

**CITY COUNCIL
AGENDA**

**November 11, 2014
7:30 p.m.**

- 1. Opening of meeting by Mayor Steve Morris.**
- 2. Invocation by Reverend Mike Sykes, Pastor of First United Methodist Church.**
- 3. Amendments and Changes to Agenda.**
- 4. Consent Agenda:**
 - A. Disposition of Minutes of the October 14, 2014 Regular Meeting. (Enclosed separately)**
 - B. Tax Collector's Report. (See Pages 5-7)**

Informational Items:

 - 1.) Monthly Collection Report**
 - 2.) Uncollected Taxes as of October 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.**
- 5. Business by Planning Board.**
 - A. Set Public Hearing. (none)**
 - B. Hold Public Hearing. (none)**
 - C. Minutes from various Boards. (none)**
- 6. Consideration of a Demolition Ordinance for the Dilapidated Dwelling located at 110 S. Grove Avenue and identified as Richmond County PIN 7473-14-34-2344. (See Pages 8-10 & Photo Insert)**

- 7. Consideration of amendment to agreement to sell telecommunications lease by and between City of Rockingham and Cellco Partnership to Wireless Capital Partners, LLC for telecommunications (cell tower) located at 1311 Rockingham Road (Browder Park). See Manager's Comments and Pages 11-13.)**
- 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.**
 - A. Acknowledgement of Proclamation issued Honoring Veteran's and in Support of Veteran's Day Activities beginning during the weekend of November 8th and continuing through today, November 11, 2014. (See page 14)**
- 14. Adjournment.**

MEMO TO: Mayor Steve Morris & City Council

FROM: Monty R. Crump, City Manager

DATE: November 6, 2014

RE: Agenda Items

REGULAR AGENDA:

- 7. Consideration of amendment to agreement to sell telecommunications lease by and between City of Rockingham and Celco Partnership to Wireless Capital Partners, LLC for telecommunications (cell tower) located at 1311 Rockingham Road (Browder Park). (See Pages 11-13.)**

The proposed amendment to approved prior agreement is to extend purchase price to \$240,000.00 for a 21-year term. All other conditions remain the same with only the purchase price and term being different. As with prior justification the value of lump sum cash on hand today is proposed to be utilized for Downtown Development/Economic Development.

Rockingham, NC

City Council Agenda

SUPPORT DOCUMENTS

**CITY OF ROCKINGHAM
MONTHLY TAX COLLECTION REPORT**

MONTH: October

YEAR: 2014

YEAR	AD VALOREM TAXES	COST AND INTEREST	TOTAL COLLECTED	PERCENT THIS DATE	YEAR TO DATE COLLECTIONS	PRIOR YEAR RECORD	
						SAME MONTH COLLECTIONS	PERCENT OF TOTAL
2015	70.76		70.76		226.06	265.93	
2014	109,653.98		109,653.98	30.51%	850,630.25	187,516.90	29.32%
2013	3,651.64	372.91	4,024.55	98.57%	15,497.14	2,807.63	98.24%
2012	1,588.86	286.42	1,875.28	99+%	4,109.95	1,114.68	98.72%
2011	1,524.70	312.62	1,837.32	99+%	2,696.32	209.76	99+%
2010	84.16	158.07	242.23	99+%	1,128.57	191.35	99+%
2009	151.64	68.59	220.23	99+%	963.31	203.84	99+%
2008	313.31	311.69	625.00	99+%	808.30	-	99+%
2007	29.04	18.40	47.44	99+%	1,369.24	66.59	99+%
2006	19.86	29.64	49.50	99+%	498.54	-	99+%
2005	74.90	79.79	154.69	99+%	194.41	176.50	99+%
2004	10.61	0.16	10.77	99+%	99.96	67.62	99+%
	117,173.46	1,638.29	118,811.75		878,222.05	192,620.80	

UNCOLLECTED TAXES

YEAR	AMOUNT	October 2014
2014	1,941,801.84	
2013	40,235.11	
2012	27,570.79	
2011	22,870.84	
2010	17,747.12	
2009	14,149.48	
2008	11,587.26	
2007	6,600.16	
2006	5,299.02	
2005	4,438.17	
2004	3,311.95	
	1,941,801.84	Total Current Year
	153,809.90	Total Past Years
	2,095,611.74	Total All Years

MEMORANDUM

To: Mayor Steve Morris and City Council Members

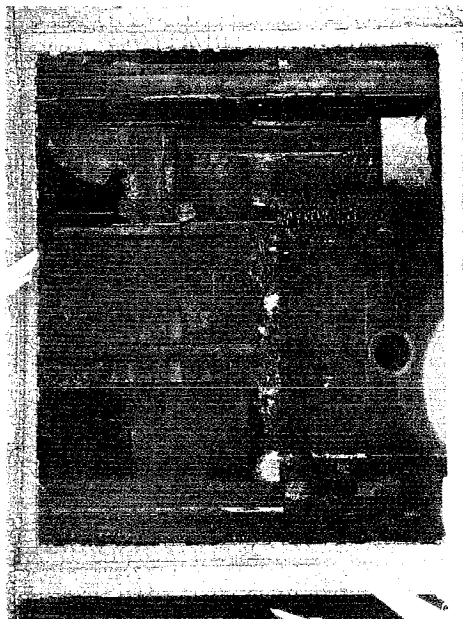
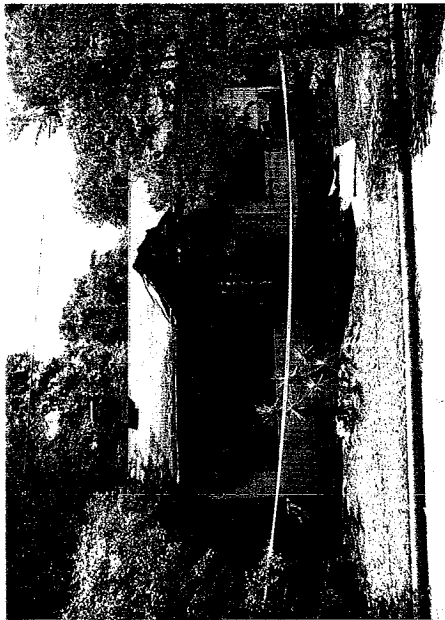
From: John Massey, Planning Director

Date: November 2, 2014

Re: Demolition Ordinance for Dilapidated Dwelling located at **110 S. Grove Avenue**

City staff recommends the City Council approve a demolition ordinance for the dilapidated dwelling located at 110 S. Grove Avenue and identified as Richmond County PIN 7473-14-34-2344. 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 June of 2014. The property owner, Isiac Moore, and parties of interest were notified of a hearing with the Code Enforcement Officer regarding the condition of the dwelling. The notice was sent via certified and regular mail; published in the Richmond County Daily Journal; and posted on the subject property. No one attended the hearing. The Code Enforcement Officer issued his findings of fact and directed the property owners to either repair or demolish the dwelling by October 14, 2014. Again, the notice was sent via certified and regular mail; published in the Richmond County Daily Journal; and 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, Isiac Moore, 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 July 16, 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 110 S. Grove Avenue and identified by Richmond County PIN# 7473-14-34-2344.
- 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 July 16, 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:

OPTION AND LETTER AGREEMENT

Date	October 31st, 2014
Landlord	City of Rockingham
Purchase Price	\$240,000.00
Term Purchased	21 years
Property/Lease(s)	1311 ROCKINGHAM ROAD, ROCKINGHAM, NC 28379 Original lease by and between City of Rockingham and Celco Partnership dated April 27 2009 as amended or assigned (the "Verizon Lease")

By signing this letter agreement (this "Letter Agreement"), Landlord grants Wireless Capital Partners, LLC ("WCP") an option (the "Option") to purchase Landlord's interest in the Lease(s) identified above (collectively, the "Leases" and each, a "Lease"). WCP may exercise the Option by written notice to Landlord prior to the date (the "Option Deadline") that is 60 days after the latest of the dates set forth below the signatures to this Letter Agreement (such date, the "Effective Date"). The terms of this proposed Letter Agreement are valid for 14 days after the date set forth above, after which, such offer shall be void if not executed by Landlord prior to such date.

In the event WCP exercises the Option, Landlord agrees that it shall, with respect to each Lease, execute a Purchase and Sale of Lease and Successor Lease Agreement substantially similar to the form of Purchase and Sale of Lease and Successor Lease Agreement attached hereto (the "Purchase Agreement") (the execution version of which shall be provided to Landlord on or before WCP's exercise of the Option).

The parties agree that \$100.00 and WCP's commitment to expend time, effort and expense to evaluate the transaction contemplated by this Letter Agreement (the "Transaction") are good and sufficient consideration for the Option. Landlord agrees to cooperate with WCP in connection with its evaluation of the Transaction and agrees to promptly provide to WCP the items set forth on Exhibit A, together with any other items reasonably requested by WCP from time to time after the Effective Date. Between the Effective Date and the Option Deadline, neither Landlord (nor any affiliate, member, employee, or manager thereof in the event Landlord is an entity) shall (a) offer, negotiate, solicit or entertain any offers to sell or assign any interest in any Lease (or any premises leased thereunder); or (b) amend, extend, or terminate any Lease.

Landlord acknowledges that this Letter Agreement is a legally binding commitment to sell the Leases to WCP. In the event of a breach of this Letter Agreement by Landlord, WCP shall be entitled to compensation for its time and expense to evaluate the Transaction and, in any action to enforce this Letter Agreement, to recovery of its reasonable attorney's fees (such breach to include, without limitation, any failure by Landlord to (i) reasonably and timely cooperate with WCP in connection with its diligence of the Transaction and any inquiries related thereto, (ii) diligently attempt to procure an executed non-disturbance agreement from the holder of any senior interest in the property that is the subject of any Lease, or (iii) proceed to the closing of the Transaction (the "Closing") within seven (7) days after Landlord's receipt of all necessary closing documents from WCP).

WCP shall be responsible for all closing, escrow and title costs (other than applicable transfer taxes). Upon Closing, WCP will hold-back from the Purchase Price, an amount equal to the rent scheduled to be received under any Lease during the two (2) calendar months after the Closing (it being agreed that upon receipt of any such rent from the applicable tenant, WCP will reimburse Landlord for such amounts).

[Signatures Appear on the Following Page]

IN WITNESS WHEREOF, Landlord and WCP have executed and delivered this Letter Agreement as of the Effective Date.

WCP:

Wireless Capital Partners, LLC,
a Delaware limited liability company

By: _____
Name:
Title: Authorized Signatory

Date: _____

Landlord:



Landlord Signature

Date: _____

Exhibit A

Due Diligence Items

1. Signed Letter Agreement;
2. Approval of Purchase Agreement (please initial each page);
3. Completed and executed Summary of Information provided to Landlord under separate cover;
4. Proof of rent payments (represented by check stubs representing the last three months' of rent payments);
5. If Landlord is an entity, Landlord's applicable organizational documents (see below).
 - a. Articles of Incorporation and Bylaws,
 - b. Certificate of Formation and Operating Agreement,
 - c. Certificate of Limited Partnership and Partnership Agreement, or
 - d. Trust Agreement.

**PROCLAMATION
Honoring Veterans
and
Supporting Veterans Day Activities**

WHEREAS, in 1919 President Woodrow Wilson proclaimed November 11th as Armistice Day; and

WHEREAS, in 1938 it became a national holiday and in 1954 Congress changed the name of the holiday to Veterans Day; and

WHEREAS, President Dwight D. Eisenhower signed the bill into law for this day "to honor veterans...a day dedicated to world peace"; and

WHEREAS, observances are held throughout the Country to salute and honor our Nation's heroes; and

WHEREAS, various organizations exist to help veterans and their families in time of need, to support measures to promote the welfare and security of the Country, and to support patriotic and moral values through special school, hospital, and civic programs; and

WHEREAS, the City of Rockingham is proud of all our veterans and wholeheartedly supports the men, women, and their families who have served our Nation in past wars as well as those serving today; and

WHEREAS, the slogan "All gave some, some gave all" brings to our hearts the importance of never under estimating freedom's price.

NOW, THEREFORE, I, M. Steven Morris, Mayor and Members of Rockingham City Council do hereby proclaim Tuesday, November 11, 2014 as a day to express honor and support for all veterans; and,

FURTHERMORE, encourage our citizens to take time to honor veterans by participating in local ceremonies, one of which will be held on Saturday, November 8, 2014 in the Veteran's Memorial Park at 11:00 a.m. with Lt. Colonel Jon Ring, Commander of the Richmond Senior High School JROTC being the guest speaker.

This the 3rd day of November, 2014.

Signed: _____
M. Steven Morris
Mayor

Attest:

Gwendolyn F. Swinney, CMC, City Clerk

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

REVENUES AND EXPENDITURES
PERIOD ENDING OCTOBER 31, 2014

<u>GENERAL FUND</u>	<u>CURRENT YTD</u>	<u>PRIOR YTD</u>	<u>OCTOBER 2014</u>	<u>OCTOBER 2013</u>	<u>SEPTEMBER 2014</u>
	\$	\$	\$	\$	\$
<u>TOTAL REVENUES:</u>	2,751,151.77	2,542,128.98	605,293.66	563,586.15	1,020,233.86
<u>EXPENSES:</u>					
Goven. Body	75,447.73	71,602.97	23,907.90	21,844.88	10,022.09
Administration	126,687.89	102,581.29	42,192.41	-1,415.80	29,062.92
Finance	100,919.47	92,917.92	29,053.87	26,971.96	21,472.06
Planning & Inspections	111,491.19	102,888.71	33,525.05	31,306.46	21,231.36
Public Buildings	177,693.51	122,339.29	39,105.17	39,438.13	39,692.89
Police	966,689.39	939,010.67	310,118.16	295,732.68	207,990.34
Fire	648,503.12	423,883.39	112,907.03	117,006.18	349,165.41
Maint. Shop	40,003.64	37,463.79	14,184.22	12,823.85	9,355.10
Street	82,006.16	89,507.97	27,096.12	28,850.79	18,003.66
Powell Bill	83,289.26	101,679.55	37,138.15	22,657.80	14,745.20
Sanitation	344,765.86	343,422.74	109,936.98	113,885.00	82,481.62
Recreation	220,474.93	197,430.07	45,685.85	45,533.63	44,777.13
Cultural & Library	23,412.05	24,401.41	7,742.72	8,091.95	5,209.68
Cemetery	36,193.63	49,272.31	11,536.95	12,685.21	8,354.48
General & Admin.	144,921.18	147,796.20	36,019.38	42,067.99	35,563.84
Debt Service	165,392.52	152,873.00	49,482.40	65,390.85	0.00
Total	3,347,891.53	2,999,071.28	929,632.36	882,871.56	897,127.78
	\$	\$	\$	\$	\$
<u>ENTERPRISE FUND</u>					
<u>TOTAL REVENUES:</u>	2,090,460.87	2,035,022.11	528,535.03	479,250.51	513,729.37
<u>EXPENSES:</u>					
Administration	153,084.57	143,037.19	56,220.50	43,764.07	29,316.82
W/S Maintenance	351,251.15	358,784.88	75,419.39	80,463.52	74,781.43
Water Plant	312,647.24	256,511.54	85,098.31	71,688.83	76,801.45
Waste Treatment	1,035,309.80	676,953.74	293,570.22	227,809.67	282,333.42
Debt Service	0.00	0.00	0.00	0.00	0.00
Total	1,852,292.76	1,435,287.35	510,308.42	423,726.09	463,233.12
	\$	\$	\$	\$	\$

FUEL CONSUMPTION AND EXPENDITURES
PERIOD ENDING OCTOBER 31, 2014

FUEL CONSUMPTION	CURRENT YTD		PRIOR YTD		OCTOBER 2014		OCTOBER 2013		SEPTEMBER 2014	
	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	204.9	536.91	183.8	506.32	46.8	110.92	37.3	97.35	45.3	120.50
Public Buildings	1,023.1	2,696.19	1,035.1	2,845.40	215.0	509.55	257.4	671.81	249.8	664.47
Police	10,900.3	28,524.00	9,963.7	27,383.84	2,727.6	6,464.41	2,428.0	6,337.08	2,661.5	7,079.59
Fire	2,118.5	5,791.50	1,617.6	4,751.34	626.7	1,604.03	380.7	1,080.23	684.6	1,876.35
Maint. Shop	198.4	521.75	187.7	514.37	45.6	108.07	62.2	162.34	61.8	164.39
Street	2,399.4	6,599.28	2,214.7	6,395.70	527.0	1,329.85	411.0	1,151.46	609.4	1,676.61
Powell Bill	928.3	2,633.17	1,107.4	3,491.50	302.3	804.52	270.4	849.06	226.8	641.84
Sanitation	7,379.8	21,039.32	7,627.0	23,833.87	1,925.3	5,141.01	1,938.7	6,044.27	1,736.0	4,896.31
FI & Rec.	1,177.5	3,112.07	1,166.4	3,236.37	219.9	522.80	221.3	582.47	308.2	820.73
City	501.5	1,319.58	582.4	1,605.14	110.4	261.65	145.0	378.45	111.4	296.32
City & Admin.	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00
Exec. Adm.	557.8	1,471.31	516.7	1,423.34	107.5	254.78	124.1	323.90	138.8	369.21
W/S Maint.	3,717.7	10,122.45	4,409.3	12,985.84	851.4	2,113.95	983.2	2,800.63	931.0	2,527.24
Water Plant	111.9	293.11	196.7	535.57	25.7	60.91	72.0	187.92	48.9	130.07
Waste Treatment	3,320.1	9,265.37	3,121.1	9,413.54	956.0	2,504.12	902.2	2,707.88	816.6	2,277.11
Total	34,539.2	\$ 93,926.01	33,929.6	\$ 98,922.14	8,687.2	\$ 21,790.57	8,233.5	\$ 23,374.85	8,630.1	\$ 23,540.74



FIRE CHIEF
 HAROLD ISLER
ADMIN. ASST.
 KRISTY PLAYER

ASST. CHIEF
 DAVID MULLIS
CAPTAIN
 VIC MCCASKILL

October-14

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

Total Alarms:	<u>48</u>	In Town:	<u>47</u>	Out of Town:	<u>1</u>
Turn In Alarms:	<u>3</u>	Silent Alarms:	<u>45</u>	Structure:	<u>2</u>
Wrecks:	<u>26</u>	Alarm Malf:	<u>11</u>	Good Intent:	<u>4</u>
Smoke Scare:	<u>2</u>	Vehicle fire :	<u>0</u>	Grass/Brush:	<u>0</u>
Power line down:	<u>0</u>	Bomb Threat:	<u>0</u>	Gas Leak/Spill:	<u>1</u>
Service Call:	<u>0</u>	Co detector:	<u>0</u>	Assist Police:	<u>0</u>
Cooking Fire:	<u>0</u>	Assist EMS:	<u>1</u>	Mutual Aid:	<u>1</u>

Hours Spent on Calls: 21 hours 14 minutes

Total Property Exposed to Fire:	<u>\$67,000.00</u>
Total Property Damaged by Fire:	<u><u>\$7,000.00</u></u>
Total Property Saved:	<u>\$60,000.00</u>

During the month of October full time members of the fire department averaged 38 training hours per person; part-paid members averaged 6 hours per person for the month.

Public Life & Safety:

- ~Installed 6 car seats
- ~Inspections: 31
- ~2 station tours: 6 adults and 13 kids
- ~Held Kick off for fire prevention week at the Winn -Dixie Parking lot
- ~Toured the Perdue Plant for fire prevention training
- ~Held the fire prevention programs for the Richmond County Schools
- ~Held 3 pizza parties with the classrooms that won the poster contest
- ~Participated at Lowes for fire prevention day for kids
- ~Fire prevention program for Roberdel preschool program
- ~Chief Isler went to trunk or treat at Sandhills Childrens Center
- ~Participated in trunk or treat at Browder Park
- ~80 kids and 4 adults station tour from Mineral Springs School in Ellerbe
- ~Participated in trunk or treat at the Leath Memorial Library

Respectfully Submitted,

Harold Isler

Fire Chief
Harold Isler

To: Monty Crump, City Manager
From: Dave Davis, Parks and Recreation Director
Date: November 3, 2014
Subject: Activity Report

The following is an update of recent and current recreation activities.

Youth Soccer –Regular season and tournaments were completed Saturday, October 18th.

Youth Basketball – Registration began Monday, October 27th and concludes Monday, December 1st.

Halloween Trunk-or-Treat – This was our ninth and most successful Trunk-or- Treat to date. We had a total of twenty-eight trunks and approximately three thousand children and adults participated in this event.

Administrative Assistant Pam Cowick, City Events Coordinator Kim Williams, and Maintenance Supervisor Mark Rohleder are the driving force behind this event and their efforts continue to reflect favorably upon our department.

Election Day – Once again Browder Park will be a polling precinct on Tuesday, November 4th.

Youth Volleyball – We have 157 young ladies registered to participate in this second year program. Pre-season clinics have been completed and practices are under way. Regular season play begins on Saturday, November 8th and should conclude around Saturday, December 6th.



Rockingham Police Department



W.D. Kelly, Chief of Police

To: Monty Crump

From: W. D. Kelly
Chief of Police

Date: November 4, 2014
Ref: October 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>1206</u>
Animal Control Calls:	<u>51</u>
Alarm Calls	<u>126</u>
Escorts:	<u>89</u>
Unlock Vehicles:	<u>125</u>

Charges Generating Arrest:

Felonies:	<u>29</u>
Misdemeanors:	<u>87</u>
Drug Violations:	<u>14</u>
Juvenile:	<u>1</u>
Warrants Served:	<u>109</u>
Citations:	<u>246</u>

Accidents Reported/Investigated:

Property Damage only:	<u>56</u>
Personal Injury:	<u>09</u>

Officer Hours Spent in Court:	<u>42</u>
Officer Training Hours Logged	<u>409</u>

Items of Interest

The weather was a treat for our Annual Trunk or Treat this year at Browder Park. There was safe fun and candy for all the children.