



# Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on Tuesday, December 6, 2016 at 5:15 p.m. in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor  
Carl Ferebee, Mayor Pro Tem  
Ernest C. Bobbitt)  
Suetta S. Scarbrough)  
Carol H. Cowen)  
Wayne Smith)  
Joseph Scherer, MPA, MS, City Manager  
Gilbert Chichester, City Attorney  
Traci Storey, City Clerk  
Kelly Lasky, Planning & Development Director  
John Simeon, Parks & Recreation Director  
Larry Chalker, Public Works Director  
Stacy Coggins, Fire Chief  
Chuck Hasty, Police Chief  
Kathy Kearney, Deputy City Clerk/Human Resources Manager  
Leigh Etheridge, Finance Director  
Christina Caudle, Main Street Director

**Council Members**

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

## **Adoption of Business Agenda**

Mayor Doughtie asked Council members about any known conflicts of interest with respect to the matters before them this evening.

City Manager Scherer stated he had some changes to the agenda. He said Gary Danek under Public Comment was unable to attend; he called and said he would have to reschedule. Mayor Doughtie said Item 4 a) would be removed from the agenda. City Manager Scherer said under New Business, Item 7 a) Presentation of FY 2015-2016 Audit Report, the auditor had a last minute family emergency and would be unable to attend the meeting as well. He said Council will need

to reschedule with him for a meeting in January. Mayor Doughtie stated Item 7a) would also be removed from the agenda. Mayor Pro Tem Ferebee said he had an item he would like to add under New Business as Item 7 c) Chaloner Pool.

Mayor Doughtie stated that although the City Attorney was not present at this time, under Item 6 - Public Hearing, he asked to be removed from his position and appoint Mayor Pro Tem Ferebee to serve in the capacity as mayor during the public hearing proceedings. He asked if it needed to be addressed in the adoption of the agenda. City Manager Scherer replied yes.

Councilwoman Scarbrough made a motion to appoint Mayor Pro Tem Ferebee to act in the Mayor's place during that item. Mayor Doughtie stated he believed the matter could be included in the adoption of the agenda.

Councilman Smith said it may be a question for the City Attorney, but he thought the Mayor needed to state a reason why he was requesting to be excused during the public hearing proceedings. He asked Planning & Development Lasky if she believed that was correct.

Planning & Development Director Lasky asked Mayor Doughtie if he would state whether he had a personal conflict with the request for rezoning for justification purposes. Mayor Doughtie stated he would have a personal conflict and would like to remove himself because of that during the public hearing.

Councilman Smith stated he discussed the matter with the City attorney and wanted to disclose that he attended the church across the street from the property that was being considered for rezoning. He said he did not hold a position in the church other than he was a member. He stated the City attorney advised him that it would not be a conflict of interest for him to remain on the Council during the public hearing because he had nothing to gain from the way he would vote, but advised him to disclose it to the public and Council.

Councilwoman Cowen said she would feel better if the Council would wait until the City attorney was present to handle the situation. Mayor Doughtie asked City Manager Scherer if Council could move the item down until the City attorney arrived. City Manager Scherer replied the City attorney contacted him to let him know he was tied up in court but planned to be here at some point. Council agreed to move the Public Hearing down until City Attorney Chichester was present.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith to adopt the business agenda as presented with the said changes with the knowledge of moving the Public Hearing 6 a) down if necessary. Motion was unanimously carried to adopt the business agenda for December 6, 2016 as amended.

<b>Special Recognition</b>
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**Presentation of Resolution for Retired City Clerk from NCLM**

Mayor Doughtie read and presented retired City Clerk, Lisa Vincent with the following resolution:

*RESOLUTION*

*Of the*

*North Carolina League of Municipalities*

*WHEREAS, Lisa Vincent retired during the past year, having served the City of Roanoke Rapids faithfully and well for 31 years and 6 months; and*

*WHEREAS, the work of Lisa Vincent benefitted the citizens of the City of Roanoke Rapids and upheld the standards of excellence in municipal governance;*

*NOW, THEREFORE, BE IT RESOLVED by the membership of the North Carolina League of Municipalities, meeting in Annual Conference on this 24<sup>th</sup> day of October 2016, hereby honors Lisa Vincent, City Clerk, Deputy City Clerk, Receptionist of the City of Roanoke Rapids for faithful service and lasting contributions to municipal government.*

*BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the North Carolina League of Municipalities and that copies be forwarded to Lisa Vincent and to the City of Roanoke Rapids.*

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LESTINE HUTCHENS, PRESIDENT

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PAUL A MEYER, EXECUTIVE DIRECTOR

October 24, 2016

## Approval of Council Minutes

Motion was made by Councilwoman Cowen, seconded by Councilman Bobbit and unanimously carried to approve the November 15, 2016 Regular Meeting Council Minutes as written.

## New Business

### Consideration of Traffic Amendment

Police Chief Hasty presented Traffic Code Amendment/Ordinance No. 2016.18.

### **AN ORDINANCE TO AMEND THE TRAFFIC CODE OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA that:**

**SECTION 1.** The Roanoke Rapids Traffic Code is amended to replace the yield sign with a stop sign on Franklin Street at the intersection of West 13<sup>th</sup> Street.

**SECTION 2.** The Roanoke Rapids Traffic Code is amended to replace the yield sign with a stop sign on Franklin By-Pass Street at the intersection of Vance Street.

**SECTION 3.** The Roanoke Rapids Traffic Code is amended to replace the yield sign with a stop sign on Franklin By-Pass Street at the intersection of Franklin Street.

**SECTION 4.** The Roanoke Rapids Traffic Code is amended to replace the yield sign with a stop sign on Monroe Street at the intersection of West 7<sup>th</sup> Street (both North and South directions).

**SECTION 5.** The Roanoke Rapids Traffic Code is amended to replace the yield sign with a stop sign on West 6<sup>th</sup> Street at the intersection of Henry Street (both East and West directions).

**SECTION 6.** The Roanoke Rapids Traffic Code is amended to replace the yield sign with a stop sign on Hunting Ridge Road at the intersection of Pruden Street.

**SECTION 7.** This Ordinance shall become effective upon the installation of the foregoing signs.

12/6/2016

Councilman Smith asked Chief Hasty if it was just one location where the signs would be changed. Chief Hasty replied no, there were seven (7) locations. Councilman Smith asked if there would be any costs involved. Chief Hasty replied they already had signs at the sign department so it was only a matter of changing them.

Motion was made by Councilman Smith, seconded by Councilman Bobbit and unanimously carried to adopt Traffic Amendment Ordinance No. 2016.18 as written.

### **Chaloner Pool**

Mayor Pro Tem Ferebee stated it had been in the neighborhood of six (6) months since they first started discussing the Chaloner pool. He said they have had many citizens come and tell them their concerns about the pool and that the pool was needed in the community. He stated the Council was given a petition with over 350 signatures plus over 35 signatures from the Chaloner Center Seniors. He said it had been a lot of concern in the community regarding Chaloner pool. He stated it had become a fixture in the community for a number of years.

Mayor Pro Tem Ferebee said they had talked about value and he looked up value and wanted to share what value was. He said he was talking about the value that was considered worth, usefulness, appreciation, respect, something that was important. He said a lot of the times they talked about value, they talked about the monetary part of it and that was all they looked at, but there were many other parts of value.

He said the citizens had been here many nights and poured out their hearts to them. He stated they had almost pleaded and begged that they needed this in the community because they know what it stands for and know what it could do for them. He said he hoped they had not been on deaf ear. He said the Mayor, John Simeon, the City Manager and himself initially talked about this and came up with a plan, but for some reason that did not go anywhere. He said they were looking at the installment financing that was going to be done at the last meeting and the first thing that was brought up from the group was they had not finished the installment for the police cars and fire truck and they could probably attach it to that. He stated he did not know where that went but it's not here. He said that was an avenue. He said they were stewards of the City and they could find avenues if they really looked. He said they found avenues for Rochelle Pond when

there were hundreds and thousands of dollars. He said some may say that was different, but it was still monies that they used to fix Rochelle Pond even though it was not in the budget, they did it. He said when they looked at the Aquatic Center they took those monies out of the fund balance to fix it and it wasn't in the budget. He said they all have things they were interested in and he had been a good steward with all of those. He said some may say sometimes it's not all about me, but at this point he said it was about him this time because he had been a good steward. He said he was going to reach out to the same Council he had been a good steward with to ask for that same return. He said he knew the citizens were here tonight and some wanted get up and say something and he told them that was okay because they had said what they needed to say. He said he thought the Council heard them; he knew he heard them and knew some heard them.

Mayor Pro Tem Ferebee made a motion to attach the pool restoration to the Resolution 2016.09 and place that on the installment financing terms with BB&T.

City Manager Scherer informed Mayor Pro Tem that he did not believe Council could add that to a previous financing resolution, it would require a new financing resolution. He asked Finance Director Etheridge if that was correct. Finance Director Etheridge replied that was correct and the installment financing that the Council approved last month actually would close tomorrow.

Mayor Pro Tem Ferebee asked for it to be added to the installment financing terms with BB&T whether it was a new attachment and that it be attached to the same 1.78% because money was going up. He said if we were going to do it, now was the time to do and attach it. He asked that we attach that to the installment financing terms with BB&T as an attachment to Resolution 2016.09. He said whether we use it all or not, because he knew we had an estimate and that attachment figure should be in the amount of \$300,000.

City Manager Scherer stated it was his understanding that if they wanted to proceed with that option, they would have to cancel out the current loan proposal that was supposed to close tomorrow and go out and issue new proposals again. He said they would go through the process of asking for requests from all the banks and go through the review and approval process to include the additional amount. Mayor Pro Tem Ferebee said he was told that could be done. Finance Director Etheridge replied at this date, the request would have to be a new separate installment financing.

Councilman Smith asked whether or not the City had already made some deals on purchasing some vehicles. City Manager Scherer replied yes, they had ordered equipment and some of the equipment had come in based upon the intent to borrow the money under the original loan that was approved. Councilman Smith asked what happens to those orders that they already had on hand if they had to cancel the transaction. City Manager Scherer replied he believed we would be okay, but the resolution ordinance read they intended to use that money to purchase the vehicles or as a reimbursement to them. He said the City had paid for some of the vehicles with the understanding they would be reimbursed by the loan package.

Finance Director Etheridge stated it would have to be a new installment contract that would have to go out for bid with three (3) banks they utilized for a separate financing instrument for this request.

Mayor Doughtie asked how long that would take if it was a new one. Finance Director Etheridge replied it could take a month to six weeks, or longer depending on holiday schedules. Mayor Doughtie asked if this Council was to vote to do a project could the project be done and then borrow the money to put back into the fund balance; was that legal. Mayor Pro Tem Ferebee replied it was legal.

Finance Director Etheridge replied they would have to stay within the IRS timeframes regarding project spending 60 days prior to any close of an installment financing loan to qualify for reimbursement of the project. She said the installment financing request would still have to go out for bid for the best interest rate per statute for competitive bidding.

Mayor Pro Tem Ferebee said he was looking for the best avenue for financing without having to come out of the fund balance, but a replenishment would work.

Councilman Smith stated he understood what Mayor Pro Tem Ferebee would like to do and what the citizens would like to have at Chaloner, but it comes to a point that the City did not have the money and they could not keep borrowing themselves out of debt to pay some people to do something. He said you could borrow so much money but then you have to quit. He said he was still not 100% satisfied with the costs of this project because a lot of stuff like painting, plumbing etc. could be done by the Parks & Recreation Department instead of a turnkey job. He said he knew a lot of the time when they said the Parks & Recreation Department was going to do it then they turn to the Public Works Department for help.

Mayor Pro Tem said he was sure that option would always be there, this was funds to get the project started. He stated if the money was not needed, he felt confident that it would not get used, if it was not necessary by the department. He said the department would utilize the resources that it had always used to help with these projects. He looked to Public Works Director Chalker and stated he knew his department had always helped Parks & Recreation Director Simeon with these projects and asked if he would continue to offer that service. Public Works Director Chalker signaled to Mayor Pro Tem that he would.

City Attorney Chichester came into the meeting.

Councilman Smith stated he knew Public Works Director Chalker would do it, but that was not the point. He said everything was put on Public Works to do most of the work that was being done. He said if we were going to start a project for the Parks & Recreation Department then it needed to be up to the Parks & Recreation Department's personnel to do the job and not get Public Works involved in it.

Mayor Pro Tem Ferebee stated he did not disagree with that and said Councilman Smith was the one who brought that up.

Councilman Smith said in the matter of Rochelle Pond, it was a drainage pond and nothing to do with the property owners. Mayor Pro Tem Ferebee said it was owned by the property owners before the City took it over. Councilman Smith said that was the thing that the City did a lot of and that should not be done.

Mayor Pro Tem Ferebee said for example if he was a first responder and had a man out in the field that had been fired at, he was not going to leave him there. He said if there was a guy in a fire, those firemen were not going to leave him there, they were going to go in and help him out. He said he had been a good partner with Council on things that he may not have fully agreed with 100% of the time, but he looked at it said the need was there so he was asking for that same request right now. Mayor Pro Tem Ferebee stated the motion on the floor was they do a new installment package attachment to do a bid for the pool.

Mayor Doughtie said having a pool was like having a boat; there were two happy days: the day you get it and the day you get rid of it. He said pools were a constant source of maintenance and you don't get to use them in this part of the country very much. He said there was probably ten weeks max you can use a pool. He said he was trying to think about how the Chaloner Recreational facility could be used the most by the citizens in that area. He said since there were two

other pools in the center of town. He stated if there were some funds appropriated for that facility to do repairs, if it could be more utilized in some kind of year round program rather than having a huge amount of the money being spent on a pool that would be closed nine to ten months out of the year. He said at the last meeting that the citizens came and spoke, someone made comments about different people getting involved and clergy came up, the citizens came up and the City came up. He said the topic of grants also came up. He said grants were a way to make a big hit on something. He said grants were usually free money, but sometimes there would be a matching grant. He stated cities like Roanoke Rapids that were relatively low income, there was money out there sometimes for a specific project. He said if they could find out what type of project would be suitable for some monies, they could have more discussion like we had at the church that night.

Mayor Pro Tem Ferebee stated those things were not out of the ordinary, but they had a timetable. He said if those things still could be looked at and then replaced, then he and any citizen or Council member would not have an issue with finding those funds and do it. He said but he understood that the timeframe was getting close to get these things done in order to get the pool open by next year. He said there was not a lot of time.

Councilman Smith asked Mayor Doughtie for a point of order. He said there was a motion on floor and it had not been seconded yet and after there was a second then the Council could continue any discussion.

Mayor Doughtie stated there was a motion and called for a second. Councilwoman Cowen seconded the motion.

Councilman Smith stated he was against spending any money on the pool right now. He said he knew Mayor Pro Tem Ferebee wanted the pool fixed and he could understand that. He said the City did not have the money to do it. He said they were talking about borrowing money and the Finance Director would probably tell us that we would not be able to make payments on it. He said it was a situation between the Theatre and money they already owed that makes it impossible for them to borrow any more money and make payments. He stated Mayor Pro Tem Ferebee had been a good Council person, but it comes a time when you have to say no. He said the City has a nice recreational center here and the City Manager has offered to send a bus for the children to be able to come during the summer months to the T.J. Davis swimming pool. He said he thought that was the only thing the City could afford to do that right now. He said he believed the City fed the children lunch too. City Manager Scherer stated

the City provided the facilities for them, but they did not feed them. Councilman Smith said the federal government actually provided the lunch, they set it up for them.

Councilman Smith stated they were trying to do everything they could until they could get the funds to fix the pool to help the people at Chaloner so their children could go swim. He said he and Parks & Recreation Director Simeon had talked about the fees that were being charged at the pool and he was looking into that. He said they were trying to help everybody in Roanoke Rapids. He said they had areas downtown and areas over on Carolina Avenue and places that the kids had to get to Chaloner too and we did not furnish them anything at all to come to the pool; they had to walk or ride their bicycle other there. He said we were trying to accommodate them without having to borrow funds they didn't have.

Mayor Pro Tem Ferebee said they did not borrow funds to fix the Aquatic Center, we took it out of fund balance. He stated he was trying to come up with an economic way not to ask for monies out of fund balance or if they did that they would replace it. He said they had found monies and they can find monies, but it goes back to the value thing for him. He said Councilman Smith was saying there was not value there to him. He said they find the monies when the need was there; they have done so over and over again. He said they could do it because it was the first suggestion that was made.

Councilman Smith stated just to meet the budget this year they had to borrow \$600,000 to get some of the stuff they needed. He said they had to get \$500,000 out of reserve to meet the budget so that meant next year when they can't borrow any more money, we will have to take \$1 million out of our reserve funds which was going to put them at \$0 just about. He asked what were they going to cut, employees. He asked if he was going to have to sit up there next year at budget time and tell the employees that they were going to raise their insurance, they weren't going to give them a raise this year because they spent all the money the had to repair a pool. He said they had two good pools in town; many cities did not have two pools. He asked what was more important right now, keeping good employees or repairing a pool.

Mayor Pro Tem Ferebee asked if they considered that when they did the Aquatic Center. He asked Council Bobbitt for his opinion.

Councilman Bobbitt stated he was not against anything that would help the people and that would help the children, but like it has been stated, even if they could get a loan, how were they going to pay it back. He said if they get below

our balance with the State it's going to be like the County Schools, they were going to be in there running the show. He said yes, the pool would be great. He stated he had only been in the TJ Davis pool twice in his life; it's a nice pool but not everybody was going to go to it, some can't, some won't. He said right now he did not know where they were going to get the money. He said they could go borrow it probably, if they had enough credit to do it, but how would that affect their pay back in the fund balance if this goes through. He asked if the Finance Director or City Manager had a rough figure.

Finance Director Etheridge replied 19% of the fund balance. Councilman Bobbitt asked what the minimum was before the State would take over. Councilman Smith replied 8%.

Mayor Pro Tem Ferebee stated they were missing the point. He said we would borrow the money and it would not affect the fund balance. Councilman Smith stated it affects the payments they have. Mayor Pro Tem Ferebee said the fund balance would remain the same; they would use the revenues they took in to pay it back. He said they use the revenues now to make payments on notes that come due.

Councilman Smith said if they add the \$300,000 to the \$600,000 note that was \$900,000 and asked Finance Director Etheridge what the payments were going to be on the \$600,000 note. Finance Director Etheridge replied roughly \$100,000 per year. He asked what would they have to increase the taxes to for every citizen to pay back what they were talking about borrowing. Finance Director Etheridge replied she would have to calculate that figure. Councilman Smith stated it comes to about \$100,000 per penny so one cent generates approximately \$110,000. Mayor Pro Tem Ferebee stated they were not talking about raising taxes. Councilman Smith said they would have to raise taxes 8 cents to pay for the monies they were talking about borrowing.

Mayor Pro Tem Ferebee stated Council had already voted on the \$600,000 without talking about any tax increase so how was it jumping to include that now. He said he was not talking about taxes paying for it, he was talking about the payments and also some of the notes that were going to come due and when they do that was additional funds that we would have.

Councilman Smith said he understood that the reason the Council agreed to borrow the \$600,000 this year was because a debt that they paid off so it enabled them to make the payments so there was no difference in the money. He said if they borrow additional money, it was going to be an additional expense.

Mayor Doughtie stated he did not feel like they were making any progress at this point and asked if there was anyone else that would like to make comments.

Councilwoman Cowen stated she would like to see them go ahead and fix the pool right now. She said she would like to see the things broken in her house fixed right now too, but could not do it right now financially. She said she did not think the City could do the pool right now, but that didn't mean she did not want the City to have it. She said she wanted those children to have as much as anybody else had in town so they needed to look at it in the future on how they could fund it. She said they were at the end of doing the budget; this should have come back six months ago, but they need to work together. She said if they have to raise taxes, they'll have to raise taxes. She said they need to work it out because they needed to be fair.

Mayor Doughtie said at the last Council meeting he talked about the City's financial situation. He said he talked about having \$3 million in a fund balance and talked about having close to a \$2 million annual payment for at least ten more years. He said he did not think anyone on Council would say they were never going to do anything at the Chaloner Recreation Center, but they had a lot of uncertainty on what was going to happen with the financing on the City. He said they had no control on insurance or how much the payment on the Theatre may go up. He said he has told people about a letter the City received from the State government stating they were very concerned about the amount of debt they were carrying. Mayor Doughtie stated it was like Mayor Pro Tem Ferebee said, it was just like your house, if you get overladen with debt on your house, you have to either get help, stop spending or bad things happen. He said some decisions that had been made over the years, the City had 8-10 more years of long term commitments on them. He said they were working hard to get some relief from that debt but as of today there has been no relief.

Councilman Smith stated before a vote, he needed a comment from the City Manager about the outlook for next year and the following year concerning the finances.

City Manager Scherer said they took a significant hit when the State did away with privilege license money. He said they still had the ongoing expenses of the Theatre so that additional money needed to come from the undesignated fund balance if they did not have any other revenue streams that increased. He said if that was the case they would have to continue to ask for \$500,000 per year to continue at the current levels the City operated at and if that was not available, they would have to cut services, layoffs, change health plans or make some major

cuts to the budget unless they can get debt relief from the Bank of America package.

Mayor Pro Tem Ferebee said you can say some things to some people and they'll believe it and understand, but for someone that had been on this as long as he had and seen where and how, he knew it could be done. He asked the question that if the Aquatic Center humidifier broke down again, would the City fix it and that answer was yes, that was different.

Councilwoman Scarbrough asked for Mayor Doughtie to have the motion restated. Mayor Doughtie called on the City Clerk to restate the motion.

City Clerk Storey read, "Mayor Pro Tem Ferebee made a motion to attach the pool restoration to Resolution 2016.09 and place that on the installment financing with BB&T." She said she had also noted that City Manager Scherer stated there would need to be a new resolution; it could not be added to the one approved at the last meeting.

Mayor Pro Tem Ferebee stated that was correct, that his changed motion was for a new resolution to be attached.

City Attorney Chichester apologized for coming in late and stated that was a motion that cannot be performed, even if it passed. He said the resolution cannot be amended, it would need to be a new resolution with the additional amount in it if it was going to pass.

Mayor Pro Tem Ferebee restated his motion for new installment financing of \$300,000 to be looked at the same way by BB&T and other banks.

Councilman Smith asked City Attorney Chichester since there was a motion on the floor and a seconded did the initial motion needed to be withdrawn or was it a void motion. City Attorney Chichester stated it was a motion that could not have been carried out even if it passed so it would be much clearer for the record to show that the motion was withdrawn and a new motion made.

Mayor Pro Tem Ferebee withdrew his motion.

Mayor Pro Tem Ferebee made a motion that they have a new installment financing of \$300,000 for the Chaloner pool; seconded by Councilman Bobbitt. By a show of hands, Councilman Bobbitt, Councilwoman Cowen and Mayor Pro

Tem Ferebee voted in favor; Councilman Smith and Councilwoman Scarbrough voted against. Motion carried 3-2.

Mayor Doughtie asked City Attorney Chichester for the procedure he would need to take to excuse himself from his position for the Public Hearing portion of the meeting because he had a conflict/personal interest in the matter.

City Attorney Chichester advised Mayor Doughtie not to preside nor vote on the matter. He stated Mayor Doughtie would need to make a motion for this action and a vote should be taken as well.

Mayor Doughtie made a motion to excuse himself from the business of Item Number 6 and asked Mayor Pro Tem Ferebee to step in as the mayor; seconded by Councilwoman Scarbrough. All voted in favor, motion carried.

Councilman Smith stated he was a member of the church across the street from the property that would be discussed but he did not hold any office in the church. He said it should not have any effect on his vote.

City Attorney Chichester said he did discuss the matter with him and agreed that being a member of the church for many years and that he did not hold any office there would not be a conflict of interest.

## Public Hearing

Mayor Pro Tem Ferebee called on Planning & Development Director Lasky to talk about the consideration of the rezoning request from DM2 Engineering, PLLC (applicant) and Jane Renee Williams (property owner) to rezone a certain parcel located at the corner of E. 10<sup>th</sup> Street and Carolina Avenue from B-3, Commercial District to B-4, Commercial District and opened the public hearing.

Planning & Development Director Lasky gave a Powerpoint presentation and reviewed the following staff report with Council:

### MEMORANDUM

To: Joseph Scherer, City Manager

From: Kelly Lasky, Planning & Development Director

Re: **Rezoning Request (map attached) – Amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcel 0908656 (a 0.41± acre property) from B-3 Commercial District to B-4 Commercial District. The property is adjacent to the northeastern right-of-way of E. 10<sup>th</sup> Street and is the northwest corner of the Carolina Avenue intersection.**

Date: November 28, 2016

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**Summary Overview**

<i>Subject Property</i>	<i>18,000 sq. ft. of property with 100 feet of frontage located along E. 10<sup>th</sup> St. and 180 feet of frontage along Carolina Ave.</i>
<i>Proposal</i>	<i>Rezone from B-3, Commercial District to B-4, Commercial District</i>
<i>Applicant</i>	<i>DM2 Engineering, PLLC</i>
<i>Property Owner</i>	<i>Jane Renee &amp; Randy N. Williams</i>
<i>Present Use</i>	<i>Cleared, undeveloped land</i>
<i>Proposed Use</i>	<i>Mini-Storage/Self-Storage (enclosed) under Land Use Code 10.210</i>
<i>Staff Recommendation</i>	<i>Approve.</i>

WHEN EVALUATING A REZONING REQUEST, IT IS APPROPRIATE TO CONSIDER ALL PERMISSIBLE USES WITHIN THE REQUESTED ZONING DISTRICT. CITY COUNCIL CANNOT SPECIFICALLY LIMIT WHICH USES ARE ALLOWED (OR NOT) AS A RESULT OF ANY REZONING CONSIDERATION.

CONSIDER IMPACTS ON/FROM:

- POTENTIAL USES
- NEIGHBORS
- GENERAL PUBLIC
- TRAFFIC
- UTILITIES
- NEIGHBORHOOD CHARACTER
- SCHOOLS

OMIT FROM CONSIDERATION:

- ETHNICITY
- RELIGION
- INCOME
- RENT OR OWN



Figure 1 Aerial Image of Subject Property

**Analysis and Detail:**

### 1. Applicant and Property Owner

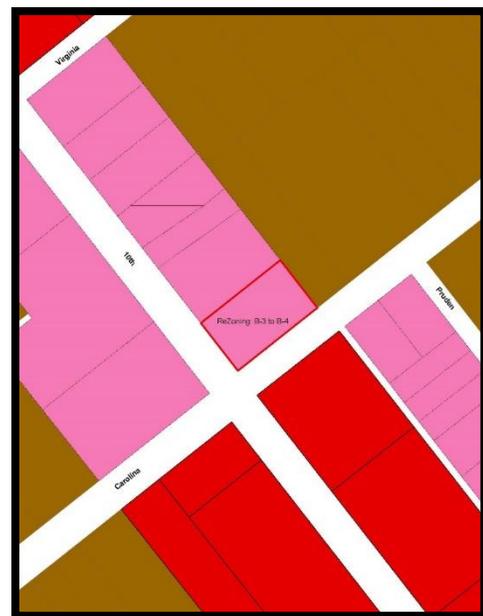
The applicant is DM2, PLLC., P.O. Box 1448, Roanoke Rapids, NC 27870; (252) 532-2364; contact: Nicholas S. Rightmyer, P.E. According to the application and Halifax County tax listing, the property owners are Jane Renee Williams and Randy N. Williams, 1118 Washington St., Roanoke Rapids, NC 27870. (*Application for Rezoning and Supplemental Information Attached*)

### 2. Location/Area Description

The site proposed for rezoning is located at the northwest corner of the Carolina Avenue and East 10<sup>th</sup> St. intersection in the City of Roanoke Rapids. This portion of 10<sup>th</sup> Street is also designated as NC Highway 125 (*See Figure 1: Aerial Photo on Previous Page*)

The property requested for rezoning is 0.413 acre with 100 feet of frontage on East 10<sup>th</sup> Street and 180 feet of frontage on Carolina Avenue. The property is undeveloped with no trees or shrubbery, except near the northwest corner of the property. Those trees may belong to the adjacent property north of the subject property on which sits a single-family house fronting on Carolina Avenue. The primary development pattern existing along this portion of East 10<sup>th</sup> Street on both sides is commercial. However, once you go away from East 10<sup>th</sup> Street along any street that intersects with it the primary uses are single-family residences.

Figure 2 Roanoke Rapids Zoning Map Excerpt



### 3. Existing and Proposed Zoning

The Roanoke Rapids Zoning Map identifies the existing zoning classifications of the lot being considered for rezoning as B-4 Commercial District. This area of East 10<sup>th</sup> Street has a B-3 Commercial designation on both sides of the street from Carolina Avenue west to Virginia Avenue. The adjacent blocks to the east and west have a B-4 Commercial designation. The requested zoning is B-4, Commercial District. Adjacent and north of the subject rezoning site is R-8, Residential District. East across Carolina Avenue the designation is B-4, Commercial District (*See Figure 2, p 2*).

**The rezoning request is a change from B-3, Commercial District to B-4, Commercial District.**

The uses allowed in each zoning district are identified in Section 151-149 Table of Permitted Uses of the City of Roanoke Rapids Land Use Ordinance. (*Ordinance Excerpts Attached*)

*The following provides general descriptions of the existing and proposed zoning districts. The commercial districts are created to accomplish the purposes and serve the objectives within each classification:*

**B-4:** designed to accommodate the widest range of commercial activities with no minimum density (square footage) and a lot width of 70 feet. Setbacks from the street right-of-way property line are 20 feet and the distances from other property lines are determined by the rating of the exterior wall of construction.

**B-1:** designed to accommodate a wide variety of commercial activities (particularly pedestrian oriented) that will result in most intensive and attractive uses of the city's central business districts (Roanoke Avenue – Main Street class)

**B-2:** designed to accommodate a transition between B-1 and a residential zone or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the city (as opposed to a regional shopping center)

**B-4:** designed to accommodate the widest range of commercial activities

**B-5:** designed to accommodate the offices and clinics of physicians and those uses customarily associated with hospital patients or visitors.

*The subject property is currently zoned B-3, Commercial District:*

**B-3:** designed to accommodate a mixture of residential uses and uses that are primarily related to office, clerical, research and services, etc.). This district serves as a transition or buffer area between major roads and more intensively developed commercial areas and residential districts.

**ANY PROPOSED CONSTRUCTION AND SITE PLANS ARE EVALUATED BY CITY STAFF AND THE DEVELOPMENT REVIEW COMMITTEE TO ENSURE A PROPER DESIGN. THE DEVELOPMENT REVIEW COMMITTEE INCLUDES THE SANITARY DISTRICT, NCDOT, PUBLIC WORKS, NC DOMINION POWER, FIRE DEPARTMENT AND CODE ENFORCEMENT.**

#### 4. Traffic Considerations

All traffic considerations will be evaluated when a proposed use and a preliminary site development plan are officially submitted for review by a future developer. The North Carolina Department of Transportation (NCDOT) regulates placement of access and driveway permitting for properties on state roads. NCDOT Highway Division 4, District 1 District Engineer will review any proposed development plans and would be responsible for approving 10<sup>th</sup> Street access to the subject site.

If the request for rezoning is approved, the Applicant has stated that the intended use of the property is a self-storage facility. According to the Institute of Transportation Engineers, Trip Generation Manual, 7<sup>th</sup> Edition, the standard trip generation rates for “Mini-Warehouse” land use are provided including estimates of vehicles added to East 10<sup>th</sup> Street. **Minimal traffic is expected to be added as a result of proposed development.**

<u>Land Use</u>	<u>Unit of Measure</u>	<u>Weekday Trips</u>	<u>Saturday Trips</u>	<u>Sunday Trips</u>
<i>Self-storage facility (mini-warehouse)</i>	<i>Units = (Building SF/ 1,000 SF)</i>	<i>1.21 trips per 1,000 SF</i>	<i>0.40 trips per 1,000 SF</i>	<i>0.30 trips per 1,000 SF</i>
<b>Self-Storage Facility</b>	<b>8.0 units = (8,000/1,000)</b>	<b>9.68 trips weekday = (1.21)(8.0)</b>	<b>3.20 trips Saturday Peak Hr = (0.40)(8.0)</b>	<b>2.40 trips Sunday Peak Hour = (0.30)(8.0)</b>

#### 5. Utility Considerations

There are no specific utility considerations that should negatively impact this property, at the present time. The area is served by Dominion Power and the Roanoke Rapids Sanitary District. All connections, extensions and responsibilities for services will be the responsibility of the developer.

## 6. Other Considerations

Future development of the site will be evaluated for appropriate **screening, drainage, stormwater retention/detention** and other items during the site plan and/or construction plan review process by the Development Review Committee. Opaque screening between potential commercial uses and existing residential uses will be required at the burden of the commercial developer. The ordinance requires opaque screening from the ground to a height of at least eight feet, which may be a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Future development of the site will be evaluated for adequate water supply for firefighting operations and that driveways meet the requirements for apparatus ingress/egress.

## 7. Comprehensive Development Plan

The property is located inside City Limits and within the Planning & Zoning Jurisdiction. The following implementing strategies may be considered from the City of Roanoke Rapids Comprehensive Plan, adopted by City Council on June 17, 2014:

*I.1 Support infill development. Infill development is development or redevelopment of land that has been bypassed, remained vacant, undervalued and/ or is underused as a result of the continuing urban development process. Generally, the areas and/ or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to the infrastructure (services and facilities). Use of such lands for new housing and/ or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.*

*I.7 Provide effective buffering and/ or landscaping where commercial development adjoins existing or planned residential uses.*

*I.18 Utilize the mixed use areas as a tool to aid in regulating/ reducing strip commercialization, stimulate compact development, encourage infill development, reduce trip generation, provide flexible development options, and utilize existing infrastructure.*

*I.20 Encourage developers to utilize thoroughfares and natural topographic features to define the boundaries of a neighborhood and concentrate higher intensity uses at the outer boundaries of the neighborhood.*

*I.32 Protect, enhance, and encourage a high quality of life, image, and cultural amenities as an effective approach to economic development.*

*I.33 Economic development efforts should encourage the revitalization and reuse of currently unused or underutilized structures, sites, and infrastructure in appropriately located areas.*

## 8. Public Response to Notice

The notice of request and public hearing was advertised in the *Daily Herald* on November 23, November 27, and December 4, 2016. As required, first class mail notice was sent to the owners of property within 100 feet of the parcel requested for rezoning.

Planning & Development Director Lasky stated the department had not received any calls or questions. She said persons were encouraged to attend the hearing or submit written comments in advance of the meeting or during the meeting.

## 9. Staff Recommendation

The proposed request for rezoning is considered reasonable. Reasonableness is determined by considering the size and nature of the tract, any special conditions or factors regarding the area, the consistency of the zoning with the land use plan, the degree of the change in the zoning, the degree it allows uses different from the surrounding area, and the relative benefits and/or detriments for the owner, the neighbors, and the surrounding community.

The Planning and Development Staff recommends in favor of the petitioner's request. The staff finds the proposed rezoning request to be consistent with the area land uses and supported by the Comprehensive Plan. Staff requests that the rezoning be recommended to the City Council for approval.

The courts have established the following factors to determine the reasonableness of spot zoning:

1. ***The size and nature of the tract.*** Planning Staff has determined that the characteristics of the site, and the existing development and zoning surrounding the site, makes the requested zoning change reasonable, and certainly not out of context in this neighborhood. The site has access to utilities and a relatively flat topography.
2. ***Compatibility with existing plans.*** The Land Use Ordinance sets forth the requirements for the various zoning districts. The Comprehensive Plan adopted by the City Council June 17, 2014 proposes and supports mixed uses in the subject area. Buffering or separation between uses is encouraged to minimize impact and provide a transition between lower and higher density land uses.
3. ***The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community.*** Planning staff recognizes that change from B-3 to B-4 represents a minimum degree of difference, with there being many similarities in existing permissible uses.

## 10. Planning Board Action

On Thursday, November 17, 2016, the Roanoke Rapids Area Planning Board met to review the application for rezoning for the subject property. Following a brief discussion, the Planning Board determined the request to be consistent with the Comprehensive Land Use Plan and unanimously voted 8-0 to recommend approval of the request.

## 11. City Council Action

Following the public hearing, the City Council is requested to make a motion concerning the Statement of Consistency and a motion concerning approval or denial of the rezoning requests.

Statement of Consistency – *if City Council concurs with the approval of the Statement, the following motion is appropriate.*

***Requested Motion & Vote: Motion to approve and adopt the presented Statement of Consistency to amend the Zoning Map to a commercial district for Halifax Co. Parcel 0908656, described in the staff report dated November 28, 2016.***

Final Decision – *if City Council concurs with approval of the rezoning request, the following motion is appropriate.*

**Requested Motion & Vote: Motion to approve an amendment to the Roanoke Rapids Zoning Map to change the zoning classification of Halifax Co. Parcel 0908656 to B-4, Commercial District; the property is located at East 10<sup>th</sup> Street and Carolina Avenue and described in the staff report dated November 28, 2016.**

**Attachments**

1. Statement of Consistency, p. 6
2. Application for Rezoning and Supplemental Information, p. 7
3. Excerpts of the Roanoke Rapids Land Use Ordinance, Table of Permissible Uses, p. 9

Planning & Development Director Lasky stated that was the end of her report and asked if Council had any questions.

Councilwoman Scarbrough asked if the Council could put a stipulation that the facility not be open during church hours on Sunday. Planning & Development Director Lasky replied unfortunately Council may not put stipulations on this request because it was for the rezoning only. She stated this was not a Conditional Use application and it would be up to the discretion of the property owner.

Councilman Bobbitt asked if there was going to be only eight (8) units on the property. Planning & Development Director Lasky replied that was part of a calculation used to determine the traffic volume on a daily basis. She added it was determined an 8,000 square foot facility could be built and the department did not have any site plans at this time. She said they just had a stated intention of the proposed use if the property was rezoned.

Councilman Smith asked if she knew where the entrance of the facility would be. Planning & Development Director Lasky replied she did not know, but since 10<sup>th</sup> Street was a NCDOT highway, it would be up to their review and approval. She said they would likely recommend the entrance be located on Carolina Avenue.

Councilman Smith asked if the Planning Board specified if the screenings would be along 10<sup>th</sup> Street. Planning & Development Director Lasky replied it would have to be in compliance with the City's ordinance. She knew there would be screenings between the use and residential areas but was not sure of the requirements along 10<sup>th</sup> Street. Mayor Pro Tem Ferebee suggested asking the applicant to address the screenings.

Councilman Smith asked if the Council was to approve the application, could we specify how the front of each one of the buildings be. Planning & Development

Director Lasky replied no, the purpose of the rezoning was only to consider the zoning district, it was not about the development itself. She encouraged the Council to consider the rezoning from district B-3 to B-4 rather than the proposed development which would go through an intensive review by staff.

Councilman Bobbitt asked if the facility would be fenced in like most facilities were. Planning & Development Director Lasky replied she could not answer that question; she did not know. She said in a rezoning they should not focus on those aspects, they should focus on the potential uses in the zoning district. She added that typically a developer did not move forward with plans if they did not know if the rezoning request would be approved. She said the next step would be a development plan would come before the review committee.

Mayor Pro Tem Ferebee asked if the plan would come before Council. Planning & Development Director Lasky replied a self/mini-storage facility undergoes administrative review.

Planning & Development Director Lasky stated that other self/mini-storage facilities were located within the city and were located near residential areas and along main thoroughfares.

Councilman Smith asked if 10<sup>th</sup> Street was the only street within the city that did not have a mini-storage facility. Planning & Development Director Lasky replied it could be.

Mayor Pro Tem Ferebee stated there were several people that signed up to speak during the public hearing.

Renee Williams stated she had no comment at this time.

Emery Doughtie stated the request was for his personal business and that was the reason he requested to step down and Mayor Pro Tem serve in his place. He stated it was a surprise to him that some people had serious questions about what he was trying to do.

Mr. Doughtie said there was a need for what he was trying to do on the corner of 10<sup>th</sup> Street and Carolina Avenue. He said he had two sets of storage units in town now and was grateful that they have given him a return on his investment. He thanked the citizens for supporting his family in their businesses for over 60 years. He stated the storage units stay full most of the time and he received two calls that day where he told them he did not have a unit available.

He said there was a need for the City tax base to grow. He said he looked on the Halifax County website and saw in 2008 the property was on the tax books for \$94,000. He said the lot was 100 ft. x 180 ft. (18,000 sq. ft.). He said in 2015, the property was reduced to \$89,000 and in the latest reevaluation, it was reduced down to \$52,000. He said it was reduced down to almost half and City Council adopted a revenue neutral balance on the tax base so they did not receive any additional money and probably less money on this particular property.

He said the tax bill on the facility would be approximately \$2,000. He stated it would have a fence all the way around the buildings and if there was some situations that would make the neighbors feel better about it, he would be open to them. He said if the City required a certain type of barrier, he would accommodate that. He added he would like the ingress and egress to be on Carolina Avenue. He said the lot had been empty for as long as he could remember. He said there were many vacant lots on 10<sup>th</sup> Street such as the one at the corner of 10<sup>th</sup> and Park Avenue. He said that property had been vacant since the tornado came through and destroyed those buildings.

He said his project would also pay out dollars to quite a few local businesses such as an attorney, insurance company, engineer and construction company.

He stated had tried as mayor, not only to serve as the mayor, but to take part in things they tried to do with the community. He said he and his wife along with another couple purchased a business downtown on the Avenue that was going out of business. He stated he was proud of the business that was in there now. He said it provides tax dollars and a few part-time jobs. He added the largest thing the City continues to deal with was an eroding tax base. He said they lost the cotton mills and the school system purchased a large shopping center to build a new school. He said they needed a new school and he was thankful the County Commissioners saw fit to appropriate \$19 million to build a new school, but on the same sense, they lost the tax base of those businesses.

Mr. Doughtie stated you had to have businesses in a community to survive. He said there were not going to be a lot of nice houses if there weren't places for people to go to work. He said if they want to improve the lifestyle and attract people to this community, this City Council, Mayor and people within the community, were going to have to be more business friendly. He said they were going to have to stop making it more difficult for people to come here and do business and instead welcome them with open arms so they will say Roanoke Rapids was a place they wanted to go do business.

He said there would be 63 units and they would all be the same size, 10 ft. x 10 ft. He said the total project would be 8,000 sq. ft. He said 48 of the units would be in one self-contained building with a hallway down the middle. He said it would be like the one he had on Roanoke Avenue now. He said the one additional building he would like to place on the northeast part of the property on the Carolina Avenue side would 10 feet wide and 120 feet long, all encompassed by a fence. He stated he would be open to keeping it closed during church hours if the church felt like that was going to be a problem. He said he did not want to do anything that would alienate anybody. He said he met with the minister of the church and one of the elders last week and hoped they went away knowing that if he was awarded this opportunity, he would be the best neighbor he could possibly be. He asked the Council to look favorably upon his request.

David Chapman of 511 Allen Street said he was the minister of the church on E. 10<sup>th</sup> Street and had been there for 17 years. He thanked all the members of Council for the work they do as well as the Mayor whom he had a great deal of respect for. He said he had met with Mayor Doughtie.

He said the church did have some concerns about the rezoning. He said typically storage buildings were located on the outskirts of a city and this location would be in the center of the city. He stated he did not believe it was an appropriate facility to have in the center of town. He said he 100% supports increasing the tax base. He said that Americans tend to have too much stuff so they need storage facilities and he fully supported having storage facilities in the city or around the city. He said there were plenty of opportunities in town because as the Mayor stated they have a lot of undeveloped property. He said the outskirts of town would be a better place for that.

Mr. Chapman stated he did not believe traffic was going to be an issue, it was mainly the issue of aesthetics being in the center of town. He said the other issue was the rezoning itself from B-3 to B-4. He said it was interesting seeing how it was set up in that area. He said although he had no doubt the storage facility was the direction in which it was going, the Council was voting on the overall rezoning to B-4, not the particular usage. He said there was no guarantee how a lot was going to be used in the future. He stated the lot was 18,000 sq. ft. so it was not a large piece of property; it was basically a large residential lot in terms of size. He read a list of uses allowed in B-4: motel, ABC store, museum, lodge, movie theatre, stadium (designed to accommodate over 1,000 people with Conditional Use approval), golf driving range, RV park, restaurant, bar or nightclub, train station and a solar farm. He said it was hard to see any of these things going on an 18,000 sq. ft. piece of property.

Mr. Chapman thanked Council again and stated he was not just speaking for himself and he had 68 signatures of residents on a petition to submit to Council opposing rezoning the lot for the purpose of operating a storage facility.

City Attorney Chichester stated with a hearing of this nature, the petition could not be submitted as evidence.

Mayor Pro Tem Ferebee stated with no other persons wishing to speak, he declared the public hearing closed.

Mayor Pro Tem Ferebee asked if Council had any further questions for Planning & Development Director Lasky.

Councilman Bobbitt asked if any kind of plan had been made concerning what type screening there would be in the chain link fence. Planning & Development Director Lasky replied the ordinance provides options of vegetation and the fencing has to be opaque, but that would be something that would go under the site plan development review process. Councilman Bobbitt said he believed putting the slats in the fencing would be neater than trees with leaves falling and

dying off at the bottom and it would probably be cheaper in the long run. Planning & Development Director Lasky reminded Council that they could not place any conditions as part of a decision.

Mayor Pro Tem Ferebee stated with no further questions, the next action would be to consider a motion to adopt a Statement of Consistency.

Councilwoman Scarbrough made a motion to approve and adopt the Statement of Consistency to amend the Zoning Map to a commercial district for Halifax County Parcel 0908656, described in the staff report dated November 28, 2016; seconded by Councilman Bobbitt.

Councilman Smith stated he had concerns and had talked with Mayor Doughtie about 10<sup>th</sup> Street being the only road coming into the city that did not have a mini storage unit on it. He said they had run down houses and trailer courts in town and he said he was not saying the Mayor's place was going to get run down but you never know what's going to happen in the future. He said he had also discussed with Mayor Doughtie that he did not think someone should sit on the City Council and agree to change an ordinance so they can profit from it. He said he felt it was a conflict of interest. He said he did not think they needed to set a precedence of City Council benefiting from something that they did whether it was an employee or someone elected to office. He stated the Mayor knew he was against it and did not mind telling everyone he was against it.

Mayor Pro Tem Ferebee asked Planning & Development Director Lasky to define Statement of Consistency for Council.

Planning & Development Director Lasky said a Statement of Consistency was required by NC General Statutes whenever making an amendment to Zoning Ordinance text or map. She stated this was considered a zoning map amendment. She said the Statement of Consistency describes the policies that had been developed and supported by the City that describe the aspects of the request and supported by it. She said the Statement of Consistency had no bearing on a final decision, but a Statement of Consistency must be found to be true in order to pass an ordinance change or map amendment. She stated the Statement of Consistency was simply a statement that the Council had found the request was supported by the policies of the City.

Councilman Smith asked her for clarification of the Statement of Consistency.

Planning & Development Director Lasky replied if it was found to be inconsistent, a reason would have to be stated why it would not be approved, but it was required to go along with every decision. She said they had it separate just in case there was a discrepancy between the policies and the requested action. She said in this case the policies support the requested action of changing the zoning district so the Statement of Consistency would have to be found true and adopted before the City Council made a final decision either way.

City Manager Scherer added the Statement of Consistency was confirming the process they went through was correct.

Mayor Pro Tem Ferebee stated there was a motion by Councilwoman Scarbrough and a second by Councilman Bobbitt on the floor and called for a vote in favor of the motion by a show of hands. All voted in favor of the motion to approve and adopt the Statement of Consistency as follows:

**Statement of Consistency with Plans to Amend the Official Zoning Map**

**Reference: Amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcel 0908656 (a 0.41± acre property) from B-3 Commercial District to B-4 Commercial District. The property is adjacent to the northeastern right-of-way of E. 10<sup>th</sup> Street and is the northwest corner of the Carolina Avenue intersection.**

The Roanoke Rapids City Council met on Tuesday, December 6, 2016 at 5:15 p.m. and determined that the above mentioned request is consistent with the Roanoke Rapids Comprehensive Plan, adopted by City Council June 17, 2014, and with the Roanoke Rapids Land Use Ordinance. Comprehensive Development Plan Policies:

**ADOPTED BY THE ROANOKE RAPIDS CITY COUNCIL ON THE 6TH DAY OF DECEMBER 2016.**

***I.1** Support infill development. Infill development is development or redevelopment of land that has been bypassed, remained vacant, undervalued and/ or is underused as a result of the continuing urban development process. Generally, the areas and/ or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to the infrastructure (services and facilities). Use of such lands for new housing and/ or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.*

***I.7** Provide effective buffering and/ or landscaping where commercial development adjoins existing or planned residential uses.*

***I.18** Utilize the mixed use areas as a tool to aid in regulating/ reducing strip commercialization, stimulate compact development, encourage infill development, reduce trip generation, provide flexible development options, and utilize existing infrastructure.*

***I.20** Encourage developers to utilize thoroughfares and natural topographic features to define the boundaries of a neighborhood and concentrate higher intensity uses at the outer boundaries of the neighborhood.*

***I.32** Protect, enhance, and encourage a high quality of life, image, and cultural amenities as an effective approach to economic development.*

***I.33** Economic development efforts should encourage the revitalization and reuse of currently unused or underutilized structures, sites, and infrastructure in appropriately located areas.*

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 commercial growth that will help to ensure the health, safety, and general welfare of the citizens of Roanoke Rapids.

Adopted: December 6, 2016

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Mayor Pro-Tem Ferebee

Mayor Pro Tem Ferebee said the next item was to consider a motion to approve or deny the rezoning request.

Motion was made by Councilman Smith to deny an amendment to the Roanoke Rapids Zoning Map to change the zoning classification of Halifax County Parcel 0908656 to B-4, Commercial District; the property is located at East 10<sup>th</sup> Street and Carolina Avenue and described in the staff report dated November 28, 2016; seconded by Councilwoman Cowen. Mayor Pro Tem Ferebee asked for a vote by a show of hands. Councilman Smith, Councilwoman Cowen and Councilman Bobbitt voted to deny the request.

City Attorney Chichester interrupted Mayor Pro Tem Ferebee and informed Council that there should be a reason stated if there was going to be a motion to deny the request.

Councilman Smith asked if he would need to state the reason in his motion. City Attorney Chichester replied Planning & Development Director Lasky had in her report that when evaluating the rezoning request it was appropriate to consider all the permissible uses within the requested zoning district. He said City Council cannot specifically limit the uses so if the motion was to deny the request it should state the reason why.

Councilman Smith stated he did not think they were in a quasi-judicial hearing and he did not think that was required in a regular rezoning. City Attorney Chichester stated it was not a quasi-judicial hearing, but it was to make the record much clearer in the event it would go beyond here.

Mayor Pro Tem Ferebee asked for the City Clerk to restate the motion.

Councilman Smith amended the motion to state it was not appropriate for the area that particular lot was design for to be changed from B-3 to B-4 and it was detrimental to city to have the only road left in the town to have a ministorage building on it. He stated in all his years of Council meetings he had sat in, he had never heard that when an area was rezoned that you had to state a reason for turning down an ordinance. He said he knew you had to when there was a quasi-judicial hearing. He asked why tonight did he have to state a reason for

denying this, was this a rule that the State requires or a rule that Planning & Development Director Lasky was requiring tonight.

City Attorney Chichester replied it was not a rule Planning & Development Director Lasky was requiring. He stated having been through of number of these before that go beyond here, it would help him as the attorney for the City if a reason was stated. He said the reason he stated was fine, but not to go further and name the use of mini storage building. He said mini storage buildings could be placed on other lots in the area and the Council would not have anything to say about it. He reminded Councilman Smith that Council cannot specifically limit the uses.

Councilman Smith requested the last part of his motion be eliminated.

Councilman Bobbitt stated he felt Council should be careful changing rules or ordinances, it sets a pattern. He said it was like the Chaloner pool, some people feel they were being neglected or overlooked because we managed to squeeze out money for other things, but that was not the case; the perception was there.

City Attorney Chichester said that was why in Planning & Development Director Lasky's presentation to Council she said that had taken into consideration of spot zoning because that was illegal. He said the other lots along that area were already B-4.

Mayor Pro Tem Ferebee asked the Clerk to restate the reason in the motion.

City Clerk Storey read, "it was not appropriate for the area for that lot to be changed from B-3 to B-4."

Mayor Pro Tem Ferebee stated there was a motion by Councilman Smith and a second by Councilwoman Cowen and he asked for a vote to deny the request by a show of hands again.

Councilman Bobbitt asked if it was too late to change your mind on how you wanted to vote. City Attorney Chichester said Mayor Pro Tem Ferebee was asking for a vote now. Councilman Smith said there had already been a vote. Mayor Pro Tem Ferebee said the motion was changed so he was asking for a vote. City Attorney Chichester said it was his understanding there could be a recount, but he thought the vote was stopped before the full count was taken.

Mayor Pro Tem Ferebee stated that was correct, he had gotten the votes to deny it but not who was in favor of it. Mayor Pro Tem Ferebee stated there was a motion on the floor and there was a second and asked for a recount by a show of hands of those who want to deny the request. Councilman Smith and Councilwoman Cowen voted to deny the request while Councilman Bobbitt, Mayor Pro Tem Ferebee and Councilwoman Scarbrough voted in favor of the request. The vote was 2 to deny the request; 3 in favor of the request.

Planning & Development Director Lasky stated it would be a vote in the negative of the motion to deny so they still had to complete this and if the vote remained 2-3, then a new motion would be required stating to approve the rezoning request.

Mayor Pro Tem Ferebee restated there were two (2) votes denying the request and three (3) that were in favor of the request, therefore the motion failed to deny the request.

Councilwoman Cowen left the meeting at 7:20 p.m.

Councilman Smith asked Mayor Pro Tem Ferebee if he was breaking the tie since he was acting as the mayor.

City Attorney Chichester said the Mayor Pro Tem Ferebee was entitled to vote.

Mayor Pro Tem Ferebee asked for a motion.

Councilwoman Scarbrough made a motion to approve the amendment to the Roanoke Rapids Zoning Map to change the zoning classification of Halifax Co. Parcel 0908656 to B-4, Commercial District; the property is located at East 10<sup>th</sup> Street and Carolina Avenue and described in the staff report dated November 28, 2016; seconded by Councilman Bobbitt. By a show of hands Councilwoman Scarbrough, Councilman Bobbitt and Mayor Pro Tem Ferebee voted in favor. City Attorney Chichester stated that the record should show that Councilwoman Cowen's vote would be in the affirmative since she left the meeting. Councilman Smith voted against. Motion carried 4-1 in favor to grant the rezoning request.

Mayor Doughtie returned to preside over the remainder of the meeting.

Councilman Smith asked for a copy of the minutes before they were changed. He said he would like the actual minutes from today's hearing.

Mayor Doughtie asked City Clerk Storey to provide the minutes to Councilman Smith.

### **City Manager's Report**

City Manager Scherer recognized John Simeon, Kelly Manning, the Parks & Recreation Department, Chief Hasty and the Police Department, along with Larry Chalker and the Public Works Department for their efforts in this year's successful Christmas Parade. He said we had a great turnout for it and everything went well with no incidents. He stated it was a great way to kick off the holiday season, along with the holiday tree lighting last Thursday.

He said as a part of the holiday season, the Police Department will again conduct their Shopping with Kids this Saturday the 10<sup>th</sup>, beginning at 10:00 a.m. at Chick Fil A. He said the officers and members of the Fire Department will escort 29 children on a shopping trip at Walmart. He said also the Fire Department will again donate between 50-100 bicycles to Angel's Closet from those they were able to repair and/or salvage.

City Manager Scherer said the Police Department had reported a rise in the number of car break-ins again, but was able to catch one suspect recently with the help of their new K-9 animal. He said the Police Department recently received a donation of \$1700 from Calvary Baptist Church to purchase Narcan dosages for use in immediately treating heroin overdose cases.

He announced the Parks & Recreation Department was trying something new this year, a Kosmic Dodgeball Tournament at TJ Davis gym on January 6<sup>th</sup> beginning at 6:00 p.m. He said this was dodgeball conducted under black lights and was a new activity that's sweeping the state. He said the Theatre has the Oak Ridge Boys concert scheduled next Wednesday evening.

City Manager Scherer reported the Public Works Department had received its new refuse truck and were very busy with leaf season collections.

He said the Fire Department wants to warn our citizens about the dangers of the holiday season, such as hot tree lights, extension cord usage, space heater usage and outdoor fires around dry grass and trees. He stated Western NC was unfortunately a prime example of how our dry conditions can lead to disaster. He said the Fire Department conducted a one day Public Safety course for 25 RRHS students. He reported as part of our community outreach, both the Fire Department and our Administrative staff (Human Resources, Finance and City Clerk) had 8<sup>th</sup> grade students participate in a Job Shadowing Day in their departments.

City Manager Scherer said Ms. Caudle expects the new tenants in the Tillery Building to be in business shortly after the first of the year. He said they were opening a cross fit gym, which was a fitness regimen based on functional movements and these movements reflect the best aspects of gymnastics, weightlifting, running, rowing and more.

He said the Planning & Developments Department reported construction had begun at the new State Employees Credit Union site with land clearing. He said the department had received their new vehicle as well. He said Ms. Lasky was

working in conjunction with Ms. Caudle and the Main Street Roanoke Rapids group in coordinating an Avenue District Streetscape plan, utilizing the grant funds received from the state. He announced they were having a public meeting next Tuesday the 13<sup>th</sup> at the Lloyd Andrews building from 5:00 – 7:00 p.m. He said the purpose was to have people review and comment on some concepts being considered for the streetscape plan.

<p><b>Other Business/Comments by Council Members</b></p>
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Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to go into Closed Session as allowed by NCGS 143-318.11(a)(3) to discuss Legal Matters and consult with the City Attorney.

**(Remainder of This Page Intentionally Left Blank)**

*Minute Book Pages 18557, 18558, 18559, 18560 and 18561 contain Minutes and General Account of a Closed Session which have been sealed until such time as public inspection of those minutes would not frustrate the purpose of the Closed Session.*

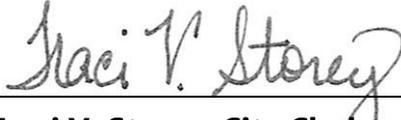
Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to return to open session.

**Open Session**

Mayor Doughtie called the meeting to order in open session.

City Council consulted with the City Attorney on legal matters in closed session. No action was taken.

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

  
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Traci V. Storey, City Clerk

**Approved by Council Action on: *January 17, 2017***