



**CITY OF CLAREMONT
CITY COUNCIL MEETING
Regular Meeting
October 5, 2015
7:00 PM
City Hall Council Chambers**

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. INVOCATION- Tim Lowrance**
- 4. MAYOR'S REPORT**
- 5. CONSENT AGENDA**
 - A. Regular Meeting Minutes –September 14, 2015
 - B. Closed Session Minutes-September 14, 2015
- 6. CITIZEN'S CONCERNS AND COMMENTS**
- 7. PRESENTATION**
 - A Fire Prevention Week Proclamation
- 8. PUBLIC HEARING**
 - A. Zoning Text Amendments
- 9. OLD BUSINESS**
- 10. NEW BUSINESS**
 - A. Change Location of Meeting- November 2, 2015
 - B. Resolution 07-15 Surplus Property
 - C. Memorandum of Understanding for Debt Set Off
 - D. Resolution 08-15 Agreement to Participate in Debt Set Off Program
 - E. Ordinance 05-15 Amend the Code of Ordinance
 - F. Ordinance 06-15 Amend the Code of Ordinance
 - G. Ordinance 07-15 Amend the Code of Ordinance
 - H. Fire Department Presentation- 9S Inspection
- 11. DEPARTMENT & COMMITTEE REPORTS**
 - A. Department Dashboard Report
- 12. CITY MANAGER'S REPORT**
 - A. Quarterly Financial Report
- 13. CLOSED SESSION**
 - A. Economic Development G.S. 143-318.11 (4)
 - B. Personnel G.S. 143-318.11(6)
- 14. ADJOURN**

REQUEST FOR COUNCIL ACTION

Date of Meeting:

To: Mayor and the City Council

From: Wendy Helms, City Clerk

Action Requested: Consent Agenda

1. Regular Session Minutes – September 14, 2015
2. Closed Session Minutes – September 14, 2015

Recommendation: Approve as Presented



City of Claremont Regular Meeting Minutes Monday, September 14, 2015

The regular City Council meeting of the City of Claremont was held in the council chambers located at Claremont City Hall at 7:00 p.m. on Monday, September 14, 2015.

The following members of the Claremont City Council were present: Mayor Shawn Brown, Councilmember Timothy Lowrance, Councilmember Dayne Miller, Councilmember Nicky Setzer, Councilmember D.B. Setzer and Councilmember Dale Sherrill.

The following personnel of the City of Claremont were present: City Manager Catherine Renbarger, Finance Officer Stephanie Corn, City Clerk Wendy Helms, Police Chief Gary Bost, Fire Chief Bart Travis, Public Services Director Tom Winkler, Public Services Supervisor Bo Prince, Captain Allen Long and Recreation Coordinator Michael Orders. City Attorney Bob Grant via Skype.

Others in attendance were: Robert Smith, Ashley Wike, William Boston, Chris Boston, Beth Boston, Stephanie Romero, Boyd Canipe, Sherri Canipe, Jonathan Canipe, David Morrow, Brenda Stanley, Lee Miller, Lisa Travis, Cole Travis, Charles Helms, Angela Frye, Lynn Frye Jr, Elinor Hiltz, Savannah Frye, Ben Auten, Megan Logan and Francisco Jaramillo.

1. CALL TO ORDER

Mayor Shawn R. Brown called the Claremont City Council meeting to order at 7:00 p.m.

2. APPROVAL OF AGENDA

The agenda was approved as presented.

3. INVOCATION & PLEDGE OF ALLEGIANCE

The invocation was given by Robert Smith from New Life Fellowship Baptist Church. Councilmember Timothy Lowrance led the Pledge of Allegiance.

4. MAYOR'S REPORT

Mayor Brown reported on Claremont Daze.

5. CONSENT AGENDA

A. August 3, 2015, Regular Meeting Minutes – Councilmember Timothy Lowrance made a motion to accept August 3, 2015 regular meeting minutes as presented. Councilmember Dayne Miller seconded the motion. The motion passed unanimously.

B. August 3, 2015, Closed Session Minutes – Councilmember Timothy Lowrance made a motion to accept August 3, 2015 closed session minutes as presented. Councilmember Dayne Miller seconded the motion. The motion passed unanimously.

6. CITIZEN’S CONCERNS & COMMENTS- none

7. PRESENTATIONS-

A. PJ Stanley Memorial Scholarships- The PJ Stanley Memorial Scholarship committee has reviewed the applications and chosen two recipients. Each recipient received a \$1,000 scholarship.

Christopher Boston is a 2015 graduate from Newton Conover High School. Chris is a member of the Conover Fire Department and will be attending CVCC to study Fire Protection Technology.

Jonathan Canipe is a 2006 graduate from St. Stephens High School. Jonathan is a member of the St. Stephens Fire Department and is attending CVCC for Emergency Medical Sciences- Paramedic Program.

B. 2015-2016 Youth Council Inductions- Ashley Wike presented the members of the 2015-2016 Claremont Youth Council. Members include: Savannah Frye, Olivia Simmons, Megan Lowman, Benjamin Auten, Cole Travis, Stephanie Zepp, Logan Hedrick, Allie Hedrick, Mason Beard, Stephanie Romero, Ashley Baucom and Regan Hedrick.

Mayor Brown administered the oath of office for each member present.

8. OLD BUSINESS-

A. Budget Transfer- Council was presented a budget transfer, which was informational only.

9. NEW BUSINESS-

A. Resolution 06-15 Execute a Contract with Matthews Construction- Resolution 06-15 will authorize the City Manager to execute a contract with Matthews Construction for the expansion of Centennial Blvd. Changes to the project have been made since Resolution 03-15 was passed by Council. Changes include:

1. Change in design of the road to meet NC DOT standards. These design changes increased the price by \$15,000.
2. Changes were also made to modify the contract from an architectural based contract to an engineering based contract.

Work will commence once DOT approves the final design plans and the City issues a Notice to Proceed.

Motion was made by Councilmember Timothy Lowrance to accept Resolution 06-15 as presented. Second was made by Councilmember Nicky Setzer. Motion passed unanimously.

B. Call for Public Hearing On Zoning Ordinance Amendments- City Planner Elinor Hiltz presented a request from the Planning Board for Council to Call for a Public Hearing for review and judgment on four text amendments.

A Public Hearing to discuss these text amendments will be held on Monday, October 5th, 2015 in the Council Chambers at Claremont City Hall at 7 p.m.

10. DEPARTMENT & COMMITTEE REPORTS

A. Monthly Department Dashboard Report-

Public Services- Director Tom Winkler introduced Bo Prince to Council. Bo was recently hired to fill the position of Public Services Supervisor.

Recreation- Michael Orders gave a brief report about the Homecoming Parade and Pep Rally being held September 28th. He also updated the Council on Claremont Daze band lines ups and the decision to have free rides.

Police/Fire- Chiefs both thanked everyone who came out during the recent missing persons search. All agencies work well together.

Fire- Chief Travis reminded everyone of the building dedication on September 29th.

11. CITY MANAGER REPORT

City Manager Renbarger reported on the latest population calculations which show Claremont with a population of 1426. On September 22 Council will host a Local Business Meeting at City Hall at 7 a.m. All local businesses have been invited to participate. Council will also hold a Special Work Session on October 1st at 6 p.m. to discuss water and sewer infrastructure.

City Manager Renbarger reported to Council on recent fines to the Waste Water Treatment Plant.

12. CLOSED SESSION

Motion was made by Councilmember Dayne Miller to go into a closed session in reference to G.S. 143-318.11(a) (4) at 7:39 p.m. Second was made by Councilmember Nicky Setzer. Motion passed unanimously.

Motion was made by Councilmember Nicky Setzer to go back into open session at 8:05 p.m. Second was made by Councilmember Dale Sherrill.

13. ADJOURN

Motion was made by Councilmember Timothy Lowrance to adjourn the meeting at 8:14 p.m. Second was made by Councilmember D.B. Setzer. Motion passed unanimously.

Respectfully submitted,
Wendy L. Helms, City Clerk

Shawn R. Brown, Mayor

Attested:

Wendy L. Helms, City Clerk

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: Citizen Concerns

Open the floor for comments or questions from the audience.

Recommendation: No action needed

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: Presentations

Present the proclamation declaring October 4 – 10, 2015 as Fire Prevention Week in the City of Claremont.

Recommendation: Present the Proclamation



Mayor's Proclamation

City of Claremont, North Carolina

WHEREAS, the city of Claremont is committed to ensuring the safety and security of all those living in and visiting Claremont; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed 2,755 people in the United States in 2013, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 369,500 home fires; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, in one-fifth of all homes with smoke alarms, none were working; and

WHEREAS, when smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and

WHEREAS, half of home fire deaths result from fires reported at night between 11 p.m. and 7 a.m. when most people are asleep; and

WHEREAS, Claremont's residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Claremont's residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and

WHEREAS, Claremont's residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Claremont's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Claremont's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2015 Fire Prevention Week theme, "Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely.

THEREFORE, I, Shawn R. Brown Mayor of Claremont do hereby proclaim October 4-10, 2015, as Fire Prevention Week throughout this city, and I urge all the people of Claremont to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement and to support the many public safety activities and efforts of Claremont's fire and emergency services during Fire Prevention Week 2015.

Shawn R. Brown , Mayor

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Elinor Hiltz, City Planner

Action Requested: Public Hearing

North Carolina General Statutes require that the City Council hold a Public Hearing prior to any changes in the City Ordinance. This advertisement was run dually on September 18 and 25 in the Observer News Enterprise.

The Planning Board has reviewed four text amendments for your review and judgement:

1. to allow 50 percent of parking in front of businesses, instead of no parking
2. to allow car dealerships in the highway business district to have car sales in the front yard
3. to allow temporary health care structures as an accessory use in residential districts (new state law)
4. not to require all owners to sign a petition to vacate a subdivision lot

The Planning Board recommended approval of the first three amendments and denial of the last.

Specific text amendment language is found in the attached “ordinances to amend the ordinances”. New language is **in red** and deletions are ~~in strikethrough~~.

Recommendation: Motion to open the public hearing.

PARKING IN FRONT:

9-3-64 Lot Type/ Shopfront Building

1. Building placement / parking / vehicular access:

~~a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from zero (0) feet to fifteen (15) feet behind street right-of-way. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.~~

b. Building facades shall be generally parallel to front property lines.

~~c. Parking shall be located primarily to the rear of the building; side yard parking shall occupy no more than twenty five (25) percent of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.~~

~~d. Points of permitted access to parking are indicated by arrows.~~

d. Parking shall be located to the side, rear and front of the building. In no case shall more than two rows of parking or fifty percent (50%) of the total required parking, be placed in the front of the building. Side yard parking shall occupy no more than fifty percent (50%) of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

9-3-66 Lot Type/ Highway Business

1. Building placement / parking / vehicular access:

~~a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will be twenty (20) feet behind street right-of-way. Special site conditions such as topography, pattern of lot widths, parking patterns, or setbacks of existing buildings may permit a different building setback.~~

b. Setbacks may vary according to setting within limits indicated.

c. Building facades shall be generally parallel to front property lines.

d. Parking shall be located to the side, rear and front of the building. In no case shall more than two rows of parking or fifty percent (50%) of the total required parking, be placed in the front of the building. Side yard parking shall occupy no more than fifty percent (50%) of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

e. Points of permitted access to parking are indicated by arrows.

f. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (minimum three (3) feet in height) shall be installed along any street frontage adjacent to parking areas.

9-3-74 Lot Type / Civic Building

1. Building placement / parking / vehicular access:

- ~~a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from zero (0) feet to twenty five (25) feet behind street right of way. Special site conditions such as topography, lot width, or provision of a green or plaza will permit a larger building setback.~~
- ~~b. Parking shall be located to the rear of the building; side yard parking shall occupy no more than twenty five (25) percent of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict placement of parking behind buildings, the limitations on side yard parking may be modified.~~
- c. A planting strip or defined plaza should be provided to relate the building to the street.
- d. Generally, building and street facades must extend parallel to frontage property lines.

~~e. Points of permitted access to the parking indicated by arrows.~~

d. Parking shall be located to the side, rear and front of the building. In no case shall more than two rows of parking or fifty percent (50%) of the total required parking, be placed in the front of the building. Side yard parking shall occupy no more than fifty percent (50%) of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

3. Description:

A civic building is a building used for purposes that are public in nature (e.g. schools, libraries, government buildings, and churches). These buildings must be designed to take their appropriate places within neighborhoods as integral parts of the community. It is expected that the scale and architectural sophistication of these buildings will match their civic importance. Where possible, civic structures shall be designed to terminate vistas or serve as key focal points in the neighborhood. ~~The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. Civic buildings shall not be set back on the lot behind a standard parking lot.~~

ARTICLE H

OFF-STREET PARKING AND LOADING REQUIREMENTS

9-3-151 Permanent Parking Space Required

- 1. Off-street parking space shall be provided in accordance with this Article in all districts, except the B-1 Central Business District, if adequate public or on-street parking is available within 50 feet of the property. However, if provided in the B-1 district, off-street parking spaces shall be provided at one (1) space per 500 square feet of gross floor area and comply with the applicable landscaping requirements.
- 2. The off-street parking space required by this division shall be permanent space and shall not be used for any other purpose.
- 3. Each parking space shall be:
 - a. Angle parking: 30 degree, 45 degree, 60 degree and 90 degree: minimum nine (9) feet by eighteen (18) feet.

- b. Parallel parking: minimum nine (9) feet by twenty-two (22) feet.
- c. The parking standards are for one vehicle, exclusive of adequate egress and ingress, drives, maneuvering space and landscaping.
- 4. Off-street parking spaces shall not be located in such a manner that parked cars will extend onto a public street or sidewalk.
- 5. Off-street parking areas, loading, egress and ingress, and maneuvering space shall be paved with asphalt or concrete. Any parking area not paved at the time of adoption of this ordinance shall be allowed to continue as such until an expansion of the building or parking area occurs. At such time, the parking area must be paved and meet current landscaping requirements.
- ~~6. Off-street parking areas shall not be permitted within the front yard.~~
- 7. Off-street parking areas shall be setback at least 10 feet from any public street.
- 8. All off-street parking areas shall provide curbing along the interior (islands) and exterior edges of the paved area.

CAR SALES IN FRONT:

9-3-98 Outdoor Display of Vehicles and Boats for Sale

- ~~1. Vehicles and boats for sale shall not be displayed in an established front yard or in an established side yard abutting a street.~~
- 2. Vehicles and boats for sale may be displayed in a **front or** side yard ~~which does not abut directly on a street~~, so long as:
 - ~~a. the display is placed behind the established front setback line of the building, extended to the side lot lines;~~
 - a. cars for sale are in operable condition**
 - b. the display area meets the standards for a parking lot (Article H);
 - c. the display area is screened from abutting properties (Article K).
- 3. Nothing in this Section shall prohibit a break in a planted screen or wall for the crossing of a driveway which provides access to on-site parking from the fronting street or a rear alley, or access between the parking lots of abutting businesses.

TEMPORARY HEALTH CARE STRUCTURES:

(New) Sec. 9-3-110 Temporary Health Care Structures.

- (A) Temporary health care structures are permitted as accessory uses to single-family homes, if a zoning permit is obtained from the town.
- (B) A temporary health care structure is defined as a “transportable residential structure, providing an environment facilitating a caregivers’s provision of care for a mentally or physically impaired person, that is (i) primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not

be required or permitted.

- (C) Temporary health care structures should adhere to setbacks for principal structures in the R-1 district.
- (D) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the building or elsewhere on the property.
- (E) Any temporary family health care structure installed shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary health care structure is needed for another mentally or physically impaired person, the temporary health care structure may continue to be used.
- (F) Only one temporary health care structure is permitted per lot.

9-3-51 Neighborhood Residential District (R-1)

Intent: The district shall provide for urban residential development within walking distance (generally one-fourth ($\frac{1}{4}$) mile) of services. Streets shall be interconnected and a range of lot sizes is encouraged. The Neighborhood Residential District permits the completion and conformity of residential subdivisions.

1. Permitted Uses:

a. Uses permitted by right:

- Single-family dwellings excluding manufactured homes
- Family Care Homes

b. Uses permitted with conditions (see Article F):

- Cemeteries
- Churches
- Essential services 1 and 2
- Government buildings up to 5,000 square feet of gross floor area
- Neighborhood and outdoor recreation
- Parks
- Temporary Health Care Structures
-

9-3-52 Residential Agriculture District (R-2)

Intent: The district shall provide for non-urban single-family development as well as agricultural uses. The purpose of the R-2 District is to provide an adequate amount of land for agricultural uses while also making provisions for single-family residential development that is rural in character. Multi-family and commercial uses are not

appropriate in this district. Manufactured homes are allowed in the R-2 District only where the Manufactured Home Overlay (MHO) District is present.

1. Permitted Uses.

a. Uses permitted by right:

- Single-family dwellings built in accordance with the N.C. Building Code (Manufactured homes are only allowed where the MHO District is present)
- Bona fide farms
- Family Care Homes

b. Uses permitted with conditions (see Article F):

- Cemeteries
- Churches
- Essential services 1 and 2
- Government buildings up to 5,000 square feet of gross floor area
- Neighborhood and outdoor recreation
- Parks
- Utility Scale Solar Energy Systems
- **Temporary Health Care Structures**

VACATE SUBDIVISION LOT:

Sec. 9-4-43 Recombination of land.

(a) Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

(b) Such instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

(c) Such instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

~~—(d) When lots have been sold, the plat may be vacated in the manner provided in subsections (a) through (c) of this section by all owners of the lots in such plat joining in the execution of such writing.~~

REQUEST FOR COUNCIL ACTION

Date of Meeting:

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: Approve the relocation of the November 2, 2015 City Council Meeting

The Catawba County Board of Elections will be using the Council Chambers for General Election Voting on November 3, 2015. In order to prepare for the elections, their staff will be setting up the voting machines on the evening of November 2, 2015. In the past the Council has relocated the meeting in lieu of rescheduling the meeting. In keeping with our rotations to departments the Claremont Police Department Training Room will host the November meeting this year.

Recommendation: Approve Location Change

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: Approve Resolution 07-15 for Surplus Property

This action will allow the City to surplus the old 1993 Spartan Fire Engine 71, as well as old equipment for the truck. Surplus equipment includes three ground ladders and eight sections of 100 ft. 5-inch hose. The Spartan Fire Engine has been replaced with a new Smeal Fire Engine.

It is recommended to sell this vehicle now to gain the maximum value and to place a reserve value of \$35,000 on the truck and equipment, indicating that \$35,000 is the lowest price the City will accept for the fire engine and equipment. These items will be sold via Govdeals.com.

A budget amendment will be on a future Council Agenda to amend the Surplus Property Sales revenue from \$17,000 to \$35,000 (or the anticipated amount of revenue from the sale). Council may then choose to direct a certain percentage to fund balance or to the fire department.

Recommendation: Approve Resolution 07-15



**CITY OF CLAREMONT
NORTH CAROLINA**

RESOLUTION 07-15

A RESOLUTION DECLARING SURPLUS PROPERTY

WHEREAS, it has been determined by the City Council that certain property owned by the City of Claremont is in need of repair or replacement; and

WHEREAS, it has been determined that the cost of repair is beyond the value of the piece of equipment; and

WHEREAS, the City Council is desirous of disposing of the property;

WHEREAS, North Carolina General Statute 160A-270 enables municipalities to conduct auctions of real or personal property electronically by authorizing the establishment of an electronic auction services.

THEREFORE, BE IT RESOLVED by the City Council of the City of Claremont that the following pieces of property shall be declared surplus property and sold via GovDeals online auction service:

Surplus Vehicle:

1993 Spartan Fire Truck- Good Condition
VIN # 4S7CT9K04PC008356
Serial # 44808232

Mileage- 36,457
Model: Cummins Diesel Model C 8.3-300

Surplus Equipment:

(3) Ground Ladders- Good Condition
10 Ft # 5239
14 Ft # 5238
24 Ft # 5178

Duo Safety Manufacturer-1993

(8) 100 Ft. LDH 5 Inch Hose
501, 502, 503, 504, 509, 511, 512, 524

Hose leaks but has passed NFPA hose test standard.

NOW, THEREFORE, IT IS FURTHER RESOLVED that the City Manager is hereby authorized to dispose of said equipment in accordance with law and engage 106A-267 for the sale of the vehicle listed above.
Adopted this 5th day of October 2015.

Attested:

Shawn R. Brown, Mayor

Wendy L. Helms, City Clerk

REQUEST FOR COUNCIL ACTION

Date of Meeting:

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: Approve Memorandum of Understanding with the Debt Setoff Program

The North Carolina League of Municipalities Debt Setoff Program operates under NCGS 105-A and allows Cities to collect any debts that are over 60 days delinquent and at least \$50 at no cost. These debts are held out of Dept of Revenue payments at no cost to the City. This program is for any fee that the City may charge and is a great way for the City to recover delinquent payments at no charge. In order to participate in the program the City must enter into a Memorandum of Understanding and Agreement with the Local Government Debt Setoff Clearinghouse Program

Recommendation: Approve Agreement

**Memorandum of Understanding and Agreement
NC Local Government Debt Setoff Clearinghouse Program**

This agreement is entered into this _____ day of _____, _____ by and between the _____ (“CLAIMANT AGENCY”) and the North Carolina League of Municipalities and the North Carolina Association of County Commissioners acting as the North Carolina Local Government Debt Setoff Clearinghouse (“CLEARINGHOUSE”)

RECITALS

WHEREAS, the Setoff Debt Collection Act, (“ACT”), Article 1 of Chapter 105A-2(A) of the North Carolina General Statutes, authorized the North Carolina Department of Revenue (“DEPARTMENT”), and claimant agencies to cooperate in identifying debtors who owe money to the State or to a qualifying local agency and who qualify for State income tax refunds; and established procedures for setting off against any refund the sum of any debt owed to the State or local government; and

WHEREAS, pursuant to NCGS 105A-3, CLEARINGHOUSE has registered with DEPARTMENT to submit delinquent debts on behalf of a local agency and has thereby become authorized to submit delinquent debts on behalf of a local agency under the ACT; and

WHEREAS, CLAIMANT AGENCY is a local agency authorized to submit a debt owed to it pursuant to the ACT; and

WHEREAS, CLAIMANT AGENCY desires to enter into this agreement with CLEARINGHOUSE in order to participate under the Setoff Debt Collection Act to increase the collection rate of delinquent debts owed to CLAIMANT AGENCY; and

WHEREAS, CLEARINGHOUSE has agreed to submit delinquent debts on behalf of CLAIMANT AGENCY.

NOW THEREFORE, in consideration of the mutual covenants and agreements, terms and conditions contained herein, CLAIMANT AGENCY and CLEARINGHOUSE mutually agree as follows:

I. TERM/TERMINATION

This memorandum of understanding and agreement shall remain and continue in full force and effect from year to year unless modified or terminated in writing by either party upon 90 days written notice to the other party. Upon termination of this agreement all sums due and owing from either party to the other shall remain a lawful obligation of the party and be due and payable. CLEARINGHOUSE will erase all claimant data files from its debt setoff system upon termination.

II. REPRESENTATIONS AND OBLIGATIONS OF CLAIMANT AGENCY

A. CLAIMANT AGENCY hereby designates, appoints, and authorizes CLEARINGHOUSE to process delinquent debts to be submitted to Department. For purposes of the Debt Setoff Clearinghouse Program, "DELINQUENT DEBT" is defined to mean:

- (i) a single account or monetary obligation which is at least \$50 owed by a debtor to a claimant agency; or,
- (ii) a group of accounts or single monetary obligations, each of which is less than \$50, that have been combined to total at least \$50, owed by the same debtor to a claimant agency; or,
- (iii) a combination of two or more accounts or monetary obligations, one of which is at least \$50 and the remainder of which when added together equal less than \$50, owed by the same debtor to a claimant agency.

Each account or monetary obligation may have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for the sum. However, Housing Authorities' debts must have been reduced to final judgment by the courts in order to be subject to setoff. To become a delinquent debt a period of 60 days must have elapsed between the time CLAIMANT AGENCY declares all of the applicable accounts or monetary obligations delinquent and the date the delinquent debt is submitted to CLEARINGHOUSE for collection.

B. CLAIMANT AGENCY shall comply with the provisions of the ACT prior to the submission of a debt to CLEARINGHOUSE for setoff and shall provide CLEARINGHOUSE the date of compliance with its debt submission file.

C. CLAIMANT AGENCY shall, upon execution of this agreement file a "participation form" with CLEARINGHOUSE designating a debt setoff coordinator and a debt setoff contact. Such participation form shall be updated on an annual basis and at any time there is a change in the information provided thereon. CLEARINGHOUSE shall administratively provide participation forms, as needed, for use by CLAIMANT AGENCY. The debt setoff coordinator shall be the designated local government employee authorized to receive notices and communication from CLEARINGHOUSE to insure that the requirements of this agreement and the requirements of the Act are met. The debt setoff coordinator shall supply CLEARINGHOUSE with any and all information that in the opinion of CLEARINGHOUSE is necessary for the proper implementation of this agreement. The debt setoff contact will receive all referrals from debtors.

D. CLAIMANT AGENCY shall use a file specified by CLEARINGHOUSE to prepare "debt files" and adjustments to debt files that CLAIMANT AGENCY certifies to CLEARINGHOUSE are owed to CLAIMANT AGENCY and that CLAIMANT AGENCY desires to have CLEARINGHOUSE submit to DEPARTMENT for setoff as shown on a document to be administratively supplied by CLEARINGHOUSE entitled "File Layouts for Submission of Debts from CLAIMANT AGENCY to CLEARINGHOUSE." If, in the opinion of CLEARINGHOUSE, changes to the file format are necessary to carry out this program, CLEARINGHOUSE shall timely

notify the CLAIMANT AGENCY. The CLAIMANT AGENCY covenants and agrees that it shall immediately implement any changes required by CLEARINGHOUSE. Data file structure will mirror requirements of DEPARTMENT but may include other fields such as date of debt cancellation. CLEARINGHOUSE will organize capability of date and time stamping debt for priority setting.

- E. CLAIMANT AGENCY shall transmit a debt file to CLEARINGHOUSE in a method and format acceptable to CLEARINGHOUSE. CLAIMANT AGENCY may choose one of three methods for data transmission: (1) customized software application provided by CLEARINGHOUSE; (2) file transfer protocol; and (3) hardcopy documents (hardcopy will require payment of costs of data entry services).
- F. CLAIMANT AGENCY shall comply with the notice and hearing procedures set forth in G.S. 105A-5 prior to the submission of a debt file to CLEARINGHOUSE. Debt files must be received on or before Friday at 5:00 p.m. in order to be included in the following week's submissions by CLEARINGHOUSE to DEPARTMENT.
- G. CLAIMANT AGENCY shall, after a debt file has been submitted to CLEARINGHOUSE, advise CLEARINGHOUSE of any debtor repayment or protests and instructions to delete or reduce a delinquent debt by submitting a new debt file by close of business on the day the repayment or protest and instructions to delete or reduce a delinquent debt is received.

III. REPRESENTATIONS AND OBLIGATIONS OF CLEARINGHOUSE

- A. CLEARINGHOUSE shall, upon receipt of CLAIMANT AGENCY'S debt file, compile the information and submit the data to the DEPARTMENT on Monday of each week.
- B. CLEARINGHOUSE shall remit to the CLAIMANT AGENCY funds received from DEPARTMENT within a reasonable time from the date of receipt from DEPARTMENT. Thereafter, CLEARINGHOUSE shall provide the CLAIMANT AGENCY an accounting of funds collected which will include the name of the debtor, the debtor's social security number, and the amount of the debt setoff as shown on the "File Layout for Submission of Debts from CLAIMANT AGENCY to CLEARINGHOUSE."
- C. CLEARINGHOUSE will provide CLAIMANT AGENCY an entity version of the application software system, which will allow CLAIMANT AGENCY to do its own in-house data entry for transfer to CLEARINGHOUSE. CLEARINGHOUSE will provide free upgrades of the application software periodically, as needed. The entity version of the application system will provide both a comprehensive online help system and a written Installation/Set-up user's guide. A Pentium class computer with Windows 95 or above is required by CLAIMANT AGENCY using the application software system.
- D. CLEARINGHOUSE will provide a licensed copy of PKWARE'S PKZIP to CLAIMANT AGENCY. This software provides for compression and encryption for the security of the data to be sent to CLEARINGHOUSE. CLEARINGHOUSE will

also compress and encrypt the data using PKZIP before returning the data to CLAIMANT AGENCY.

- E. CLEARINGHOUSE will provide a toll free telephone number for use by CLAIMANT AGENCY to receive technical support and provide information on the use of software applications and the processing of debts for submission to DEPARTMENT. Technical support and information shall be available from 8:00 a.m. until 5:00 p.m. EST, Monday through Friday, excluding holidays. Voice mail and e-mail access shall also be provided as a part of the support/information response system.
- F. CLEARINGHOUSE will provide, at no cost to CLAIMANT AGENCY, technical support to CLAIMANT AGENCY, including site visits when advisable or appropriate. CLEARINGHOUSE will provide a first-level of support by telephone to attempt to diagnose the problems. However, if first-level support is unsuccessful, an on-site visit will be made within four (4) business days.
- G. CLEARINGHOUSE will provide, at no cost to CLAIMANT AGENCY, a training seminar of one to two days each year for CLAIMANT AGENCY'S staff on the use of the debt setoff application system.

IV. UNDERSTANDING OF PARTIES

- A. To recover the costs incurred by DEPARTMENT in collecting debts, it imposes a collection assistance fee on each debt collected through setoff. DEPARTMENT must collect this fee as part of the debt and retain it. To recover the costs incurred by claimant agencies in submitting debts for collection, a local collection assistance fee of \$15 dollars is imposed on each delinquent debt submitted to DEPARTMENT and collected through set off. DEPARTMENT must collect this fee as part of the debt and remit it to CLEARINGHOUSE. If CLAIMANT AGENCY is due a refund of more than \$50 dollars, DEPARTMENT sets the tax refund off in the amount of the delinquent debt plus its collection assistance fees and the local collection assistance fee. If DEPARTMENT is able to collect only part of a debt through setoff, its collection assistance fee has priority over the local collection assistance fee and over the remainder of the delinquent debt. The local collection assistance fee has priority over the remainder of the delinquent debt.
- B. DEPARTMENT has priority over all other claimant agencies whenever it is a competing agency for a refund. State agencies have priority over local agencies. When multiple claims among local agencies are submitted for setoff to CLEARINGHOUSE, the claims have priority based on the date and time each local agency requested CLEARINGHOUSE to submit debts on its behalf. The date and time of submission of the debt file shall constitute the date and time to establish the priority. CLEARINGHOUSE shall use submission receipt date and time of original file for priority date and time of specific debt. Additions to a delinquent debt through accrued interest and/or penalties will not change the priority date. Any "new" delinquent debt for same CLAIMANT AGENCY will have a new submission date and time, including new debts for a previously submitted debtor. A delinquent debt submitted to CLEARINGHOUSE that has been reduced, by setoff or otherwise, to an

amount of less than \$50 may lose its existing priority. If such delinquent debt is thereafter combined with a future delinquent debt submission for the same debtor and thereby becomes eligible for setoff, it shall be treated as a part of the “new” debt and shall be assigned priority based on the future submission. If such delinquent debt, through the addition of interest or penalties, is thereafter increased to an amount of at least \$50 and thereby becomes eligible for set off, such debt shall retain its original priority.

- C. CLEARINGHOUSE shall not accept a debt file that is not prepared as specified by CLEARINGHOUSE or where a period of 60 days has not elapsed between the time the CLAIMANT AGENCY declares the debt delinquent and the date the delinquent debt is submitted to CLEARINGHOUSE for collection. CLEARINGHOUSE agrees to submit delinquent debts to Department; provided, however the CLAIMANT AGENCY is solely responsible for complying with the ACT, specifically including the notice and hearing provisions and other requirements of the act.
- D. The CLAIMANT AGENCY acknowledges that CLAIMANT AGENCY is responsible for the notice and hearing requirements of the ACT. CLAIMANT AGENCY affirms to CLEARINGHOUSE that it will comply with the ACT, specifically including the notice and hearing provisions required by the ACT prior to the submission of a delinquent debt to CLEARINGHOUSE for setoff.
- E. Successful interception funds will be disbursed through Capital Management of the Carolinas (Capital Management), the agency that oversees administration of the North Carolina Capital Management Trust. CLAIMANT AGENCY shall have an account with Capital Management prior to the submission of a delinquent debt to CLEARINGHOUSE and shall retain said account for as long as this agreement shall be in full force and effect.

V. COMPENSATION

- A. CLEARINGHOUSE shall receive as compensation for its services the \$15 local collection assistance fee that is imposed by DEPARTMENT on each delinquent debt that is submitted by CLEARINGHOUSE and collected through a successful interception. “SUCCESSFUL INTERCEPTION” is defined to mean the DEPARTMENT matched all or a portion of a debt submitted by CLEARINGHOUSE against a State tax refund for interception and payment towards a delinquent debt owed to CLAIMANT AGENCY.
- B. CLAIMANT AGENCY, by the execution of this agreement, authorizes CLEARINGHOUSE to retain the \$15 local collection assistance fee imposed on each delinquent debt for each successful interception. CLAIMANT AGENCY further authorizes CLEARINGHOUSE to retain the local collection assistance fee collected by it in the event CLAIMANT AGENCY is required, by statute or otherwise, to return to a debtor funds that have been set off by DEPARTMENT.
- C. CLAIMANT AGENCY may not combine individual delinquent debts of at least \$50 each by delinquent debtor name and social security number for submission to CLEARINGHOUSE. Multiple debts of less than \$50 owned by the same debtor to a

claimant agency, and one debt of less than \$50 and a debt of at least \$50 may be combined to meet the \$50 threshold and thereby constitute a delinquent debt which may be submitted to CLEARINGHOUSE.

- D. Existing submitted delinquent debts may be adjusted upwards for interest, fees etc., and will retain their original priority order, but not a later new delinquent debt, even if from the same debtor. New debts will be date stamped by CLEARINGHOUSE with the later submission date.
- E. In the event of partial payment of a delinquent debt, the CLAIMANT AGENCY may continue to submit the balance of the debt, if \$50 or more, as a part of subsequent data files. If the delinquent debt is reduced to an amount of less than \$50, it may be combined with a future delinquent debt submission for the same debtor, and will be treated as a part of the “new” delinquent debt for purposes of priority and imposition of the local collection assistance fee.

VI. INDEMNIFICATION/REIMBURSEMENT

CLAIMANT AGENCY fully understands and warrants to CLEARINGHOUSE that by submission of any delinquent debt submitted to CLEARINGHOUSE for setoff CLAIMANT AGENCY has complied with all of the provisions of the ACT and this agreement. The CLAIMANT AGENCY shall hold CLEARINGHOUSE free and harmless and shall indemnify CLEARINGHOUSE against any and all damages, claims, of action, injuries, actions, liability, or proceedings arising from the failure of CLAIMANT AGENCY to so perform. CLAIMANT AGENCY shall be responsible for the repayment of any sums received by it, including interest, penalties and court costs, to a debtor in the event a court of competent jurisdiction rules that said repayment is due to a debtor or debtors.

VII. NOTICE

Any notice required to be given under this Agreement shall be sent by certified or registered mail postage prepaid to:

_____ (debt setoff coordinator)
_____ (local agency)
_____ (local agency address);

and to: NCLM, 308 West Jones Street, Raleigh, NC 27603 and NCACC, 215 North Dawson Street, Raleigh, NC 27603, in the case of CLEARINGHOUSE.

VIII. ASSIGNMENT

This Agreement is not assignable by either party.

IX. CONFIDENTIAL INFORMATION

In the course of performance of this Agreement, the parties may find it necessary to disclose to the other party certain confidential information (“Confidential Information”). Confidential Information includes, but is not limited to, information relating to the

parties' employees, trade secrets, customers, vendors, finances, operations, products, and other business information. Except as otherwise provided by law, the following terms apply to Confidential Information: (i) the non-disclosing party shall treat as confidential and use the same degree of care as it employs in the protection of its own similar confidential information, but in no event less than a reasonable degree of care; and, (ii) the non-disclosing party will only use the information in connection with its business dealings with the disclosing party, and shall disclose information only to employees or contractors having a need to know and who agree to be bound by the terms of this Section, unless otherwise authorized in writing by the disclosing party. Information shall not be subject to these terms if: (i) it is in the public domain at the time of disclosure, or enters the public domain without breach of this Agreement; (ii) it is known to the non-disclosing party prior to the disclosure, or it is independently developed by the non-disclosing party; (iii) it is obtained by non-disclosing party in good faith from a third party not under obligation of secrecy to the disclosing party; or, (iv) it is the subject of a court or government agency order to disclose, provided the non-disclosing party gives prompt notice to the disclosing party to allow the disclosing party to contest such order. The obligations set forth in this Section survive termination, rescission, non-renewal or expiration of this Agreement.

All information, including but not limited to printed, written, oral or computer-formatted information, which CLEARINGHOUSE may gain access to during the course of the performance of this Agreement shall be the property of CLAIMANT AGENCY, shall be held in the strictest confidence, and shall be used solely for the business purposes that are the subject of this Agreement. CLEARINGHOUSE shall maintain confidentiality of such information not only during the course of the performance of this Agreement, but following its termination.

X. MISCELLANEOUS

- A. This Agreement represents the full and final understanding of the parties with respect to the subject matter described herein and supersedes any and all prior agreements or understandings, written or oral, express or implied. This Agreement may be modified or amended only by a written statement signed by both parties.
- B. The laws of the State of North Carolina shall govern the terms and conditions of this Agreement. Should any dispute arise between the parties concerning any matter under this Agreement, such disputes shall be submitted to binding arbitration before the American Arbitration Association, in accordance with applicable rules.
- C. CLAIMANT AGENCY shall enter into no other contract for similar services with any other entity so long as this Agreement remains in effect.
- D. The CLAIMANT AGENCY shall be identified and contacted as follows:
 - Type of Agency (Check appropriate type)
 - A County, to the extent it is not considered a State agency
 - A municipality
 - A Water & Sewer Authority (created under Article 1 of Chapter 162A) (Attorney for CLAIMANT AGENCY MUST complete and include Attachment I – Local Agency Certification)
 - A regional joint agency created by interlocal agreement (created under Article 20 of Chapter 160A) between two or more counties, cities, or both. (Attorney for CLAIMANT AGENCY MUST complete and include Attachment I – Local Agency Certification)

- A public health authority created under Article 2, Part B of Chapter 130A of the General Statutes.
- A metropolitan sewerage district created under Article 5 of Chapter 162A of the General Statutes.
- A sanitary district created under Article 2, Part 2 of Chapter 130A of the General Statutes.
- A housing authority created under Chapter 157 of the General Statutes, provided that the debt owed to a housing authority has been reduced to a final judgment in favor of the housing authority.
- A regional solid waste management authority created under Article 22 of Chapter 153A of the General Statutes.

Name of Agency: _____

Director/Chief Exec Officer, etc.: _____

Address: _____

City: _____ Zip: _____

Email Address: _____

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and date first above written, all by authority of their respective governing bodies.

(Local Agency)

NORTH CAROLINA LOCAL GOVERNMENT
DEBT SETOFF CLEARINGHOUSE

By: _____
(Authorized Official)

By: _____
Paul A. Meyer, Executive Director
NC League of Municipalities

ATTEST: _____
(Clerk)

By: _____
Kevin Leonard, Executive Director
NC Association of County Commissioners

(SEAL)

This instrument has been pre-audited
in the manner required by the Local
Government Budget and Fiscal Control Act.

(Signature of Finance Officer)

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: Approve Resolution 08-15 Authorizing Participation in Debt Setoff Program

The North Carolina League of Municipalities Debt Setoff Program operates under NCGS 105-A and allows Cities to collect any debts that are over 60 days delinquent and at least \$50 at no cost. These debts are held out of Dept of Revenue payments at no cost to the City. This program is for any fee that the City may charge and is a great way for the City to recover delinquent payments at no charge.

Recommendation: Approve Resolution 08-15



**CITY OF CLAREMONT
NORTH CAROLINA**

RESOLUTION # 08-15

**A RESOLUTION AUTHORIZING THE CITY OF CLAREMONT TO
PARTICIPATE IN THE NC LOCAL GOVERNMENT DEBT SETOFF
PROGRAM**

WHEREAS, NCGS Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to qualifying local agencies and who are due refunds from the Department of Revenue ; and

WHEREAS, the law authorizes the setting off of certain debts owed to qualifying local agencies against tax refunds; and

WHEREAS, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of the Local Agency of the City of Claremont as defined in NCGS 105a-2(6), effective January 1, 2006 and thereafter as provided by law;

NOW, THEREFORE, BE IT RESOLVED BY THE CLAREMONT CITY COUNCIL, that the Local Agency will participate in the debt setoff program and hereby designates Finance Officer Stephanie Corn as the person to hold hearings and conduct necessary proceedings. The Mayor and City Manager are hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.

Adopted this 5th day of October 2015.

Shawn R. Brown , Mayor

ATTEST:

Wendy Helms
City Clerk

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Elinor Hiltz, City Planner

Action Requested: Adopt Ordinance 05-15

This proposal is to change the City Ordinance to allow 50% of parking in front of a business, instead of no parking. The Planning Board recommended approval of this text amendment on August 17.

The specific proposed language is found in the attached Ordinance #05-15. New language is **in red** and deletions are ~~in strikethrough~~.

Recommendation: Approve as presented.

CITY OF CLAREMONT
NORTH CAROLINA

ORDINANCE #05-15

AN ORDINANCE TO AMEND TO THE CODE OF ORDINANCES
OF THE CITY OF CLAREMONT

TITLE 9

PLANNING AND COMMUNITY DEVELOPMENT

WHEREAS, the City of Claremont proposes to amend the Zoning Ordinance because it is important to update regulations as situations change;

WHEREAS, allowing (half of the total) parking in front of businesses may increase convenience for business owners and customers and minimally hinders pedestrian activity or walkability;

WHEREAS, this amendment conflicts with two strategies in the Land Development Plan regarding designs that promote walkability (4.A and 1.D), but this amendment is a moderate change because it only allows half of the total parking up front, and furthermore the City has initiated creation of a new Land Development Plan;

WHEREAS, the Planning Board of the City of Claremont has considered the proposed amendment and recommended said amendment for approval by the City Council; and

WHEREAS, City Council has conducted a public hearing to consider comments relative to the proposed amendment; and

WHEREAS, notification of the public hearing was duly published,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT,

That Title Nine (9) Sections 9-3-64, 9-3-66, 9-3-74, and 9-3-151 are hereby amended by changing the following:

9-3-64 Lot Type/ Shopfront Building

1. Building placement / parking / vehicular access:

~~a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build-to-line will range from zero (0) feet to fifteen (15)~~

~~feet behind street right-of-way. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.~~

b. Building facades shall be generally parallel to front property lines.

~~c. Parking shall be located primarily to the rear of the building; side yard parking shall occupy no more than twenty-five (25) percent of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.~~

~~d. Points of permitted access to parking are indicated by arrows.~~

d. Parking shall be located to the side, rear and front of the building. In no case shall more than two rows of parking or fifty percent (50%) of the total required parking, be placed in the front of the building. Side yard parking shall occupy no more than fifty percent (50%) of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

9-3-66 Lot Type/ Highway Business

1. Building placement / parking / vehicular access:

~~a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build-to line will be twenty (20) feet behind street right-of-way. Special site conditions such as topography, pattern of lot widths, parking patterns, or setbacks of existing buildings may permit a different building setback.~~

b. Setbacks may vary according to setting within limits indicated.

c. Building facades shall be generally parallel to front property lines.

d. Parking shall be located to the side, rear and front of the building. In no case shall more than two rows of parking or fifty percent (50%) of the total required parking, be placed in the front of the building. Side yard parking shall occupy no more than fifty percent (50%) of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

e. Points of permitted access to parking are indicated by arrows.

f. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (minimum three (3) feet in height) shall be installed along any street frontage adjacent to parking areas.

9-3-74 Lot Type / Civic Building

1. Building placement / parking / vehicular access:

~~a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build-to line will range from zero (0) feet to twenty-five (25) feet behind street right-of-way. Special site conditions such as topography, lot width, or provision of a green or plaza will permit a larger building setback.~~

b. Parking shall be located to the rear of the building; side yard parking shall occupy no more than twenty-five (25) percent of the primary frontage line and

~~shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict placement of parking behind buildings, the limitations on side yard parking may be modified.~~

c. A planting strip or defined plaza should be provided to relate the building to the street.

d. Generally, building and street facades must extend parallel to frontage property lines.

~~e. Points of permitted access to the parking indicated by arrows.~~

d. Parking shall be located to the side, rear and front of the building. In no case shall more than two rows of parking or fifty percent (50%) of the total required parking, be placed in the front of the building. Side yard parking shall occupy no more than fifty percent (50%) of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

3. Description:

A civic building is a building used for purposes that are public in nature (e.g. schools, libraries, government buildings, and churches). These buildings must be designed to take their appropriate places within neighborhoods as integral parts of the community. It is expected that the scale and architectural sophistication of these buildings will match their civic importance. Where possible, civic structures shall be designed to terminate vistas or serve as key focal points in the neighborhood. ~~The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. Civic buildings shall not be set back on the lot behind a standard parking lot.~~

ARTICLE H

OFF-STREET PARKING AND LOADING REQUIREMENTS

9-3-151 Permanent Parking Space Required

1. Off-street parking space shall be provided in accordance with this Article in all districts, except the B-1 Central Business District, if adequate public or on-street parking is available within 50 feet of the property. However, if provided in the B-1 district, off-street parking spaces shall be provided at one (1) space per 500 square feet of gross floor area and comply with the applicable landscaping requirements.

2. The off-street parking space required by this division shall be permanent space and shall not be used for any other purpose.

3. Each parking space shall be:

a. Angle parking: 30 degree, 45 degree, 60 degree and 90 degree: minimum nine (9) feet by eighteen (18) feet.

b. Parallel parking: minimum nine (9) feet by twenty-two (22) feet.

c. The parking standards are for one vehicle, exclusive of adequate egress and ingress, drives, maneuvering space and landscaping.

4. Off-street parking spaces shall not be located in such a manner that parked cars will extend onto a public street or sidewalk.

5. Off-street parking areas, loading, egress and ingress, and maneuvering space shall be paved with asphalt or concrete. Any parking area not paved at the time of adoption of this ordinance shall be allowed to continue as such until an expansion of the building or parking area occurs. At such time, the parking area must be paved and meet current landscaping requirements.

~~6. Off-street parking areas shall not be permitted within the front yard.~~

7. Off-street parking areas shall be setback at least 10 feet from any public street.

8. All off-street parking areas shall provide curbing along the interior (islands) and exterior edges of the paved area.

Adopted this the 5th day of October, 2015.

Shawn Brown, Mayor

ATTEST:

Wendy Helms, City Clerk

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Elinor Hiltz, City Planner

Action Requested: Adopt Ordinance 06-15

This proposal is to change City ordinance to allow car dealerships in the highway business district to have car sales in the front yard. The Planning Board recommended approval of this text amendment on August 17.

The specific proposed language is found in the attached Ordinance #06-15. New language is **in red** and deletions are ~~in strikethrough~~.

Recommendation: Approve as presented.

CITY OF CLAREMONT
NORTH CAROLINA

ORDINANCE #06-15

AN ORDINANCE TO AMEND TO THE CODE OF ORDINANCES

OF THE CITY OF CLAREMONT

TITLE 9

PLANNING AND COMMUNITY DEVELOPMENT

WHEREAS, the City of Claremont proposes to amend the Zoning Ordinance because it is important to update regulations as situations change;

WHEREAS, car dealerships often need to display cars near the road to be successful

WHEREAS, this amendment conflicts with two strategies in the Land Development Plan regarding designs that promote walkability (4.A and 1.D), but this amendment only applies in the highway business district and the City has initiated creation of a new Land Development Plan;

WHEREAS, the Planning Board of the City of Claremont has considered the proposed amendment and recommended said amendment for approval by the City Council; and

WHEREAS, City Council has conducted a public hearing to consider comments relative to the proposed amendment; and

WHEREAS, notification of the public hearing was duly published,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT,

That Title Nine (9) Section 9-3-98 is hereby amended by changing the following:

9-3-98 Outdoor Display of Vehicles and Boats for Sale

~~1. Vehicles and boats for sale shall not be displayed in an established front yard or in an established side yard abutting a street.~~

2. Vehicles and boats for sale may be displayed in a **front or** side yard which does not abut directly on a street, so long as:

a. ~~the display is placed behind the established front setback line of the building, extended to the side lot lines;~~

- a. cars for sale are in operable condition
 - b. the display area meets the standards for a parking lot (Article H);
 - c. the display area is screened from abutting properties (Article K).
3. Nothing in this Section shall prohibit a break in a planted screen or wall for the crossing of a driveway which provides access to on-site parking from the fronting street or a rear alley, or access between the parking lots of abutting businesses.

Adopted this the 5th day of October, 2015.

Shawn Brown, Mayor

ATTEST:

Wendy Helms, City Clerk

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Elinor Hiltz, City Planner

Action Requested: Adopt Ordinance 07-15

A new state law requires that temporary health care structures, also known as medical cottages or granny pods, to be permitted in residential districts as accessory uses. This proposed text amendment would put Claremont in conformance with the law. The Planning Board recommended approval of this text amendment on August 17.

The specific proposed language is found in the attached Ordinance #07-15. New language is **in red**.

Recommendation: Approve as presented.

CITY OF CLAREMONT
NORTH CAROLINA

ORDINANCE #07-15

AN ORDINANCE TO AMEND TO THE CODE OF ORDINANCES
OF THE CITY OF CLAREMONT

TITLE 9

PLANNING AND COMMUNITY DEVELOPMENT

WHEREAS, the City of Claremont proposes to amend the Zoning Ordinance because it is important to update regulations as situations change;

WHEREAS, elderly and infirm people should have options to live independently but close to family and health care support;

WHEREAS, this amendment does not conflict with the Land Development Plan;

WHEREAS, the State of North Carolina recently passed a law requiring Temporary Health Care Structures to be permitted by right in residential districts as an accessory use;

WHEREAS, the Planning Board of the City of Claremont has considered the proposed amendment and recommended said amendment for approval by the City Council; and

WHEREAS, City Council has conducted a public hearing to consider comments relative to the proposed amendment; and

WHEREAS, notification of the public hearing was duly published,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT,

That Title Nine (9) New Section 9-3-110 is added:

(New) Sec. 9-3-110 Temporary Health Care Structures.

(A) Temporary health care structures are permitted as accessory uses to single-family homes, if a zoning permit is obtained from the town.

(B) A temporary health care structure is defined as a “transportable residential structure, providing an environment facilitating a caregivers’s provision of care for a mentally or physically impaired person, that is (i) primarily

assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- (C) Temporary health care structures should adhere to setbacks for principal structures in the R-1 district.
- (D) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the building or elsewhere on the property.
- (E) Any temporary family health care structure installed shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary health care structure is needed for another mentally or physically impaired person, the temporary health care structure may continue to be used.
- (F) Only one temporary health care structure is permitted per lot.

9-3-51 Neighborhood Residential District (R-1)

Intent: The district shall provide for urban residential development within walking distance (generally one-fourth ($\frac{1}{4}$) mile) of services. Streets shall be interconnected and a range of lot sizes is encouraged. The Neighborhood Residential District permits the completion and conformity of residential subdivisions.

1. Permitted Uses:

a. Uses permitted by right:

- Single-family dwellings excluding manufactured homes
- Family Care Homes

b. Uses permitted with conditions (see Article F):

- Cemeteries
- Churches
- Essential services 1 and 2
- Government buildings up to 5,000 square feet of gross floor area
- Neighborhood and outdoor recreation
- Parks
- Temporary Health Care Structures

■

9-3-52 Residential Agriculture District (R-2)
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Intent: The district shall provide for non-urban single-family development as well as agricultural uses. The purpose of the R-2 District is to provide an adequate amount of land for agricultural uses while also making provisions for single-family residential development that is rural in character. Multi-family and commercial uses are not appropriate in this district. Manufactured homes are allowed in the R-2 District only where the Manufactured Home Overlay (MHO) District is present.

1. Permitted Uses.

a. Uses permitted by right:

- Single-family dwellings built in accordance with the N.C. Building Code (Manufactured homes are only allowed where the MHO District is present)
- Bona fide farms
- Family Care Homes

b. Uses permitted with conditions (see Article F):

- Cemeteries
- Churches
- Essential services 1 and 2
- Government buildings up to 5,000 square feet of gross floor area
- Neighborhood and outdoor recreation
- Parks
- Utility Scale Solar Energy Systems
- **Temporary Health Care Structures**

Adopted this the 5th day of October, 2015.

Shawn Brown, Mayor

ATTEST:

Wendy Helms, City Clerk

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Bart Travis, Fire Chief

Action Requested: Information only

The Fire Department recently had a 9S Inspection from the Office of the State Fire Marshall. Chief Travis plans to discuss the results of the inspection with Council, as well as the courses of action taken to comply with inspection results.

Recommendation: Information only; no action requested.

REQUEST FOR COUNCIL ACTION

Date of Meeting:

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: Department Dashboard

Recommendation: Informational

Claremont September 2015 Dashboard Report

Police Dept.			Fire Dept.			Financials			
		Month	YTD			Month	YTD	% In	% Out
Calls Answered	515	5813	Calls for Service	26	240	General Fund	19%	30%	
Citations Served	105	1196	Working Fires	3	35	Water/Sewer Fund	22%	13%	
Warnings	46	590	Training Hours	238.5	1867.5				
Number of Arrests	7	70	Prevention Programs	40	262	Rescue Squad			
Accidents	3	46	False Alarms	3	20		Month	YTD	
Warrants	9	113	EMS Calls	6	56	Calls for Service	56	829	
Open Cases	5	44				Training Hours	36	510	
Other Activities & Announcements			Other Activities & Announcements			Other Activities & Announcements			
			26 Responses 9 personnel per avg. 9s Inspection, Fire Prevention Week 10/3-10/10, Scaremont 10/24, 10/18 Responder Ceremony Joy Bapt Church.			Thanks to everyone who participated with our raffle. Come and see us at Claremont Daze!. Working with other City employees to get the PJ Stanley 5K going again.			
Public Works			Utility Dept.			Planning & Zoning Dept.			
		Month	YTD			Month	YTD	Month	YTD
Vehicles Serviced	15	96	Water Turned Off	15	102	Zoning Permits	3	33	
Recycling %- Aug 2015			Water Taps	0	15	Residential Permits	3	9	
Solid Waste Tonnage	37.46	234.93	Water Purchased		59,221,971	Commercial Permits	0	4	
Street Lights Replaced	4	60	Water Sold	8,940,385	59,045,444	Enforcement Cases	1	47	
Work Orders	43	329	McLin WWTP Avg.		562,200	Planning Board Work	0	17	
Sewer Line Jetted	1350+7	12,351	North WWTP Avg.		280,400	Safety Permits	0	6	
Other Activities & Announcements			Other Activities & Announcements			Other Activities & Announcements			
Pressure washed side walks for Claremont Daze. Cut trees and clean up around old mill site on South Depot Street			Dug up and replaced sewer tap clean out on Peachtree Street. Flush fire hydrants in the city for clean water supply						

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: City Managers Report

Recommendation: Informational

REQUEST FOR COUNCIL ACTION

Date of Meeting: **October 5, 2015**

To: Mayor and the City Council

From: Catherine Renbarger, City Manager

Action Requested: Closed Session

Council will call for a Closed Session to discuss Economic Development.
G.S. 143-318.11(4) and Personnel G.S. 143-318.11(6)

Recommendation: Motion needed to go into closed session