**MINUTES OF THE REGULAR MEETING**

**OF THE REIDSVILLE CITY COUNCIL**

**HELD WEDNESDAY, NOVEMBER 10, 2010 AT 3:00 P.M.**

**COUNCIL CHAMBERS, CITY HALL**

**CITY COUNCIL MEMBERS PRESENT:** Mayor James K. Festerman

Mayor Pro-Tem Tom Balsley

Councilman George Rucker

 Councilman John Henderson

 Councilman Clark Turner

 Councilwoman Joan Zdanski

**COUNCIL MEMBERS ABSENT:** Councilman Richard Johnson

**CITY STAFF PRESENT:** D. Kelly Almond, City Manager

 Angela G. Stadler, CMC, City Clerk

 William F. McLeod Jr., City Attorney

Michael Pearce, Community Development Director

Donna Setliff, Assistant Community Development Director

Mayor Festerman called the meeting to order. He asked for a moment of silence to remember two fine citizens of the City that had passed away since the last Council meeting. Grier “Joey” Arthur served as a Council member in the 1970s and died October 14. Mary Lennon, who worked in the City’s Finance Department, died October 16.

Following the moment of silence, the Mayor recognized Bishop Felicia Kellam, Pastor of Benaja Mt. Zion Holiness Church of God, who provided the invocation.

The Mayor and Council members then led in the reciting of the Pledge of Allegiance.

**PUBLIC HEARINGS:**

**CONSIDERATION OF A REQUEST TO VOLUNTARILY ANNEX APPROXIMATELY 12.8 ACRES ON VANCE STREET EXTENSION AS REQUESTED BY COVINGTON MEMORIAL WESLEYAN CHURCH AND ACCOMPANYING ORDINANCE. (A2010-3)**

In making the staff report, City Manager Almond noted that Covington Memorial Wesleyan Church was planning an expansion and was petitioning for a water line to go to the addition.

The public hearing was opened by Mayor Festerman at 3:05 p.m. He asked if anyone wished to speak in favor of the annexation request?

Phil Surrett, Assistant Pastor/Youth Pastor of Covington, said the church was constructing a 19,000-square-foot multi-purpose building, which would include a fellowship hall and family life center. Councilwoman Zdanski noted that it is always good to hear of a church expanding.

Mayor Festerman then asked if there was anyone who wished to speak in opposition, but none was forthcoming.

The public hearing was closed at 3:05 p.m.

**Councilman Rucker made the motion, seconded by Councilman Henderson and unanimously approved by Council in a 6-0 vote, to approve the annexation request.**

The annexation ordinance as approved follows:

**A2010-03**

**AN ORDINANCE TO EXTEND THE**

**CORPORATE LIMITS OF THE**

**CITY OF REIDSVILLE, NORTH CAROLINA**

 **WHEREAS**, the City Council of the City of Reidsville, North Carolina has adopted a resolution under G.S. 160A-31 stating its intent to annex the area described below; and

 **WHEREAS**, the City Council of the City of Reidsville, North Carolina has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Council Chambers, 230 West Morehead Street, at 3:00 P.M. on Wednesday, November 10, 2010, after due notice by publication on Wednesday, October 27, 2010; and

 **WHEREAS**, the City Council finds that the proposed annexation meets the requirements of G.S. 160A-31;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Reidsville, North Carolina that:

 Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property owned by the City of Reidsville is hereby annexed and made part of the City of Reidsville, North Carolina as of December 31, 2010:

From Southeastern most property corner along the northern margin of Vance Street Extension; beginning at this point thence North 71º34’30” West at a distance of 399.38 feet to a point; thence North 04º20’44” East at a distance 517.99 feet to a point; thence North 04º20’18” East at a distance 349.63 feet to a point; thence North 04º18’42” East at a distance 299.73 feet to a point; thence North 04º19’53” East at a distance 214.05 feet to a point; thence South 87º56’02” East at a distance 285.14 feet to a point; thence South 87º44’51” East at a distance 104.26 feet to a point; thence South 04º24’05” West at a distance 1493.69 feet to the point of beginning; containing 12.812 AC more or less, all in accordance with the survey by Morgan Surveying, PLS, dated: January 28th, 2010.

 Section 2. Upon and after December 31, 2010, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Reidsville and shall be entitled to the same privileges and benefits as other parts of the City of Reidsville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Reidsville shall cause to be recorded in the office of the Register of Deeds of Rockingham County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Rockingham County Board of Elections, as required by G.S. 163-288.1.

 Adopted this 10th day of November, 2010.

 /s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 James K. Festerman, Mayor

ATTEST: APPROVED AS TO FORM:

/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ /s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Angela G. Stadler, CMC William F. McLeod Jr.

 City Clerk City Attorney

**APPROVAL OF THE CONSENT AGENDA.**

Mayor Festerman, realizing that they had skipped over the Consent Agenda approval, returned to that item, asking if there were any items the Council wanted pulled? Councilman Henderson asked that Item No. 2, Approval of a Resolution in Support of Signs on River Bridges as requested by the Dan River Basin Association, be pulled for further explanation.

**CONSENT AGENDA ITEM NO. 1 – APPROVAL OF THE OCTOBER 13, 2010 REGULAR MEETING MINUTES.**

**Councilman Henderson then made the motion, seconded by Councilman Rucker and unanimously approved by Council in a 6-0 vote, to approve the remaining Consent Agenda item, the October 13, 2010 Regular Meeting Minutes.**

**- End of Consent Agenda –**

Council members then turned to the pulled Consent Agenda item.

**CONSENT AGENDA ITEM NO. 2 – APPROVAL OF A RESOLUTION IN SUPPORT OF SIGNS ON RIVER BRIDGES AS REQUESTED BY THE DAN RIVER BASIN ASSOCIATION.**

City Clerk Angela G. Stadler explained that T Butler of the Dan River Basin Association had requested the Resolution be placed on the Council’s agenda even though Reidsville does not include rivers. The signs are being sought for local river bridges for emergency-type situations so that canoeists and others on the river will know their locations if they needed to call for help. Sheriff Sam Page and other law enforcement agencies have endorsed the signs to help assist emergency personnel with identification, she said. Councilman Henderson said he appreciated that the City is still recognized as a part of the County.

**Councilman Henderson made the motion, seconded by Councilwoman Zdanski and unanimously approved by Council in a 6-0 vote, to approve the Resolution.**

The Resolution as approved follows:

**Resolution in Support of Signs on River Bridges in Rockingham County**

**WHEREAS**, Rockingham County, the City of Eden, the Madison-Mayodan Recreation Department, the Dan River Basin Association, and private river outfitters have been actively promoting recreational use of the Dan, Smith, and Mayo rivers for several years, and

**WHEREAS**, Rockingham County’s rivers are becoming a significant tourism asset with increasing economic benefit to the County and the region, and

**WHEREAS**, there are now seven improved public access points in Rockingham County on the Dan River, two on the Mayo River, and one on the Smith River, and

**WHEREAS**, each of these rivers is also accessible to the public in counties upstream from Rockingham County, and

**WHEREAS**, the increased publicity and promotion of these rivers has brought many new paddlers, tubers, fishermen, and boaters to the rivers in Rockingham County, and

**WHEREAS**, newcomers to the rivers have become confused about their location on the river and unsure of the location of crucial bridges and public access points, and

**WHEREAS**, public safety officials are called upon from time to time for emergency rescue, search, and location of persons on Rockingham County’s rivers, and

**WHEREAS**, a permanent identification sign on each bridge over the rivers, easily readable from the river, will enable all river users and public safety officials to determine their location more readily, and

**WHEREAS**, the North Carolina Department of Transportation has the authority and capability to place a sign on each bridge,

**NOW, THEREFORE, BE IT RESOLVED** that in the interest of increasing both public safety and the economic development potential of Rockingham County’s recreational tourism, the **Reidsville City Council** does hereby express support for the request that the North Carolina Department of Transportation place a sign on each bridge over navigable rivers in Rockingham County, readable from the river, that identifies the bridge or the road passing over the river.

This the 10th day of November, 2010.

 /s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 James K. Festerman, Mayor

ATTEST:

/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Angela G. Stadler, CMC, City Clerk

Council members then returned to the Public Hearings portion of the meeting.

**PUBLIC HEARINGS (CONTINUED):**

**CONSIDERATION OF A TEXT AMENDMENT WHICH WOULD REPEAL ARTICLE VII, SIGNS, SECTION 5, SIGNS PERMITTED IN ALL DISTRICTS, AND AMEND ARTICLE VII, SECTION 12, SIGNS REQUIRING PERMITS, OF THE CITY’S ZONING ORDINANCE. (T2010-8)**

In making the staff report, Assistant Community Development Director Donna Setliff explained that Tommy Dyer, representing First Congregational Christian Church, had submitted a request to change the City’s sign regulations regarding the number of permanent church signs allowed on church property. He was requesting churches be allowed to have two permanent signs, either identification or bulletin board, be allowed on the same street frontage, Currently, the City only allows one sign even if a church is on a corner lot, she noted.

Setliff stated that the Planning Board had reviewed this and recommended against the text amendment in a 3-to-1 vote. Dyer then appealed that recommendation, which sent the issue on to City Council.

The Assistant Community Development Director noted that she had researched other cities and what they allow prior to the Planning Board meeting. Six of the nine cities allowed signs on each street frontage. Three allowed only one sign.

Setliff said she researched how many churches there are in Reidsville that would be affected by this text amendment after this particular issue had been raised at the Planning Board meeting. Of the 44 churches here, 36 churches had enough street frontage to benefit from the proposed amendment, she explained.

It had also come up at the Planning Board whether both signs would be allowed to be LED signs. The text amendment, Setliff explained, would only allow for one of the two signs to be LED since most churches in Reidsville are located in residential districts. The other sign would have to be a normal-lit type sign, she said.

To be approved for this, the church would have to have separation between the two signs of at least 100 feet, Setliff said. Thirty-six churches could do that, even with a 25-foot setback of the interior property line, she noted.

The Assistant Community Development Director explained that a lot of our churches have expanded the services they offer. Many are now providing extracurricular activities and need a way of informing the public instead of using the temporary signs that the City doesn’t encourage them to use, she said.

Setliff again said staff does recommend in favor of the text amendment, which would allow two signs on the same street frontage but with 100 feet of separation and only one sign would be an LED sign. She reiterated that the Planning Board had denied recommending the amendment.

Mayor Festerman said he preferred that it had gone even further and stated that if you had a corner lot, you could have a sign on both corners. If someone raised that question, he would be amenable to that as well, the Mayor said.

The Mayor opened the public hearing at 3:13 p.m. by asking if there was anyone who wished to speak in favor of the text amendment?

Tommy Dyer, Chairman of the Trustees Board at First Congregational Christian Church, came forward. He noted his church needs an additional sign, in addition to the current sign that tells everyone passing by that it is First Congregational. Dyer noted that his church also meets at an unusual time, 10:30 a.m. on Sundays, and the church wants to be able to display things and invite people to their services. He said there are a lot of other things going on at the church, including meetings, the food pantry, stew sales, Boy Scouts, fundraisers, etc. Churches are very important parts of our communities, he noted.

Mayor Festerman asked if anyone wished to speak in opposition? No one came forward, and the public hearing was closed at 3:15 p.m.

**Councilman Turner then made the motion, seconded by Mayor Pro Tem Balsley and unanimously approved by Council in a 6-0 vote, to approve the text amendment request.**

The Text Amendment as approved follows:

**Amendment T 2010-8**

**AMENDING THE CITY OF REIDSVILLE ZONING ORDINANCE**

**AN ORDINANCE AMENDING**

**ARTICLE VII, SIGNS**

**SECTION 5, SIGNS PERMITTED IN ALL DISTRICTS AND**

**SECTION 12, SIGNS REQUIRING PERMITS**

**OF THE CITY OF REIDSVILLE ZONING ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Reidsville, North Carolina, that the Zoning Ordinance of the City of Reidsville be amended as follows:

**Part I.** That Article VII, Section 5 (l) be repealed pertaining to Church Identification/Bulletin Signs.

**Part II.** That Article VII, Section 12 be amended by adding Church Identification/Bulletin Signs to RA-20, R-20, R-12, RS-12, R-6 and O & I per the following regulations:

 Location/Spacing: 2 signs per zoning lot, of which only one may be LED, provided there is 100 ft. of separation between signs and 25 ft. setback from interior side property line(s).

 Maximum Area Per Display Surface: 50 sq. ft.

 Maximum Height: 6 ft.

 Permitted Lighting: Internal or External

**Part III.** This Ordinance shall become effective upon its adoption by the City Council of the City of Reidsville, North Carolina

**ADOPTED** this the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2010 by the City Council of the City of Reidsville, North Carolina.

 /s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **JAMES K. FESTERMAN, MAYOR, REIDSVILLE, N.C.**

**/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Angela G. Stadler, City Clerk**

**- End of Public Hearings -**

**CONSIDERATION OF A CODE OF ETHICS FOR THE CITY OF REIDSVILLE.**

City Manager Almond noted that all cities are required to have a Code of Ethics and their governing boards to have required ethics training. All of the Reidsville Council members have undergone that training, he noted. The City Manager said that City Clerk Angela Stadler had researched the codes of various cities, including the model code from Fleming Bell at the School of Government. The City’s code is fashioned after one done by the Town of Kernersville, he said. He added that cities must adopt a Code of Ethics by January 1, 2011.

City Manager Almond said the City Clerk could probably answer any additional questions they might have.

**Councilman Zdanski made the motion, seconded by Councilman Rucker and unanimously approved by Council in a 6-0 vote, to approve the Code of Ethics.**

Councilwoman Zdanski thanked the City Clerk for the research she did in coming up with this code.

The Code of Ethics as approved follows:

**RESOLUTION ADOPTING A CODE OF ETHICS FOR THE**

**REIDSVILLE CITY COUNCIL**

**WHEREAS**, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a Code of Ethics; and

**WHEREAS**, the proper operation of democratic government requires that public official be independent, impartial and responsible to the people; and

**WHEREAS**, government decisions and policy must be made in proper channels of the governmental structure; and

**WHEREAS**, the public office must not be used for personal gain; and

**WHEREAS**, the public must have confidence in the integrity of its government; and in recognition of these goals,

**BE IT HEREBY RESOLVED** by the City Council of the City of Reidsville, North Carolina that the following is adopted:

**CODE OF ETHICS**

**FOR THE REIDSVILLE CITY COUNCIL**

 The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this Code is to establish guidelines for ethical standards of conduct for the Mayor and City Council and all references herein to the City Council shall be understood to include the Mayor. It should not be considered a substitute for the law or a City Council member's best judgment.

 City Council members must be able to act in a manner to maintain their integrity and independence, yet must be responsive to the interests and needs of those they represent. City Council members serve in an important advocacy capacity in meeting the needs of their citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this function to the proper functioning of representative government. At the same time, City Council members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. City Council members must know how to distinguish these roles and when each role is appropriate and they must act accordingly. City Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each City Council member must find within his or her own conscience the touchstone on which to determine appropriate conduct.

**Canon One**

**A City Council Member Shall Obey the Law**

 City Council members shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the Congress of the United States and the General Assembly pursuant thereto. Members specifically acknowledge and agree to comply with the requirements of NCGS §14-234 entitled “Public officers or employees benefiting from public contracts; exceptions.”

**Canon Two**

**A City Council Member Should Uphold the Integrity and**

**Independence of His or Her Office**

 City Council members should demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their public activities in order to inspire public confidence and trust in town government. City Council members should participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity and independence of their office may be preserved. The provisions of this Code should be construed and applied to further these objectives.

**Canon Three**

**A City Council Member Should Avoid Impropriety and the**

**Appearance of Impropriety in All of His or Her Activities**

 It is essential that City government attract those citizens best qualified and willing to serve. City Council members have legitimate interests - economic, professional and vocational - of a private nature. City Council members should not be denied, and should not deny to other City Council members or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. City Council members must exercise their best judgment to determine when this is the case.

 City Council members should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of the office of the City Council and of City government.

 City Council members should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of City Council to advance the private interests of others; nor should they permit others to convey the impression that they are in a special position to influence them. City Council members shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**Canon Four**

**A City Council Member Should Perform the Duties of the**

**Office Diligently**

 City Council members should, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities. In the performance of these duties, the following standards should apply:

A. Legislative Responsibilities

1. City Council members should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision-making, rules of the City Council and open government.
2. City Council members should respect the legitimacy of the goals and interests of other City Council members and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative Responsibilities

1. City Council members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be unswayed by partisan interests, public clamor, or fear of criticism.
2. City Council members should demand and contribute to the maintenance of order and decorum in proceedings before the City Council.
3. City Council members should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of their staff and others subject to their direction and control.
4. City Council members should accord to every person who is legally interested in a proceeding before the Council full right to be heard according to law.
5. City Council members should dispose promptly of the business of the City for which they are responsible.

C. Administrative Responsibilities

1. City Council members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of City affairs by City employees. City Council members should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties and should facilitate the diligent discharge of the administrative responsibilities of fellow City Council members and other City officials.
2. City Council members should conserve the resources of the City in their charge. They should employ City equipment property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. City Council members should require City employees subject to their direction and control to observe the standards of fidelity and diligence that apply to City Council members as well as those appropriate for employees.
4. City Council members who become aware of improper conduct by a City employee should promptly inform the City Manager, or, in the case of a City employee who reports directly to the Council, initiate appropriate disciplinary measures.
5. City Council members should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They should not approve compensation of employees beyond the fair value of services rendered.

**Canon Five**

**A City Council Member Should Conduct the Affairs of the**

**City Council in an Open and Public Manner**

 City Council members should be aware of the letter and intent of the State's Open Meetings Law, should conduct the affairs of the City Council consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of City government and the office of City Council. Consistent with this goal of preserving public trust, City Council members should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the City, to the reputation of current or potential City employees, to orderly and responsible decision-making, to the integrity of other governmental processes or to other legitimate interests of the City.

**Canon Six**

**A City Council Member Should Regulate His or Her Extra**

**Governmental Activities to Minimize the Risk of Conflict with**

**His or Her Official Duties**

1. City Council members should inform themselves concerning campaign finance, conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.
2. City Council members should refrain from financial and business dealings that tend to reflect adversely on the Council or on City government or to interfere with the proper performance of official duties.
3. City Council members should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Council.
4. Information acquired by City Council members in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

**Canon Seven**

**A City Council Member Should Refrain from Political Activity**

**Inappropriate to His or Her Office**

1. City Council members have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of City government, and to make themselves available to citizens of the City so that they may ascertain and respond to the needs of the community. In doing so, City Council members may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.
2. Candidates for the office of City Council, including incumbents:
3. Should inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;
4. Should maintain the dignity appropriate to the office, and should encourage members of their families to adhere to the same standards of political conduct that apply to the City Council;
5. Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
6. Should not misrepresent their identity, qualifications, present position, or other fact; and
7. Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

**BE IT FURTHER RESOLVED** that:

1. A violation of this Code of Ethics may subject a City Council member to a censure Resolution by the Reidsville City Council; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Council and be heard regarding the allegation.

2. When a City Council member has a question as to the applicability of this Code to a particular situation, he or she may apply, orally or in writing, to the City Attorney for advisory guidance. Upon receipt of a request for advisory guidance and based only upon the information given to the City Attorney, the City Attorney will provide advisory guidance to the City Council member. In the City Attorney’s discretion, he may retain outside legal counsel to advise him in connection with any request for advisory guidance. In no event will the City Attorney’s advisory guidance excuse a City Council member from complying with the Code of Ethics or other applicable law.

Adopted this 10th day of November, 2010.

 /s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 James K. Festerman, Mayor

ATTEST:

/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Angela G. Stadler, CMC, City Clerk

**CONSIDERATION OF BOARD AND COMMISSION APPOINTMENTS:**

City Manager Almond distributed the ballots for Council members to mark for Board and Commission appointments. Mayor Festerman noted the Council would be considering appointments to the ABC Board, Fireman’s Relief Fund Board, Parks and Recreation Advisory Commission and Planning Board.

**PUBLIC COMMENTS.**

Mr. Hollis Robertson of 315 Turner Drive Extension, Reidsville, came forward during the Public Comments portion of the meeting and indicated he wanted some questions answered. He distributed information to Council, including a map of the property and a letter from Community Development Director Michael Pearce. (A COPY OF THAT INFORMATION IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) He questioned why his property on Turner Drive Extension, which was owned by someone else at the time, was annexed into the City about four years ago. He said the property owner had come here to get water but they went away being annexed into the City.

Mr. Robertson said about a year and a half later, the residence beside it got a water meter without being annexed. He said he believed at the time of the annexation, it wasn’t explained to the property owners about how the water situation worked. He said there had been water along the street for 60 years, including other nearby streets, none of which had been annexed into the City.

Mr. Robertson said he did not feel the former property owner was treated fairly. He said the daughter had just wanted to satisfy her mother (the owner). He stated that the rest of the street is not annexed. He would appreciate it if the City would look at it and see what it could come up with, he said. He talked of other residences in the area which had City water but were not annexed.

Mayor Festerman told Mr. Robertson that, regarding the four questions he wanted answered, the City Manager would respond to him in writing. The City Manager said he could respond verbally right now, but the Mayor said that would be deviating from their policy of the past. He said he would rather the City Manager respond in writing and report back to City Council next month.

**CITY MANAGER’S REPORT.**

In making his report, City Manager Almond referenced his written report. (A COPY OF THAT REPORT IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) Regarding the first item, part of North Scales Street (Wentworth Street to Freeway Drive) is closed so that AT&T can do work at the intersection, he noted. He said it would be closed for about two weeks.

Behind the Miscellaneous Tab is a lengthy report from Police Chief Edd Hunt stating that his department does not believe four stop signs are needed at the intersection of Cypress Drive and Westover Drive. In discussing Item No. 3 of his written report, City Manager Almond reminded Council members that Councilman Johnson had brought up this item at a previous meeting. The department had a lengthy speed trap there and traffic didn’t justify extra stop signs at that location, he said. Unless directed by City Council, he said he didn’t plan to make any changes to the intersection.

**COUNCIL MEMBERS’ REPORTS.**

**Councilwoman Zdanski** – The Councilwoman said she had attended the Historic Preservation Commission meeting on October 19. A draft of the meeting minutes are in the Council members’ packets, she noted. A Certificate of Appropriateness was approved for 710 South Main Street where the owners needed to have the siding replaced, she said.

**Councilman Rucker** – The Councilman said he had no report but was “glad to be back.”

**Mayor Festerman** – The Mayor told Councilman Rucker they were glad to have him back and glad to see him feeling better.

The Mayor said he had learned from the Police Chief this afternoon that his department would be doing a speed assessment on Port McCoy Road.

Mayor Festerman, referencing the closing the Wentworth Street/North Scales Street intersection, pointed out that a detour sign was as far down as Harrison Street. He expressed concerns that travelers would think the downtown area was unavailable and said he thought the sign should be moved further down.

The Mayor also said he understood a local industry was donating mailboxes for North Scales Street as part of the project. He asked that City Council see an example of what the mailboxes look like. It was noted that all of the mailboxes would be uniform and would help make the street project look even nicer.

Councilman Rucker said he appreciated staff looking into this, that it saved the City a couple of thousand dollars. He added that everyone needs to appreciate the Veterans as we approach Veteran’s Day tomorrow.

**Mayor Pro Tem Balsley** – The Councilman said the Planning Board met October 20th and the agenda item was the signs in church yards, which was discussed today. The minutes of that meeting are in the Council members’ packets, he said.

**Councilman Turner** – No report.

**Councilman Henderson** – The Councilman said the Human Relations Commission had a “lively” discussion regarding housing. He said the report is in the minutes in their agenda packets. He called upon Beth Simmons to report on Chamber activities. She noted that the Chamber of Commerce is planning for next year and had just held a Planning Retreat. Councilman Henderson said he had been unable to attend due to medical reasons.

**ANNOUNCEMENT OF BOARD & COMMISSION APPOINTMENTS.**

City Clerk Angela Stadler read aloud the names of the appointees to the various boards and commissions, noting that all of the appointments had been unanimous. They are as follows:

**ABC Board – Joe E. Towns, 2003 Richardson Drive.**

**Fireman’s Relief Fund Board – Bobby Wayne Powell, 642 King Street.**

**Parks and Recreation Advisory Commission – James M. Neal, 901 Russell Avenue; Milton Percell, 242 Kingwood Road (outside position); and George “Butch” Trent Jr., 2623 Reid School Road.**

**Planning Board – Stephen Owen, 1311 Pinecrest Avenue.**

Mayor Festerman said there would be a five-minute recess before the meeting would resume in the adjacent first-floor conference room.

**BRIEFING ON THE JORDAN LAKE RULES AND ACTIONS REQUIRED.**

Community Development Director Michael Pearce began the discussion on the Jordan Lake Rules, giving Council some background on what they’re looking at for the next five years. The first ordinance to be adopted in this process will hopefully take place next month, he said, after it is reviewed by the Planning Board. Pearce explained that from the beginning, it was known Lake Jordan was going to be a problem because as a nutrient sensitive watershed, there were issues with algal blooms and taste and odor problems in the drinking water. Since the NC Department of Economic and Natural Resources completed its first draft of the Jordan Lake Rules in 2005, cities have been negotiating with the State regarding the rules so that economic development in the watershed area won’t be killed, the Community Development Director said.

Pearce reviewed the following outline for Council members:

**Historical Background of the Jordan Lake Rules**

**B. Everett Jordan Lake** is a reservoir located west of Raleigh and south of Durham in Chatham County.

The reservoir was developed and is managed by the U.S. Army Corps of Engineers <http://en.wikipedia.org/wiki/United_States_Army_Corps_of_Engineers>, which dammed and flooded the Haw River and New Hope River between 1973 and 1983 as part of a flood control project prompted by a particularly damaging tropical storm that hit the region downstream in September 1945. Originally authorized in 1963 as the New Hope Lake Project, the reservoir was renamed in 1974 in memory of B. Everett Jordan, a former North Carolina Senator.

The lake covers an area of 13,940 acres at elevation 216 feet msl *(mean sea level)*, the normal operating level. The lake is operated for flood control, water quality, fish and wildlife conservation, recreation, and water supply.

The Jordan Lake/Haw River Watershed is considered a nutrient sensitive watershed (NSW). This means Jordan Lake and its source waters are nutrient enriched causing algal blooms and taste and odor problems in drinking water.

**Jordan Lake Rules**

**1997** **Clean Water Responsibility Act**

The Clean Water Responsibility Act of 1997 (often referred to as House Bill 515) included legislation to further address water quality problems in NSW waters including Jordan Lake.

**2005 First draft of Jordan Lake Rules**

The first draft of the Jordan Lake Rules, which provide a mechanism for the State to enforce the nutrient limits and implement a management strategy, was released in September 2005. The main categories covered by the first draft of the rules are as follows.

1. Reduction goals

2. Fertilizer applicators

3. Agricultural strategy

4. Stormwater management for new development

5. Stormwater management for existing development

6. Riparian buffers

7. Wastewater discharge requirements

8. DOT stormwater requirements

All or a portion of four counties and sixteen cities are impacted by these rules in the PTCOG region.

The City of Reidsville joined a group called the Haw River Clean Water Agencies, which is a stakeholder group comprised of local government staff from the counties, cities and towns in the Haw River sub basin. They have met regularly as participants in the rule making process and as a group mobilized to pursue the best possible outcome for our local governments in this process. Two main problems existed when examining the rules. The first was just a sense of fairness about the science that was used to determine that these rules had to be in place to protect Jordan Lake. The second was the part in the rules that included the stormwater management of existing development. This would have meant providing detention ponds and other devices all around town to collect and treat water draining from existing development. This would have been extremely expensive to build and maintain.

The Haw River Clean Water Agencies negotiated with the North Carolina Department of Environmental Resources (NCDENR) and provided information to our representatives in the NC General Assembly.

**2009 Jordan Lake Rules Become Law**

The result was that Governor Beverly Perdue signed the modified Jordan Lake Rules into law on June 30, 2009. The rules seek to reduce pollution from runoff in the Haw River arm of the lake by 8 percent. Under the revised rules, however, local governments would not be required to retrofit existing development to control stormwater runoff.

The first stage of implementation of the Jordan Lake Rules will be a five year process and year one started this past August. During the next five years Reidsville must:

**Establish a public education program relating to stormwater**

Reidsville has joined the PTCOG Stormwater SMART program. This costs $3,300 per year and this group provides a comprehensive public awareness program that meets the requirement of the Jordan Lake Rules. This will be an ongoing expense as the public awareness will be an ongoing activity.

**Map our storm sewer facilities and sanitary sewer system in relation to streams, rivers, etc**.

This will be a three year process and year one started this past August.

Year One

In the first year we are required to develop a plan on how to grow our GIS system to support the mapping and ongoing maintenance of our stormwater system. Right now, we have a one person GIS department, Donna Setliff. Donna has worked since 1995 to develop our GIS system and today we have people from every department that utilize it as a resource for finding information about our properties, our streets, and our utility system. The requirements of the Jordan Lake Rules to map our sanitary and stormwater system will take us to the next level of computerizing what exists under the ground in Reidsville and using that information to maintain our utilities and to understand what level of stormwater management is required in new developments to meet the nutrient reduction goals of the Jordan Lake Rules. We know that Donna cannot do all of this work by herself. We will need new skills, training, internal processes and perhaps new software, hardware and personnel to meet these requirements. I am recommending that the City undertake a comprehensive plan of our GIS program to evaluate our GIS program and make recommendations as to how the City is going to grow this program to meet the requirements of the Jordan Lake Rules.

Initial estimates for assisting the City create this plan is $40,000.

 Year Two and Three

We have to map our sanitary and stormwater system in order to maintain an inventory of major outfalls that discharge into the Little Troublesome and Troublesome Creeks and also to utilize our GIS system to support a stormwater maintenance program. We also have to identify all land uses in the watershed. While we have a lot of this information, it is not all in our GIS system, has insufficient information regarding each particular piece, or is in a format that can not be used in conjunction with other layers in the GIS system.

**Establish a program to identify and remove illegal discharges**

We must adopt an ordinance making illicit discharges in our stormwater illegal.

We must provide public awareness and education regarding illegal discharges.

We must provide a program and training to City employees to identity and abate illegal discharges.

**Establish a program to maintain stormwater facilities**

We are required to develop a plan for operating and maintaining public stormwater facilities.

We must adopt an ordinance requiring third party inspection of private stormwater facilities, maintenance of these facilities as well as the development of a funding source for the operation of the program.

**Establish a program to identify opportunities for retrofitting stormwater facilities in existing developments**

We must identify one retrofit opportunity each year in existing developments.

**Adopt a Riparian Buffer Ordinance**

Draft City Ordinance has been approved by the NC Environmental Management Commission (EMC). We will be taking the final draft to Planning Board next Wednesday for recommendation to City Council. If adopted by City Council, we will need certain supplies, equipment and software to implement this ordinance. Total funding need will be $1,500.

**Adopt a stormwater ordinance for new development that meets the Rule requirements**

A draft ordinance has been produced by NCDENR and out to local governments for comments. We expect to have an ordinance before City Council in 2012.

**Establish a program to mark all storm drainage facilities**

Stormwater SMART will provide materials for this project. This has been approved as an Eagle Scout project.

- End of Outline -

Pearce said staff has been getting information from the State regarding the rules in a “very piecemeal” fashion. However, by 2012, the City must adopt a new Watershed Ordinance, but we are only getting “generalities” from the State as to what must be included, he noted. Currently, the City is in the first stage of what could be two stages, he said. The current stage ends in 2014.

As noted more fully in the outline, Pearce discussed the required Public Education Program related to stormwater and the City’s partnership with “Stormwater Smart” by the Piedmont Triad Council of Governments. (A HANDOUT DETAILING THE PUBLIC EDUCATION AND OUTREACH EFFORTS IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) Our participation initially costs the City $3,300, he said, which will be an ongoing expense from here on out. Stormwater Smart is a great bargain, he added, stating that it will provide the information and do presentations on the subject matter.

Councilwoman Zdanski pointed out that other cities within Rockingham County are not in the Jordan Lake/Haw River Watershed and, therefore, not affected by these regulations. Pearce distributed a map that showed the Haw River Watershed area in Rockingham County. (A COPY OF THE MAP IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) The blue area is within Reidsville, it was noted. Councilman Henderson asked how this affects rural areas outside of the City? Pearce explained that south of US 158 is included in the Haw River Watershed as well. Councilwoman Zdanski noted that Reidsville pretty much stands alone in Rockingham County in regards to these regulations.

Pearce stated that a big and costly project for the City is to map our watershed area and water system as it flows to Lake Jordan. The City has three years to do this and it will be done in Years 2 and 3, he said. He noted that the City will have to hire a company for this project at a projected cost of $250,000. The mapping will include manholes and stormwater inlets and how they flow into Little Troublesome Creek. Pearce described it as a very complex process.

In Year 1, which started this past August, the City must develop a plan on how to go about doing all of this, Pearce said, including how the City is going to grow its existing GIS system. He noted that Assistant Community Development Director Donna Setliff already has a wealth of information on the City’s GIS system, including stormwater information and fire hydrant locations. However, in order to develop a plan for growing the GIS system, the City will need to hire a consultant at a cost of approximately $40,000, Pearce said.

Mayor Festerman questioned whether the City’s Information Technology department would be any help on this? Pearce said they would be some help, but they can’t tell them what reports will need to be compiled or ways to make what is being done more cost effective. He listed what a consultant could help the City do, including public awareness efforts, employee training, etc. The Mayor questioned if the City wasn’t already doing that? Pearce replied in the affirmative, but he noted what is currently being done is not as specific and detailed as the State wants.

Councilwoman Zdanski asked if the State really knows what it wants us to do? Pearce said State officials appear to be making it up as they go along. City Manager Almond said these regulations are coming through DENR. However, changes will be continual, it was noted.

Mayor Festerman pointed out that even with these changes, the State can’t guarantee it will fix the Jordan Lake problems. He asked if there was any chance of a “mass revolt” against the rules? City Manager Almond explained that only part of the State is being affected at a time. Mayor Pro Tem Balsley, referencing the recent water rate increase, expressed concerns that the City may have to raise them again because of these regulations. Pearce did note that if some of these negotiations had not gone on, the situation could have been worse. With the original regulations, it would have cost $1 million per square mile to implement these changes, and this area includes eight square miles, he cited. He said there is still that possibility after 2014. The State is requiring cities to identify and retrofit stormwater facilities for at least one existing development. He noted the need to get the cooperation of property owners to do that.

Pearce added that the City will also have to approve a Riparian Buffer Ordinance. A new stormwater ordinance for new development that meets the Rule requirements will also need to be approved. The City will also have to establish a program to mark all storm drainage facilities; however, he noted that this has been approved as a possible Eagle Scout project.

The Community Development Director stated that he will need $41,500 from Council, which will cover the $40,000 needed for the consultant to help develop the plan to grow the GIS system and $1,500 for supplies, software, etc.

Mayor Festerman questioned what would happen if the City didn’t do this? City Manager Almond said he didn’t know and wasn’t sure whether DENR has enforcement capabilities. It was noted that staff couldn’t determine how much the entire process would cost because they are getting the information in piecemeal steps.

Pearce noted that Reidsville was in a bad situation and was having to play “catch up” to the other communities in Phase II, who had already joined Stormwater Smart, etc. It was pointed out that the City could do everything DENR says to do, but then the rules could be changed and there’s nothing the City can do about it.

Assistant Community Development Director Donna Setliff then reviewed the Riparian Buffer Ordinance process since this is the first document to be approved by the City.

**Riparian Buffer Protection Area**

Setliff explained the Rules give the City two options: the City can either adopt and enforce a Riparian Buffer Ordinance for property within the Jordan Lake Watershed or turn the enforcement over the DWQ and require the developer to submit an Authorization Certificate. She said that review by the DWQ could take up to 90 days. She said they opted to recommend a City ordinance requiring riparian buffers because staff felt that they can give much better customer service than the State.

Setliff noted that a Riparian Buffer is a 50-foot wide vegetative strip around intermittent streams, perennial streams, lakes, reservoirs and ponds. She said this excludes wetlands.

The Assistant Community Development Director said there are three resources for identifying the water sources:Soil Survey Maps; USGS Maps; and GIS Maps approved by the Geographic Information Coordinating Council and the NC Environmental Management Commission. Setliff said these organizations have already admitted that these Soil Survey Maps and USGS Maps they are looking at are not 100% correct. If there is any question as to whether the stream exists, the City will have to send staff to certify the existence of the stream. Currently two of our staff have been to the DWQ course and received their certification to do this work, she said.

Setliff listed some exemptions, including Manmade ponds, Ephemeral Streams, Ditches, etc., and referenced the situation at Courtland Park. She distributed a handout that showed those uses that are exempt, allowable and allowable with mitigation. (A COPY OF THE HANDOUT IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) There was a lengthy discussion about these uses. Setliff noted that the following uses present within the buffer area when this Ordinance goes into effect will not be affected as long as they are not changed to another use: agriculture, buildings, roads, maintained lawns, utility lines, sanitary sewer lines, etc. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt. She noted that there are two Zones in the Riparian Buffer:

Zone 1 - 30 feet from the top of the bank or the normal water level landward; and Zone 2 begins at the 30 foot mark and continues landward to another 20 feet.

Setliff explained that if the use is not on the Use Table, it will be prohibited. If there is a use that is Allowable or Allowable with Mitigation, the property owner will have to submit a request for “No Practical Alternatives” determination to the City along with backup information. Staff has three Findings we will have to find. If the information supports the “No Practical Alternatives”, then staff can issue an Authorization Certificate.

Appeals go to the Director of the Division of Water Quality through the Oversight Express Permitting Unit.

Setliff outlined the variances and mitigation processes. The City can grant minor variances, but the Division of Water Quality must grant major variances, it was noted. Setliff indicated variances would be hard to get and reiterated that Findings of Fact would have to be found in each case.

There was a brief discussion that penalties would go into a fund. Councilwoman Zdanski asked who controls the fund? Setliff said she didn’t know, they had not been told that yet.

Councilman Turner gave as an example, if he has a farm with a creek on it, they could come and tell him to remove something he has placed within that 50-foot buffer? Setliff said some uses would be allowable, including existing structures.

Regarding the Riparian Buffer Ordinance, it was pointed out that the City has 60 days to approve it. Councilwoman Zdanski noted that the City has 60 days to adopt an ordinance, but the City doesn’t know the penalty associated with it. Setliff said the State considers it the responsibility of the property owners to meet the requirements.

City Manager Almond noted that the City could have deferred this to the State, which would have taken some of the heat off of the City, but it would not have been a good service to our citizens. Both Setliff and Pearce stressed that City staff can give better customer service than the State, which would take up to 90 days.

**Upon conclusion of the presentation, Mayor Pro Tem Balsley made the motion, seconded by Councilman Rucker and unanimously approved by Council in a 6-0 vote, to adjourn the meeting at approximately 4:36 p.m.**

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 James K. Festerman, Mayor

ATTEST:

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 Angela G. Stadler, CMC, City Clerk