**17553**

**Roanoke Rapids City Council**

**January 20, 2015**

The regular meeting of the City Council of the City of Roanoke Rapids was held on the above date at 7:00 p.m. at the Lloyd Andrews City Meeting Hall.

 Emery G. Doughtie, Mayor

 Carl Ferebee, Mayor Pro Tem

 Ernest C. Bobbitt)

 Suetta S. Scarbrough)

 Wayne Smith)

 Joseph Scherer, MPA, MS, City Manager

 Gilbert Chichester, City Attorney

 Lisa B. Vincent, MMC, NCCMC, City Clerk

 Kathy Kearney, Deputy City Clerk/Human Resources Manager

 MeLinda Hite, Finance Director

 Larry Chalker, Public Works Director

 Chuck Hasty, Police Chief

 Stacy Coggins, Fire Chief

 Kelly Lasky, Planning & Development Director

 Christina Caudle, Main Street/Development Director

 Carol H. Cowen, Council Member

 John Simeon, Parks & Recreation Director

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

Mayor Doughtie indicated that Councilwoman Cowen is not with us tonight as she is under the weather.

Mayor Doughtie read the conflict of interest statement.

Councilman Smith (Council Liaison on the Roanoke Rapids Area Planning Board) stated he was at the Planning Board meeting when the A-Z Children’s Enrichment Academy Conditional Use Permit request was discussed. He stated he did not participate in the discussion of the request and has made no decision on his vote.

City Attorney Chichester stated since Councilman Smith did not participate, there would be no conflict of interest.

There being no conflict of interest with any of the items on the agenda, motion was made by ­­­­­­­­­­­Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to adopt the business agenda for January 20, 2015.

**17554**

**Roanoke Rapids City Council**

**January 20, 2015**

City Manager Scherer stated Chief Chuck Hasty was selected from a group of several outstanding candidates. He stated Chuck has been in the law enforcement field over 22 years, in a variety of assignments, and his successful duty performance led to him receiving the Halifax County Law Officer of the Year award for 2006-2007.

City Manager Scherer stated as the City’s Public Safety leader, Chief Hasty is one of the most visible role models for our community. He stated he brings to the Police Department a new vision of progressive ideas and continual development, recognizing that as laws, technologies and times change, so must our Police Department adapt with new law enforcement strategies, policies and implementations.

City Manager Scherer stated both he and Chief Hasty have the same goal--for the Police Department to conduct those community friendly programs that further promote the City’s reputation as a safe, attractive community that encourages businesses and families to make Roanoke Rapids their permanent home.

City Manager Scherer introduced new Police Chief Chuck Hasty.

Ms. Kim Taresco of 609 Marshall Street, Roanoke Rapids, NC stated she is the Executive Director of the Boys & Girls Club of Halifax County, and is here tonight to address the matter of the Club’s rent. She stated several years ago, the City waived the rent for them and the last time she came before Council, former Councilman Greg Lawson signed over his City stipend to offset the rent. Ms. Taresco stated the rental payments are now in arrears and she is here to see if there is anyway the City could defer the payments or lower the amount of rent.

Ms. Taresco stated they serve over 40 children during the school year and about 15 of those children are from the neighborhood. She stated during the summer, they serve between 55 and 60 children. She stated during the school year, these children do a lot of homework in the afternoons through the “Power Hour” program and they also participate in the “Smart Moves” program that teaches them to say no to drugs and gangs. Ms. Taresco stated she is proud to say that of the 20 teenagers they serve, there are no drop-outs or teen pregnancies. She stated she attributes this to the Power Hour.

Ms. Taresco stressed the importance of this program. She stated the hours of 3:00 to 7:00 p.m. are when most children get into trouble. She stated they have lost since 2008 thousands of dollars in grants. She also stressed the importance of their location in the City’s Neighborhood Resource Center due to the number of children that walk to the facility.

Councilwoman Scarbrough asked Ms. Taresco the amount of their monthly rent.

Ms. Taresco stated $460.00.

**17555**

**Roanoke Rapids City Council**

**January 20, 2015**

Councilwoman Scarbrough asked how the Club is funded.

Ms. Taresco stated their major funding comes from United Way. She stated they do get some HHS (Health & Human Services) and OJP (Office of Justice Programs) grants. She pointed out that they receive no national funding. Ms. Taresco stated they pay dues to the Boys & Girls Club for the brand name and the programming.

Councilwoman Scarbrough asked the amount of the dues.

Ms. Taresco stated they are $1,600.00 a year. She stated they also pay an alliance fee to the State for around the same amount and they also pay $200.00 to the area council. She stated they have to be a member in order to receive funding.

Mayor Doughtie asked if they hold fundraisers.

Ms. Taresco stated yes. She stated they are constantly trying to raise funds. She stated one of their biggest fundraisers is the annual golf tournament.

Councilman Smith asked Ms. Taresco what she feels would be a reasonable amount to pay for rent.

Ms. Taresco stated she believes they provide a valuable service. She stated they paid $163.00 a month when Councilman Lawson helped.

Councilwoman Scarbrough asked the amount of their total budget.

Ms. Taresco stated $133,000.00.

Councilwoman Scarbrough asked the percentage of the budget that goes toward rent.

Ms. Taresco stated she does not know. She stated they have a lot of liability insurance that they have to pay. She did indicate that they pay about $5,300.00 a year in rent.

Mayor Pro Tem Ferebee asked Ms. Taresco if they would be willing to open their books to the City.

Ms. Taresco stated certainly.

Councilwoman Scarbrough asked who pays the utilities.

Ms. Taresco stated her Club pays the utilities.

Mayor Doughtie explained that Council normally takes public comment under advisement with someone following up.

**17556**

**Roanoke Rapids City Council**

**January 20, 2015**

Mr. Terry Buffaloe of 316 Chockoyotte Street, Roanoke Rapids, NC stated he presented some things to Council a few weeks ago and never heard anything back regarding the possibility of having sidewalks constructed on both sides of Julian Allsbrook Highway. He stated the City did put up the gate at Chockoyotte Park which has taken care of the traffic issues and reduced the noise in the neighborhood. He stated the community is very appreciative.

Mr. Buffaloe stated he has also not heard anything regarding his proposal to develop some way to market unused properties to make them more affordable. He also encouraged the Council to help the Boys & Girls Club. He stated this is what they were elected to do. He stated we are living in such hard economic times and the Council has the power to change the ordinances on the books such as the one he heard mentioned earlier that only people living within 100 feet of an affected property could speak at a hearing. *(Mr. Buffaloe was referring to the public hearing on the Conditional Use Permit Request for A-Z Children’s Enrichment Academy that is on the agenda later in the meeting.)* Mr. Buffaloe stated the parents of children at the day care center should be able to speak about the issue.

Mr. Buffaloe stated he has received no response to his proposals which were also provided to Council in writing. He stated he does not want to start a ledger of issues to which the Council is not responding because if he does, he will take it to the voters.

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

*Prior to the public hearing, all those signed up to speak were sworn in by either City Clerk Vincent or Deputy Clerk Kearney.*

Mayor Doughtie opened the public hearing and called on Planning & Development Director Lasky to make the presentation.

Planning & Development Director Lasky reviewed the following staff report which included photos of the facility and a map of the property:

**MEMORANDUM**

TO: Joseph Scherer, City Manager

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

DATE: January 13, 2015

RE: **Conditional Use Permit Application for an Amendment to the Special Use Permit Authorizing the A-Z Children’s Enrichment Academy to Extend the Operating Hours: Monday - Friday 6 AM - 12 AM; Saturday 7 AM - 8 PM**

**17557**

**Roanoke Rapids City Council**

**January 20, 2015**

**Background (Permitting History & Approvals)**

On October 12, 2010, the Roanoke Rapids City Council approved a child care facility at 310 Charlotte Street subject to the following stipulations:

1. *The child day care facility shall be developed in accordance with the site layout plan prepared by Jacqueline Bennett dated September 29, 2010 as kept in the Planning and Development Office for greater reference.*
2. *Additional detailed construction drawings and building plans shall be provided to the Planning and Development staff, when requested, to determine compliance with any one or more of the provisions of the Land Use Ordinance, Building Code, Fire Code, City Code or other applicable required code or ordinance.*
3. *The facility shall obtain and keep current all licenses and requirements of the North Carolina Division of Child Development.*
4. *The facility shall operate only during the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday.*

An authorized Conditional Use Permit (CUP) is perpetually binding upon the property unless subsequently changed by City Council. The request to extend the operating hours of the day care facility requires an amendment to the current Permit. **“Day Care Centers”** are authorized by conditional use permits which are obtained from City Council. All Conditional Use Permit requests are reviewed by the Planning Board for comment prior to a public hearing and City Council action. City Council consideration of Conditional Use Permits are quasi-judicial decisions approved by a simple majority vote.

**Current Request for Consideration**

The City of Roanoke Rapids received a Conditional Use Permit request from A-Z Children’s Enrichment Academy Director Jacqueline Bennett (applicant), Director Jakia Bennett (applicant) and Derrick M. Bennett (property owner) for an amendment to the existing Special Use Permit (Conditional Use Permit) stipulation #4 concerning hours of operation. **The applicants request to extend the operating hours of A-Z Children’s Enrichment Academy to the following schedule:**

**Monday through Friday, 6:00 a.m. to 12:00 a.m.**

 **Saturday, 7:00 a.m. to 8:00 p.m.**

The child care facility is located at **310 Charlotte Street**. The facility currently serves a total of 59 students.

This property is zoned R-8 single-family residential. Day care centers are permissible with a Conditional Use Permit. The facility was constructed in 1967 and has operated as a child day care facility since that time.

**Child care facilities are regulated by the North Carolina Division of Child Development and Early Education. The requirements are provided under North Carolina Administrative Code, Rule 10A Health and Human Services, Chapter 09 Child Care Rules.**

The City Council is now required to hold a public hearing followed by a recommendation to City Council concerning this matter.

*Planning and Development staff has made the following findings concerning this request:*

**SECTION I:**

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

 *The requested permit is within its jurisdiction subject to the approval of a Conditional Use Permit. As indicated in the Table of Permissible Uses (Section 151-149), a day care center (use Classification 22.000) is permissible with a Conditional Use Permit. The A-Z Children’s Enrichment Academy was approved as a day care by City Council on October 12, 2010 subject to stipulations including operating hours.*

###

**2. The application is complete; or**

**17558**

**Roanoke Rapids City Council**

**January 20, 2015**

*The application is complete.*

**3. If completed as proposed in the application, the development will comply with all requirements of the Land Use Ordinance; or**

*The development will comply with all of the requirements of the Land Use Ordinance if completed as proposed in the application with the exception of requirements for screening between the facility and adjacent residential uses. The day care center facility has not closed for a period of 180 days or more and as a result, the lack of screening is considered a legal non-conforming (“grandfathered”) situation.*

**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 site has direct access to Charlotte Street by way of an existing circular driveway with a covered drop-off and pick-up area into the facility.*

**2: off-street parking and 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; employees of the facility currently utilize on-street parking spaces along Charlotte Street. Parents utilizing the facility are able to pull in to the circular driveway and pick up their children from the covered front entry.*

*The proposed change to the operating hours may create some changes in the current traffic patterns concerning the hours of operation.*

**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 business. The location and quantity of required refuse receptacles shall be determined by the Public Works Director in accordance with established policies.*

**4: utilities are available; and,**

 *This is probably true; all utilities are currently available for the site. There are no specific utility considerations that should negatively impact this property at the present time. All utilities are currently serving the building.*

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

 *This is probably true; the parcel of land is zoned R-8 and based on construction is compatible to the adjoining uses. The current Land Use Ordinance requires screening and buffering between neighboring land uses to provide an impression of separation of spaces by lessening any potential visual pollution that may otherwise occur in the urbanized area. Screening is necessary to safeguard public health, safety and welfare.*

*The day care facility has been in operation since 1967, which was prior to the City’s requirement for screening and buffering. The lack of screening between the day care facility and the adjacent residential uses is considered a legal, non-conforming situation. The use of the facility as a day care is a legal, conforming use. If the business were to close for a period of more than 180 days or if substantial construction were to occur, the Ordinance would require the day care facility to install Opaque Screen*

**17559**

**Roanoke Rapids City Council**

**January 20, 2015**

*Type A between the facility and the adjacent single-family residential land uses prior to reopening. Any such expansions or substantial changes may require approval by City Council.* ***At this time, NO expansions of the facility structure are proposed.*** *A description of the screening type is provided below.*

*Opaque Screen, Type "A". A screen that is opaque from the ground to a height of at least eight feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged based on the average mature height and density of foliage of the subject species or field observation of existing vegetation. The screen must be opaque in all seasons of the year. Suggested planting patterns that will achieve this standard are included in Appendix B of the Land Use Ordinance.*

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

 *This is probably true; any new signage or change in existing signage will require a sign permit and review for compliance with the Land Use Ordinance. At this time, no additional lighting is proposed. The future placement of any additional lighting will be reviewed to ensure no detrimental effects to adjacent property owners.*

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

 *This is probably true; the site was originally developed for a child day care facility. There is no proposed construction in the application. The current request to extend the hours of operation do not require any changes to yards, open space or existing trees and features. Any future proposed expansions of the current facility are subject to review by Staff and approval by City Council.*

**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 development 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. The facility has been in operation since 1967 and has not posed a threat.*

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

 *The staff believes this is probably true. The property has been used as a day care facility since 1967. 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; a child day care facility is a use that is permissible in all residential zoning districts with a Conditional Use Permit. Its 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).*

 **17560**

**Roanoke Rapids City Council**

**January 20, 2015**

 **(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 Comprehensive Development Plan states the following policies should be considered:*

 ***Economic Development***

 *I.31 Encourage new and expanding businesses which: (1) diversify the local economy, (2) utilize a more highly skilled labor force, and (3) increase area residents’ incomes.*

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

**SECTION IV:**

The applicant has addressed the requisite questions which must be answered by the City Council in the application. It is your obligation to ensure each has been adequately addressed after hearing all parties prior to rendering your final decision.

**Planning Board Review & Recommendation**

The Roanoke Rapids Area Planning Board meeting is scheduled to review the request on Thursday, January 15, 2015. The result of the meeting will be presented during the public hearing on the subject request.

**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 satisfactorily meets the requirements of Section 151 – 94 of the Land Use Ordinance. The staff recommends, however, if approval of the Permit is recommended, it is subject to the following stipulations:

1. *The child day care facility shall be developed in accordance with the site layout plan prepared by Jacqueline Bennett dated September 29, 2010 as kept in the Planning and Development Office for greater reference.*
2. *Additional detailed construction drawings and building plans shall be provided to the Planning and Development staff, when requested, to determine compliance with any one or more of the provisions of the Land Use Ordinance, Building Code, Fire Code, City Code or other applicable required code or ordinance.*
3. *The facility shall obtain and keep current all licenses and requirements of the North Carolina Division of Child Development.*
4. *The facility shall operate only during the hours of 6:00 a.m. to 12:00 a.m., Monday through Friday, Saturdays 7:00 a.m. to 8:00 p.m.*

**Requested Action**

The City Council has several options regarding this Conditional Use Permit application.

(1) Approval of the request as submitted;

(2) Approval of the request, subject to certain stated conditions;

(3) Denial of the request.

***A worksheet is provided to assist City Council in reviewing the application and necessary motions. Please discuss the application and provide a final decision.***

Planning & Development Director Lasky reviewed the following information regarding day care centers in Roanoke Rapids:

* Former Candyland School, which is closed now, located at 1423 NC Highway 125 in an R-40 Residential District. It was approved by City Council during March 2008 with stipulations concerning screening between the day care and the adjacent residential uses. No hours of operation were stipulated in the Special Use Permit.

**17561**

**Roanoke Rapids City Council**

**January 20, 2015**

* A day care facility was permitted at 311 US Highway 158 to Doris High during November 2010 in an R-6 Residential District with a limitation of eight students for shifts 1, 2 and 3.
* The Gingerbread House at 132 Clearfield Drive is located in a B-3 Commercial District with operating hours of Monday - Friday from 7:00 a.m. to 6:00 p.m.
* The Hodgestown Day Care at 120 Wyche Street is located in an R-6 Residential District and operates Monday - Friday from 6:30 a.m. to 12:00 a.m. and Saturdays from 8:00 a.m. to 8:00 p.m. Hodgestown Day Care is currently operating in a residential district at hours similar to the current request by A-Z Children’s Enrichment Academy.
* The former Kidz Academy at 818 Franklin Street is located in an R-8 Residential District surrounded by dense residential uses. According to our observation, the day care is not in operation at this time.
* Just for Kids at 913 Virginia Street is located in an R-8 Residential District and operates Monday - Friday from 7:30 a.m. to 5:30 p.m.
* The Children’s Creative Center at 301 Oak Street is located in an R-6 Residential District and operates from 7:00 a.m. to 10:00 p.m. and as needed to accommodate parents. It was approved by City Council during July 2007 with stipulations concerning screening, but no stipulations concerning the hours of operation.

Planning & Development Director Lasky pointed out that every property owner within 100 feet of this property was notified in writing of this public hearing and as required, the notice of the public hearing ran in the newspaper for both the Planning Board and City Council meetings for two consecutive weeks.

Planning & Development Director Lasky reported that the Planning Board reviewed this request on January 15 and after receiving comments from the applicant and affected property owners, voted to recommend to the City Council denial of the permit for the hours being requested. She stated in the motion, Board Member Moore stated that he understood the need for child care and the change in times. She stated he also indicated that he understood the concerns and feelings of the residents and their petition. Planning & Development Director Lasky stated Mr. Moore’s motion was to recommend denial of the request and the motion was seconded by Board Member Ford. She stated Board Member Ford added that he felt the request is an excellent idea and that he wishes it could be worked out. She stated Board Member Ford also stated there are just as many people who work second shift as first shift and the potential of having 20 to 30 children is just going to be putting a strain on the homeowners in that area. She stated he also indicated that he wished there was a way to give the facility a trial run with limitations but realizes that they cannot. Planning & Development Director Lasky stated Board Member Moore indicated that he agreed, and hopes that the residents and day care could come to some sort of compromise. She stated Board Member Ford stated that at this time, he could not recommend the request with what was presented that evening. She stated the recommendation to deny the request passed by a six to two vote.

Mayor Pro Tem Ferebee asked the maximum number of children allowed at A-Z Children’s Enrichment Academy.

**17562**

**Roanoke Rapids City Council**

**January 20, 2015**

Planning & Development Director Lasky indicated that according to Ms. Bennett, they are licensed by the State for up to 59 children.

Mayor Pro Tem Ferebee asked Planning & Development Director Lasky if she has heard anything from the house next door at 302 Charlotte Street about any issues or problems with the day care center.

The property owner of 302 Charlotte Street indicated that she is present, and would like to sign up to speak. *At this point, Ms. Amanda Taylor, property owner of 302 Charlotte Street, was sworn in by Deputy Clerk Kearney.*

Planning & Development Director Lasky stated from a public safety standpoint, she requested a police report going back to 2010 and there was no significant findings related to public safety.

Councilman Smith asked Planning & Development Director Lasky what she meant by significant.

Planning & Development Director Lasky stated there were no reports of any public nuisance complaints.

Police Chief Hasty stated the only calls were to serve papers--no calls for violent acts or noise complaints.

Planning & Development Director Lasky stated they ran the same query for the Hodgestown Day Care which revealed the same types of calls.

Councilman Smith asked about the restrictions put on the permit back in 2010.

Planning & Development Director Lasky stated they are listed in the first paragraph of her staff report which she read as follows:

1. The child day care facility shall be developed in accordance with the site layout plan prepared by Jacqueline Bennett dated September 29, 2010 as kept in the Planning and Development Office for greater reference.
2. Additional detailed construction drawings and building plans shall be provided to the Planning and Development staff, when requested, to determine compliance with any one or more of the provisions of the Land Use Ordinance, Building Code, Fire Code, City Code or other applicable required code or ordinance.
3. The facility shall obtain and keep current all licenses and requirements of the North Carolina Division of Child Development.
4. The facility shall operate only during the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday.

**17563**

**Roanoke Rapids City Council**

**January 20, 2015**

Councilman Smith asked if they have met all of these requirements.

Planning & Development Director Lasky stated it is staff’s understanding that they have. She stated there were no zoning violations in their file.

Before calling on those signed up to speak, Mayor Doughtie explained the reasoning for the questions about where speakers reside. He stated we have been educated to the fact that for these types of quasi-judicial hearings, if you do not live within 100 feet of the affected property, the Council cannot consider your comments as testimony and use them to make a decision.

City Attorney Chichester stated the people here to speak tonight need to realize that the City Council is sitting as a jury. He stated the City Council is here to take sworn testimony and the decision must be based on relevant issues.

Mayor Doughtie explained that if you live within 100 feet of the affected property, you would have received a notification of this meeting. He stressed again that if those that do not live within 100 feet of the affected property decide to speak, their comments will not be considered.

***Note: The bold print denotes property owners within 100 feet of affected property and the applicants.***

**Ms. Tammy Keesee** of 319 Charlotte Street, Roanoke Rapids, NC stated she lives across the street from the day care center. She stated we, the neighbors who are in close proximity to A-Z Children’s Enrichment Academy, oppose their request to extend the hours Monday through Friday, 6:00 a.m. to 12:00 a.m. and Saturday, 7:00 a.m. to 8:00 p.m. She stated they believe prolonged hours should not be allowed in a residential area, and approval of this request will create much more noise and will disturb the tranquility of the neighborhood. She cited car radios, engines constantly going up and down the road, adults talking and children crying. Ms. Keesee stated they also feel like these hours of operation will decrease the value of their property, and that the current hours of operation are sufficient. She presented to the Mayor and each Council member a copy of a petition signed by the neighbors who oppose the request.

City Attorney Chichester pointed out that the Council can accept the petition but it cannot be used as a basis for decision-making.

**Mr. Lewis Tickel** of 315 Charlotte Street, Roanoke Rapids, NC stated he is in agreement with the petition opposing the extension of hours. He stated this nursery started in 1967 and he has lived in his house since 1968. He stated this nursery has always operated during the daytime. Mr. Tickel stated you cannot know what is going on at night. He stated as far as Saturday and Sunday are concerned, he feels everyone is entitled to some peace and tranquility on those days. He asked that Council deny this request and to set the operating hours back to Monday through Friday, 7:00 a.m. to 5:00 p.m. He stated the nursery operated under those hours for 40 some years before it was changed in 2010.

**17564**

**Roanoke Rapids City Council**

**January 20, 2015**

**Mrs. Linda Overton** of 307 Charlotte Street, Roanoke Rapids, NC stated she lives across the street from the day care center. She stated we are all aware that people have to work and children need to be cared for but she feels these hours are unreasonable in a residential neighborhood. She stated this nursery has been in operation since 1967 and for most of that time, it has operated from 7:00 a.m. to 5:00 p.m. Mrs. Overton stated she feels the extended hours could potentially create more noise and decrease the value of surrounding property. She stated she feels the current hours are sufficient.

**Mr. Frank Hill** of 325 Williams Street, Roanoke Rapids, NC stated he lives exactly 78.7 feet from the day care center. He stated he thinks the key issue here is that there is a business in a residential neighborhood. He stated he has no complaints about the noise but it can be an issue if that is what it will take. Mr. Hill stated most of the people in the neighborhood are retirees like himself and they want peace and quiet. He stated he appreciates a quiet Saturday and Sunday. Mr. Hill thanked the City Council for their consideration.

Ms. Kiara Tabron of 1919 Daniel Street, Roanoke Rapids, NC stated she is not within 100 feet of the property but does have two children that have been attending the day care center for about six months. She stated it is hard to find child care when you work late hours. Ms. Tabron stated she understands what the neighbors are saying and she will respect the neighborhood. She asked that the Council members find it in their hearts to approve this request.

Ms. Takeema Williams of 100 Washington Street, Roanoke Rapids, NC stated both of her children attend the day care center. She stated she sometimes works from 8:00 a.m. to 7:00 p.m. or 8:00 a.m. to 8:00 p.m., and is sometimes called out during the night when an alarm goes off at the local pawn shop she owns. Ms. Williams stated she is a single parent and is proud to be working. She asked that the Council approve this request to allow her to continue to work so no one else has to take care of her through the system.

Ms. Shajane McNeil of 223 Washington Street, Roanoke Rapids, NC stated she does not know if she lives within 100 feet of the property but she is a single mother of three and Ms. Jackie (referring to Jacqueline Bennett, the applicant) has been there for her. She stated she sometimes works from 8:00 a.m. to 4:00 p.m., 4:00 p.m. to 11:00 p.m. or whenever she is called in. Ms. McNeil stated it means everything to her to know that Ms. Jackie is there for her. She stated these people are talking about their property values going down. She stated she does not see how changing the hours would make a difference.

Ms. Eileen Carter of 736 Henry Street, Roanoke Rapids, NC stated her children have attended this day care for about six years. She stated she understands the concerns of the people that live near the day care center. She stated she has a business on the corner of Henry Street. Ms. Carter stated the concerns about noise are her concerns as well. She stated she does not understand the concerns about property values. She stated if everyone was listening earlier, they would have heard it stated that the decrease would be minimal. Ms. Carter stated she works from 7:00 a.m. to 7:00 p.m. and sometimes until 7:45 p.m. She stated she respects the people in the neighborhood. She stated she does not drive up to the

**17565**

**Roanoke Rapids City Council**

**January 20, 2015**

day care center and act loud and disrespectful. She stated people need to keep in mind that a lot has changed since the 1960s. She stated there are a lot of single mothers and many have to work different shifts. Ms. Carter stated it is important that her children have continuity. She stated there have been no complaints and this is not fair. She stated her children are not heathens. She stated they are not screaming when she picks them up. She asked that the Council keep in mind the changing times and that some of our jobs benefit the community.

Ms. Christina Tannenbaum of 724 Raleigh Drive, Roanoke Rapids, NC stated she moved here from New Jersey. She stated it is hard to trust someone with your children but she trusts Ms. Jackie. She stated she has to work at night to pay the bills. She stated it is very stressful and everyone knows that stress is not good for your health. Ms. Tannenbaum stated her son just started at Clara Hearne and she does not want to move just because there is no day care open to accommodate her hours. She stated she has made friends here.

**Ms. Amanda Taylor** of 302 Charlotte Street, Roanoke Rapids, NC stated she has lived next door to the day care center since 2011. She stated she cannot say that she has not had problems with the day care center. She stated before she got a privacy fence, she would find toys in her yard. Ms. Taylor stated she does not believe extending the hours will be beneficial to the neighborhood because of the noise and traffic. She stated she understands shift work because that is how she works. She stated as a resident of the neighborhood, she does not feel they need this kind of traffic. Ms. Taylor asked that the Council deny the request.

Ms. Jennifer Reid of 519 Vance Street, Roanoke Rapids, NC stated she works at the day care center and has one child that attends. She stated the neighbors will not hear noise at 10:00 p.m. She stated most of the people in the neighborhood are asleep and the children will be asleep. Ms. Reid stated she works from 10:00 a.m. to 7:00 p.m. and other various hours to make extra money. She stated she is a single parent. She stated she does not understand how the noise is a problem. She stated the neighbors will hear engines when anyone on the block drives by. Ms. Reid stated children play with toys and even school-age children will make a mistake and a ball will go over the fence. She asked how that is such a problem. She stated the children will not be outside at night. Ms. Reid stated the neighbors have never complained before. She stated just because the day care center wants to extend its hours, the neighbors want to complain.

**Ms. Jacqueline Bennett (applicant)** stated she has been the co-owner of A-Z Children’s Enrichment Academy since 2010. She stated she has heard the comments from the neighbors and does not see what the major problem is. She asked that they put themselves in her shoes. She said if the neighbors owned the day care center and she was saying things about the hours and not accommodating children, they would not like it. Ms. Bennett stated if they have complaints about the noise and traffic, they have not shared them with her. She stated she does not want to upset anyone. She stated she is a happy person and she is trying to serve all of these kids. She stated at the Planning Board meeting, someone asked why she did not move to an old demolished building. She stated no one wants a day care

**17566**

**Roanoke Rapids City Council**

**January 20, 2015**

center in a commercial area with cars flying by. She stated no one wants their children to be in a demolished building. Ms. Bennett stated she does not understand the problem. She stated this is not the first time that she has had to go through this. She stated she has worked in another county and at another center that had three shifts. She stated they might not even have anyone late at night. She stated it certainly will not be as many as there is during the day. Ms. Bennett stated something was said about noise. She stated they do not have any noise. She stated the babies are not crying. She stated 4:00 p.m. is probably the latest that a baby would leave. She stated she does not understand how other day care centers can operate late hours that were approved by the City Council. Ms. Bennett stated this is the second time she has had to come before the City Council. She stated you cannot base things on what happened a long time ago. She stated we have to change with the times. She stated she is trying to run a respectable day care center. Ms. Bennett stated this is not about her or the neighbors--this is about the kids. She stated some parents are fortunate that they do not need to put their kids in day care. Ms. Bennett stated when she came before Council back in 2010, Councilman Ferebee told her to come back if she needed more hours. She explained that they cannot get vouchers from the State unless they can accommodate the hours of the parents. She stated she does not see how the hours at night will bring property values down. Ms. Bennett stated it should not matter who you are--what’s fair is fair.

**Ms. Jakia Bennett (applicant)** stated she is the co-owner of A-Z Children’s Enrichment Academy with her mother Jacqueline Bennett. She stated she has heard many comments tonight as well as at the Planning Board meeting and at the meeting held in 2010. She stated it saddens her that there are people in the community that are not willing to consider the needs of children. She stated if you have small children and work shift work, you need someone you can trust. Ms. Bennett stated no one else would like it if citizens were opposing the hours of their business. She stated parents want to put their children in a safe and trustworthy environment. She stated she and her mother have been in this business for well over 10 years. She stated she has also been a public educator. Ms. Bennett asked the Council to consider the children. She stated she does not understand why there is so much commotion about extending the hours. She stated there will not be a lot of children late at night. She stated this is not about us but about the children. She stated the Hodgestown Day Care Center is open the same hours that she is requesting. She stated the Creative Learning Center is open from 7:00 a.m. to 10:00 p.m. She asked how these facilities in residential areas are allowed to operate these hours. She stated it is not fair. She stated if you do it for one, you need to do it for all. Ms. Bennett stated they are licensed for 59 children, and that is a total of 59 children for both first and second shifts. She stated she does not see how extending the hours will create any more commotion on the street than already exists. She stated it is a public street and people should be able to drive on a public street at any time without people peeping out the windows. She mentioned that children at the end of Charlotte Street near the T. J. Davis Recreation Center play basketball in the street and are in the middle of the street. She stated she has had to slam on brakes many times to avoid hitting a child. Ms. Bennett asked that Council take into consideration that all they are trying to do is serve the needs of the parents with children. She stated if you have small children, you want them to be somewhere safe and with someone you trust.

**17567**

**Roanoke Rapids City Council**

**January 20, 2015**

**Mr. Marshall Overton** of 307 Charlotte Street, Roanoke Rapids, NC stated when this day care center first opened, we had 3,000 to 4,000 people working three shifts. He stated the former owner of the day care center did not see fit to be open during all of the shifts because she was in a residential area. He stated we had more people working at that time with the mills running three shifts. He stated people keep talking about the circular drive. Mr. Overton stated he talked with Chris Garner, former owner of the day care center, and she said the drive was dangerous because it was too narrow. He stated she felt a child could get killed so she would not let the parents use the circular drive. He stated the people in this neighborhood do have a life.

Ms. Shajane McNeil of 223 Washington Street, Roanoke Rapids, NC stated this is not just about kids being kept at night. She stated the day care center teachers are actually teaching the kids. She stated this is not a babysitting service. She stated her four year-old daughter can write her name. Ms. McNeil stated these people are educating children. She stated this day care center is not even a mile from her house. She stated there are no problems in this area. She stated people keep talking about their property values going down. Ms. McNeil stated she does not pull up at the day care center with her car radio blasting music. She stated she wants peace and quiet.

Mayor Pro Tem Ferebee asked about the time limit in the noise ordinance.

Planning & Development Director Lasky stated she is not aware of a time limit.

Mayor Pro Tem Ferebee stated there used to be a time limit.

Councilwoman Scarbrough asked Ms. Bennett if she had any idea about the number of children she would have for the proposed extended hours from 7:00 p.m. to midnight.

Ms. Jacqueline Bennett stated probably five or six--if that many. She explained that some parents work in Rocky Mount and Raleigh, and do not get off until 11:00 p.m. She stated this would give them enough time to get to the day care center. Ms. Bennett also stated this would not be every day.

Councilman Smith asked Ms. Bennett how beneficial it would be for her to be open for just five children. He asked if she would make enough money to pay utilities and staff.

Ms. Bennett stated every bit helps. She stated they may have around 10 children.

Mayor Pro Tem Ferebee asked Ms. Bennett if any other timeframe would help.

Ms. Bennett stated yes.

Councilman Smith stated we have heard a lot of information tonight and he does not want to make a decision so quick. He made a motion to postpone a decision on this matter for 30 days.

**17568**

**Roanoke Rapids City Council**

**January 20, 2015**

City Attorney Chichester discussed with Council the option of closing the public hearing or keeping it open, and the importance of not discussing this matter with each other or anyone else.

Councilman Smith withdrew his motion.

After further discussion, City Attorney Chichester stated if the Council is not ready to make a decision, his recommendation would be to continue the hearing to a certain date. He also reminded Council that they could not discuss this matter.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to continue the public hearing on the Conditional Use Permit application from A-Z Children’s Enrichment Academy until the February 17, 2015 City Council meeting.

Mayor Doughtie called for a five minute recess after which the meeting was reconvened.

City Manager Scherer stated the Recreation Advisory Committee met last Thursday to discuss the donation of a Vietnam War and Korean War Memorial to be located at Veterans Park. He stated a memorandum from Parks & Recreation Director Simeon including a drawing of the memorial and a map of the proposed location was included in Council’s packet. City Manager Scherer pointed out that the AMVETS Post 320 has raised roughly half of the money but wanted to hold off on the remaining until a decision was made by City Council. He stated they have not provided a timeframe for the installation.

Mayor Doughtie stated Councilman Bobbitt is a member of the AMVETS. He asked City Attorney Chichester if it would be a conflict of interest for Councilman Bobbitt to vote on this matter.

City Attorney Chichester stated no.

Motion was made by Councilwoman Scarbrough, seconded by Mayor Pro Tem Ferebee and unanimously carried to accept the donation of the Vietnam War and Korean War Memorial to be located at Veterans Park.

City Manager Scherer deferred his time for the presentation of departmental reports.

Finance Director Hite reported that as we close the books for December 31, 2014, year-to-date revenues are $8,125,014.66 (represents 50.8% of budgeted revenues) and year-to-date expenses are $8,627,017.38 (represents 53.8% of budgeted expenses). She stated the net result of operations shows expenditures exceeded revenues by $502,002.72.

**17569**

**Roanoke Rapids City Council**

**January 20, 2015**

Finance Director Hite reported that the Sales and Use Tax receipts year-to-date are $711,238.69 which represents 34% of budgeted revenues. She stated this is a 17.3% increase compared to July 2013 - December 2013, and this is the fourth month in a row that we have seen an increase.

Finance Director Hite reported that the second quarter Utility Franchise Tax receipts totaled $371,970.93 which represents 53.5% of budgeted revenues.

Finance Director Hite reported that the second allocation for Powell Bill funds was received from the NC Department of Transportation totaling $235,029.78. She stated this brings the year-to-date total to $470,059.58.

Finance Director Hite reported that the City received official notification from Halifax County with regards to the revaluation of all real property in Halifax County. She pointed out that vehicles and business personal property values were not included in the summary. She stated the 2015 taxable real property values for land and buildings decreased by 4.82% compared to 2014. She stated this equates to an estimated revenue loss in the amount of $50,500.00.

Mayor Pro Tem Ferebee asked about the difference in the $1 million vs $500,000.00.

Finance Director Hite stated we had more capital expenses in 2013 but those capital items had to be addressed.

Mayor Doughtie asked if we would receive any more Powell Bill funds this year.

Finance Director Hite stated no.

City Manager Scherer stated the next distribution will be in August.

Mayor Doughtie stated this is the fourth month in a row that our sales tax receipts have increased. He stated 17% is a great increase and it is good to see something happening. He stated when we get to Planning & Development Director Lasky’s report, we will probably see some economic development activity.

Councilman Smith stated he had the opportunity to read the rest of the departmental reports included in the agenda packet. He stated due to the late hour, he would suggest we forego the remainder of the departmental reports and read them on our own.

City Manager Scherer pointed out that Police Chief Hasty has prepared a PowerPoint presentation that has already been set up for this evening. He asked that Chief Hasty be allowed to review his presentation.

**17570**

**Roanoke Rapids City Council**

**January 20, 2015**

Police Chief Hasty provided a PowerPoint presentation on the Roanoke Rapids Police Department that he had previously presented at Career Day at Roanoke Rapids High School. *(A copy of this presentation is on file in the Clerk’s Office.)*

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

 

 2/3/15