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***Roanoke Rapids City Council***

***October 20, 2015***

**Regular Meeting**

The regular meeting of the City Council of the City of Roanoke Rapids was held on the above date at 5:15 p.m. at the Lloyd Andrews City Meeting Hall.

 Emery G. Doughtie, Mayor

**Present:**

 Carl Ferebee, Mayor Pro Tem

 Ernest C. Bobbitt)

 Suetta S. Scarbrough)

**Council Members**

 Carol H. Cowen)

 Wayne Smith)

 Joseph Scherer, MPA, MS, City Manager

 Gilbert Chichester, City Attorney

 Lisa B. Vincent, MMC, NCCMC, City Clerk

 Kathy Kearney, Deputy City Clerk/Human Resources Manager

 Leigh Etheridge, Finance Director

 Larry Chalker, Public Works Director

 John Simeon, Parks & Recreation Director

 Kelly Lasky, Planning & Development Director

 Stacy Coggins, Fire Chief

 Christina Caudle, Main Street Director

 Andy Jackson, Deputy Police Chief

 Chuck Hasty, Police Chief

**Absent:**

Mayor Doughtie called the meeting to order and opened the meeting with prayer.

Mayor Doughtie stated we all mourn the loss of Mrs. Sarah Adams, wife of former Mayor Kirkwood F. Adams and long-time community leader who had served as Chair of the Board of Education of the Roanoke Rapids Graded School District and Chair of the Board of Directors of Halifax Regional Medical Center. He stated Mrs. Adams also served in many other capacities including service on numerous boards at the State level. He stated Mrs. Adams was also instrumental in the creation of the Chaloner Middle School. Mayor Doughtie stated Mrs. Adams was awarded the Governor’s Volunteer Award and the Boy Scouts Distinguished Citizen Award. He stated Mrs. Adams served our country as a military nurse during World War II and also served her God.

**Adoption of Business Agenda**

There being no conflict of interest with any of the items on the agenda, motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda for October 20, 2015.

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**Approval of Council Minutes**

Motion was made by Councilman Smith, seconded by Councilwoman Cowen and unanimously carried to approve the October 6, 2015 Council Minutes.

**City Council Appointments/Reappointments: Appointment to Recreation Advisory Committee**

A ballot vote was taken and City Clerk Vincent announced that the applicant did not receive the majority vote for appointment. She stated the vacancy will continue to be advertised.

**Public Hearing: Amendments to the Roanoke Rapids Land Use Ordinance to Incorporate New Legislation**

**by the General Assembly of North Carolina Session 2015**

A public hearing having been advertised and proper notices having been given according to law, Mayor Doughtie opened the public hearing for comments.

Mr. Terry Buffaloe of 316 Chockoyotte Street, Roanoke Rapids, NC stated he does not want to be out of line since he is a member of the Planning Board but he did not get to speak at the Planning Board meeting about his concern. He stated it could be due to his lack of understanding but it seems that the change regarding the “performance bond” is simply a change in name to “performance guarantee”. He asked if there will be any teeth in it. He stated he takes issue with this, whether it came from Raleigh, NC or Washington, DC, if there is not any more of a guarantee with more teeth in it for all parties concerned.

Planning & Development Director Lasky Director reviewed the following staff report *(which addresses the concern of the change regarding performance bonds)*:

**MEMORANDUM**

To: Joseph Scherer, City Manager

From: Kelly Lasky, Planning & Development Director/s/

Re: **Amendments to the Roanoke Rapids Land Use Ordinance to Incorporate New Legislation by the**

 **General Assembly of North Carolina 2015**

Date: October 7, 2015

**Background**

The City of Roanoke Rapids provides for more orderly development of the City and its planning jurisdiction through requirements of the Land Use Ordinance. The process for amending the text of the Ordinance is set forth in Article V, which requires that the Planning Board advise and comment on whether the proposed text amendment is consistent with the adopted comprehensive plan. No text amendment shall be adopted by City Council until after public notice and public hearing.

**Amendments** - See Attached **Proposed Amendments to the Roanoke Rapids Land Use Ordinance in Response to New Legislation by the General Assembly of North Carolina Session 2015.**

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During the 2015 Session of the North Carolina General Assembly, laws related to land development were amended, which have prompted the City to make changes to the Land Use Ordinance to comply with current General Statutes. Please consider amendments to the following sections of the Roanoke Rapids Land Use Ordinance to incorporate new legislation by the General Assembly of North Carolina Session 2015:

1. to modify performance guarantee provisions to ensure compliance with approved application and/or final plat approval: Article IV: PERMITS AND FINAL PLAT APPROVAL, Part I: Zoning Permits and Part II: Major and Minor Subdivisions. The Ordinance revisions/amendments prompted by Session Law 2015- 187 (effective October 1, 2015), sets a performance guarantee cap at 125%, sets a menu for acceptable financial instruments, requires developers to obtain guarantee extensions if acceptable, and limits guarantee funds to be used only for completion (not maintenance) of required improvements.

2. to amend the process by which the City Council receives citizen input in zoning ordinance and zoning map amendments: Article V: LEGISLATIVE/QUASI-JUDICIAL PROCEDURES, Section 151-91 Amendment/Rezoning Procedures, (d) Action by the City Council, (4) Qualified Protests, items (i-iv). The Ordinance revision/amendment prompted by Session Law 2015-160 (effective August 1, 2015), replaces the zoning protest petition with written citizen comment and removes the supermajority voting requirement triggered by a qualified protest.

**Summary of Proposed Amendments**

Article IV: PERMITS AND FINAL PLAT APPROVAL

1. Section 151-47 No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled: *corrected reference to section (151-94 replaces 151-60).*

2. Section 151-53 Performance Bond to Ensure Compliance with Zoning Permit: *replaced Bond with Guarantee.*

a. Revised subsection (a) *revised paragraph to update and clarify performance guarantee and developer’s choice.*

 b. Deleted *existing subsection (b) and replaced with the types of guarantees in accordance with SL 2015-187. [Existing subsection (b) is added back in revised format as subsection (e).]*

c. Added *subsection (c) in accordance with SL 2015-198 which describes the release of the guarantee and consideration of requests for extensions.*

d. Added *subsection (d), which replaces existing (b), to place cap of performance guarantee at 125% of work remaining to be completed.*

e. Added *subsection (e) which clarifies that performance guarantees are to be used for completion only (not maintenance and repairs) except as allowed in Section 151-82.*

3. Section 151-55 Burden of Presenting Evidence; Burden of Persuasion: *corrected section reference numbers to match appropriate section [151-94(5) replaces referenced 151-54 (deleted 7/9/13)].*

4. Section 151-61 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Conditional Use Permits: *revised Section title to provide a more detailed description of content.*

a. Revised subsection (a) *revised paragraph to update and clarify performance guarantee and developer’s choice.*

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b. Revised subsection (b) *to correct reference to section number (151-94 replaces 151-60).*

c. Revised subsection (b)(1) *to replace performance guarantee options with those described in new Section 151-53 (b),(c),(d),(e).*

d. Revised subsection (c) *to replace performance guarantee options with those described in new Section 151-53 (b),(c),(d),(e).*

e. Deleted subsection (d) *as it is replaced by Section 151-53(d) describing cap on performance guarantee.*

5. Section 151-65(c) Amendments to and Modifications of Permits: *corrected reference to section number (151-94 replaces 151-60).*

6. Section 151-82 Protection Against Defects:

 a. Revised subsection (a) to *add references to Section 151-53 describing zoning compliance.*

b. Revised subsection (b) to *delete the option of a performance bond as part of one-year developer responsibility to correct defects to public facilities or improvements.*

Article V: LEGISLATIVE/QUASI-JUDICIAL PROCEDURES

1. Section 151-91 Amendment/Rezoning Procedures *revised* subsection (d) Action by the City Council to *add statement that text and map amendments are legislative decisions approved by a simple majority vote.*

2. Section 151-91(d)(4) Qualified Protests-Zoning Map Amendment: *renamed the subsection Citizen Comments.*

 a. Revised 151-91(d)(4) subsection (i) to *delete the reference to a vote of three-fourths of all the members of City Council in case of protest against zoning map amendments; ADDED that written statements may be submitted to the City Clerk at least two business days prior to the proposed vote on such change, except in quasi-judicial proceedings where only a name and address may be provided to Council.*

b. Deleted paragraphs 151-91(d)(4)(ii),(iii),(iv) *which describe the qualification of a protest petition, the applicability of a protest petition; and a description of qualifying standards for submittal in order to trigger supermajority voting requirements.*

c. Combined statement under (i) to 151-91(d)(4) *since a list is recommended to be deleted.*

**Staff Recommendation**

The Planning staff recommends that the Roanoke Rapids Land Use Ordinance be revised to incorporate new legislation by the General Assembly of North Carolina Session 2015. These amendments relate to (1) the performance guarantee provisions to ensure compliance with approved application and/or final plat approval; and (2) the process by which the City Council receives citizen input in zoning map amendments.

**Planning Board Recommendation**

The Roanoke Rapids Area Planning Board will meet to review the amendment on Thursday, October 15, 2015. The Planning Board will submit their recommendation at the City Council public hearing scheduled for Tuesday,

October 20, 2015.

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**Requested Action**

Staff requests that the City Council discuss the proposed amendments. Following the Council’s discussion, staff requests the following motions:

**1. Make a motion concerning the adoption of a Statement of Consistency.**

 *The City Council has several options regarding this proposed Statement of Consistency.*

 *Staff requests the City Council to make a motion for the following:*

 a. Approval of the Statement of Consistency as submitted;

 *Other options:*

b. Approval of the Statement of Consistency with the following changes *(specifically state what changes are desired)*;

 c. Denial of the Statement of Consistency.

Following the previously detailed actions regarding the Statement of Consistency, the City Council has several options regarding the text amendment request:

**1. Make a motion concerning approval of the amendment as proposed, as amended or deny.**

 *Staff requests the City Council to make a motion for the following:*

 a. Approval of the proposed amendment (Ordinance No. 2015.11) as submitted;

 *Other options:*

b. Approval of the proposed amendment (Ordinance No. 2015.11) with the following changes *(specifically state what changes are desired)*;

 c. Denial of the proposed amendment (Ordinance No. 2015.11).

Mayor Doughtie stated most of this came from the North Carolina General Assembly.

Planning & Development Director Lasky stated yes. She stated most of it is verbatim and the proposed amendments have been reviewed by our City Attorney. She stated the Planning Board reviewed this last Thursday evening and by majority vote, recommended approval of the proposed amendments. She stated Council will need to consider a Statement of Consistency and Ordinance No. 2015.11 amending the Land Use Ordinance.

Mayor Doughtie stated he feels sure that the General Assembly believes these changes would be beneficial to us.

There being no one else to speak, Mayor Doughtie declared the public hearing closed.

Motion was made by Councilman Bobbitt, seconded by Councilwoman Cowen and unanimously carried to adopt the following Statement of Consistency:

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**Statement of Consistency with Plans to Amend the Land Use Ordinance**

**1. Reference: Amendments to update the City of Roanoke Rapids Land Use Ordinance to ensure consistency of the Ordinance with current North Carolina State Statutes which address local municipal land use regulation.**

The Roanoke Rapids City Council met on Tuesday, October 20, 2015 at 5:15 p.m. and determined that the above mentioned request is consistent with the following Roanoke Rapids Comprehensive Development Plan policies and with the Roanoke Rapids Land Use Ordinance.

ADOPTED BY THE ROANOKE RAPIDS CITY COUNCIL ON THE 20TH DAY OF OCTOBER, 2015.

* 1. Coordinated intergovernmental planning for land use, transportation, utilities, environmental quality, community appearance, historic preservation and economic development shall be encouraged.

1.4 Plans, policies, public investments and regulatory tools shall be coordinated as appropriate with those of adjacent counties, and municipalities, and with those of other governmental levels.

1.5       City land use and development policies shall be designed to encourage innovation, flexibility, and adaptability such that development in the city and surrounding area is encouraged and accommodated, while protecting the city’s quality of life.

1.7 The City recognizes the responsibility and duty of the City’s Planning Board and planning staff to review and recommend sound planning decisions. The City also recognizes the responsibility of City Council to consider all factors and variables, in addition to planning recommendations, when considering land use and development issues. The City recognizes this planning process and mutual responsibilities as being healthy for good decision-making, not conflictive.

Upon review of the request, it is the City Council’s determination that the above mentioned request is reasonable and in the public interest of the City of Roanoke Rapids in that it provides for the organized location and review of land development regulations that will help to ensure the health, safety, and general welfare of the citizens of Roanoke Rapids.

Adopted: October 20, 2015

Emery Doughtie, Mayor

Motion was made by Councilwoman Cowen, seconded by Councilman Smith and unanimously carried to adopt the following ordinance:

ORDINANCE NO. 2015.11

**AMENDMENTS TO LAND USE ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS:**

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**SECTION 1.** That Sections 151-47; 151-53; 151-55; 151-61; 151-65; and 151-82 of Article IV: PERMITS AND FINAL PLAT APPROVAL of the Land Use Ordinance be amended to read as follows:

### **Section 151-47 No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled.**

Issuance of a conditional use or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in Sections 151-53, 151-61, and 151-94the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this chapter and all additional requirements imposed pursuant to the issuance of a conditional use have been complied with.

### **Section 151-53 Performance Guarantee to Ensure Compliance With Zoning Permit.**

(a) In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this chapter prior to commencing the intended use of the property or occupying buildings, the administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this chapter are concerned) if the permit recipient provides a performance guarantee to assure successful completion of required improvements (not to exceed twelve months) satisfactory to the administrator. For any specific development, the type of performance guarantee shall be at the election of the developer.

(b) The term “performance guarantee” shall mean any of the following forms of guarantee:

 (1) Surety bond issued by any company authorized to do business in North Carolina.

 (2) Letter of credit issued by any financial institution licensed to do business in North Carolina.

 (3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

(c) The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the city that the improvements for which the performance guarantee is being required are complete. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer.

(d) The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

(e) The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion, except as allowed by Section 151-82.

### **Section 151-55 Burden of Presenting Evidence; Burden of Persuasion.**

(a) The burden of presenting a complete application (as described in Section 151-49) to the permit issuing board shall be upon the applicant. However, unless the board informs the applicant at the hearing in

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what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete.

(b) Once a completed application has been submitted, the burden of presenting evidence to the permit issuing board sufficient to lead it to conclude that the application should be denied for any reasons stated in subdivisions 151-94 (5)shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists for denying the application as provided in subdivision 151-94 (5).

(c) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in subdivision 151-94 (5) rests on the party or parties urging that the requested permit should be denied.

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### **Section 151-61 Performance Guarantee to Ensure Compliance With Conditional Use Permits.**

(a) In cases when, because of weather conditions or other factors beyond the control of the conditional use permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this chapter before commencing the intended use of the property or occupying any buildings or selling lots in a subdivision, the Council may authorize the commencement of the intended use or occupancy of buildings or the sale of subdivision lots (insofar as the requirements of this chapter are concerned) if the permit recipient provides a performance guarantee satisfactory to the Council to assure successful completion of required improvements within a reasonable period (not to exceed twelve months). For any specific development, the type of performance guarantee shall be at the election of the developer.

(b) When the Council imposes additional requirements upon the permit recipient in accordance with Section 151-94 or when the developer proposes in the plans submitted to install amenities beyond those required by this chapter, the Council may authorize the permittee to commence the intended use of the property or to occupy any building or to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed if it specifies a certain date by which or a schedule according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of any one or more of the following:

1. A performance guarantee in accordance with Section 151-53 (b)(c)(d)(e) is furnished;
2. A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made.
3. The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 151-114 (Penalties and Remedies For Violations) and Section 151-115 (Permit Revocation).

(c) With respect to subdivisions in which the developer is selling only undeveloped lots, the council may authorize final plat approval and the sale of lots before all the requirements of this chapter are fulfilled if the subdivider provides a performance guarantee in accordance with Section 151-53 (b)(c)(d)(e) to ensure that all of these requirements will be fulfilled within not more than twelve months after final plat approval.

**Section 151-65 Amendments to and Modifications of Permits.**

1. Insignificant deviations from the permit (including approved plans) issued by the city council or the

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administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

 (b) Minor design modifications or changes in permit (including approved plans) are permissible with the approval of the permit issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the council, new conditions may be imposed in accordance with Section 151-94, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

(d) The administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b) and (c).

**Section 151-82 Protection Against Defects.**

(a) Whenever (pursuant to Section 151-53 or Section 151-61) occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bond or the surety that is posted pursuant to Section 151-53 or Section 151-61 shall guarantee that any defects in such improvements or facilities that appear within one year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.

(b) Whenever all public facilities or improvements intended for dedication are installed before occupancy, use, or sale is authorized, then the developer shall correct all defects in such facilities or improvements that occur within one year after the offer of dedication of such facilities or improvements is accepted.

(c) An architect or engineer retained by the developer shall certify to the city that all facilities and improvements to be dedicated to the city have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the city of the offer of dedication of such facilities or improvements.

(d) For purposes of this section, the term “defects” refers to any condition in publicly dedicated facilities or improvements that requires the city to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this chapter.

**SECTION 2.** That Section 151-91 (d) of Article V: LEGISLATIVE/QUASI-JUDICIAL PROCEDURES of the Land Use Ordinance be amended to read as follows:

**Section 151-91 Amendment/Rezoning Procedures.**

 (d) *Action by the City Council.* Action to consider a rezoning petition, including the scheduling of a public hearing, will be at the discretion of the City Council. City Council consideration of Zoning Text Amendments and Zoning Map Amendments are legislative decisions approved by a simple majority vote.

(1) *Notice and Public Hearings – Zoning Text Amendment.* No amendment shall be adopted by the City Council until after public notice and hearing. Notice of such a public hearing

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 shall be published once a week for two successive calendar weeks in a local newspaper of general circulation in the city.

(2) *Notice and Public Hearings – Zoning Map Amendment.*

(i) In any case where the City Council will consider a change in the zoning classification of a parcel of land, notice of the proposed petition or application shall be mailed by first class mail to the owner of that parcel of land and all abutting property owners as shown on the Halifax County tax listing at the last addresses listed for such property owners on the Halifax County tax abstracts. The party applying for the change in zoning classification shall submit the following material with the request for rezoning; the application shall be considered incomplete without such material:

* A list of names of owners, their addresses and the tax parcel numbers of the property involved in the change and the properties immediately adjacent to the property of the request, including the property owners directly opposite the proposed request but separated by a street right-of-way, as shown on the Halifax County tax listing.
* Two sets of plain, letter sized envelopes equal in number to the above list of names shall be furnished by the applicant. Both sets of envelopes are to be unsealed, stamped, and addressed for mailing to the adjacent property owners as shown on the Halifax County tax listing, and bear the return address of the city.

(ii) At least ten but no more than 25 calendar days prior to the date of the meeting at which the City Council will consider the request for rezoning, the City Clerk shall mail a letter of notification in the supplied envelopes containing a description of the request and the time, date, and location of the public hearing. Additionally, the site proposed for rezoning or an adjacent public right-of-way shall be posted with a notice of the public hearing not less than ten calendar days prior to the City Council meeting at which the rezoning is to be considered. When multiple parcels are included in a proposed zoning map amendment, a posting of each individual site is not required, but the city shall post sufficient notices to provide reasonable notice to interested persons. The City Clerk shall certify to the City Council that such notices have been made and such certification shall be deemed conclusive in the absence of fraud.

(iii) The first class mail notice required under subsections (1) and (2) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice. In this instance, the city may elect to either make the mailed notice provided for in this section or may as an alternative elect to publish a notice of the hearing as required by NCGS 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Halifax County property tax listing for the affected property, shall be notified according to the provisions of subsections (1) & (2).

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(3) *Recommendations of Planning Board.* Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board’s recommendation on each proposed zoning amendment must be received by the City Council. If no recommendation is received from the Planning Board within 60 days from the date when submitted to the Planning Board, the petitioner may take the proposal to the City Council without a recommendation from the Planning Board.

(i) No member of the City Council should vote on any zoning map amendment or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

(ii) Prior to adopting or rejecting any zoning amendment, the City Council shall adopt a statement describing whether the action is consistent with the adopted comprehensive plan and any other applicable officially adopted plans and explaining why the City Council considers the action taken to be reasonable and in the public interest.

(iii) The City Council shall adopt a statement of reasonableness for all small scale re-zonings as defined by the state statutes.

(4) *Citizen Comments.* Zoning ordinances and the official Zoning Map from time to time may be amended, supplemented, changed, modified or repealed. If any resident or property owner in the city or zoning jurisdiction submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the city clerk in sufficient time to allow at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the city council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

(5) *Statement of Consistency.* Prior to adopting or rejecting any zoning text and/or map amendment, the City Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the City Council considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

**SECTION 3.** This Ordinance shall become effective upon adoption.

**Consideration of Cancelling November 3, 2015 City Council Meeting**

City Manager Scherer stated the November 3, 2015 Council meeting falls on Election Day and as you know, the Lloyd Andrews City Meeting Hall is a polling place. He stated staff is not aware of any items that would need to come before Council at that meeting.

Motion was made by Councilman Bobbitt, seconded by Councilwoman Scarbrough and unanimously carried to cancel the November 3, 2015 City Council meeting.

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**City Manager's Report**

City Manager Scherer reported, with regard to the theatre, that we have met with a commercial real estate company regarding their marketing and sale of the theatre and hope to reach an agreement with them in the near future. He stated we are in the process of drafting the necessary legislation for Council to approve the sale process, along with the legal bid document itself. He stated we have compiled the technical information and photographs for the marketing firm to use, and reviewed the legal aspects of the sale with the City Attorney.

City Manager Scherer stated next he would like to recognize Chief Hasty and the Police Department for their efforts in putting together the Community Drug Summit next week, which Deputy Chief Jackson will discuss in detail later.

City Manager Scherer stated drug addition, in all its forms, is the biggest problem our City and the County face on a daily basis. He stated the crimes committed every day, whether it is robbery, car thefts or break-ins, shootings, prostitution, and so on, can be directly attributable to illegal drugs or prescription drug abuse in some form or fashion. He stated its consequences on our community are like a ripple effect, reaching out to all neighborhoods and businesses. He stated there was a shooting in town late Saturday night and the Police Department was able to quickly make an arrest for the shooting. He stated the four people arrested in the vehicle were found with 117 grams of marijuana. He stated while no one was injured in the shooting, it did take place at a local establishment where a number of people were present. He stated this event could have turned out vastly different, with terrible outcomes for everyone involved.

City Manager Scherer stated any effort made to inform the youth of our community about the dangers of drug use and its effect on their lives is important. He stated there is a drug out there with the name of Desomorphine, street name of Krokodil, which can be synthesized from over-the-counter codeine. He stated the codeine is retrieved from over-the-counter medicine and is then mixed with ethanol, gasoline, red phosphorus, iodine, hydrochloric acid or paint thinner. He stated as a result of being “cooked” and used without any significant effort to remove the byproducts and leftovers from synthesis, injecting any such mixture can cause serious damage of the skin, blood vessels, bone and muscles, sometimes requiring limb amputation in long-term users. He stated the large volume of tissue damage/infection is what gained its nickname of the flesh-eating drug. He asked how many of our children are aware of the effects of such a drug.

City Manager Scherer stated Chief Hasty has arranged for several programs to be at the summit which deal with drug addiction and use, so that children, their families and anyone else can learn about how this problems affects them in ways that may not even be apparent to them, and find out what resources are available to help the people they love.

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City Manager Scherer stated our law enforcement officers are just one community resource against this scourge, and I hope many families can attend the summit to maybe help someone turn away from a life of drug abuse and become someone more than just a statistic.

Following the City Manager’s report, Councilman Smith asked if we were going to discuss the swine ordinance.

City Manager Scherer pointed out that the information provided to Council was for review only. He stated this matter is not on the agenda for tonight’s meeting.

Councilman Smith stated people in Roanoke Rapids should know what to expect on whether we are going to allow or not allow this type of animal. He asked if we could discuss this matter this evening.

City Attorney Chichester advised that since the agenda had already been adopted, the matter should be put on an agenda for another meeting.

Councilman Smith stated he would like for this matter to be placed on the November 17 Council agenda.

Councilwoman Scarbrough stated although she believes we need to take action as soon as we can on this matter, she does not want to take action on something until she has had a chance to read it. She stated this was not included in our agenda packet--but given to us this evening.

City Manager Scherer explained that he provided Council prior to the meeting a memo and attached draft of an ordinance simply as a discussion tool. He stated there was no intent to have this matter on the agenda tonight.

**Finance Director's Report**

Finance Director Etheridge stated she is pleased to report that the September financials show a favorable variance of revenues over expenditures. She stated the General Fund year-to-date receipts totaled $4,795,219.65 (percentage of actual money collected of adopted budget figures: 30.6%) and the General Fund year-to-date expenditures totaled $4,564,892.41 (percentage of actual monies expended of adopted budget figures: 29.1%). She stated the year-to-date revenues exceeded expenditures by $230,327.24.

Finance Director Etheridge reported on the following revenues received: ***$2,823,411.79 Ad Valorem Tax*** *(which greatly enhanced our year-to-date financial operations for the first quarter of the fiscal year);* ***$385,218.49 Quarterly Utility Franchise Tax****;* ***$203,576.60 Sales & Use Tax***and ***$231,945.26 First Allocation of Powell Bill Funding****.*

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Finance Director Etheridge reported that the auditor is scheduled to present the FY 2014 - 2015 Audit Report at the November 17 Council meeting.

Mayor Doughtie asked how the latest sales tax figures compare to last year’s figures.

Finance Director Etheridge stated we have only received one month and we are still analyzing to see how it compares with the State’s new formula.

**Departmental Reports**

***Human Resources***

 Human Resources Manager Kearney stated we are currently advertising a Police Officer position which will close on October 23. She stated we had a very good month for applications. She stated they received 42 applications for the Administrative Assistant position in the Police Department. She stated we have a wide variety of candidates to choose from. She stated we hired Marcia Person as a part-time Administrative Assistant at the Public Works Department and we hired Mr. Jeff Elks as the new Street Superintendent at the Public Works Department.

 Human Resources Manager Kearney encouraged everyone that has Charter Cable to check out Channel 193. She stated she has added a lot of photos of our employees at work so the citizens can see what we do.

 Human Resources Manager Kearney reported that we had a very successful flu shot clinic last week. She stated Angela Coggins from DrugCo administered 60 shots in two and a half hours. She thanked Ms. Coggins for helping us.

 Councilman Smith asked how many positions we have frozen.

 Human Resources Manager Kearney stated she believes it is nine. She stated the majority of the positions are in the Public Works Department which were frozen a long time ago.

 Councilman Smith asked if the Police Department was up to par.

 Human Resources Manager Kearney stated they have one vacancy which we are currently advertising.

 Councilman Smith asked about frozen positions in the Planning & Development Department.

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 Human Resources Manager Kearney stated we have one position frozen in the Planning & Development Department and one position frozen in the Parks & Recreation Department.

 Mayor Pro Tem Ferebee asked how many applications she has received for the Police Officer position.

 Human Resources Manager Kearney stated we have only three at this time.

 Councilman Smith asked if we have any plans to unfreeze some of these positions.

 City Manager Scherer stated no, not without additional funding.

***Police***

 Deputy Chief Jackson stated the months of September and October are always busy for the Police Department. He stated the department participated in the following community projects: *September 4 - Community Helper Day at Hodgestown Learning Center; September 5 - Back to School Bash in Weldon and Church Safety Program at Evangelistic Church of Deliverance; September 12 - Brotherhood Bash; September 13 - Public Servant’s Day at First Pentecostal Holiness Church; September 19 - Ducky Derby at River Falls Park in Weldon; Woodmen of the World Flag Pole dedication at*

 *Akers Park; Unity in Community basketball game at Roanoke Rapids High School and Real Talk; September 23 - Community Watch Meeting in Chaloner Park.* He stated the Police Department also took part in the Halifax County Emergency Management Disaster Drill.

 Deputy Chief Jackson reported that the Animal Control Officer received 119 calls for service; issued 4 citations for animal bites; picked up a total of 51 animals (28 dogs & 23 cats). He stated the C.O.P. volunteers volunteered 195 hours. He stated they also assisted the Littleton Police Department with starting a C.O.P. program. He stated our officers had 336 hours of in-service training; answered 2,086 calls and conducted 282 foot patrols. He stated CID was assigned 45 cases, cleared 64 cases and made 6 arrests with 20 charges.

 Deputy Chief Jackson reported the following activities for the City-County Drug Task Force: *Charges - 17 Drug & 20 Criminal; Search Warrants - 4; Suspects Charged - 18; Federal Hours - 44; Narcotics Seized - 208 grams of Marijuana; 33 grams of Cocaine; 36 dosage units of Heroin and 10 dosage units of Prescription Medicine.*

Deputy Chief Jackson reported on the following activities for the K-9 Patrol Unit: *Deployments - 5; Narcotics Searches - 2; Tracks - 3; Drugs Seized - 1.7 grams of Cocaine and 10 dosage units of Oxycodone; Hours Training - 32.*

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 Deputy Chief Jackson stated as the City Manager hit on earlier, it is so important to get the community involved and make everyone aware of the drug problem in our community. He stated many topics will be covered at the Drug Summit scheduled for Thursday, October 29 at 6:30 p.m. at the Kirkwood Adams Community Center. He stated we do see a lot of heroin use here in our community. He stated he witnessed 8 heroin overdoses over one weekend. He stated if it was not for Narcan® that the EMS carries with them, a young woman found on a back porch would probably not be living today. He stated drugs can cripple a community. He stated the spree of 100 car break-ins we recently experienced can be connected directly to the use of heroin. He stated these people will do whatever it takes to get a fix. He stated this summit will be very educational and we will have guest speakers from out of town. He stated we need to get the community involved and take back our community.

 Deputy Chief Jackson reported the following activities for the Uniform Patrol Division: *Total Charges - 203; Incidents - 161; Accidents - 73; Security Checks - 391; Juvenile Arrests - 1; Alarm Registrations - 10; Municipal Ordinances Served - 50; Warrants Served - 13; Criminal Summons Served - 4; Subpoenas Served - 91.*

 Deputy Chief Jackson reported that Halloween will be observed on Saturday, October 31 from 6:00 to 8:00 p.m. He encouraged the public to go out in groups and wear bright clothing. He stated the department will have extra patrol out that evening.

***Planning & Development***

 Planning & Development Director Lasky reported that most of her time last month was devoted to reviewing the General Assembly Legislation that Council voted on earlier tonight.

 Planning & Development Director Lasky reported that the department responded to questions from developers for the new Credit Union at Jefferson and E. 10th Streets. She stated they anticipate construction beginning during the spring.

 Planning & Development Director Lasky also reported that the department issued a building permit for a $250,000.00 renovation at Taco Bell. She reported that First Pentecostal and Calvary Baptist are in the final punch-list stages for their fellowship/gymnatorium projects.

 Planning & Development Director Lasky reported on the construction value of $8.5 million from January to September. She stated we have received plans for a new store next to Dunham’s Sports. She stated Label Shopper is a discount apparel store for men and women. She stated they have about 70 locations mainly up north.

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 Planning & Development Director Lasky reported that our inspectors continue to work on professional development to keep their certifications current and active.

***Parks & Recreation***

 Parks & Recreation Director Simeon reported that he is pleased to announce that we have received a generous donation of $9,000.00 to renovate Akers Park next to the Library. He stated the donor who wishes to remain anonymous is working with Steve Owens Landscaping on the concept plan. He stated plans are for a large bed at the recently installed flagpole. He stated they plan to have this completed by the end of the year.

 Parks & Recreation Director Simeon stated the Akers Park project, along with the Ledgerwood Concession Stand and Skate Park projects, makes three projects totaling around $225,000.00 that we are working on with very minimum City dollars being used. He reported that the contractor for the Skate Park and Nick Rightmyer are finishing up on some drainage concerns.

 Parks & Recreation Director Simeon reported that the Halloween Carnival and Haunted House, sponsored by the Optimist Club, will be held at the T. J. Davis Recreation Center on October 31 from 6:00 to 8:30 p.m.

 Parks & Recreation Director Simeon reported that the Christmas Tree Lighting Ceremony will be held on Thursday, December 3 at the Lloyd Andrews City Meeting Hall. He stated refreshments will be served beginning at 6:00 p.m. with the tree lighting to take place at 6:30 p.m.

 Parks & Recreation Director Simeon reported that the department is working hard on the Christmas Parade scheduled for Sunday, December 6. He reminded Council members to let Lisa Vincent know if they plan to ride in the parade. He indicated that they are doing something different this year--a car club will be taking care of transportation for the dignitaries.

***Public Works***

 Public Works Director Chalker reported that they had some difficulties with the big Christmas tree this year but it has been trimmed and newer LED lights have been installed. He stated they are prepared for the ceremony on December 3. He stated we did create a buzz on social media when we tested the lights. He indicated that someone took a picture and posted it on Facebook that the City was lighting the Christmas tree before Halloween. He reported that the crews have trimmed all of the Holly trees for Christmas.

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 Public Works Director Chalker invited Council to take a tour of the brine plant that the department just built. He stated having this plant here will be much safer for our employees when we have inclement weather.

 Public Works Director Chalker reported that leaf season will begin on Monday, November 2.

 Public Works Director Chalker reported that we have a new Street Superintendent. He stated Jeff Elks, formerly the Public Works Director for Weldon, comes to us with many years of experience and has hit the ground running.

 Public Works Director Chalker highlighted the following September statistics from his written report: *total collected for cemetery services - $10,601.00; total collected for lot cutting - $7,440.50; solid waste collected - 426 tons; junk collected - 116 tons; limbs collected - 1,242 cubic yards; leaves collected - 195 cubic yards* and *tires collected - 30 tons.*

***Fire***

 Chief Coggins reported that the Fire Department had 180 responses during the month of September with an average response time of 4.98 minutes. He stated the firemen engaged in 655 man-hours of training and the Fire Marshal conducted 22 fire prevention inspections and/or re-inspections, and 2 plan reviews for proposed new businesses in our fire district.

 Chief Coggins reported that they have been very busy since October is Fire Prevention Month. He stated they have visited many schools and conducted station tours in the past few weeks with more scheduled.

 Chief Coggins reported that they conducted agility tests for recent firefighter applicants and also conducted interviews. He stated Mr. Bruce Wells, a local volunteer with the Davie Volunteer Fire Department, is currently going through the hiring process.

 Chief Coggins reported that he will be going back to Charlotte next week to complete the Chief Officers Executive Development Program.

 Chief Coggins reported that the Fire Department’s Color Guard posted the colors at the recent open house of the Gaston Fire & Rescue’s new facility. He stated a photo of Firefighter Kyle Horton was on the front page of Sunday’s edition of the *Roanoke Rapids Daily Herald.*

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 Chief Coggins stated on Monday, November 2, the Fire Department will conduct its first annual awards banquet. He stated Council should have received an invitation along with an invitation to the annual Christmas dinner on Tuesday, December 1 following the Council meeting.

 Chief Coggins reported that they will begin painting the gazebo in Centennial Park, and thanked Councilwoman Scarbrough for getting this project going.

 Chief Coggins reminded everyone to check their smoke and carbon monoxide detectors, and to call the Fire Department if they need one.

***Main Street***

 Main Street Director Caudle reported on the following new businesses in the business district that are in the various stages of opening: *Know Knot Films - 1014 Roanoke Avenue - opened 10/2/15; U Ok Health & Fitness - 300C Roanoke Avenue - business use permit submitted; Marsh Creek Soaps - 1032 Roanoke Avenue - business use permit submitted; Restoring Bodies & Minds, LLC - 14 E. 11th Street - in permit process; Headz Up Beauty Salon - 1018 Roanoke Avenue - in permit process.* She stated that plans are underway for Joy J’s Clothing, a ladies clothing store which will be located in the 900 block of Roanoke Avenue. She stated the new owners will begin building renovations as soon as possible and hope to open in December. She stated construction plans were submitted for the proposed new laundromat site at the corner of Roanoke Avenue and 2nd Street. She stated this is all very positive activity.

 Main Street Director Caudle reported that the Graduate students from the UNC School of Government will be here on Friday for a briefing. She stated they have completed the parcel analysis and are nearing completion of the market analysis. She stated they will also be touring certain businesses along the Avenue. She stated once the market analysis has been completed, they will conduct a feasibility study and financial analysis for redevelopment of 1041 Roanoke Avenue (old Maxway property). She pointed out that this project is at no cost to the City.

 Main Street Director Caudle reported that the regularly scheduled Board meeting was held today at 3:00 p.m. at City Hall. She reminded Council members that they are invited to attend these meetings.

 Main Street Director Caudle reminded Council of the following events: ***Sunday, November 8 - Avenue Holiday Open House*** (Mrs. Emily Luter started this many years ago); ***Saturday, November 28 - Small Business Saturday*** (encourages people to shop local); ***Thursday, December 3 - Trimming of the Tree Contest*** kicks off and coincides with the City’s Christmas events. She explained that sponsors will decorate

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 trees and voting will begin at the City’s Tree Lighting Ceremony on December 3 and close on Sunday, December 6 after the Christmas Parade. She stated the winner will be announced in the December 8 edition of the *Roanoke Rapids Daily Herald*.

 Councilman Smith requested that the announcement of the winner also be on *rrspin.com* as Mr. Martin covers City news as much as anyone does.

There being no further business, motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to adjourn.

 

**Lisa B. Vincent, MMC, NCCMC City Clerk**

 11-17-2015

**Approved by Council Action on:**