

# **Minutes of the Roanoke Rapids City Council**

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, March 7, 2023, at 5:30 p.m.** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor

Carl Ferebee, Mayor Pro Tem

Sandra W. Bryant) Council Members

Tommy Daughtry)
Wayne Smith)
Rex Stainback)

Kelly Traynham, City Manager Geoffrey Davis, City Attorney Traci Storey, City Clerk

Carmen Johnson, Finance Director

Bobby Martin, Police Chief

Christina Caudle, Human Resources Director

Jason Patrick, Fire Chief

David Wise, Planning & Development Director

Larry Chalker, Public Works Director

**Absent:** John Simeon, Parks & Recreation Director

Tony Hall, Main Street Development Director

Mayor Doughtie called the meeting to order and opened with an invocation.

# **Adoption of Business Agenda**

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

There being no conflicts, motion was made by Councilman Smith, seconded by Councilman Stainback, and unanimously carried to adopt the business agenda as presented.

## **Public Comment (Scheduled)**

#### Lt. C. Shane Guyant - March for Awareness & Unity

Lt. Guyant with the Halifax County Sheriff's Office announced the Halifax County Crime Stoppers would be holding its 2<sup>nd</sup> Annual "March for Awareness and Unity" event on Saturday, March 25, 2023, at 10:00 a.m. in Centennial Park. This event draws attention to the Crime Stoppers program in Halifax County. The program helps law enforcement with getting information and solving cases. Unfortunately, there are a lot of unsolved homicide and missing person cases in Halifax County. He invited everyone to attend.

# **Approval of City Council Minutes**

Motion was made by Councilman Stainback, seconded by Councilwoman Bryant, and unanimously carried to approve the February 21, 2023, City Council Regular Meeting minutes as drafted.

# **Public Hearings**

#### **Special Use Permit – Carolyn Gore Daycare/Nursery (428 Charlotte Street)**

Planning & Development Director Wise who was duly sworn, presented and reviewed the following report with City Council.

#### **MEMORANDUM**

To: Kelly Traynham, City Manager

From: David Wise, Planning & Development Director

Re: Special Use Permit Application for a Daycare Center/Nursery School at 428

**Charlotte Street** 

Date: March 7<sup>th</sup>, 2023

#### **Proposed Request**

An Application for a Special Use Permit (SUP) was submitted by Carolyn Gore (applicant) and the property (owners) as listed by Halifax Co. Tax Department are James and Carolyn Gore. The property parcel number is 0907591, which covers 0.2893 acres, and has 88.03 ft +/- of street frontage. The SUP request is to change the zoning classification from a Family Child Home Care to a Daycare Center/Nursery School that can accommodate up to twelve (12) preschoolers. Currently only eight (8) children are allowed under the Family Child Home Care zoning classification. The hours of operation would be 7:00 a.m. to 5:30 p.m. M-F. The property

address is 428 Charlotte Street, and the property is developed and has been operating as a childcare business on site since 2010.



Figure 1 Location and Subject Parcel

The use of the property as a **daycare center/nursery school** is a use that is permitted with the approval of a Special Use Permit. An authorized Special Use Permit is perpetually binding upon the property unless subsequently changed by City Council. The City Council may amend or change any SUP.

All proposed construction and site plans will be formally evaluated by city staff, the Development Review Committee, including NC Department of Transportation to ensure a proper design. The Development Review Committee includes the Sanitary District, NCDOT, Public Works, NC Dominion Power, Fire Marshal, and Code Enforcement. Staff has made the following findings concerning this request: (*There were no plans to formally review for the SUP, change in classification use.*)

#### **SECTION I:**

1. The requested permit is within its jurisdiction according to the table of permissible uses; or

The requested special use permit is within its jurisdiction subject to the approval of City Council, as indicated in the Table of Permissible Uses (Section 151-149), a Nursery Schools/Day Care Centers (use Classification 22.000).

2. The application is complete; or

The application is complete.

3. If completed as proposed in the application, the special use permit will comply with all requirements of The Land Use Ordinance; or

This is probably true; if approved, the request will be required to comply with the Roanoke Rapids Land Use Ordinance.

#### **SECTION II:**

The following seven items were also considered when evaluating item #4 (a), (b), (c) and (d) that follows:

1: ingress and egress to the lot and proposed structures, especially by pedestrians and automobiles, is safe and convenient in terms of access and traffic flow; and,

This is probably true; the proposed request will require review and compliance by the Development Review Committee. Access to Charlotte Street is under the jurisdiction of the City of Roanoke Rapids and access via 4<sup>th</sup> Street which is also under the jurisdictional control of the City of Roanoke Rapids.

2: off-street parking and unloading/loading affects adjacent property (in terms of traffic generation, economic impact, noise, glare and odor) similar to uses permitted in that zoning district; and,

This is probably true; the requested use as a nursery school and daycare center is a minimal expansion of the current use by allowing an increase in the children served to expand to twelve (12), which would be an increase from the eight (8) children served currently. There is ample parking two driveways and off street parking to accommodate the minimal extra traffic this request would generate if approved.

3: refuse disposal affects adjacent property similar to uses permitted in that zoning district; and,

This is probably true; the refuse collection requirements of the City of Roanoke Rapids shall apply to the subject property. The proposed special use permit is not expected to generate a substantial amount of refuse than what is currently generated.

4: utilities are available; and,

This is probably true; both water and power are currently supplied to the property. All utilities are readily available to the area.

5: the type, dimensions and character of screening and buffering satisfactorily screens adjacent property; and,

This is probably true; the parcel of land is currently Zoned R-8 Residential. There is some natural landscaping that acts a buffer in the rear of the property.

6: signs and lighting affect adjacent property similar to uses permitted in that zoning district; and,

This is probably true based upon there is not a signage and light plan to review.

7: required yards, open space and existing trees and other attractive and natural features of the land are preserved.

This is probably true as there is some natural landscape elements in the rear of the property that acts as a buffe with adjoining properties.

#### **SECTION III:**

Given the preceding, the Staff has made the following findings concerning this request:

- 4: If completed as proposed, the development, more probably than not:
  - (a) Will not materially endanger the public health or safety; or

The staff has determined this is probably true; the special use permit shall be required to comply with all applicable federal, state and local codes and ordinances. An assessment of the previously referenced seven items used to evaluate 4 (a), (b), (c) & (d) indicates no specific endangerment to the public health or safety that is not adequately addressed.

(b) Will not substantially injure the value of the adjoining or abutting property; or

The staff believes this is probably true. Staff cannot determine the impact of value this proposed use would have on surrounding properties however based on the seven additional items used to evaluate 4, (a) (b) (c) & (d) any potential negative effects on adjoining or abutting property should be minimal.

(c) Will be in harmony with the area in which it is to be located; or

The staff has determined this is probably true; The proposed use as proposed will be in harmony with the existing surrounding uses in the area based on the previously referenced seven items used to evaluate items 4 (a), (b), (c) & (d).

(d) the use will be in general conformity with the Comprehensive Plan, officially adopted by the City Council on June 17, 2014.

The staff has determined this is probably true. The proposed special use permit request for use of the property as a nursey school/daycare center to be reasonable. Reasonableness is determined by considering the size of the area, 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 Comprehensive Plan states the following goals/policies should be considered:

#### Goal 7:

To support the implementation of the Comprehensive Plan ten (10) goals were outlined. Goal number seven (7) supports an environment which is "friendly" to business/industrial development.

Implementing Strategies - Mixed Use I and II

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

#### **Economic Development**

I.31 Encourage new and expanding industries and business which (1) diversify the local economy, (2) utilize a more highly skilled workforce, (3) increase area resident's incomes.

#### **SECTION IV:**

#### Planning & Development Department Review

After a complete review of the information submitted to date by the applicant, it is the Planning Staff's opinion that the request will satisfactorily meet the requirements of Section 151 – 194 of the Land Use Ordinance.

### **Requested Action**

Please refer to the attached Special Use Permit (SUP) worksheet to evaluate the application.

- 1. Open the public hearing to receive testimony and evidence;
- 2. Review the CUP worksheet and four (4) Findings of Fact
- 3. Action: Provide a motion, second, and vote for each Finding of Fact
- 4. **Action:** Provide a motion, second, and vote concerning a **FINAL DECISION** in the permit request.
  - a. **Approval:** State any specific conditions to be attached to the Permit to achieve compliance with Ordinances
  - b. **Denial**: State specific reasons for denial

Councilman Daughtry asked to be excused from participating in the deliberations and the consideration of the matter. He received a letter from the Planning & Development Department because he was a nearby property owner.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to recuse Councilman Daughtry this agenda item.

Councilman Smith asked Planning & Development Director Wise if they had received any letters or comments concerning the application. He replied that Mr. Garris inquired via email concerning what the change in use of property was, but that was the only contact from anyone in this process.

Mayor Doughtie declared the public hearing open to receive sworn testimony.

#### **Applicant - Carolyn Gore**

Ms. Carolyn Gore who was duly sworn, stated she was the property owner of 428 Charlotte Street. She currently has a daycare there and has been operating it since 2014. She was asking to expand it from a family childcare home to a childcare center. She has eight (8) children now and that moves it up to twelve (12) preschoolers.

Mayor Pro Tem Ferebee asked Ms. Gore if the hours of operation were remaining the same. Ms. Gore replied she was requesting the hours to change from 6:30 a.m. – 6:30 p.m. to 7:00 a.m. – 5:30 p.m.

With no one else wishing to speak or give testimony, Mayor Doughtie declared the public hearing closed.

Councilman Smith asked Police Chief Martin if there had been any complaints about parking at the residence. He replied at this time he would have to check on that; he did not have the answer readily available. He stated that address did not ring a bell for any issues.

Planning & Development Director Wise read the following findings of fact questions and asked City Council to consider and vote on each one.

#### a) Will not materially endanger the public health or safety; or

Given the preceding, the Staff has made the following findings concerning this request: The staff has determined this is probably true; the special use permit shall be required to comply with all applicable federal, state and local codes and ordinances. An assessment of the previously referenced seven items used to evaluate 4. (a), (b), (c) & (d) indicates no specific endangerment to the public health or safety that is not adequately addressed.

If Council believes this is TRUE, the following Motion is recommended:

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Stainback and unanimously carried that based on the foregoing staff report dated March 7, 2023, and items 1-7 of Section II included in that report, that the proposed development will not materially endanger the public health or safety.

b) Will not substantially injure the value of adjoining or abutting property; or

The staff believes this is probably true. Staff cannot determine the impact of value this proposed use would have on surrounding properties; however, based on the seven additional items used to evaluate 4, (a), (b), (c) & (d) any potential negative effects on adjoining or abutting property should be minimal.

If Council believes this is TRUE, the following Motion is recommended:

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Bryant and unanimously carried that based on the foregoing staff report dated March 7, 2023, and items 1-7 of Section II included in that report, that the proposed development will not substantially injure the value of adjoining or abutting property.

Is it the consensus of the City Council that this project:

c) Will be in harmony with the area in which it is to be located; or

The staff has determined this is probably true; The proposed use as proposed will be in harmony with the existing surrounding uses in the area based on the previously referenced seven items used to evaluate items 4 (a), (b), (c) & (d).

If Council believes this is TRUE, the following Motion is recommended:

Motion was made by Councilwoman Bryant, seconded by Mayor Pro Tem Ferebee and unanimously carried that based on the foregoing staff report dated March 7, 2023, and items 1-7 of Section II included in that report, that the proposed development will be in harmony with the area in which it is to be located.

Is it the consensus of the City Council that this project:

d) Will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

The staff has determined this is probably true. The proposed special use permit request for use of the property as a nursery school/daycare center to be reasonable. Reasonableness is determined by considering the size of the area, any special or factors regarding this 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.

If Council believes this is TRUE, the following Motion is recommended:

Motion was made by Councilman Stainback, seconded by Mayor Pro Tem Ferebee and unanimously carried that based on the foregoing staff report dated March 7, 2023, and items 1-7 of Section II included in that report, that the proposed development will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

# <u>SECTION IV FINAL DECISION – All motions above must be found TRUE to approve the requested permit.</u>

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Bryant, and unanimously carried to grant the Special Use Permit to Mama G's Nursery, Carolyn Gore (applicant), James & Carolyn Gore (property owners) to allow hours of operation from 7:00 a.m. to 5:30 p.m., Monday - Friday and allow an increase of up to twelve (12) children total being served with the conditions set forth by the Land Use Ordinance and the Planning Department in the attached report. (No additional conditions were suggested by City Council).

#### **New Business**

#### **Consideration of Budget Ordinance (USPCA AKC Reunite K-9 Grant)**

Police Chief Martin stated the department had been working on grants to help aid and assist the Police Department. Captain Hardy with the assistance of Ventosa Kennels, were introduced to United States Police K-9 Association and USPCA. The two joined and formed an alliance which created the AKC Reunite, Adopt a K-9 Cop matching grant with a maximum amount of \$7,500.

He announced the Police Department had been awarded this grant and they were seeking to purchase another K-9 to add to the single K-9 they have right now. This K-9 will be a little different because they are moving towards Labradors. They are more social-friendly, and they would like the ability to carry them in and around schools and churches for demonstrations. This grant will aid them in the ability to purchase the K-9 and have an officer trained.

Mayor Doughtie asked if the City had to put any monies into this. Chief Martin replied no. Mayor Doughtie said it shows that it was a matching grant. Chief Martin stated they have a credit with Ventosa Kennels that will assist the Police Department with this so the City will not have to match the grant.

Chief Martin asked City Council to consider adopting Ordinance No. 2023.02.

# Ordinance No. 2023.02 CITY OF ROANOKE RAPIDS BUDGET AMENDMENT

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

**SECTION 1.** The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023, according to the following schedule:

#### SCHEDULE A – PROJECT FUND REVENUES

Police – USPCA AKC Reunite K9 Grant	\$7,500.00
Project Revenues – Police	\$7,500.00
FUND PROJECT TOTAL	\$7,500,00

**SECTION 2.** The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2022 and ending June 30, 2023, in order to meet the foregoing appropriations, according to the following schedule:

#### SCHEDULE B - PROJECT FUND EXPENDITURES

Police – USPCA AKC Reunite K9 Grant	\$7,500.00	
Project Expenditures – Police	\$7,500.00	
FUND PROJECT TOTAL	\$7,500.00	
<b>SECTION 3.</b> This ordinance shall become effective upon adoption.		
	Emery G. Doughtie, Mayor	

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Stainback, and unanimously carried to adopt Ordinance No. 2023.02 in the amount of \$7,500 for the AKC Reunite Adopt a K-9 Cop grant.

# **Consideration of Budget Ordinance (Theatre Expenses)**

Public Works Director Chalker presented a four-month budget for the Roanoke Rapids Theatre through the end of this fiscal year, June 30, 2023. Any funds remaining will be returned to the fund balance at year end close. He stated a copy of the budget amendment and an itemized budget was enclosed in their packet.

He reminded City Council that they adopted a budget amendment previously for three months and they have been using those funds for quite some time now, but have reached the end of those funds.

Councilman Smith asked Finance Director Johnson how much of a balance was left from the \$50,000 they granted previously. She replied \$200.

Mayor Pro Tem Ferebee asked how long was that time period. Finance Director Johnson replied the previous budget amendment was adopted in July 2022 so that has lasted the City well beyond three months.

Councilman Smith questioned the \$40,000 for electricity through the end of June. Public Works Director Chalker said that was a budget projection based on what could happen. He stated the power bill runs from \$1,500 - \$2,000 per month in its dormant state. If the City were to have a rental, that power bill would go up. He reiterated that any unused funds would go back into the general fund. They were just making \$40,000 available. They did the same thing in the initial budget, and they have kept it very well under control. That three-month budget has lasted until tonight.

Mayor Doughtie asked if they had any projects planned with the \$24,000 in the maintenance & repairs budget line. Public Works Director Chalker replied no, the \$24,000 was in preparation of what could happen. They could possibly lose a HVAC compressor or if they experienced a storm and had a roof leak that insurance may not cover. They have kept the building in immaculate shape. Their hope is to keep its market presence as good as it can be when they show it to somebody.

Mayor Pro Tem Ferebee asked if the City does have a rental, wouldn't the electric bill be considered and taken into account in the rental amount. Public Works Director Chalker replied previously the City would have rented the building for much less than what it is listed on the fee schedule now. The current fee schedule has three different rates: \$5,000, \$7,500 and \$10,000. The rates depend on what each rental could entail and how much more they could push the HVAC systems, bathrooms and wear and tear on the carpet. They tried to hit the number based on some industry standards for this size venue. They hope to make money on the rental or at least break even. If they do not rent the building, they want to keep the power bills low like they have been doing.

Councilman Smith confirmed that this would last until June 30<sup>th</sup>, so if the City did not sell it by July 1<sup>st</sup>, then he would be back with another amendment. Public Works Director Chalker replied that is correct, as part of their normal budget preparation.

Ordinance No. 2023.03
CITY OF ROANOKE RAPIDS
BUDGET AMENDMENT

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

**SECTION 1.** The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023, according to the following schedule:

#### SCHEDULE A - PROJECT FUND REVENUES

FUND PROJECT TOTAL	\$67,760.00
Project Revenues – Theatre	\$67,760.00
Theatre Expenses	\$67,760.00

**SECTION 2.** The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2022 and ending June 30, 2023, in order to meet the foregoing appropriations, according to the following schedule:

#### SCHEDULE B – PROJECT FUND EXPENDITURES

Theatre Expenses	\$67,760.00	)
Project Expenditures - Theatre	\$67,760.00	)
FUND PROJECT TOTAL	\$67,760.00	)
<b>SECTION 3.</b> This ordinance shall become effective upon adoption.		
	Emery G. Doughtie, Mayor	-

Motion was made by Councilman Stainback, seconded by Councilman Smith, and unanimously carried to adopt Ordinance No. 2023.03 in the amount of \$67,760 for Theatre expenses through the end of the fiscal year, June 30, 2023.

#### Consideration to Accept Fiscal Year 2023-2024 Budget Calendar

City Manager Traynham stated staff was already beginning the budget preparation process for fiscal year 2023-2024. She referred to the budget calendar in their packets which provides general guidance and some specific dates to work towards. Department Heads have submitted their information to Finance Director Johnson and the finance staff are assembling the data to have individual departmental meetings. She asked for City Council to look at their calendars and get back to her as soon as possible to see if they had any conflicts from April 3-14. This is the timeframe to hold departmental meetings to review the budgets. Those meetings are required to be advertised to take place.

She reported the target goal is for the budget presentation to City Council on May 2, 2023 and ask for the public hearing to be scheduled on May 16, 2023. Then

tentatively propose adoption of the Fiscal Year 2023-2024 budget by ordinance at the June 6, 2023 City Council meeting. That would give them one more meeting date should they need more time since the budget must be adopted prior to June 30, 2023.

Mayor Pro Tem Ferebee asked if there were any particular dates she was looking at for the budget meetings. City Manager Traynham replied she would email them the dates they were looking at. They were looking at the week of April 10<sup>th</sup> which is Councilman Stainback's spring break from the school and his daytime availability would be more flexible. She added maybe Tuesday, April 11<sup>th</sup>, Wednesday, April 12<sup>th</sup> and Thursday, April 13<sup>th</sup> of that week.

Councilman Smith asked if she thought two days was enough time for City Council to look at the budget. City Manager Traynham replied those were just the days for the individual department meetings. City Council will have plenty of time; close to two months to review the budget in the preparation process. Right now they were in the information gathering session. They still do not have any revenue estimates at this time. They will probably come in the first part of April. Input will be requested throughout the process.

Motion was made by Councilman Daughtry, seconded by Councilman Stainback, and unanimously carried to accept the Fiscal Year 2023-2024 Budget Calendar.

# **City Manager's Report**

City Manager Traynham reported the locker room renovation at the Aquatic Center has been underway for painting and improvements to lighting. There was a small issue with the scheduled repair of a water heater. The wrong part was delivered so there is a temporary delay in completing the work.

She stated she was contacted by the Director of Government Relations for Brightspeed who has acquired Centurylink as a local internet service provider. She was informed that Brightspeed is making a lot of investments in eastern North Carolina for fiber internet to improve internet access in the area and region. They are proposing 11,400 connections/locations this year. They will have a program for affordable internet for qualifying households to help with internet affordability due to the reliance of the internet.

She said the City of Roanoke Rapids is assisting Halifax County with the final inspections for Binderholtz, formerly Klausner. Code Enforcement Supervisor, Brian Duhadaway is the qualified inspector doing that. They have reached a temporary agreement with the County so that the City can help make sure the business receives

its Certificate of Occupancy to open for business.

City Manager Traynham reported the building inspector recently observed some potential danger with the exterior wall of the building at the corner of W. 2<sup>nd</sup> Street and Roanoke Avenue (201-203 Roanoke Avenue). The property owner has been notified and is working to seek options to stabilize the building to help prevent collapse or to look at demolition options. Part of this process is to give the property owner the opportunity to help correct it. Staff is working with the owner for some options and following the process procedurally as required.

She said as they are looking into budgets and other grants, the City has several opportunities to have its needs met through the Rural Partners Network and the funding available through that, along with other state and federal programs. This morning she and Finance Director Johnson met with Kim Mack, Assistant to Congressman Don Davis. Ms. Mack visited the office to talk about the City's needs and provide information about some resources that are available at the congressional level. They like for the City to let them know when they have grant applications out there and help find ways for funding assistance.

She stated as mentioned earlier, the budgeting process is underway, but the revenues are unknown at this time. Last year the City received the revenue projections from the NCLM in the first week of April. Once staff receives some of those numbers they will be able to anticipate more closely what to expect in the upcoming budget year.

Councilman Smith asked how was OpenGov working out. City Manager Traynham replied so far it is working out as with any new product and service; there is going to be some hiccups as you try to transition from one process to another. The Planning staff worked diligently to get this up and going. There is a learning curve involved, but it seems most people are excited about it because they know how beneficial it is going to be in improving the processes.

#### **Closed Session**

Motion was made by Councilwoman Bryant, seconded by Councilman Smith and unanimously carried to go into Closed Session to discuss a Legal Matter with the City Attorney as allowed by NCGS 143-318.11 (a)(3).

Attorney Davis made note to those watching on the *YouTube* Channel that he did not anticipate action at this end of this closed session.

Minute Book Pages 21118 - 21124 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.

# **Open Session/Adjournment**

City Council returned to Open Session. No action was taken.

There being no further business, motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith, and unanimously carried to adjourn. The meeting adjourned at 6:45 p.m.

Traci V. Storey, City Clerk

Approved by Council Action on: March 21, 2023