

**MINUTES OF THE REGULAR MEETING
OF THE REIDSVILLE CITY COUNCIL
HELD TUESDAY, JANUARY 12, 2016 AT 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

CITY COUNCIL MEMBERS PRESENT: Mayor John M. “Jay” Donecker
Mayor Pro Tem Harry L. Brown
Councilman Tom Balsley
Councilman James K. Festerman
Councilman Donald L. Gorham
Councilman William Hairston
Councilwoman Sherri G. Walker

COUNCIL MEMBERS ABSENT: NONE

CITY STAFF PRESENT: Preston W. Mitchell, City Manager
Angela G. Stadler, CMC, City Clerk
William F. McLeod Jr., City Attorney
Tom Wiggins, Assistant City Manager of
Community Services
Chris Phillips, Assistant City Manager of
Administration
Kevin Eason, Public Works Director

Mayor Donecker called the meeting to order.

INVOCATION.

The Mayor called upon the Reverend Dr. John Marks, Pastor of First Congregational Christian Church, 1836 South Park Drive, Reidsville, to provide the invocation.

PLEDGE OF ALLEGIANCE.

Council members led in the reciting of the Pledge of Allegiance.

PROCLAMATIONS.

RECOGNITION OF DR. MARTIN LUTHER KING JR. DAY ON JANUARY 18, 2016.

Mayor Donecker read aloud the proclamation for Dr. Martin Luther King Jr. Day. (A COPY OF THE PROCLAMATION IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) The Mayor presented the proclamation to Dr. Ralph Watkins, President of the Reidsville and Vicinity Ministerial Alliance, and encouraged him to take it to the annual breakfast.

APPROVAL OF CONSENT AGENDA.

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

**CONSENT AGENDA ITEM NO. 1 - APPROVAL OF THE DECEMBER 8, 2015
REGULAR MEETING MINUTES.**

With the approval of the Consent Agenda in a 7-0 vote, the Council approved the December 8, 2015 regular meeting minutes.

**CONSENT AGENDA ITEM NO. 2 - APPROVAL OF A PRELIMINARY ASSESSMENT
RESOLUTION FOR CURB AND GUTTER PROJECT ON BRIARWOOD STREET,
WHICH CALLS FOR A PUBLIC HEARING ON FEBRUARY 9, 2016.**

With the approval of the Consent Agenda in a 7-0 vote, the Council approved a Preliminary Assessment Resolution for curb and gutter on Briarwood Street from Lemar Drive to Frazier Lane, which calls for a public hearing at the February 9, 2016 Council meeting. (THE CITY MANAGER'S MEMO, THE PUBLIC WORKS DIRECTOR'S MEMO, MAPS AND SUBMITTED PETITIONS ARE ALSO INCORPORATED INTO THESE MINUTES.)

The Preliminary Assessment Resolution as approved follows:

PRELIMINARY ASSESSMENT RESOLUTION

C&G2015-01

WHEREAS, on the 17th day of December, 2015, the property owners on the northeast side of Briarwood Street from Lemar Drive to Frazier Lane and the property owners on the southwest side of Briarwood Street from Lemar Drive to Frazier Lane filed with the City Clerk two petitions for improving said street in the following manner: Construction of curb and gutter along both sides of Briarwood Street, which have been combined into one project; and

WHEREAS, the City Clerk has certified to this City Council that said petition is sufficient in all respects, the same having been duly signed by a majority in number of the owners, whose property represents a majority of all the lineal feet of frontage of the lands abutting upon the street or portion of street hereinabove described;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Reidsville, North Carolina:

1. That the above mentioned combined petitions are found to be sufficient in all respects;
2. That it is intended that the northeast and southwest sides of Briarwood Street lying from Lemar Drive to Frazier Lane be improved in the following manner: Construction of curb and gutter under and by virtue of Chapter 160A, Article 10, of the General Statutes of North Carolina and the procedure therein established;
3. That 45 percent of the total cost of said improvement, exclusive of so much of the total cost as is incurred in improving street intersections, be hereafter assessed upon the property receiving the improvements (according to the frontage abutting on the project, at an equal rate per foot of frontage).
4. That the assessments herein provided for shall be payable in cash or if any

property owners shall so elect, such owner shall have the option of paying the assessment in five (5) equal annual installments, said installments to bear interest at the rate of 8 percent per annum;

5. That a public hearing on all matters covered by this resolution will be held on Tuesday, February 9, 2016, beginning at 6:00 P.M., in the City Hall Council Chambers, 230 West Morehead Street, Reidsville.

Adopted this 12th day of January, 2016.

/s/ _____
John M. "Jay" Donecker
Mayor

ATTEST:

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

The following Council members voted for the passage of the above Resolution:

The following Council members voted against the passage of the above Resolution:

Also included is the "Certificate As To Sufficiency of Petition for the Improvement":

CERTIFICATE AS TO SUFFICIENCY OF PETITION FOR THE IMPROVEMENT

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
REIDSVILLE:**

I, Angela G. Stadler, CMC/NCCMC, City Clerk of the City of Reidsville, do hereby certify that the attached petitions of property owners for a curb and gutter project on Briarwood Street from Lemar Drive to Frazier Lane was lodged with me on the 17th day of December, 2015; that I have investigated the sufficiency of the said petitions combined; and that the result of my investigation is as follows:

The total number of owners of land abutting upon the street or streets or part of street or streets proposed by the combined petitions to be improved is 12. The number of said owners who signed the petition is 7, (58%), a majority.

The total number of lineal feet of frontage of said lands upon the street or streets proposed by the said combined petitions to be improved is 1500.15. The number of the said lineal feet of frontage

represented by the property of the said owners who signed the petitions is 791.91, (53%), a majority.

I find that the said petition is in all respects sufficient and in conformity with all the requirements of Chapter 160A, Article 10, of the General Statutes of North Carolina. I find also that the street proposed by the said petition to be improved has been definitely laid out, and that the boundaries of the same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Reidsville, North Carolina, this the 4th day of January, 2016.

/s/ _____
Angela G. Stadler, City Clerk

- End of Consent Agenda -

PUBLIC HEARING:
CONSIDERATION OF REZONING OF PROPERTY ON EAST HARRISON STREET
FROM RESIDENTIAL-6 TO HIGHWAY BUSINESS (Z 2015-1).

In making the staff report, Assistant City Manager of Community Services Tom Wiggins noted that Community Development Director Donna Setliff was under the weather so he would be reading from her memo. He stated that the request is for three parcels on the north side of East Harrison Street between Southeast Market Street and Montgomery Street be rezoned from Residential-6 (R-6) to Highway Business. He referred them to the maps in their packets, which show the properties to be surrounded on one side by light industrial and directly across the street is an existing Highway-Business, which is a Shell Foodmart. Originally zoned Light Industrial, the property was zoned R-6 after being part of a proposal for a Habitat for Humanity project. Unfortunately, that project did not occur, possibly due to the location with the traffic and noise since the railroad and overpass are nearby, Wiggins noted. This property is located within the City's Central Growth area with the developmental objectives being to encourage the expansion of retail, office and employment in the area, he said.

With the Comprehensive Plan and the zoning in the area, staff does recommend approval of the rezoning for commercial use in the future. The Planning Board gave unanimous approval of the rezoning at its December meeting, he added.

Mayor Donecker opened the public hearing at 6:07 p.m. by asking if there was anyone who wished to speak in favor of this rezoning? He asked if there was anyone who wished to speak against the rezoning? With no one coming forward, the public hearing was closed at 6:08 p.m.

Councilman Gorham stated that based on the information provided in the staff report and verbal evidence presented during the public hearing, this request is reasonable, in the public interest and consistent with the City's Comprehensive Plan and other adopted land use plans. Therefore, he makes a motion that the rezoning be approved as presented. The motion was seconded by Councilwoman Walker and unanimously approved in a 7-0 vote.

- End of Public Hearings -

UPDATE ON THE FREEWAY DRIVE PROJECT BY JASON JULIAN, RESIDENT ENGINEER FOR NC DEPARTMENT OF TRANSPORTATION.

Jason Julian, Resident Engineer for NCDOT, came before Council. He noted that when he came in September, he offered to Council that he would come back as needed with updates on the Freeway Drive project. At that September meeting, he informed Council of some milestones given by the contractor, including completion of several items by Christmas. Julian said the North Scales Street Bridge was opened on November 11, the Richardson Drive Bridge was opened on December 18 and switching traffic to the outside lanes on the south end of the project was completed November 21st.

(During this discussion, Councilman Festerman questioned whether the public hearing had been held for the previous item. He was informed that the hearing had been held prior to the vote and discussion then resumed on the Freeway Drive update.)

Julian then updated the Council on new milestones given to NCDOT by the contractor. They have already had the traffic split on the south end and plans are to have that done all the way to Richardson Drive by April 15th, he said. The bridge over Harrison Street is scheduled to be completed by June 15. Another milestone is to substantially complete the work from Scales Street to Richardson Drive by June 30th. The final milestone, the NCDOT Resident Engineer said, was to split traffic to the outside lanes for the rest of the project by July 15th.

Julian stated that this winter has been mild so far. Usually the contractor would have to stop paving by mid-December but due to the mild weather, work had been able to continue. He added that they have been installing drain pipes on the south end and throughout, along with concrete curb and gutter. The Harrison Street bridge is under construction. He added that they will be putting out signs on US 29 as part of the project as well.

Julian said he had some discussions with staff regarding the sidewalk on North Scales Street, which ends abruptly as you come out of town. He said plans are for the sidewalk to come across the bridge and end at City Heights Road near Wal-Mart.

Julian briefly discussed the new material they were getting from the rock quarry, which has been better quality than what they had been using. It should also be able to be used during the colder temperatures of winter, he noted.

With no questions from Council, Julian said he would be leaving some of his business cards with the City Clerk.

Other NCDOT Matters.

Discussion then turned to US 29's designation as future I-785, one of several items Julian said he had talked with City Manager Mitchell about. He said Mike Mills of NCDOT would have liked to have been here but was unable to. Julian noted that with the new loop in Greensboro to the

north where signs note the future I-785 designation, it is currently under study to get that section of road up to interstate standards. This is the very first stage of the process, he stated.

Regarding the signage on US 29, there will be a new sign going up from Greensboro northbound saying “Reidsville 10 Miles Danville 32 Miles”. Julian said this will be an intermediate sign between existing signage on US 29 coming out of Greensboro near the cemetery there and the Reidsville City limits. That sign is in the process of being made, he added.

With other signage entering into Rockingham County, Julian said that the first sign showing “Reidsville Next Three Exits” is after US 29 Business heading north. He said apparently there had been a sign at the US 29 Business exit in the past but had been taken down. If there is the desire to put it back up again, let the City Manager know, and he could contact him, Julian said. The sign coming south approaching 158/14 does note Reidsville on the next four exits, he continued.

Julian also stated that the City Manager is in the process of scheduling a meeting with Mike Mills of NCDOT and NCDOT Board Member Cheryl McQueary to discuss future NCDOT projects. The Mayor asked if that would include bike lanes? Julian said it could.

Mayor Donecker pointed out that if you GPS or Google Reidsville coming northward, it shows the US 289 Business exit. He said he didn’t know when it was taken off the sign, but he for one was for putting it back on there. Several Council members agreed, and the Mayor said he thought Julian had his answer and to put it on NCDOT’s to do list.

Dan Bailey asked from the audience if he could ask a question, but the Mayor informed him he already has five minutes on the agenda later.

CONSIDERATION OF A RESOLUTION OF SUPPORT FOR ROCKINGHAM COUNTY’S FRACKING MORATORIUM AND UPDATE ON REIDSVILLE ORDINANCE BY TOM WIGGINS, ASSISTANT CITY MANAGER OF COMMUNITY SERVICES, AND WILLIAM F. MCLEOD JR., CITY ATTORNEY.

City Attorney Bill McLeod Jr. came to the podium to report on Senate Bill 119, which was designed to provide uniformity for the regulation of oil and gas exploration, among other things. He said what it seems to have been done, although it has not been challenged, is to tell local governments that regardless of what ordinances, etc. they might have, the State is going to pre-empt if need be any of those local laws/ordinances. He read directly from the bill, noting that one of the things it preempts is the local entity placing any restrictions on oil and gas regulation. The bill goes from the regulation of any prohibitions by local entities to the regulation of any regulations by those entities, thereby broadening the scope of it. They haven’t said you can’t have a moratorium but they have taken the “wind out of the sails” of any moratorium, he asserted. Again, he noted this has not been challenged, but several local governments have opted out of doing anything, recognizing that if they do something, it can be pre-empted by the State through Senate Bill 119.

Assistant City Manager Wiggins said staff is seeking direction from Council. He said they can research more and come up with a moratorium, which may just be a “paper tiger.” He said they

did have a Resolution of Support for the County's efforts which the Council had requested a couple of months ago. He thanked the City Clerk for helping him pull that together. Council could approve that Resolution of Support tonight, he added, but if Council wants them to keep moving forward, we will. The City Attorney did want to bring forth how Senate Bill 119 preempts anything we can do locally, Wiggins said.

Mayor Pro Tem Brown then said that despite everything that was said, he wanted to make the motion that we enforce the ordinance, moratorium on oil and gas development in Reidsville. The motion was seconded by Councilman Balsley.

During the discussion phase, the Mayor said he agreed with this 100%. The Legislature has basically neutered our attempts to regulate it as staff reported; however, he thinks as each municipality puts on record what our feelings are, our representatives are elected, and we need to go on record in concert with our County Commissioners that we think at least a two-year moratorium should be put in place. Whether we can enforce this or not, a statement needs to be made, he said. The Mayor then said secondly, we have a business right here in Reidsville that could be "part and parcel" of the solution of monitoring water if and when such an associated industry comes to the western part of the County. He said the Senate bill needs to be loosened up enough so that we are allowed to find out what the molecules and components of the fluid are so that we can analyze them, either through our Water Treatment system or through a private company such as Bill Merritt's. This is the first step to letting people know in Raleigh, he said, that we are not just going to accept it because they pass a bill.

The motion then passed in a 7-0 vote.

The corresponding Resolution of Support for the County's efforts follows:

**A RESOLUTION OF SUPPORT FOR
ROCKINGHAM COUNTY'S ORDINANCE ESTABLISHING
A TWO-YEAR MORATORIUM ON OIL AND GAS DEVELOPMENT**

WHEREAS, the Rockingham County Board of Commissioners has approved an Ordinance Establishing a Two-Year Moratorium on Oil and Gas Development Within Rockingham County, North Carolina; and

WHEREAS, this Ordinance applies to all of Rockingham County except for those areas included in incorporated municipalities, such as Reidsville, and their extra-territorial jurisdictions; and

WHEREAS, the Reidsville City Council is in full support of Rockingham County's desire to further research the potential impact of Hydraulic Fracturing and other Oil and Gas Development activities on our local roads and other infrastructure, natural resources and to develop appropriate standards and safeguards to protect the health and safety of its residents; and

WHEREAS, the City of Reidsville is currently researching the possibility of creating a similar type of Ordinance, which would establish a Moratorium on Oil and Gas Development inside the City limits of Reidsville and its extra-territorial jurisdiction;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Reidsville, North Carolina, does offer this Resolution of Support for Rockingham County's Ordinance Establishing a Two-Year Moratorium on Oil and Gas Development and notes its plan to establish a similar Ordinance applying to such development within the City Limits of Reidsville.

This the 12th day of January, 2016.

/s/ _____
John M. "Jay" Donecker, Mayor

Attest:

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

REQUEST BY DAN BAILEY FOR FIVE MINUTES TO DISCUSS FREEWAY DRIVE PROJECT.

Mr. Bailey came forward and said the question he was going to ask Jason Julian is if the project is not completed by the extended date of November 1, 2016, will the contractor, English Construction, be fined as they should be or will the deadline be extended. He also said he had planned to ask Council to pass a Resolution asking for the Inspector General to investigate the delay, but he actually answered his (Bailey's) request, thereby taking it off of Council. He distributed a Memo from NCDOT to the Inspector General. (A COPY OF THE MEMO IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) He said obviously utilities was the problem and said he wanted to know who was the person responsible for not moving the utilities? He said Patty Eason (of NCDOT) was responsible for the extension, adding that she had not attended the last Council meeting although requested to by the Mayor and himself. He said he thinks she is the one that should be answering that. He said he had requested Oct. 22, 2015 via FOIA (Freedom of Information Act) all of her emails, etc., but had just recently received them and had not been able to go through all of them. He thanked City IT Director Rhonda Walker (*corrected later by Councilwoman Walker, noting it is Rhonda Wheeler*) for her help getting the information in a format he could read. He also distributed the latest construction estimates based on the one-year extension, adding that we are several months behind. (A COPY OF THE NCDOT CONSTRUCTION PROGRESS REPORT FOR THE PROJECT IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.) Looking at the report, Bailey noted it took 3 years 9 months to complete 65.31% of the project, leaving 35% of the project to be completed, two months of which will be in the winter. It is a cost overrun of \$1,999,510, he added. If you believe it will be completed by November 1, 2016, you are believing in the Tooth Fairy, he said.

Bailey said that was his update, and he would try to come back at a later time after he had a chance to digest these emails from Patty Eason. After being corrected by the Councilwoman, he thanked her for the correction and thanked the City Manager for allowing Wheeler to work on it for him. He said he would be glad to share that information once he had gone through it. The Mayor told him he was welcome to come back.

PUBLIC COMMENTS.

Status of Speed Hump Request on Sherwood Drive.

Mr. Phil Garner of 1112 Sherwood Drive came forward to ask about where he was in the process? He said traffic is still a problem on Sherwood. The moratorium has been lifted, and he said he needed to know what to do next. He said he knew some traffic studies have been done, including one during Christmas, for comparisons, etc. The Mayor asked if there was an application that Mr. Garner needed to submit? City Manager Mitchell said since Garner had contacted staff through the Mayor, we have begun the process. Data was collected over the holidays to show we were responding to the request, but the Police Chief felt it would be inaccurate and would collect data after school started back, the City Manager said. Mayor Donecker said with the opening of the Richardson Drive bridge, it will be interesting to see how that plays into the statistics. Garner said he wasn't concerned about the 20 mph drivers but the 35-40 mph drivers going through there. He said it is the same people. He talked about the "average" of speeds used by the Police Department, noting if his backing in and out of his driveway is included, it would pull the average speed down. If there wasn't a problem, he wouldn't be up here 12-14 months complaining, he asserted. Garner said there is more involved than monitoring traffic.

Good Stewards of Rockingham County.

The following members of Good Stewards of Rockingham County came to request the City to do an ordinance against fracking but with the motion to seek a fracking moratorium ordinance, they primarily thanked Council for its efforts. They were: Glenn Bozorth, 724 Webster Road, Stoneville; Jenny Edwards of Greensboro, a program manager with the Dan River Basin Association; Norman Lehnhardt of 1999 Baker Crossroads between Reidsville and Wentworth; and Ira Tilley of 606 Irvin Farm Road, Reidsville.

In addition to the thank you and words of appreciation, they discussed environmental protection concerns, educational materials/reports Council members could review, etc. and noted that of the targeted Counties for fracking, all have done such moratorium ordinances, etc.

CITY MANAGER'S REPORT.

City Manager Mitchell reviewed his written report, including the quarterly YMCA report covering two-thirds of the quarter; the upcoming CED Annual Meeting and upcoming events in the City in January. (A COPY OF THE REPORT IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

He added that a CodeRED will be sent out to alert citizens of the temporary switch to the Greensboro water supply while some Water Plant upgrades are being done.

BOARD & COMMISSION APPOINTMENTS:

City Manager Mitchell distributed the ballots for the board and commission appointments.

COUNCIL MEMBERS' REPORTS.

Mayor Pro Tem Brown – He reminded everyone of the upcoming MLK events occurring over the weekend, including the Basketball Tournament at 4 pm. Saturday at the Rec Center; the breakfast at 8 a.m. Monday at Zion Baptist Church; 1 p.m. speeches with a march coming back to City Hall; and at 4 p.m., a program at First Baptist Church on Hubbard Street.

Councilwoman Walker – She announced Jim Cassady has been installed on the Appearance Commission and has services that will benefit that commission. As ABC Board liaison, she also passed on that the ABC Store had the best sales in its entire history during December.

Councilman Hairston – He thanked the City for its employee event in December, along with a good selection for Employee of the Year.

Councilman Gorham – He noted he was unable to attend the City Employee event since he was attending his granddaughter's Christmas play. He said he did attend the community policing event at Jerusalem United Holiness Church, the rally held in Eden in support of the jobs at Miller, the Planning Board where officers were elected; the City BBQ, the Police Chief's breakfast, City Hall's Open House, and an NAACP dinner honoring former Councilman John Henderson's service to the community. He said he also visited the homeless shelter in Eden.

Councilman Balsley – He turned over the discussion to Chamber President Diane Sawyer, who stressed the MLK Breakfast and the Chamber's Annual 55th Awards Banquet. Next month's coffee is at Bojangles on Thursday, Feb. 4. They are at full capacity in the Chamber offices. There is a countywide coffee at RCC tomorrow.

Councilman Festerman – No report.

Mayor Donecker – No report.

ANNOUNCEMENT OF BOARD & COMMISSION APPOINTMENTS.

City Clerk Stadler announced that Catherine Wilson of 615 Maple Avenue, Reidsville, was unanimously appointed to the Reidsville Appearance Commission. Dick Frohock of 1516 Clovercrest Drive, Reidsville was appointed to a County resident position on the Human Relations Commission. (*During the meeting, the clerk erroneously stated that the Frohock appointment was unanimous, but in fact, it was approved in a 5-2 vote.*) (A COPY OF THE BALLOTS FOR BOTH WILSON AND FROHOCK ARE HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

MOTION TO ADJOURN.

Councilman Festerman then made the motion, seconded by Councilwoman Walker and unanimously approved by Council in a 7-0 vote, to adjourn at approximately 6:55 p.m.

John M. "Jay" Donecker, Mayor

ATTEST:

Angela G. Stadler, CMC/NCCMC, City Clerk