.99			667.99	63740
1/8/16	92471301	FLEURY, ROBERT	OVERPAYMENT	2015	12.01			12.01	63741
1/8/16	83918309	FOUR OAKS BANK	OVERPAYMENT	2015	327.29			327.29	63742
1/8/16	25480102	CLAUDE SMITH ENTERPRISES	OVERPAYMENT OF RELEASED TAX	2015	249.48			249.48	63743
1/8/16	25473101	TOWN & COUNTRY LTD	OVERPAYMENT OF RELEASED TAX	2015	118.94			118.94	63744
1/12/16	25473101	GRIFFIN NISSAN, INC	VEHICLE TAX REFUND	2015	26.01			26.01	63788
1/12/16	27600621	GRIFFIN NISSAN, INC	VEHICLE TAX REFUND	2015	26.01			26.01	63788
1/12/16	6285547	PATEL, JAYESH K	VEHICLE TAX REFUND	2015	6.10			6.10	63784
1/12/16	16300072	PORTER, STEPHEN C	VEHICLE TAX REFUND	2015	4.45			4.45	63781
1/12/16	25502361	ROBINSON, CHALON F	VEHICLE TAX REFUND	2015	11.99			11.99	63780
1/12/16	25896086	WATKINS, BRANDIE N	VEHICLE TAX REFUND	2015	57.95			57.95	63776
								0.00	
								0.00	
		TOTALS			\$3,518.50	0.00	0.00	\$3,518.50	



**Budget Ordinance
 Amendments
 Fiscal Year 2015-16**

POWELL BILL AMENDMENTS

Decrease	10-343-2000	Powell Bill Allocation	1,346.16
Increase	10-399-2010	Powell Bill Fund Balance	82,957.23
Increase	10-570-3450	Powell Bill Cont. Services	81,611.07

Adopted this the 9th day of February, 2016.

Signed: _____
 M. Steven Morris
 Mayor

Attest:

 Gwendolyn F. Swinney, CMC, City Clerk

**ROCKINGHAM POLICE DEPARTMENT
W. D. KELLY, CHIEF OF POLICE**

Title: Body-Worn Camera

Procedure: 5.806

Date Issued: January 25, 2016

Revised:

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.[1]

II. POLICY

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
4. The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

B. When and How to Use the BWC

1. Except as otherwise provided in this policy, officers shall activate body-worn cameras to record all contacts with citizens in the performance of official duties.
2. Officers shall wear body-worn cameras above the midline of their torso and in position designed to produce an effective recording.
3. Unless the interaction with a citizen is in an undercover assignment, wherever possible officers should

inform individuals that they are being recorded. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. However, officers should evaluate the situation and when appropriate, honor the citizen's request. The request to turn the camera off should be recorded, as well as the officer's response.

4. The officer shall document in an official report any instance where the officer fails to activate the BWC, fails to record the entire contact, interrupts the recording, BWC malfunction, or why a recording was not made, was interrupted, or was terminated.

5. Non-Department personnel shall not be allowed to review the recordings unless pursuant to written consent by the chief or a court order.

Note: N.C.G.S. 132-1.4 Criminal Investigations; intelligence information records; Innocence Inquiry Commission records. Records of criminal investigations conducted by public law enforcement agencies, records of criminal intelligence information compiled by public law enforcement agencies, and records of investigations conducted by the North Carolina Innocence Inquiry Commission, are not public records as defined by G.S. 132-1. Records of criminal investigation conducted by public law enforcement agencies or records of criminal intelligence information may be released by order of a court of competent jurisdiction.

C. Deactivation of the body-worn camera shall occur when:

1. The event has concluded;

2. Victim and/or witness contact has concluded;

3. All persons stopped have been released;

4. Once an arrestee has been placed into a vehicle to be transported to a detention facility. However, the officer transporting the arrestee to the detention facility shall keep the officer's body-worn camera activated until custody of the individual is transferred to the detention facility

D. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.

2. Any member assigned to a non-uniformed position may carry a BWC at any time the member believes that such a device may be useful in the performance of their duties. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the BWC in a conspicuous manner when in use or otherwise notify the persons they are being recorded, whenever possible.

Note: North Carolina law permits an individual to surreptitiously record any conversation in which one party the conversation has given his or her permission (N.C.G.S. 15A-287).

3. Officers assigned a body-worn camera may use the camera at approved off-duty employment, but only in connection with their Department duties. If used for this purpose, the officer shall download all files during their next regularly assigned on-duty shift.

4. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.

5. Police personnel who are assigned BWCs must complete an agency approved and/or provided training

program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

6. BWC equipment is the responsibility of individual officers and will be used with reasonable-care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.

7. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

8. Problems with body-worn cameras are handled by the Patrol Commander.

9. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.

10. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

11. To ensure accuracy and consistency, officers are encouraged to review recording prior to preparing reports. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.

12. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

13. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

E. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police;
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
5. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

F. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.

2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

3. All access to BWC files must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

Category Retention Period

Non-Citizen Involvement	45 Days
Traffic Stop – Warning	45 Days
Traffic Stop –Infraction	45 Days
Traffic Stop – Misdemeanor	3 Years
Traffic Stop – Felony	20 Years
Non-Criminal Offenses	45 Days
IARPD	4 Years
Criminal Investigation – Non Felony	3 Years
Criminal Investigation – Felony	20 Years

- Non-Citizen Involvement: Video that does not contain an interaction with a citizen, suspect or associated with any other category. Ex: Pre shift test video, blue light and TASER spark test, accidental activation.
- Traffic Stop Warning: Verbal or written warning, with no citation or arrest, regardless of reason for stop.
- Non-Criminal Offenses: Interaction with a citizen that is not related to a criminal charge or investigation.
- IARPD: All video associated with an internal investigation should be categorized IARPD, unless the suspect is charged with a felony. If so, it shall be categorized as traffic stop or criminal investigation – felony

G. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

2. At least on a monthly basis, the Patrol Commander will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

H. Handling of Digital Multimedia Evidence

Any time a member records any portion of a contact that he/she reasonably believes constitutes evidence in a criminal case, the member will request from the Patrol Commander a copy and provide it to the District Attorney's office in accordance with N.C.G.S. 15A -903.

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

REVENUES AND EXPENDITURES
PERIOD ENDING JANUARY 31, 2016

<u>GENERAL FUND</u>	<u>CURRENT YTD</u>	<u>PRIOR YTD</u>	<u>JANUARY 2016</u>	<u>JANUARY 2015</u>	<u>DECEMBER 2015</u>
	\$	\$	\$	\$	\$
<u>TOTAL REVENUES:</u>	6,680,317.80	6,384,863.95	837,148.84	756,205.85	2,374,991.18
<u>EXPENSES:</u>					
Goven. Body	116,035.54	122,751.41	20,191.18	10,551.34	16,829.78
Administration	242,048.55	231,904.08	31,513.29	33,507.22	29,624.25
Finance	169,086.21	168,547.54	23,146.50	21,433.69	17,545.14
Planning & Inspections	202,650.32	183,993.41	35,752.23	21,722.64	22,591.86
Public Buildings	244,341.59	286,859.94	45,726.77	36,179.45	34,722.20
Police	1,662,740.99	1,637,730.65	211,945.58	218,519.69	204,207.41
Fire	610,588.36	960,105.90	83,702.90	140,755.47	77,692.88
Maint. Shop	73,544.40	70,025.02	11,992.02	9,358.45	9,305.83
Street	150,357.87	141,124.77	21,058.13	20,552.28	19,574.98
Powell Bill	147,375.63	142,979.96	15,064.79	29,248.81	23,041.10
Sanitation	820,385.56	629,097.03	144,814.84	92,853.57	71,931.34
Tourism	52,156.09	0.00	7,563.60	0.00	7,369.83
Recreation	405,659.63	314,692.56	31,512.31	35,684.29	23,927.10
Cultural & Library	38,948.23	39,150.89	5,783.52	6,006.27	4,626.11
Cemetery	62,511.42	63,969.36	8,682.46	8,703.15	7,010.44
General & Admin.	222,510.69	237,864.77	34,283.22	39,415.74	10,032.01
Debt Service	359,807.11	408,292.90	206,101.85	242,900.38	0.00
Total	\$ 5,580,748.19	\$ 5,639,090.19	\$ 938,835.19	\$ 967,392.44	\$ 580,032.26
<u>ENTERPRISE FUND</u>					
<u>TOTAL REVENUES:</u>	\$ 4,252,447.27	\$ 3,646,447.00	\$ 605,178.51	\$ 528,458.48	\$ 557,373.66
<u>EXPENSES:</u>					
Administration	1,982,377.07	1,709,131.96	36,866.09	27,572.38	1,764,974.18
W/S Maintenance	531,662.94	645,154.60	61,077.72	61,146.12	52,176.21
Water Plant	544,056.53	517,712.29	82,908.46	79,154.08	50,508.41
Waste Treatment	1,150,767.06	1,515,730.97	168,591.84	212,523.51	93,262.86
Debt Service	0.00	0.00	0.00	0.00	0.00
Total	\$ 4,208,863.60	\$ 4,387,729.82	\$ 349,444.11	\$ 380,396.09	\$ 1,960,921.66

FUEL CONSUMPTION AND EXPENDITURES
PERIOD ENDING JANUARY 31, 2016

FUEL CONSUMPTION	CURRENT YTD		PRIOR YTD		JANUARY 2016		JANUARY 2015		DECEMBER 2015	
	Usage	Dollar Amts.	Usage	Dollar Amts.	Usage	Dollar Amts.	Usage	Dollar Amts.	Usage	Dollar Amts.
Administration	0.0	\$ 0.00	0.0	\$ 0.00	0.0	\$ 0.00	0.0	\$ 0.00	0.0	\$ 0.00
Planning & Inspections	331.7	495.11	330.3	756.97	44.4	53.28	45.7	67.64	59.3	83.02
Public Buildings	1,268.4	1,885.68	1,599.4	3,703.63	183.2	219.84	209.2	309.62	196.2	274.68
Police	15,194.3	22,595.65	18,193.4	41,426.65	2,384.4	2,861.28	2,508.4	3,712.43	2,242.9	3,140.06
Fire	3,208.8	4,287.41	3,277.5	8,058.08	378.8	434.56	405.9	672.83	506.5	627.34
Maint. Shop	288.4	430.24	320.7	748.41	30.1	36.12	30.5	45.14	60.4	84.56
Street	880.4	1,313.93	3,530.8	8,688.39	119.4	143.28	451.0	723.93	174.7	244.58
Powell Bill	2,029.1	3,037.30	1,400.7	3,624.67	270.9	309.37	156.5	281.70	219.7	273.80
Sanitation	11,981.6	17,221.55	13,549.0	34,041.75	2,038.7	2,246.94	1,810.2	3,236.95	2,253.3	2,558.43
Permit Rec.	1,090.0	1,634.76	1,653.0	3,946.76	172.3	206.76	179.5	268.44	75.4	105.56
Cityery	493.1	736.36	650.4	1,578.22	63.3	75.96	45.5	67.34	50.1	70.14
Contract & Admin.	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00
Engineering	637.4	955.00	925.9	2,117.44	74.8	89.76	149.9	221.85	97.1	135.94
W/S Maint.	5,558.2	8,231.96	5,960.5	14,343.24	803.4	932.34	815.6	1,281.33	772.1	988.57
Water Plant	193.0	285.66	209.3	460.53	14.7	17.64	50.2	74.30	50.7	70.98
Waste Treatment	5,367.4	7,682.62	5,912.7	14,505.96	1,089.7	1,219.99	931.3	1,618.71	958.9	1,143.47
Total	48,521.8	\$ 70,793.23	57,513.6	\$ 138,000.70	7,668.1	\$ 8,847.12	7,789.4	\$ 12,582.21	7,717.3	\$ 9,801.13

To: Monty Crump, City Manager
From: Dave Davis, Parks and Recreation Director
Date: February 1, 2016
Subject: Activity Report

The following is an update on Parks and Recreation Activities.

Youth Basketball – All schedules are current with post season tournaments beginning Thursday, February 18th and concluding Saturday, February 27th.

Youth Soccer- Registration deadline is Thursday, February 18th. Enrollment to date has been steady, and with the change in our registration process, final results should prove interesting.

Youth Baseball/Softball – We will begin the registration process for these two programs on Monday, February 15th and conclude Monday, March 7th.

Hinson Lake – Reservations are consistent and will increase as we approach the warmer months.



FIRE CHIEF
HAROLD ISLER
ADMIN. ASST.
KRISTY PLAYER

ASST. CHIEF
DAVID MULLIS
CAPTAIN

January-16

We are pleased to submit the monthly fire report on the activities undertaken by the Rockingham Fire Department during the month of January 2016.

Total Alarms:	<u>41</u>	In Town:	<u>41</u>	Out of Town:	<u>0</u>
Turn In Alarms:	<u>0</u>	Silent Alarms:	<u>41</u>	Structure:	<u>0</u>
Wrecks:	<u>14</u>	Alarm Malf:	<u>9</u>	Good Intent:	<u>4</u>
Smoke Scare:	<u>1</u>	Vehicle fire :	<u>0</u>	Trash/outside fire:	<u>1</u>
Power line down:	<u>7</u>	Service Call:	<u>0</u>	Gas Leak/Spill:	<u>3</u>
Chimney fire:	<u>1</u>	Co detector:	<u>0</u>	Assist Police:	<u>0</u>
Electrical:	<u>0</u>	Assist EMS:	<u>1</u>	Mutual aid:	<u>0</u>

Hours Spent on Calls: 14 hours 3 minutes

Total Property Exposed to Fire:	<u>\$0.00</u>
Total Property Damaged by Fire:	<u><u>\$0.00</u></u>
Total Property Saved:	<u>\$0.00</u>

During the month of January full time members of the fire department averaged 34 training hours per person; part-paid members averaged 3 hours per person for the month.

Public Life & Safety:

- ~Installed 3 car seats
- ~Sparky had a visit with Mt.Olive Church for a birthday party
- ~Inspected all city buildings
- ~All employees completed Bloodborne pathogen upgrade class

Respectfully Submitted,

Fire Chief
Harold Isler



Rockingham Police Department



W.D. Kelly, Chief of Police

To: Monty Crump

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

Date: February 2, 2016
Ref: January 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>979</u>
Animal Control Calls:	<u>53</u>
Alarm Calls	<u>114</u>
Escorts:	<u>80</u>
Unlock Vehicles:	<u>114</u>

Charges Generating Arrest:

Felonies:	<u>16</u>
Misdemeanors:	<u>62</u>
Drug Violations:	<u>9</u>
Juvenile:	<u>3</u>
Warrants Served:	<u>51</u>
Citations:	<u>67</u>

Accidents Reported/Investigated:

Property Damage only:	<u>44</u>
Personal Injury:	<u>2</u>

Officer Hours Spent in Court:	<u>49</u>
Officer Training Hours Logged	<u>221</u>

Items of Interest:

The recent severe weather situation was handled efficiently and competently by our staff. No major problems arose as citizens were aware and stayed off the icy roads.