

**MINUTES OF THE REGULAR MEETING
OF THE REIDSVILLE CITY COUNCIL
HELD WEDNESDAY, NOVEMBER 14, 2012 AT 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

CITY COUNCIL MEMBERS PRESENT: Mayor James K. Festerman
Mayor Pro-Tem Tom Balsley
Councilman Donald L. Gorham
Councilman William Hairston
Councilman Richard Johnson
Councilman Clark Turner
Councilwoman Sherri G. Walker

COUNCIL MEMBERS ABSENT: NONE

CITY STAFF PRESENT: Michael J. Pearce, City Manager
Angela G. Stadler, CMC, City Clerk
William F. McLeod Jr., City Attorney
Donna Setliff, Community
Development Manager
Judy Yarbrough, Penn House Manager
Tammy Moore, Notary Public

Mayor Festerman called the meeting to order.

INVOCATION.

Mayor Festerman then invited Dr. Patrice H. Fields, Pastor of Bethel African Methodist Episcopal Church, 112 Holderby Street, Reidsville, to provide the invocation. Dr. Fields also thanked the Mayor for a recent proclamation recognizing her church's 130th anniversary.

PLEDGE OF ALLEGIANCE.

The Council then led in the reciting of the Pledge of Allegiance.

ANNOUNCEMENTS.

Recognition of Reidsville Firefighters who delivered baby.

Mayor Festerman called upon Fire Chief David Bracken, who shared an experience that occurred yesterday at approximately 10 a.m., when a frantic mother and father entered Fire Station No. 2 on Barnes Street. The woman was enroute to Women's Hospital in Greensboro to deliver her third child but was unable to make it. A healthy seven-pound boy was delivered at the station by our firefighters, the Fire Chief said. He then recognized Fire Captain Anthony Crowder, Fire Captain Jerry Durham, Fire Engineer Brian Perkins and Firefighter Jeremy Shelton, all of whom assisted in the emergency childbirth situation. The Chief said the mother is doing well. Noting how proud he is of their work, he added that firefighters train for scenarios like this but it always gives you

great job as it is happening as well as knowing they can do their job and do it well. He added that for those who had been concerned when Annie Penn closed its birthing center, they should know they are in good hands. He congratulated and led in a round of applause for them.

Mayor Festerman then presented Fire Chief Bracken with a “Thomas the Talking Train” fire truck to give to the baby, along with the Mayor’s City lapel pin. The Mayor also suggested that the Fire Department make the baby an honorary firefighter. He also talked of how proud we are of them and how the long training they have undergone has paid off. He asked them to continue the good work and said we might give Annie Penn some competition. Councilman Turner stated that “good things happen on that lot.” The Mayor pointed out that the Councilman was born on that lot, which was the former Turner homeplace.

City Manager Michael Pearce said when he heard of this, he had two thoughts. The first was that he was so thankful that we had guys like this who were willing and able to handle this. He added that the second thought was “thank goodness that couple was not driving by City Hall.” The Mayor and Councilman Hairston, both former police officers, noted that they had never had to deliver a baby during their careers on the force. Mayor Festerman said they would never forget this experience. The Mayor concluded by saying we are very proud of you and have a safe day.

Veterans Day Concert noted.

The Mayor stated that this past weekend, the Veteran’s Day concert sponsored by the City at Reidsville High School was well attended. He thanked Councilwoman Walker and Judy Yarbrough who were instrumental in putting together the event featuring the United States Air Force Heritage of America Band.

With no announcements from any other Council members, the Council continued with its agenda.

APPROVAL OF CONSENT AGENDA.

The Mayor asked if there were any items that Council members wanted to be pulled? There were none.

Councilman Turner made the motion, seconded by Councilman Gorham and unanimously approved by Council in a 7-0 vote, to approve the Consent Agenda.

CONSENT AGENDA ITEM NO. 1 - APPROVAL OF THE OCTOBER 10, 2012 REGULAR MEETING MINUTES.

With the approval of the Consent Agenda in a 7-0 vote, the Council approved the October 10, 2012 regular meeting minutes.

CONSENT AGENDA ITEM NO. 2 - APPROVAL OF THE RE-APPOINTMENT OF ALEX ROTHROCK AS A REIDSVILLE MEMBER OF THE ROCKINGHAM

COUNTY PARTNERSHIP OF ECONOMIC AND TOURISM DEVELOPMENT'S BOARD OF DIRECTORS.

With the approval of the Consent Agenda in a 7-0 vote, the Council approved the re-appointment of Alex Rothrock to serve as Reidsville's member on the Board of Directors for the Rockingham County Partnership of Economic and Tourism Development. The five-year term is from January 1, 2013 to December 31, 2015.

CONSENT AGENDA ITEM NO. 3 - APPROVAL OF BUDGET ORDINANCE AMENDMENT NO. 5 TOTALING \$9,460 TO CENTER FOR MUNICIPAL SOLUTIONS (CMS) TO REVIEW WIRELESS FEES FOR REQUESTED MODIFICATIONS.

With the approval of the Consent Agenda in a 7-0 vote, the Council approved the following Budget Ordinance Amendment for the reasons explained in Community Development Manager Donna Setliff's November 1st memo. (A COPY OF SETLIFF'S ONE-PAGE MEMO IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

Budget Ordinance Amendment No. 5 as approved follows:

BUDGET ORDINANCE AMENDMENT NO. 5

WHEREAS, the Mayor and City Council of the City of Reidsville adopted a budget ordinance on June 13, 2012 which established revenues and authorized expenditures for fiscal year 2012-2013; and

WHEREAS, since the time of the adoption of said ordinance, it has become necessary to make certain changes in the City's budget to accept and to appropriate related wireless review funds;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Reidsville that the budget ordinance as adopted on May 5, 2010 is hereby amended as follows;

Section 1. That revenue account number 10-3346-0000, Review Fees, be increased by \$9,460.00.

Section 2. That expense account number 10-4910-4300, Contracted Wireless Services, be increased by \$9,460.00.

This the 14th day of November, 2012.

/s/ _____
James K. Festerman
Mayor

ATTEST:

/s/

Angela G. Stadler, CMC
City Clerk

CONSENT AGENDA ITEM NO. 4 - APPROVAL OF A RESOLUTION OF INTENT DECLARING THE CITY'S INTENTION TO CONSIDER CLOSING TWO ALLEYS AND A PORTION OF WEST MOREHEAD STREET, WHICH WILL BE CONSIDERED AT A PUBLIC HEARING AT THE CITY COUNCIL'S DECEMBER 12TH MEETING.

With the approval of the Consent Agenda in a 7-0 vote, the Council approved the following Resolution of Intent declaring the City's intent to close two alleys and a portion of West Morehead Street after a public hearing is held December 12:

RESOLUTION OF INTENT

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CONSIDER CLOSING TWO ALLEYS AND A PORTION OF WEST MOREHEAD STREET (SC2012-1)

WHEREAS, G.S. 160A-299 authorizes the City Council to close public streets and alleys; and,

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to close two alleys and a portion of West Morehead Street.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

- (1) A meeting will be held at 3:00 P.M. on Wednesday, December 12, 2012, in City Hall Council Chambers, 230 West Morehead Street, to consider a resolution to close a 10-foot-wide alley beginning 104' south of the North Washington Avenue and West Morehead Street intersection running westward for approximately 408 feet; a portion of West Morehead Street beginning at its intersection with North Washington Avenue running westward for approximately 430 feet with said right-of-way being 30 feet wide; and a 12.5-foot-wide alley beginning approximately 104' north of the North Washington Avenue and West Morehead Street intersection running westward for approximately 430 feet. The right-of-ways are further described as:

Closing No. 1 (Alleyway)

Beginning at a point in the western right-of-way of South Washington Avenue and the northern margin of a 10' alley shown as Fell's Alley (unopened) on a plat titled Property of Carl R. Hill by A.N. Mattocks recorded in Plat Book 7, page 10 of the Rockingham

County Register of Deeds, said point being S 02-00 W 98.58' more or less from the intersection of the western right-of-way of South Washington Avenue and the southern right-of-way of West Morehead Street, said point also being the southeast corner of City of Reidsville lot referred to as being Tract #6 in Deed Book 1439, Page 2362, thence westerly along the northern margin of said alley and the southern lot lines of City of Reidsville lot and Lots 1 thru 7 as shown on Plat of Property of Carl R. Hill, S 88-00 W 415 feet more or less to a point, said point being the northwest corner of lot 7, said point also being at the intersection of the northern margin of Fell's Alley and the eastern margin of a 15' alley thence S 02-00 W 10 feet more or less to a point in the southern margin of Fell's Alley, thence easterly along the southern margin of said alley N 88-00 E 415 feet more of less to a point in the western right-of-way of South Washington Avenue, thence northerly along the western right-of-way of said street N 02-00 E 10 feet more of less to the point of beginning and being all of a 10 foot unopened alley referred to as Fell's Alley as shown on the aforementioned Plat.

Closing No. 2 (Portion of West Morehead Street)

Beginning at a point at the intersection of the northern right-of-way of West Morehead Street and the western right-of-way of North Washington Avenue, said point also being the southeast corner of lot 14 as shown on plat titled Property of Carl R. Hill by A. N. Mattocks recorded in Plat Book 7, page 10 of the Rockingham County Register of Deeds, thence southerly crossing West Morehead Street S 02-00 W 30.07 feet to a point at the intersection of the southern right-of-way of West Morehead Street with the western right-of-way of South Washington Avenue, said point also being the northeast corner of lot 1 of the aforementioned plat, thence westerly along the southern right-of-way of West Morehead Street S 88-00 W 415.30 feet to a point at the intersection of the southern right-of-way of West Morehead Street and the eastern margin of a 15 foot alley, said point also being the northwest corner of lot 7 of the aforementioned plat, thence northerly along the eastern margin of said 15 foot alley and the western margin of West Morehead Street N 02-00 E 30.07 feet to a point at the intersection of the eastern margin of said 15 foot alley and the northern right-of-way of West Morehead Street, said point also being the southwest corner of Lot 8 of the aforementioned plat, thence easterly along the northern right-of-way of West Morehead Street N 88-00 E 415.30 feet to the point of beginning, and being all of that portion of West Morehead Street which lies west of Washington Avenue.

Closing No. 3 (Alleyway)

Beginning at a point in the western right-of-way of North Washington Avenue and the southern margin of a 12.5 foot (unopened) alley, said point being N 02-00 E 110.05 feet from the northwest quadrant of intersections of rights-of-way of West Morehead Street and North Washington Avenue, thence westerly along the southern margin of said 12.5 foot alley S 88-00 W 415.30 feet to a point at its intersection with the eastern margin of a 15 foot alley, said point also being the northwest corner of lot 8 as shown on plat titled Property of Carl R. Hill by A. N. Mattocks recorded in Plat Book 7, Page 10 of the Rockingham County Register of Deeds, thence N 02-00 E 12.5 feet to a point in the

northern margin of 12.5 foot alley, thence along the northern margin of said alley N 88-00 E 415.3 feet more or less to a point in the western right-of-way of North Washington Avenue, thence S 02-00 W 12.5 feet along the western right-of-way of said street to the point of beginning, and being a 12.5 foot X 415.3 foot alley situated on the west side of North Washington Avenue and 110.05 feet north of West Morehead Street as shown on the aforementioned plat.

- (2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Reidsville Review.
- (3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

This the 14th day of November, 2012.

/s/ _____
James K. Festerman
Mayor

ATTEST:

/s/ _____
Angela G. Stadler, CMC/NCCMC
City Clerk

CONSENT AGENDA ITEM NO. 5 - APPROVAL OF A RESOLUTION TO CONTINUE STATE "TRANSITIONAL HOLD HARMLESS" FUNDING.

With the approval of the Consent Agenda in a 7-0 vote, the Council approved the following Resolution as outlined in City Manager Pearce's November 5th memo (A COPY OF THE MEMO IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.):

RESOLUTION OF REIDSVILLE CITY COUNCIL

CONCERNING THE LOSS OF "HOLD HARMLESS" REIMBURSEMENT FUNDS

WHEREAS, in 2002 the General Assembly authorized an additional local option sales tax and repealed existing reimbursements to local governments resulting from earlier repeal of the inventory tax base of local governments; and

WHEREAS, as part of the 2002 repeal of reimbursements, 122 municipalities and 17 counties which had negative budget impacts for the combined repeal of reimbursements and new sales tax have received transitional hold harmless payments for 10 years; and

WHEREAS, the growth in sales tax over the 10-year period of reimbursements is less than projected, resulting in continuing losses to local governments receiving “transitional hold harmless” payments unless the 10-year period is extended; and

WHEREAS, the 2011-2012 State Budget does not include extension of the “transitional hold harmless” period to protect those local governments from losses caused by the 2002 repeal of reimbursements; and

WHEREAS, the City of Reidsville will lose \$193,017 in its 2013-14 budget year due to the failure of the General Assembly to extend “transitional hold harmless” payments for a reasonable period of time to allow sales tax revenue to grow to replace the “transitional hold harmless” payments; and

WHEREAS, this City budget shortfall will shift the burden of the General Assembly’s inaction of extension of “transitional hold harmless” payments to City of Reidsville citizens and taxpayers.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REIDSVILLE THAT;

The North Carolina General Assembly is urged to restore “transitional hold harmless” payments to local governments for a reasonable period of time to allow growth in sales tax revenue to replace “hold harmless” payments, as envisioned in 2002 when reimbursements to local governments were repealed.

The City of Reidsville’s local delegation to the General Assembly is urged to support restoration of “transitional hold harmless” payments to local governments for a reasonable period of time.

The North Carolina League of Municipalities is urged to make restoration of “transitional hold harmless” payments one of its highest legislative goals in the 2013 Session of the General Assembly.

Adopted by the Reidsville City Council this 14th day of November, 2012.

/s/ _____
James K. Festerman, Mayor

ATTEST:

/s/ _____
Angela G. Stadler, City Clerk, CMC/NCCMC

- End of Consent Agenda -

PUBLIC HEARINGS:

**CONSIDERATION OF INCENTIVES FROM THE CITY OF REIDSVILLE
TOTALING \$188,292 OVER A THREE-YEAR PERIOD TO BALL METAL
BEVERAGE CONTAINER CORP., WHICH AGREES TO INVEST \$13
MILLION IN CAPITAL AND ADD FOUR NEW JOBS.**

City Manager Michael J. Pearce said he would give a brief report on the performance agreement for Council's approval. Ball Metal Beverage Container Corp., located at 1900 Barnes Street, agrees to provide an investment of \$13 million in capital including machinery and equipment and create four new jobs paying a minimum of \$55,716 with benefits, he explained. The equipment and machinery will be in place by December 31st of this year and the new jobs by January 31, 2013, Pearce added.

In exchange, the City will provide Ball with \$188,292 by rebating the company 80% of the taxes it pays in three installments of \$62,764, the City Manager said. He noted that Ball is not only re-investing in its plant and recruiting for four new jobs but is also retaining jobs in Reidsville. He said the company thinks enough of Reidsville to keep its plant here.

Graham Pervier, President of the Rockingham County Partnership for Economic & Tourism Development, spoke briefly. He referenced page 2 of the agreement which indicates that Reidsville might be considered as a possible location for another project by Ball although he stressed this is no guarantee. He added that a Ball representative was coming in from Denver to attend today's meeting but had not yet arrived. He asked that when she comes, he be allowed to introduce her to City Council, which Council agreed to.

Pearce added that the County Commissioners approved their part of the incentives agreement last night at their meeting.

Mayor Festerman opened the public hearing at 3:14 p.m. by asking if there was anyone who wished to speak in favor or in opposition to the incentives agreement? No one came forward, and the public hearing was closed at 3:15 p.m.

Mayor Pro Tem Balsley made the motion to approve the incentives agreement with Ball Corporation, which was seconded by Councilman Hairston and unanimously approved by Council in a 7-0 vote.

The incentives agreement (excluding the signature pages) as approved follows:

**PERFORMANCE AGREEMENT
BETWEEN
LOCAL OFFICIALS
AND**

BALL METAL BEVERAGE CONTAINER CORP.

DATE: November 13, 2012

COMMUNITY: Rockingham County, the City of Reidsville, and the
Rockingham County Partnership For Economic and
Tourism Development
P.O. Box 66
Wentworth, NC 27375

COMPANY: Ball Metal Beverage Container Corp.
1900 Barnes Street
Post Office Box 1170
Reidsville, NC 27320

ECONOMIC INCENTIVE PURPOSE

Expansion of the Local Economy. Incentives agreed to be paid by the Community under this agreement are in consideration of the Company expanding within the County and the City the industrial enterprise described herein which will increase the population, tax base and business prospects of the City and County, as well as result in the creation of a substantial number of basic employment jobs in the County that pay at or above the median average wage.

Basic Employment Jobs. "Basic employment jobs," for purposes of this agreement are defined as jobs which are export-oriented or export-driven and jobs which are associated with activities that generate income from the sales of products and services in markets outside of the Rockingham County economy. Basic employment jobs have a multiplier effect creating additional jobs within the local economy. (A relevant study by the Piedmont Triad Council of Governments indicated that each basic employment job created within Rockingham County results in the generation of 2.9 additional jobs within the County's economy.)

Source of Funding. It is anticipated that the County and the City expenditures under this agreement shall be funded by the net new taxable value of the Company's investment under this agreement.

Net New Taxable Value. "Net new taxable value," for purposes of this Agreement is defined to be that increase in the tax value of the Location real estate listed with the Rockingham County Tax Department over and above its current value of \$7,622,098 for real property and \$15,581,036 for business personal property which is new to the economy of Rockingham County. Under this definition, "net new taxable value" would exclude any value which, by whatever means, is removed from another situs within

Rockingham County to the Location. Also excluded from this definition, would be any increase in tax value resulting from revaluation of real estate existing at the time this agreement is executed; however, any net increase in taxable market value of the Location resulting from improvements located thereon after the execution of this agreement by all parties would be included.

TOTAL INCENTIVE PACKAGE

The Community and the Company have agreed to enter into the following performance agreement. The Community is offering to the Company a total incentive of \$372,870 as detailed below. The incentives in this performance agreement are offered, in part, as an inducement to the Company to consider the Reidsville facility as the location for another project which the Company is currently planning. However, it is understood that no commitment by the Company concerning this future project is expressed or implied in this Agreement. The Company agrees to meet certain minimum investment, employment and wage requirements outlined below.

1. LOCAL LEVEL

A. ROCKINGHAM COUNTY

MACHINERY AND EQUIPMENT: The County agrees to pay for Eligible Costs not to exceed \$184,578. As used herein, "Eligible Costs" shall consist of the costs of machinery and equipment incurred by the Company at the Location described in Section 1.C below in connection with the investment described in Section 2.A below and previously approved by the Board of County Commissioners and recommended by the Partnership. The County will reimburse the Company for such Eligible Costs the sum of \$184,578 over a 3- year period. The first annual installment of \$61,526 shall be made by February 28, 2014. The second annual installment of \$61,526 shall be made by February 28, 2015. The third annual installment of \$61,526 shall be made by February 28, 2016.

B. CITY OF REIDSVILLE

MACHINERY AND EQUIPMENT: The City agrees to pay for Eligible Costs not to exceed \$188,292. As used herein, "Eligible Costs" shall consist of the costs of machinery and equipment incurred by the Company at the Location described in Section 1.C below in connection with the investment described in Section 2.A below and previously approved by the Reidsville City Council and recommended by the Partnership. The City will reimburse the Company for such Eligible Costs the sum of \$188,292 over a 3-year period. The first annual installment of \$62,764 shall be made by February 28, 2014. The second annual installment of \$62,764 shall be made by February 28, 2015. The third annual installment of \$62,764 shall be made by February 28, 2016.

C. LOCATION:

The Project (as defined below) will be located at 1900 Barnes Street, Reidsville, NC, located on 56.69 acres. The tax identification number for this parcel is 8903-00-89-4098-00. The Parcel I.D. number is 148956.

2. INDUSTRIAL INVESTMENT AND EMPLOYMENT AGREEMENT

- A. INVESTMENT QUALIFICATION:** The Company agrees for the benefit of the County and the City to invest a minimum of \$13 million in net new assessed taxable machinery and equipment by December 31, 2012 (such machinery and equipment may be referred to herein as the “Project”) at the site identified in Section 1.C above. The Company also stipulates such taxable machinery and equipment shall be listed as business personal property with the office of the Rockingham County Tax Assessor using Schedule 17A of the State Trending Schedule as prepared by the North Carolina Department of Revenue. More specifically this machinery and equipment shall for valuation purposes have a 12-year life with a 25% residual tax value. The \$13 million investment for the County and the City in taxable machinery and equipment shall be in place by December 31, 2012 in and listed no later than January 31, 2013. Said listing and subsequent valuation shall reflect the minimum taxable investment by the Company in machinery and equipment which is new to the economy of Rockingham County. The \$13 million in machinery and equipment for the County and the City in net new assessed taxable investment considering allowable depreciation as specified hereinabove shall be maintained through December 31, 2016. Provided, however, that should the State Trending Schedule be altered by the State of North Carolina or the applicable machinery and equipment treated by the taxing authorities other than as contemplated by the parties so as to reduce the taxable investment of the Company below the above described minimums, then the incentives paid hereunder by the County and the City shall be reduced on a pro rata basis to reflect the percentage reduction in net new taxable investment actually created by the Company pursuant to this Agreement.
- B. EMPLOYMENT QUALIFICATION:** The Company currently employs 183 full-time employees. The Company agrees for the benefit of the County and the City to create, fill and maintain an additional 4 full-time positions by January 31, 2013 for a total of 187 full-time positions, as verified by the North Carolina Employment Security Commission. The Company agrees to maintain the 187 full-time positions through direct employment for a period beginning January 31, 2013 and ending December 31, 2016. Full-time positions shall mean positions in which an employee works a minimum of 52 weeks and 2080 hours during the course of each year January 1 through December 31 at an average annual wage of \$55,716 and provided with a medical and dental benefit plan.
- C. WAGE QUALIFICATION:** To qualify for any payments available under Section 1, the average weekly wage paid by the Company at the Location (for the year in which payments were earned) must be equal to or higher than 100% of the

average weekly wage of the County.

- (i) Each year on or before December 31, the Department of Commerce will determine the above wages from the most current data as compiled by the Employment Security Commission.
- (ii) The average weekly wage paid by the Company at the Location is calculated on an annual basis and is equal to the total gross wages divided by the number of employees divided by 52 weeks per year.
- (iii) If a company has been in business for less than one year, the average weekly wage may be calculated on the basis of a quarter rather than a year.

D. LOCAL ZONING QUALIFICATION: The Company agrees to certify that there are no pending violations of the state building code or local zoning ordinances and payment of sums due under this agreement is conditioned on compliance by the Company with all applicable laws and regulations.

E. STATUTORY COMPLIANCE: The Company understands that County and City participation is contingent upon compliance by the Company, County and City with N.C. General Statute § 158-7.1.

F. BINDING EFFECT: This Agreement and the obligations of performance contained herein shall be binding upon the Company and its successors and assigns.

3. PROOF AND CERTIFICATION

Community and Company officials agree to furnish to the other party reasonable access to their records and to furnish to the other party any reports and certificates necessary to verify that each is performing its obligations under this Performance Agreement. Once the Company meets its investment and employment goals, it will no longer be obligated to provide such access to its records or furnish such reports and certificates.

4. REMEDY

A. COMPANY: In the event of the Community's breach or threatened breach of any provision of this Agreement, Company shall be entitled, if it so elects, to institute and prosecute proceedings in any court of competent jurisdiction, either in law or in equity to enforce the specific covenants herein.

B. OFFSET: The Community reserves the right to suspend or reduce any payment due to the Company under this Agreement if any water and sewer charges, ad valorem taxes, assessments or other financial obligations lawfully incurred by the Company and payable to the County and the City are not current.

- C. **COMMUNITY:** If the Company does not meet and maintain the investment and employment requirements set forth in Article 2 above, within the timetable set forth in this Agreement, then the Company agrees to a reduction by the County and the City of the pro rata share of the sum \$372,870 offered as a financial incentive to reimburse Eligible Costs under this Agreement that has not been earned and to have its annual installments suspended or reduced by the Community until such time that the Company is in compliance. Any pro rata adjustment of annual incentive payments shall be based 50% on the Company's Investment Qualification and 50% on the Company's Employment Qualification (For example: if the actual new investment is 10% less than the Investment Qualification, and the actual new employment is 20% less than the Employment Qualification, then the annual incentive payment would be reduced by 15%. Or, if the actual new investment meets the Investment Qualification, but actual employment is 20% less than the Employment Qualification, then the annual incentive payment would be reduced by 10%); provided, however, that the incentive paid to the Company by either the County or the City under this Agreement in any year of performance shall not exceed the amount of ad valorem taxes paid to the County or the City for net new taxable value invested by the Company under this Agreement for such year. The remedies set forth in this Section 4(C) shall be the sole and exclusive remedy of the Community and the sole and exclusive obligation of the Company in the event the Company does not meet and maintain the investment set forth in Article 2 or otherwise fails to comply with the terms of this Agreement.

5. REPRESENTATIONS AND WARRANTIES

- A. **Community's Representations:** Each Community entity represents for itself (but not for the other), as follows:
1. The Community has full power and authority to enter into this Agreement, and to enter into and carry out the transactions contemplated by this Agreement; by proper action has duly authorized the execution and delivery of this Agreement; and is not in default under any provisions of this Agreement.
 2. The Community has duly authorized, executed and delivered this Agreement, and this Agreement constitutes the Community's legal, valid and binding obligation, enforceable in accordance with its terms.
 3. To the Community's knowledge, there is no litigation or proceeding pending or threatened against the Community or affecting it which would adversely affect the validity of this Agreement.
 4. The Community is not in default under any provision of State Law which would affect its existence or its powers as referred to in subsection (1).

5. No member, director, officer or official of the Community has any interest (financial, employment or other) in the Company or the transactions contemplated by this Agreement.

B. Company's Representations: The Company represents as follows:

1. The Company (1) is a legal entity duly constituted and in good standing under the laws of North Carolina (2) is duly qualified to transact business and is in good standing in the State of North Carolina; (3) is not in violation of any provision of its Certificate of Incorporation or its Bylaws; (4) has full corporate power to own its properties and conduct its business; (5) has full corporate power and authority to enter into this Agreement and to enter into and carry out the transactions contemplated by this Agreement; (6) by proper corporate action has duly authorized the execution and delivery of this Agreement; and (7) is not in default under any provision of this Agreement.
2. Its execution and delivery of this Agreement neither conflicts with, nor will result in a breach of or default under or will result in the imposition of any lien on its property pursuant to its Certificate of Incorporation or its Bylaws or, to the best of its knowledge, the terms, conditions or provisions of any statute, order, rule, regulation, Agreement or instrument to which it is a party or by which it is bound.
3. It has duly authorized, executed and delivered this Agreement, and this Agreement constitutes its legal, valid and binding obligation, enforceable in accordance with its terms.
4. There is no litigation or proceeding pending or, to its knowledge, any threatened against such Company, which would adversely affect the validity of this Agreement.

In Witness whereof Rockingham County, the City of Reidsville, the Rockingham County Partnership for Economic and Tourism Development and Ball Metal Beverage Container, Corp., have executed this Agreement effective as of the date first above written. (END OF AGREEMENT WITHOUT SIGNATURE PAGES)

CONSIDERATION OF A SPECIAL USE PERMIT FOR AN INTERNET SWEEPSTAKES CAFÉ AT 1130 FREEWAY DRIVE, UNIT D.

Mayor Festerman noted that this item had been pulled by the applicant.

CONSIDERATION OF A TEXT AMENDMENT TO INSERT COMMUNITY CENTER, PUBLIC OR NON-PROFIT FOR ASSEMBLY OR RECREATION AS A PERMITTED USE AND OFF-STREET PARKING REQUIREMENT FOR SAID USE.

In making the staff report, Community Development Manager Donna Setliff explained that staff is taking steps to prepare for the Senior Center. They were looking at what kind of zoning classification fits such a use, she said, and there is no good fit in our current

ordinance. Staff looked at other communities and what they were doing in regards to zoning and parking requirements, she continued. They came up with a classification of a “community center, public or non-profit for assembly or recreation,” Setliff said. She noted that this was a broad category that would allow for some expansion if needed, adding that there has been some discussion of a possible pool in the future.

In looking at other communities, Setliff said they all had different parking requirements. She said she is recommending one space for every 200 square feet of gross floor space for the community center itself. If there are additions, added parking would be needed, she said. She said about 60 parking spaces would be needed for the center. Setliff added that the Planning Board unanimously recommended the text amendment be approved.

Mayor Festerman questioned whether at times buses might be coming in, would there be enough square footage? Setliff said she would bring that up to the architect. City Manager Pearce stressed that 60 cars would be the minimum. The Mayor asked them to keep the bus situation in mind.

The Mayor then opened the public hearing at 3:20 p.m. by asking if there was anyone who wished to speak in favor or in opposition to the text amendment? No one came forward. The public hearing was closed at 3:21 p.m.

Mayor Festerman made a motion, seconded by Councilwoman Walker and unanimously approved by Council in a 7-0 vote, to approve the text amendment, T2012-5, as presented.

The text amendment as approved follows:

Amendment T 2012-5

AMENDING THE CITY OF REIDSVILLE, N.C. ZONING ORDINANCE
AN ORDINANCE AMENDING ARTICLE V, DISTRICT REGULATIONS
SECTION 2, TABLE OF PERMITTED USES,
AND
ARTICLE VIII, OFF-STREET PARKING AND LOADING
SECTION 1(d), MINIMUM OFF-STREET PARKING REQUIREMENTS
OF THE CITY OF REIDSVILLE, N.C. 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 V, Section 2, Table of Permitted Uses be amended to include Community Center, public or non-profit, for assembly or recreation in the Office & Institutional District, General Business District and Highway Business District.

Part II. That Article VIII, Section 1(d), Minimum Off-Street Parking Requirements be amended to insert:

Community Center,
public or non-profit,
for assembly or recreation

1 space for every 200 square feet
of gross floor space

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 _____, 2012 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

CONSIDERATION OF A REZONING REQUEST FOR THE 600 BLOCK OF WEST MOREHEAD STREET FROM RESIDENTIAL-6 TO CONDITIONAL USE OFFICE AND INSTITUTIONAL AND THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A COMMUNITY CENTER, PUBLIC OR NON-PROFIT FOR ASSEMBLY OR RECREATION AND DAY CARE.

Prior to the staff report, notary public Tammy Moore swore in Community Development Manager Donna Setliff.

Setliff stated that staff is requesting that the 600 block of West Morehead Street be rezoned from Residential-6 to Conditional Use Office & Institutional and the issuance of a Conditional Use Permit for a community center, public or non-profit for assembly or recreation and an adult daycare. She described the Residential-6 area, which includes a church with daycare across the street, an apartment complex for older adults and single family dwellings. To the east, the property is undeveloped, she said, adding that with the topography, that land will be hard to develop. To the south and north, there are several single family dwellings as well as the City's Parks & Recreation building and the City's sign shop.

Setliff said staff considered the issue of spot zoning, which the Courts have ruled is illegal. However, staff believes the rezoning is justified and does comply with the City's Comprehensive Plan, she said. The Community Development Manager noted that such zoning is in the neighborhood with three other properties already Conditional Use O&I for some type of group facility. There are four strategies that Setliff cited from her memo dated October 31st to City Manager Pearce that also support this type of facility in Reidsville. They are:

- Encourage care facilities (eg. day care, family care, etc.) at the neighborhood level.

- Provide facilities which offer maximum services to the citizens of Reidsville.
- Identify recreation needs and provide programs for special population such as the elderly, handicapped, and children.
- Improve recreation programs designed to serve the needs to special groups including the elderly and handicapped persons.

Therefore, Setliff reiterated that staff feels the rezoning is justified. The Conditional Use classification also allows the property owner, applicant, Planning Board or City Council to specify special conditions. She said staff does recommend the following three conditions, which she read aloud as follows:

1. The property shall conform to all requirements of the City of Reidsville Zoning Ordinance, North Carolina Building Code and North Carolina Fire Code.
2. Buffering/screening in accordance with standards set forth in the Zoning Ordinance shall be installed.
3. Exterior lighting shall be directed away from residential property.

Setliff concluded her report by requesting that the Council have two separate motions on the rezoning, including a vote on each Finding of Fact, and the Conditional Use Permit. This would be the time to make any changes to the conditions on the permit, she said. The Planning Board had voted unanimously, approving each of the four Findings of Fact and the rezoning, she said.

Mayor Festerman said he is the one who always has heartburn about spot zoning, but he stated how this would add to the existing neighborhood, and he wouldn't object to spot zoning. Setliff again noted that staff thought it was justified and the rezoning does comply with the City's Comprehensive Plan. The Mayor said he just thought it was "a plus" and a positive for the area.

The Mayor opened the public hearing at 3:25 p.m. by asking if there was anyone who wished to speak in support or in opposition? No one came forward. The public hearing was closed at 3:25 p.m.

Councilman Turner said he would make the motion to rezone the property in the 600 block of West Morehead Street from Residential-6 to Conditional Use Office & Institutional. The motion was seconded by Councilman Hairston and unanimously approved by Council in a 7-0 vote.

Mayor Festerman then read the four Findings of Fact that were individually considered by Council as follows:

1. that the use will not materially endanger the public health or safety if

located where proposed and developed according to the plan as submitted and approved; -- **Approved 7-0 on a motion made by Balsley/Turner.**

2. that the use meets all required conditions and specifications; -- **Approved 7-0 on a motion made by Balsley/Turner.**
3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, -- **Approved 7-0 on a motion made by Turner/Johnson**
4. that the location and the character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan for Reidsville and its surroundings. – **Approved 7-0 on a motion made by Turner/Walker**

Councilman Gorham made the motion, seconded by Councilman Turner and unanimously approved by Council in a 7-0 vote, to approve the Conditional Use Permit with the stated conditions.

The CUP as approved follows:



CONDITIONAL USE PERMIT

REIDSVILLE, N. C.

There is hereby granted to the City of Reidsville, NC a Conditional Use Permit in accordance with the Reidsville Zoning Ordinance, Article V, Section 1 for a portion of the property located on North Washington Avenue, Reidsville, NC specifically Rockingham Co. Tax Map PIN No.: 8905-17-21-1261 to be used for:

Community Center, public or non-profit for assembly or recreation
Day Care Facility, children and adults

Subject to the following conditions:

The property shall conform to all requirements of the City of Reidsville

Zoning Ordinance, North Carolina Building Code and North Carolina Fire Code.

Buffering/screening in accordance with standards set forth in the Zoning Ordinance shall be installed.

Exterior lighting shall be directed away from residential property.

This property has been zoned Conditional Use Office & Institutional (CU-O & I) in conjunction with this permit. For a more specific understanding of this permit, see Docket No. CU2012-2.

This Permit is granted to the person, firm, or corporation designated above, and for the purpose and under the conditions set forth above. The Conditional Use Permit will continue to remain valid following transfer of ownership of the property provided that circumstances and conditions remain as described at the time that the Permit is granted. Violations of the conditions set forth will be cause for immediate termination of the Permit.

AUTHORIZED this _____ day of _____, 2012

by the CITY COUNCIL OF REIDSVILLE, N. C.

/s/ _____
CITY CLERK

CONSIDERATION OF A TEXT AMENDMENT TO INSERT ARTICLE XVII, ILLICIT DISCHARGES AND CONNECTIONS, INTO THE CITY'S ZONING ORDINANCE.

In making the staff report, Community Development Manager Donna Setliff explained that the State Legislature mandated the Jordan Lake Rules in 2009 that affect areas in the Jordan Lake Watershed. The City has already done the following mandates, according to Setliff:

- Adopted a Riparian Buffer Ordinance
- Established a public education program relating to stormwater through Stormwater SMART
- Began mapping our storm sewer facilities and sanitary sewer system in relation to streams, rivers, etc.
- Established a program to identify opportunities for retrofitting stormwater facilities in existing developments
- Placed stormwater markers on various storm drainage facilities

Setliff said the City is now at the point where it is mandated to adopt an Illicit Discharge and Connection Ordinance to comply with the mandates. This Ordinance will render it a local violation to dump pollutants into the City's storm drain facilities, streams and lakes, etc., and to inappropriately connect into the City's storm drainage pipes. She cited as an example a washing machine in a basement incorrectly hooked to the storm drain. Currently when this type of things happens, it is bumped to the Division of Water Quality's Winston-Salem office. There have been situations where the City has had to contact them, one of which occurred recently, Setliff continued.

Setliff said the rules are only mandated for two-thirds of the City in the watershed area but staff is recommending it be applied for the entire City because it is a good ordinance. Staff is recommending approval, and the Planning Board unanimously recommended approval at its October meeting, she added.

Mayor Pro Tem Balsley asked if staff had any such situations occur. She said not for illicit discharge although she mentioned two cases where paint was put down a storm drain or where items were put into a creek. Setliff stated that the City didn't have any authority on a local level but would have to call the State. Now, our local people can do it, the Mayor stated. The Mayor Pro Tem asked what if there is an accident with a tanker on the roadway. City Manager Pearce explained the City can take action to protect the public health and safety but that this ordinance deals with those who willfully put things into our storm drains. Before, we had no authority to do those types of actions, but now we don't have to rely on the State, he said.

Violators will go through the City's Civil Citation process, Setliff noted, with penalties ranging from a \$100 to \$500 fine per violation that goes along with this ordinance. The Mayor noted that we had a septic tank operator use our storm drain system too. Pearce said we will allow septic tank companies to dump into our sanitary sewer system. The Mayor indicated that what he was referencing had been illegally done.

Councilwoman Walker asked Setliff about those older homes where the washing machine might be connected inappropriately. She asked if homeowners would be aware of this. Setliff explained that there would be a process to go through. Violators would first be given notice of it and have time to correct it before getting any civil citation fines. She said they would definitely work with them. Pearce said we will not be going door to door looking for such situations but as we're made aware of it or people complain, we would take action. The Mayor said it is environmentally the right thing to do. Like the Mayor Pro Tem, Mayor Festerman said he was surprised we hadn't already been doing this in the past. Setliff also noted that the City has been putting out storm drain placards which state "Nothing in the Drain but Rain."

Mayor Festerman opened the public hearing at 3:36 p.m. by asking if there was anyone who wished to speak in favor or in opposition to the ordinance? No one came forward, and the public hearing was closed at 3:37 p.m.

Councilman Hairston made the motion, seconded by Councilman Johnson and unanimously approved by Council in a 7-0 vote, to approve T2012-6.

The text amendment as approved follows:

Amendment T 2012-6

AMENDING THE CITY OF REIDSVILLE ZONING ORDINANCE

**AN ORDINANCE ESTABLISHING
ARTICLE XVII,
ILLCIT DISCHARGES AND CONNECTIONS
IN 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 XVII, Illicit Discharges and Connections shall inserted into the Reidsville Zoning Ordinance and read as follows:

ARTICLE XVII

ILLCIT DISCHARGES AND CONNECTIONS

Section 1. Purpose

The purpose of this Ordinance is to:

Provide for the health, safety, and general welfare of the citizens of the City of Reidsville through the regulation of non-storm water discharges into the stormwater conveyance system.

Promote activities directed toward the maintenance and improvement of surface and ground water quality.

Satisfy the requirements imposed upon the City by Jordan Lake Nutrient Management Strategy aimed to restore, protect and maintain the water quality of Jordan Lake.

Establish administration and enforcement procedures through which these purposes can be fulfilled.

Section 2. Definitions

Best Management Practices (BMP's): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connection: Any connection which allows the unlawful discharge of non-stormwater to stormwater conveyance system or waters of the state in violation of this Ordinance.

Illicit Discharge: Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than stormwater into a stormwater conveyance system, the waters of the state, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance system or the waters of the state.

Municipal Separate Storm Sewer System: The system of conveyances including streets/roads with drainage systems, catch basins, curbs, gutters, ditches, manmade channels, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs and drainage structures or storm drains within the city limits and city's extra territorial jurisdiction.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of stormwater other than illicit discharge.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid; pesticides, herbicides, and fertilizers (other than normal application of such items); hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal waste; waste and residue that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Stormwater: Any flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Administrator: City of Reidsville, NC City Engineer or his/her designee.

Waters of the State: Surface waters within or flowing through the boundaries of the state including the following: any intermittent or perennial stream, river, creek, brook, swamp, lake, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on the United States Department of the Interior Geological Survey 7.5 minute series topographic maps.

Section 3. Illicit Discharges

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in a manner and amount that the substance is likely to reach a stormwater conveyance or waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed provided they do not significantly impact water quality:

1. Water line flushing;
2. Landscaping irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration;
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensation;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;
18. Street wash water;
19. Flows from emergency firefighting;
20. Washing building exteriors including windows;
21. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the City of Reidsville.

Prohibited substances see Pollutant definition.

Section 4. Illicit Connections

(a) Connections to a stormwater conveyance or stormwater conveyance system that allows the discharge of non-stormwater, other than the exclusions described in Section 3 above are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

(b) Where such connections in violation of this section occur and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

This prohibition expressly includes, without limitation, illicit discharges made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) Where it is determined that said connection:

1. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat or;
2. Was made in violation of any applicable regulation or ordinance, other than this section;

the Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:

- i. The quantity and complexity of the work,
- ii. The consequences of delay,
- iii. The potential harm to the environment, to the public health, and to public and private property.

Section 5. Spills

Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition. Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the City Fire Chief or his designee of the release or discharge, as well as make any required notification under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person of other liability which may be imposed by State or other law.

Section 6. Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Reidsville prior to authorization of discharges to the municipal stormwater system.

Section 7. Right of Entry, Inspection, Sampling, and Testing

(a) Authority to Inspect. Whenever necessary to make an inspection to enforce any provision of this Ordinance, or whenever the Stormwater Administrator has cause to believe that there exists, or potentially exists, in or upon any premise any condition which constitutes a violation of this Ordinance, the Stormwater Administrator may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City of Reidsville is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(b) Authority to Sample, Establish Sampling Devices and Test. During any inspection as provided herein, the Stormwater Administrator may take any samples, take pictures, and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

Section 8. Enforcement

Whenever the Stormwater Administrator finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Stormwater Administrator may order compliance by written notice of violation to the responsible person and/or the property owner. Such notice may require without limitation:

1. The performance of monitoring, analysis, and reporting;

2. The elimination of illicit connections or discharge;
3. That violating discharges, practices or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of an administrative fee and remediation costs, and;
6. The implementation of source control BMP's.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by the City of Reidsville or a contractor designated by the Stormwater Administrator and the expense shall be charged to the violator or property owner.

Section 9. Violation Deemed a Public Nuisance

Illicit discharges and illicit connections which exist within the City Limits and the City's Extraterritorial Planning Jurisdiction are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in the City of Reidsville Code of Ordinances Part II, Chapter 1, Section 1.8.

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

ADOPTED this the _____ day of _____, 2012 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 -

Ball Metal Official Introduced.

Mayor Festerman broke from the regular agenda to allow Graham Pervier to come forward. Pervier introduced Stacey Roberts of Denver, Colorado, the Manager of State and Local Tax Administration for Ball Corporation. She told Council she appreciated the opportunity to be here and greatly appreciate the opportunity to do business here in Reidsville. The Mayor thanked Ms. Roberts for all Ball does for our community.

CONSIDERATION OF BOARDS AND COMMISSION APPOINTMENTS.

City Manager Pearce distributed the board and commission ballots. The Mayor talked of the vital role these Board and Commission members play. He encouraged citizens to contact a Council member if they were interested in being appointed.

PUBLIC COMMENTS.

No one came forward for public comments.

CITY MANAGER'S REPORT.

City Manager Pearce referenced his written report (A COPY OF THE WRITTEN REPORT IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) He elaborated on Item No. 2 dealing with the spillway project at the Lake Reidsville dam. Pearce said they hope to be able to start filling Lake Reidsville up in the spring. The contractor had until next October to complete construction but it has rolled along very fast, he noted.

With regards to Item No. 3 regarding uni-directional flushing, Pearce stated that the first phase of the assessment is done with the valves and hydrants being found, tested and GPS'd. Everything that didn't work has been repaired, he added. The heavy flushing will be done in the second phase following a computer model in January and February. That phase is expected to take about six weeks. Again, residents will be notified through use of the CodeRED system, which Pearce noted had done well during the first phase.

COUNCIL MEMBERS' REPORTS.

Councilman Gorham – The Councilman said he had no official report; however, last week he ran across Tom Wiggins on his way to a meeting of the new Senior Center committee so the Councilman said he tagged along. The Councilman said the group seemed to be a very educated and concerned group that was looking at the pros and cons with the best interests of the seniors in mind.

Councilman Hairston – The Councilman said he attended the League conference in Charlotte. He described it as very informative as he got to network with leaders of other communities.

Mayor Festerman – The Mayor reminded those present of the Christmas tree lighting at 6 p.m. on Friday and the Christmas Parade that starts at 6:30 p.m. in downtown Reidsville. The Mayor also congratulated Dr. Fields, saying she was the first pastor he had known who gave the invocation and stayed for the entire meeting.

Mayor Pro Tem Balsley – No report.

Councilman Johnson – No report.

Councilman Turner – Since the Mayor had already commented on the upcoming downtown events, the Councilman said the ABC Store continues to do well with sales

increasing. With the building paid off, the City should receive a larger percentage from the store.

The Councilman also noted that he has tickets to the Soup Kitchen benefit at a cost of \$20.00 each.

Councilwoman Walker – The Councilwoman noted that the next Chamber of Commerce coffee will be hosted by Events by Judy and Pelham Transportation at the Pelham Transportation building, 114 W. Morehead Street, beginning at 8 a.m.

Questions on Stoplight Timing.

The Councilwoman then asked City Manager Pearce to explain, for the record, why some stoplights last longer than others and how the timing is decided by NCDOT.

Pearce prefaced his remarks by saying he was not going to try and make sense of or apologize for NCDOT. He explained how several streets in Reidsville are State-maintained, such as sections of Scales Street, Harrison Street and Richardson Drive. NCDOT got a software package several years ago that dictates the timing of the streetlights. Especially when some of the streets are closer to each other, the lights are timed to move the traffic on those State roads quicker than the crossroads, he said. He gave as an example the lights at Harrison and Main streets whereby the people traveling on Main Street have to wait longer. The intersection at Way Street and Richardson Drive was set up on the same schedule, he said. He said that was the only one he could get NCDOT to budge on.

ANNOUNCEMENT OF BOARDS AND COMMISSION APPOINTMENTS.

City Clerk Angela G. Stadler reported that Ms. Denise Brady of 601 Country Club Drive was unanimously re-appointed to the Reidsville ABC Board. (A COPY OF THE BALLOTS ARE HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

MOTION TO ADJOURN.

Councilman Gorham then made the motion, seconded by Councilwoman Walker and unanimously approved by Council in a 7-0 vote, to adjourn at approximately 3:52 p.m.

James K. Festerman, Mayor

ATTEST:

Angela G. Stadler, CMC/NCCMC
City Clerk