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**Roanoke Rapids City Council**

**March 3, 2015**

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

 Emery G. Doughtie, Mayor

 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

 Lisa B. Vincent, MMC, NCCMC, City Clerk

 Chuck Hasty, Police Chief

 Kelly Lasky, Planning & Development Director

 Larry Chalker, Public Works Director

 Stacy Coggins, Fire Chief

 John Simeon, Parks & Recreation Director

 Christina Caudle, Main Street/Development Director

 Kathy Kearney, Deputy City Clerk/Human Resources Manager

MeLinda Hite, Finance Director

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

There being no conflict of interest with any of the items on the agenda, motion was made by Councilman Bobbitt, seconded by Councilwoman Scarbrough and unanimously carried to adopt the business agenda for March 3, 2015.

Ms. Brenda Harrelson of 100 Green Garden Court, Roanoke Rapids, NC stated she lives in the old government housing project off Julian Allsbrook Highway and is concerned about a lot of things

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going on that are not supposed to be going on. She stated she has been blind since birth. Ms. Harrelson explained that she called Mr. Marvin Purnell’s boss to get permission to get a chain and key for her trash can. She stated she paid $22.00 at the hardware store for the chain and key, and four days later Mr. Marvin Purnell cursed her and said she could not use them. She stated she does not curse at people. She stated she tries to keep her trash can neat and does not like for trash to be strewn on the ground. Ms. Harrelson stated she walks everywhere and pulls a wagon to the grocery store. She stated people are rude to her wherever she goes and some even try to run over her. She stated no one cares. Ms. Harrelson stated it does not cost a thing to smile at someone.

Mayor Doughtie thanked Ms. Harrelson for her comments and indicated that someone would follow up on them.

Motion was made by Councilwoman Cowen, seconded by Councilman Bobbitt and unanimously carried to approve the February 17, 2015 City Council Minutes.

Planning & Development Director Lasky highlighted the following staff report, related documents and maps:

**MEMORANDUM**

TO: Joseph Scherer, City Manager

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

DATE: February 23, 2015

RE: **Rezoning Request (map attached) - Amendment to the Roanoke Rapids Zoning Map to Rezone 10 +/- Acres of Property (Halifax County Parcel 0911569) Located Between Georgia Avenue and E. 10th Street (at the Terminus of W. Becker Drive Extension) and North of the Railroad Track from R-8 Residential District to R-3 Residential District**

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**Summary Overview**

**Subject Property** 10 +/- acres of property located between Georgia Avenue and E. 10th Street (at the terminus of W. Becker Drive extension) and north of the railroad track

**Proposal Rezone from R-8 to R-3 Residential District**

**Applicant** Weaver Kirkland Housing, LLC

**Present Use** Undeveloped, wood land

**Proposed Use** Multi-Family Apartment Complex

**Staff Recommendation** Approve

**Analysis and Detail**

**1. Applicant(s)**

The applicant is Weaver Kirkland Housing, LLC, 8401 Key Blvd., Greensboro, NC 27409; (336) 378-7900.

**2. Location/Area Description**

The 10 +/- acre site proposed for rezoning is located between Georgia Avenue and E. 10th Street (at the terminus of W. Becker Drive extension) and north of the railroad track. The property is currently undeveloped, wooded land.

The property located adjacent to the north side of the rezoning area is zoned R-3 Residential District and is developed as a multi-family apartment building, River Towne Manor. The property adjacent to the east side of the rezoning area is zoned B-4 Commercial District and is commercially developed as a bank, retail and automobile dealership. The property adjacent to the south side of the subject property is zoned I-2 Industrial District and is developed as a cotton gin. The property to the west of the rezoning area is zoned R-3 and is developed as single-family and two-family duplex residences.

**3. Existing and Proposed Zoning**

The attached map delineates the existing zoning of the area being considered for rezoning and the zoning of the adjacent parcels. The requested rezoning area between Georgia Avenue and E. 10th Street is currently zoned R-8 Residential District. **The requested zoning is R-3 Residential District.** The following provides the adjacent zoning: North = R-3; South = I-2; East = B-4; and West = R-3.

*The following provides general descriptions of the existing and proposed zoning districts:*

The following residential districts are hereby established: R-40, R-20, R-12, R-8, R-6, R-5, and R-3. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in

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nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

The R-20, R-12 and R-8 districts are designed to accommodate single family dwelling units and differ primarily in density allowed as determined by a minimum lot size requirement.

The R-3 district is designed to accommodate multi-family dwelling units. Every lot developed for two-family residences shall have at least six thousand (6,000) square feet.

The B-4 district is designed to accommodate the widest range of commercial activities.

The industrial districts are established primarily to accommodate enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning or assembling of goods, merchandise, or equipment: I-1 and I-2. The districts differ primarily in the permitted intensities of development and the resulting minimum dimensional requirements.

The specific 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.

**4. Traffic Considerations**

This zoning change may create some changes in the current traffic patterns. However, any proposed construction and site plans will be 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.

The proposed zoning change will be accessed by W. Becker Drive, which connects to E. 10th Street (NC Highway 125). The number of dwelling units that may be constructed is not currently known. However, at maximum R-3 multi-family density, approximately 145 dwelling units could be constructed. According to the Institute of Transportation Engineers Trip Generation Manual (7th edition) residential apartment use proposed is expected to average 6.72 vehicular trips per day per dwelling unit. Based on this manual, which is utilized by NCDOT, approximately 1,003 vehicular trips per day could be added to E. 10th Street from W. Becker Drive.

**5. Utility Considerations**

There are no specific utility considerations that should negatively impact this property at the present time. All utilities are readily available to the area.

**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. The proposed request for rezoning is considered to be reasonable.

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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.

**7. Comprehensive Development Plan**

The property is located in existing City Limits and 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.

I.19 Consider allowing different housing densities to abut one another as long as proper buffering and design is provided as needed and traffic generated by such land use does not mix within the neighborhood.

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.21 Require residential subdivisions generating 100 or more peak hour trips to prepare a traffic impact analysis/study, including mitigative action to reduce impact.

I.22 The city Planning Board may consult this plan concerning all decisions, including rezoning and subdivision approvals, which will affect residential land use, including impact on existing residential areas.

I.23 Continue to pursue available funding including but not limited to NC Housing Finance Agency and US Department of Agriculture funds from state and federal sources for rehabilitation or redevelopment and/or removal of substandard housing.

I.25 Permit residential development to occur in response to market needs provided that the following criteria are met:

 • Due consideration is offered to all aspects of the environment.

 • If deficient community facilities and services are identified, the City should attempt to improve such to the point of adequately meeting demands.

 • Additional residential development should concurrently involve planning for improvements to community facilities and services if excess capacity does not exist within those facilities and

 services.

 • Residential development is consistent with other policies and the land use map contained within his plan which reflects adequate suitability analysis.

I.30 Support economic and community development initiatives that capitalize upon and enhance the city’s Town Center areas, including 10th Street and Julian Allsbrook Highway.

I.63 Minimize access to arterial streets and restrict excessive development at critical access points.

I.64 Promote neighborhood designs which limit access to adjacent arterials and utilize street patterns which

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 promote slower internal traffic speeds.

**8. Public Response to Notice**

Letters were sent to owners of property within 100 feet of the requested rezoning on February 9, 2015. The notice of the City Council public hearing to review the requested rezoning was advertised in the *Daily Herald* on February 22and March 1, 2015.

The following comments have been received. All parties were encouraged to attend the Public Hearing.

Property owners opposed to the rezoning request:

 Lewis O. Burr, 1400 Georgia Avenue, Roanoke Rapids, NC 27870 –*see attached letter*

**9. Staff Recommendation**

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 surrounding zoning and supported by the Comprehensive Plan. Staff requests that the rezoning be approved by City Council.

**10. Planning Board Recommendation**

The Roanoke Rapids Area Planning Board reviewed the requested rezoning on February 19, 2015. The Board unanimously approved the Recommendation of Consistency with a 7-0 vote. The Board unanimously voted 7-0 to forward a favorable recommendation to City Council for approval of the requested rezoning.

**11. City Council Action – Two (2) Motions Required**

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

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 the approximately 10 acre site described in the staff report dated February 23, 2015 for Halifax County Parcel 0911569.**

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 from R-8 to R-3 for property described in the staff report dated February 23, 2015 identified as Halifax County Parcel 0911569 located between Georgia Avenue and E. 10th Street.**

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The following letter was referenced in the foregoing staff report and included in the Council agenda packets:

February 16, 2015

Mrs. Kelly Lasky, Director

Planning and Development

City of Roanoke Rapids

Post Office Box 38

Roanoke Rapids, NC 27870

REF: Rezoning Request of Weaver Kirkland - M/K Properties

Dear Mrs. Lasky:

I am unable to attend tonight’s Planning Board Meeting but want very much to express my concern and dislike of the proposed rezoning of the 10 acre tract described in your letter of February 9, 2015. The normal concerns for damaging the property values of the surrounding land owners as well as the added traffic on Georgia Avenue. Where is the traffic going to go if not out onto Georgia via 13th or Collier? Maybe some traffic will go to 10th Street via Becker Drive but my guess is that Georgia Avenue will get a fair share. These are enough reasons for concern for an area that is already kind of depressed, what with the railroad tracks nearby and all of the vacant businesses along Julian Allsbrook.

But, I am more concerned about the extra stormwater runoff that will be generated by 10 acres of apartment housing and the parking areas and driveways that go along with them. I know about stormwater detention and that it was in the plans for the latest development of apartments that were built in the area in the last year or so. However, I must wonder why such a large drainage ditch is needed coming from this property out onto Georgia Avenue if detention is really going to do the job. Maybe the plan is to drain everything to the railroad track ditch. Before you plan to do this, please look at the culvert along the track where it crosses Georgia. In the end, the flooding in the yards of the houses along the east side of Georgia will just last longer and probably get deeper, and yes, most of the extra runoff will eventually end up in the pond behind the Armory. The flooding will also probably get deeper along Carolina Avenue and spread out a little further.

Please consider the city map that I have enclosed that shows most of the apartment projects. I may have missed some, but I have not added any that do not exist. It seems to me that we have enough. Maybe not. I don’t know how they figure how many apartments are needed.

In any case, I think that we have enough in this area and that this tract of land could better be used for single family and duplex housing. It already has R-8 zoning that will work just find. Where else in Roanoke Rapids do we have such a suitable site for R-8 housing?

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Thank you for your time and considerations. And, thank you Mrs. Lasky for the information that you have provided and for your assistance in this matter.

Yours truly,

Lewis O. Burr/s/

Planning & Development Director Lasky pointed out that the City has received a Protest Petition which she has determined to be valid. She stated what this means is that a supermajority vote is required. She stated four out of five Council members must vote in favor of the rezoning request in order for it to be approved. *(A copy of this Protest Petition is on file in the Office of the City Clerk.)*

Councilman Bobbitt asked about the concerns listed in the Protest Petition.

Planning & Development Director Lasky stated none were noted on the petition. She explained that the petition primarily consists of names and addresses. She pointed out that all of the names listed are confirmed property owners within 100 feet of the property requested to be rezoned.

Councilwoman Scarbrough stated this is a rezoning hearing and has nothing to do with any building plans.

Planning & Development Director Lasky stated that is correct. She stated this request is simply to change the zoning from R-8 to R-3 which allows multi-family residences and a variety of other uses. She encouraged Council to consider all uses allowed in the R-3 zone. She indicated those as follows:

**Permissible Uses in R-3 Residential District**

 • Duplex Houses • Emergency Services *(police, fire)*

 • Multi-Family Residences • Daycares

 • Townhomes • Agricultural, Silvicultural Operations

 • Care Homes • Energy-Related Facilities

 • Schools • Public Recreation Facilities

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Planning & Development Director Lasky pointed out that although we have heard from the applicant about the intended plans for this property, the issue before Council tonight is not the approval of the development but the rezoning of the property. She stated any development plans would go through the Development Review Plan process.

Councilwoman Scarbrough asked if the plans would come back before City Council.

Planning & Development Director Lasky stated if the plans meet certain criteria that requires a Conditional Use Permit, the request would have to come back to Council. She stated the action being requested tonight is just for the rezoning. She stated this rezoning decision should not be based on any specific use. She stated all permitted uses in the R-3 zoning district need to be considered.

Councilman Smith asked how close the proposed development would be to the other buildings.

Planning & Development Director Lasky stated the applicant can explain more about the distances but she would say within 500 feet.

Mayor Pro Tem Ferebee asked about the zoning of the surrounding properties as depicted on the map included in the Council’s agenda packet.

Planning & Development Director Lasky pointed out that the area shown in brown is already zoned R-3 and the area in red is zoned B-4. She stated the dotted brown area is the area proposed to be rezoned from R-8 to R-3.

Councilwoman Cowen asked for an explanation of what will happen with the extra stormwater runoff from the proposed development. She stated she has visited the area after a heavy rain and some of the nearby areas flooded really badly. She asked if the applicant had been made aware of the downhill drainage concerns in this area. Councilwoman Cowen stated the applicant needs to pay close attention to the stormwater issues in this area.

Planning & Development Director Lasky stated the potential to mitigate stormwater runoff would be required during any multi-family development. She stated our Ordinance requires for any development that the runoff rate be equal or less than the pre-development rate.

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Councilwoman Cowen asked what has been done since the last flood to improve the drainage in this area.

Public Works Director Chalker stated the 2012 flood was a catastrophic event--a 2,000 year flood event. He stated most floods are 3 to 10 year events. He stated in this specific area, nothing has been done other than to inspect pipes and do some maintenance. Public Works Director Chalker stated under normal conditions, the drainage system in this area works just fine. He stated in 2012, there was too much water moving too fast. He stated it was a “Noah’s Ark” type flood.

Councilwoman Cowen asked if development of apartments would cause more drainage runoff than single-family developments.

Public Works Director Chalker stated yes because of the asphalt but we would look at this during the development review process and the developer would have to comply with the City’s Stormwater Management Ordinance. He stated we would make sure that they do not release any more water than what is there now. Public Works Director Chalker stated they are required to retain that water for anything over a 10 year flood event. He stated under normal rainfall events, there should not be any more water than what we see now.

Councilman Smith stated during heavy rains most of the streets in Roanoke Park are flooded and a lot of homes on Georgia Avenue will also flood. He stated that whole area is built on a swamp. He stated the area where they are talking about building the apartments was a complete swamp. He stated he has great concerns about this if they are not required to put in detention systems to keep the water from flooding the church and the other properties in the area. Councilman Smith stated if you put more concrete and asphalt down, you will have more flooding. He stated he has concerns about anything that will cause additional water runoff on these properties.

Public Works Director Chalker stated they do not have any specific plans for this development but they will have to comply with the City’s Stormwater Management Ordinance. He stated Mr. Nick Rightmyer, the City’s Engineer, is present and can speak to this.

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Mr. Nick Rightmyer of DM2 Engineering stated he is aware of the flooding concerns. He stated this proposed project is like any other project and it will have to meet the Stormwater Management requirements as indicated by Mr. Chalker and Ms. Lasky. He stated after development, the runoff rate will be the same as it was before it was developed.

Councilman Smith stated to Mr. Rightmyer that he would have a hard time convincing him of that. He stated water will not stay on concrete.

Mr. Rightmyer stated if there is more runoff, they will be required to put in detention ponds.

Mayor Doughtie stated similar to the one at the Lowe’s Home Improvement Shopping Center.

Mr. Rightmyer stated yes.

Mr. Chalker stated a more current example is the one on Becker Drive Extension behind the Hoffman & Arthur Dental Office. He stated the City required White Motors to construct a detention pond as part of their new construction because of past flooding on Becker Drive Extension. He stated they have not seen any flooding since that detention pond was put in. Mr. Chalker stated he had trouble believing it would work but it did. He stated Mr. Rightmyer has to look very carefully at the calculations and he spends a lot of time doing that. Mr. Chalker stated he has faith in our ordinances and we do have examples of them working.

Councilman Smith stated he has faith in our ordinances but he also lives in Roanoke Park and has seen the flooding there.

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

Mr. Lewis Burr of 1400 Georgia Avenue, Roanoke Rapids, NC stated the staff report sounded so good he is almost embarrassed to speak. He stated he lives in this area and is very seriously opposed to this rezoning. He stated as they say in political circles, he feels the Planning Board has thrown them under the bus. Mr. Burr stated this will affect not only the property owners on the east side of Georgia Avenue but the entire region which is already a depressed area with the railroad tracks and cotton gin nearby. He stated he feels this rezoning for a low-rent housing project will virtually destroy the property values on Georgia Avenue. Mr. Burr stated Georgia

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Avenue “Expressway” has its share of traffic and its share of speeders. He stated he was glad to hear during Ms. Lasky’s report that Georgia Avenue will not be used for ingress or egress, but is concerned about the already congested intersection at 10th and Becker Drive. He stated Ms. Lasky mentioned a lot of things that would be permissible in the R-3 zone but left out mobile home parks.

Planning & Development Director Lasky pointed out that they are no longer permitted.

Mr. Burr stated this request is to change the zoning. He stated the developer could change his mind and put something else here or he could sell it to someone else. He stated he must be missing something because he does not understand why we need more apartment buildings. He asked if our population is growing that fast. He stated the developer has said the 40 units at the River Towne Manor are full and they have people on a waiting list. He asked where this demand is coming from. Mr. Burr stated he looked at the tax charts and found that 564 apartment units have been built here in Roanoke Rapids since the early 1980s. He asked if there is a demand or if people are moving out of the older ones and moving into the nice newer ones. Mr. Burr pointed out that the building setback in the R-3 zone is only five feet. He stated they could build a two or three-story building that close to his property line, and some curious 13 year-old could be wandering around his backyard. He stated this does not sit too well with him. Mr. Burr stated he is also concerned about the foot traffic from the apartments to the Chaloner Recreation Center and the Chaloner Middle School. He stated he is also concerned about stormwater drainage especially since we already have a serious problem in this area. He stated he does not know why the people on Carolina Avenue are not here en masse. Mr. Burr stated WRAL said it pretty good in August of 2012 that the people on Carolina Avenue were not prepared for Friday’s deluge. He stated adding an 80-unit apartment complex and a parking lot for 120 cars will cause more drainage problems. He stated the City’s drainage system may be designed for a 10 year flood event but once in a while we get 25 or 50 year flood events. Mr. Burr stated it was mentioned that the stormwater systems were maintained. He stated he scanned the City’s Stormwater Management Ordinance and found only one sentence that mentions maintenance of stormwater systems. He stated that is not a lot of encouragement for maintenance and he fears that there will be little, if any. Mr. Burr encouraged the City Council to deny this rezoning request. He stated hopefully the area can be developed into a quiet R-8 single-family development. He thanked the Mayor and City Council, and also thanked Ms. Lasky for her assistance.

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Ms. Lindsay Narcisso, Project Developer for Weaver-Kirkland Development, LLC, stated she and Dan Estes, President of Weaver-Kirkland Housing and Weaver Cooke Construction, are here to present a quick PowerPoint presentation of the proposed River Towne Villas. *(A copy of the presentation, including photos and layouts of apartments, is on file in the Office of the City Clerk.)* Ms. Narcisso highlighted the following:

**Weaver Portfolio**

**Weaver-Kirkland** - 20+ properties consisting of approximately 800 units in North and South Carolina

**Weaver Cooke Construction** - 10,000+ units across 5 states (attached document shows WCC extensive history)

**River Towne Villas**

**Ten (10) Residential Buildings** - 80 total units with a mix of 1, 2, and 3 BRs

**One (1) Clubhouse/Community Building** - full-time management staff offices, community room, business room (computer/work stations) fitness room, laundry facility

**On Site Amenities** - playground, covered picnic area with tables and grill, outdoor seating areas, and gazebo

Ms. Narcisso stated they plan to build on only 10 acres and leave a great buffer of trees between the development and the neighbors on Georgia Avenue. She stated their company develops, constructs and manages their own properties. She stated they do not sell their properties and take great pride in them. She pointed out some photographs of older units (10-15 years old) and indicated that they are committed to keeping them maintained. Ms. Narcisso stated they have enjoyed working with the City and Ms. Lasky on the River Towne Manor project. She stated they visited the complex before the meeting and the residents they spoke to love their new homes.

Mayor Doughtie stated it is his understanding that the proposed units are not for seniors.

Ms. Narcisso stated they are targeting families but seniors are allowed.

There was discussion about the income levels for the various apartments proposed for this development.

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Mayor Pro Tem Ferebee stated the details of the plans usually come first. He stated we do not know if this development will be like one of the many shown in the presentation.

Planning & Development Director Lasky pointed out that this public hearing is to consider the rezoning itself which could allow multi-family development. She stated at this point, we have no formal plans and would not be able to review them until the land is rezoned. She stated it would be unfair to ask the applicant to provide plans until the property is rezoned.

Mayor Doughtie asked if there are any restrictions or a time limit on when they could dispose of properties that they develop. He asked how long they are obligated to keep them.

Ms. Narcisso stated 30 years but they would keep them even after then.

Councilman Bobbitt asked what would happen after 30 years.

Mr. Estes stated they would rehab them but they would actually start the rehab after 15 years.

Mayor Pro Tem Ferebee asked about the Protest Petition. He stated it contained just signatures and no details.

Planning & Development Director Lasky stated it contained the names and addresses of 8 of the 22 property owners that were notified of the rezoning.

Mayor Doughtie stated we will meet again in two weeks. He stated we have received a lot of information and comments this evening.

Councilman Bobbitt stated he agrees that this is a lot of information that we just received a couple of days ago. He stated he realizes some of the people here tonight are from out of town but feels that we should continue this public hearing until the next meeting in two weeks.

Motion was made by Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to continue the public hearing until the March 17, 2015 City Council meeting.

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Planning & Development Director Lasky highlighted the following staff report, related documents and maps:

**MEMORANDUM**

TO: Joseph Scherer, City Manager

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

DATE: February 23, 2015

RE: **Rezoning Request (map attached) - Amendment to the Roanoke Rapids Zoning Map to Rezone 4.5 Acres of Property Located North of E. 10th Street, Between Jefferson Street and Marshall Street, with Approximately 860 Feet of Street Frontage Along E. 10th Street and 300 Feet of Street Frontage Along Jefferson Street, from R-6 Residential District to B-4 Commercial District. The 4.5 Acre Area of Requested Rezoning is a Portion of a 23.51 Acre Tract (Halifax County Parcel 0900543).**

**Summary Overview**

**Subject Property** 4.5 +/- acres of property located along E. 10th Street, between Jefferson Street and

 Marshall Street

**Proposal Rezone from R-6 Residential District to B-4 Commercial District**

**Applicant** State Employees’ Credit Union

**Present Use** Cleared, vacant land previously developed as the Patterson Mill

**Proposed Use** Not stated in application

**Staff Recommendation** Approve

**Analysis and Detail**

**1. Applicant(s)**

The applicant is State Employees’ Credit Union, 1000 Wade Avenue, Raleigh, NC 27605; (800) 438-1104.

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**2. Location/Area Description**

The 4.5 +/- acre site proposed for rezoning is located north of E. 10th Street, between Jefferson Street and Marshall Street, with approximately 860 feet of street frontage along E. 10th Street and 300 feet of street frontage along Jefferson Street. The 4.5 acre area of requested rezoning is a portion of a 23.51 acre tract (Halifax County Parcel 0900543). The property is currently vacant land and was previously developed as part of the Patterson Mill.

The property located adjacent to the north side of the rezoning area is zoned R-6 Residential District. The R-6 area to the north side of the rezoning area is developed as multi-family apartment buildings. The R-6 area immediately adjacent to the rezoning area was previously developed as the Patterson Mill.

The property adjacent to the east side of the rezoning area is zoned B-4 Commercial District and R-8 Residential District. The B-4 area to the east side of the rezoning area is commercially used for automobile sales and display. The R-8 area to the east side of the rezoning area is developed as two-family (duplex) residences.

The property adjacent to the south side of the subject property is zoned B-2 Commercial District and B-4 Commercial District. The B-2 area to the south side of the rezoning area is cleared and vacant. The B-4 area to the south side of the rezoning area is commercially developed as Bonnie’s School of Dance (formerly Davis Marine), Discount Tire of Roanoke Rapids, and Shannon Golden Designs studio.

The property to the west of the rezoning area is zoned R-6 and is currently developed as single-family residences. The B-2 area to the west of the rezoning area is a vacant lot.

**3. Existing and Proposed Zoning**

The attached map delineates the existing zoning of the area being considered for rezoning and the zoning of the adjacent parcels. The requested rezoning area is currently zoned R-6 Residential District. The requested zoning is B-4 Commercial District. The following provides the adjacent zoning: North = R-6; South = B-2, B-4; East = B-4, R-8; and West = B-2, R-6.

**The rezoning request is a change** **from R-6 Residential District to B-4 Commercial District**.

*The following provides general descriptions of the existing and proposed zoning districts:*

The following residential districts are hereby established: R-40, R-20, R-12, R-8, R-6, R-5, and R-3. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

The R-8 district is designed to accommodate single-family dwelling units.

The R-6 district is designed to accommodate single-family and two-family (duplex) dwelling units.

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The B-2 district is designed to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot width requirements that are more restrictive than those applicable to the B-1 zone. The B-2 zone thus may provide a transition in some areas between a B-1 zone 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).

The B-4 district is designed to accommodate the widest range of commercial activities.

The specific 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.

**4. Traffic Considerations**

This zoning change may create some changes in the current traffic patterns. However, any proposed construction and site plans will be 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.

The proposed zoning change may be accessed by Jefferson Street and/or E. 10th Street. A preliminary site development plan has not been submitted.

**5. Utility Considerations**

There are no specific utility considerations that should negatively impact this property at the present time. All utilities are readily available to the area.

**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. The proposed request for rezoning is considered 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.

**7. Comprehensive Development Plan**

The property is located in existing City Limits and 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

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 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.

I.4 Encourage commercial development to occur in clusters or planned shopping centers at the intersection of major thoroughfares to minimize “strip” development and to maintain the proper functioning of the arterial street system.

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

I.10 Encourage office and institutional development to locate as a transitional land use between activities of higher intensity and those of lower intensity.

I.22 The city Planning Board may consult this plan concerning all decisions, including rezoning and subdivision approvals, which will affect residential land use, including impact on existing residential areas.

I.30 Support economic and community development initiatives that capitalize upon and enhance the city’s Town Center areas, including 10th Street and Julian Allsbrook Highway.

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

I.63 Minimize access to arterial streets and restrict excessive development at critical access points.

**8. Public Response to Notice**

Letters were sent to owners of property within 100 feet of the requested rezoning on February 9, 2015. The notice of request and City Council public hearing was advertised in the *Daily Herald* on February 22and March 1, 2015.

**9. Staff Recommendation**

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 surrounding zoning and supported by the Comprehensive Plan. Staff requests that the rezoning be approved by City Council.

**10. Planning Board Action**

The Roanoke Rapids Area Planning Board reviewed the requested rezoning on February 19, 2015. The Board unanimously approved the Recommendation of Consistency with a 7-0 vote. The Board unanimously voted 7-0 to forward a favorable recommendation to City Council for approval of the requested rezoning.

**11. City Council Action**

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

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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 for the 4.5 acre area described in the staff report dated February 23, 2015, located along E. 10th Street, which is a portion of a 23.51 acre tract (Halifax County Parcel 0900543).**

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 from R-6 to B-4 for property identified as the 4.5 acre area describe in the staff report dated February 23, 2015, located along E. 10th Street, which is a portion of a 23.51 acre tract (Halifax County Parcel 0900543).**

Planning & Development Director Lasky pointed out that they have received some comments about the military banners on the fence and the applicant has been made aware of this. She stated the applicant respects the emotional ties to the banners and hopes to find an appropriate solution. Planning & Development Director Lasky reviewed the following permissible uses in the B-4 Commercial District:

**Permissible Uses in B-4 Commercial District**

 • Hotels/Motels • Internet Sweepstakes

 • Retail Stores • Restaurants/Bar

 • Convenience Stores • Motor Vehicle Sales/Service

 • Offices • Parking Lots

 • Banks with drive-in • Emergency Services *(police, fire)*

• Manufacturing *indoor and outdoor* • Agricultural/Silvicultural Operations

 • Schools • Funeral Homes

 • Churches • Daycares

 • Social Clubs • Energy-Related Facilities

 • Private and Public Recreation • Transportation Facilities

 Facilities *(bowling, skating, billiards,*

 *movie theaters)*

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

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Mr. Chad Abbott with Summit Design and Engineering Services stated he represents the applicant. He stated he is sure the Council has read through the minutes of the Planning Board meeting and sees that this request complies with the City’s Comprehensive Development Plan. He stated he is working with the applicant on the redevelopment of the existing mill site and feels this rezoning is appropriate.

Mayor Pro Tem Ferebee stated the B-4 Commercial District allows the widest range of commercial uses. He stated to make the folks in the neighborhood feel better, it would be nice to know of the plans for the property.

Mr. Abbott stated the applicant for this request has been made known. He stated if there are concerns about the wide range of uses in the B-4 zone, he believes the B-2 zone also allows banking.

Mayor Pro Tem Ferebee stated the B-2 zone may help to alleviate some concerns.

Mr. Abbott stated the applicant is the State Employees’ Credit Union and a bank is the intended use.

Mayor Doughtie asked if the Credit Union plans to use all of the property.

Mr. Abbott stated they typically use two acres. He stated they like to have that additional property.

Mayor Doughtie asked Planning & Development Director Lasky if the property was rezoned and an internet sweepstakes, which is permitted in the B-4 zone, wanted to operate there, would our restrictions regarding the proximity to schools, churches, etc. prevent that operation.

Planning & Development Director Lasky stated yes. She stated we would look at the supplementary regulations that may apply.

Ms. Robin Griffies of 915 Jefferson Street, Roanoke Rapids, NC stated she lives right across the street from the property requested to be rezoned. She stated she is not against the bank but was concerned when she received the letter and read about the broad range of uses allowed in

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the B-4 zone. Ms. Griffies stated this property is near the high school and adjacent to areas where children play and also to many homes. She stated again that she is not against the bank but does not like the broad range of uses allowed in the requested zoning district. She also expressed concern about the bumper-to-bumper traffic on 10th Street between 3:00 and 5:00 p.m. Ms. Griffies asked that the Council think about everything before making such a broad change in the zoning of that area.

Mayor Pro Tem Ferebee stated it sounded like the applicant’s representative said earlier that the B-2 zone would satisfy their requirements. He asked about the uses in the B-2 Commercial District.

Planning & Development Director Lasky stated she does not have a slide showing those uses but they are less intensive uses such as sales and retail goods, offices, service oriented type uses. She stated it does allow banks with drive-in windows. She stated it also allows restaurants but not bars and ABC stores and it does not allow as much manufacturing as in the B-4 zone.

Mayor Pro Tem Ferebee asked if it would be appropriate to ask if the petitioner would be willing to change the request from B-4 to B-2.

Mr. Abbott stated the B-2 zone would be acceptable. He stated they were just thinking about the future land use for the area as the City grows.

Planning & Development Director Lasky stated if the motion is to approve the rezoning from R-6 to B-2 and if development plans come in that are not permitted in the B-2 zone, they would have to come back to Council and request the B-4 zone.

Councilman Smith asked why we would want to change the zoning from B-4 to B-2.

Mayor Pro Tem Ferebee stated the residents in the neighborhood have concerns that the B-4 zone allows a broader range of uses that will not fit well with the area such as social clubs which would not be allowed in the B-2 zone. He stated Mr. Abbott has indicated that the petitioner is fine with the B-2 zone.

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Planning & Development Director Lasky stated the B-2 zone allows for less intensive commercial uses.

After conferring with City Attorney Chichester, Planning & Development Director Lasky requested that the motion be made clear that the requested zone was B-4.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to approve and adopt the following Statement of Consistency:

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

**Reference: Amendment to Official Zoning Map (as defined in Article IX, Section 151-142 of the Land Use Ordinance) – to rezone 4.50 acres** **of property located north of E. 10th Street, between Jefferson Street and Marshall Street, with approximately 860 feet of street frontage along E. 10th Street and 300 feet of street frontage along Jefferson Street, from R-6 Residential District to B-2 Commercial District. The 4.5 acre area of requested rezoning is a portion of a 23.51 acre tract (Halifax County Parcel 0900543).**

The Roanoke Rapids City Council met on Tuesday, March 3, 2015 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 3RD DAY OF MARCH 2015.

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.

I.4 Encourage commercial development to occur in clusters or planned shopping centers at the intersection of major thoroughfares to minimize “strip” development and to maintain the proper functioning of the arterial street system.

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

I.10 Encourage office and institutional development to locate as a transitional land use between activities of higher intensity and those of lower intensity.

I.22 The city Planning Board may consult this plan concerning all decisions, including rezoning and subdivision approvals, which will affect residential land use, including impact on existing residential areas.

I.30 Support economic and community development initiatives that capitalize upon and enhance the city’s

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 Town Center areas, including 10th Street and Julian Allsbrook Highway.

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

I.63 Minimize access to arterial streets and restrict excessive development at critical access points.

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: March 3, 2015

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Emery G. Doughtie, Mayor

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to approve an amendment to the Roanoke Rapids Zoning Map to change the zoning classification from R-6 to B-2 **(original request from applicant and property owner was to rezone from R-6 to B-4)** for property identified as the 4.5 acre area described in the foregoing staff report dated February 23, 2015, located along E. 10th Street, which is a portion of a 23.51 acre tract (Halifax County Parcel 0900543).

Mayor Doughtie declared the public hearing closed.

Planning & Development Director Lasky highlighted the following staff report, related documents and maps:

**MEMORANDUM**

TO: Joseph Scherer, City Manager

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

DATE: February 23, 2015

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RE: **Rezoning Request (map attached) - Amendment to the Roanoke Rapids Zoning Map to Rezone 6.13 +/- Acres of Property Located to the West of Smith Church Road to the South of E. Littleton Road (Hwy. 158), and North of Vine Street from R-6 Residential District to B-3 Commercial District. The 6.13 +/- Acre Area of Requested Rezoning is a Portion of a 20.49 Acre Tract (Halifax County Parcel 0906083).**

**Summary Overview**

**Subject Property** 6.13 +/- acres of property located to the west of Smith Church Road, to the south of E. Littleton Road (Hwy. 158), and north of Vine Street

**Proposal Rezone from R-6 Residential District to B-3 Commercial District**

**Applicant** Flatiron Partners, LLC

**Present Use** Undeveloped, wooded land

**Proposed Use** Multi-Family Apartment Complex

**Staff Recommendation** Approve

**Analysis and Detail**

**1. Applicant(s)**

The applicant is Flatiron Partners, LLC, 1511 Shopton Road, Suite H, Charlotte, NC 28217; (704) 335-9112.

**2. Location/Area Description**

The 6.13 +/- acre site proposed for rezoning is located to the west of Smith Church Road, to the south of E. Littleton Road (Hwy. 158), and north of Vine Street. The 6.13 acre area of requested rezoning is a portion of a 20.49 acre tract (Halifax County Parcel 0906083). The property is currently undeveloped, wooded land.

The property located adjacent to the north side of the rezoning area is zoned R-6 Residential District; B-3, Commercial District and B-4 Commercial District. The R-6 area to the north side of the rezoning area is developed as multi-family apartment buildings. The B-3 area to the north side of the rezoning area is developed as single-family residences, which are a grandfathered, legal, non-conforming use at the present time. The B-4 area to the north side of the rezoning area is developed as Drugco Discount Pharmacy and Walgreens.

The property adjacent to the east side of the rezoning area is zoned B-3 Commercial District and B-5 Commercial District. The B-3 area to the east side of the rezoning area is commercially developed as a medical office. The B-5 area to the east side of the rezoning area is developed as Halifax Regional Medical Center and several medical

offices.

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The property adjacent to the south side of the subject property is zoned R-6 Residential District and is developed for single-family use.

The property to the west of the rezoning area is zoned R-6 and is currently developed as single-family residences.

**3. Existing and Proposed Zoning**

The attached map delineates the existing zoning of the area being considered for rezoning and the zoning of the adjacent parcels. The requested rezoning area is currently zoned R-6 Residential District. The requested zoning is B-3 Commercial District. The following provides the adjacent zoning: North = R-6, B-3, B-4; South = R-6; East = B-3, B-5; and West = R-6.

**The rezoning request is a change** **from R-6 Residential District to B-3 Commercial District**.

*The following provides general descriptions of the existing and proposed zoning districts:*

The following residential districts are hereby established: R-40, R-20, R-12, R-8, R-6, R-5, and R-3. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

The R-6 district is designed to accommodate single-family and two-family (duplex) dwelling units.

The B-3 district is designed to accommodate a mixture of residential uses and commercial uses such as office, clerical, research services, which provide a transition from major highways and commercial areas to residential districts.

The B-4 district is designed to accommodate the widest range of commercial activities.

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

The specific 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.

**4. Traffic Considerations**

This zoning change may create some changes in the current traffic patterns. However, any proposed construction and site plans will be 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.

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The proposed zoning change will be accessed by E. Littleton Road (US Hwy. 158) and/or Smith Church Road (NC Hwy. 125). The number of dwelling units that may be constructed is not currently known. However, at maximum multi-family density, approximately 89 dwelling units could be constructed. According to the Institute of Transportation Engineers Trip Generation Manual (7th edition) the residential apartment use proposed is expected to average 6.72 vehicular trips per day per dwelling unit. Based on this manual, which is utilized by NCDOT, approximately 598 vehicular trips per day could be added to E. Littleton Road and Smith Church Road.

**5. Utility Considerations**

There are no specific utility considerations that should negatively impact this property at the present time. All utilities are readily available to the area.

**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. The proposed request for rezoning is considered 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.

**7. Comprehensive Development Plan**

The property is located in existing City Limits and 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.

I.4 Encourage commercial development to occur in clusters or planned shopping centers at the intersection of major thoroughfares to minimize “strip” development and to maintain the proper functioning of the arterial street system.

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

I.10 Encourage office and institutional development to locate as a transitional land use between activities of higher intensity and those of lower intensity.

I.19 Consider allowing different housing densities to abut one another as long as proper buffering and design is provided as needed and traffic generated by such land use does not mix within the neighborhood.

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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.21 Require residential subdivisions generating 100 or more peak hour trips to prepare a traffic impact analysis/study, including mitigative action to reduce impact.

I.22 The city Planning Board may consult this plan concerning all decisions, including rezoning and subdivision approvals, which will affect residential land use, including impact on existing residential areas.

I.23 Continue to pursue available funding including but not limited to NC Housing Finance Agency and US Department of Agriculture funds from state and federal sources for rehabilitation or redevelopment and/or removal of substandard housing.

I.25 Permit residential development to occur in response to market needs provided that the following criteria are met:

* Due consideration is offered to all aspects of the environment.
* If deficient community facilities and services are identified, the City should attempt to improve such to the point of adequately meeting demands.
* Additional residential development should concurrently involve planning for improvements to community facilities and services if excess capacity does not exist within those facilities and services.
* Residential development is consistent with other policies and the land use map contained within this plan which reflects adequate suitability analysis.

I.30 Support economic and community development initiatives that capitalize upon and enhance the city’s Town Center areas, including 10th Street and Julian Allsbrook Highway.

I.63 Minimize access to arterial streets and restrict excessive development at critical access points.

I.64 Promote neighborhood designs which limit access to adjacent arterials and utilize street patterns which promote slower internal traffic speeds.

**8. Public Response to Notice**

Letters were sent to owners of property within 100 feet of the requested rezoning on February 9, 2015. The notice of request and the City Council public hearing was advertised in the *Daily Herald* on February 22 and March 1, 2015.

**9. Staff Recommendation**

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 surrounding zoning and supported by the Comprehensive Plan. Staff requests that the rezoning be approved by City Council.

**10. Planning Board Recommendation**

The Roanoke Rapids Area Planning Board reviewed the requested rezoning on February 19, 2015. The Board unanimously approved the Recommendation of Consistency with a 7-0 vote. The Board unanimously voted 7-0 to forward a favorable recommendation to City Council for approval of the requested rezoning.

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**11. City Council Action**

Following the public hearing for the subject requests, 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 for the 6.13 acre area described in the staff report dated February 23, 2015.**

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 from R-6 to B-3 for property identified as the 6.13 acre area described in the staff report dated February 23, 2015.**

Councilman Bobbitt asked about the number of people that could live in the proposed apartment complex.

Planning & Development Director Lasky stated 89 is the maximum number of units allowed. She stated we do not regulate the number of people just the number of dwelling units. She stated based upon 89 units and the average of 7 vehicular trips per day per dwelling unit, it could add approximately 600 vehicular trips per day to E. Littleton Road and Smith Church Road.

Councilman Bobbitt stated it will probably be two or more people in each unit.

Planning & Development Director Lasky stated she cannot assume.

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

Mr. Hollis Fitch, Principal with Flatiron Partners, LLC, stated this rezoning request is similar to the first rezoning request. He stated it is based on the same type of program with smaller units. He stated the anticipated road access is from Smith Church Road and E. Littleton Road. He stated the anticipated rental would be the same as the previous deal. Mr. Fitch stated he has been involved in the development of properties for the past 10 years and this is the company’s first

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venture east of Greensboro. He stated the company has an extraordinary reputation.

Mayor Doughtie asked Mr. Fitch if the proposal will take up the entire parcel.

Mr. Fitch stated yes, with the stormwater retention and landscaping.

Councilwoman Cowen asked about the income levels.

Mr. Fitch stated a single person in a one-bedroom would be $22,080 and a five member family in a three-bedroom could be as high as $34,020.

Councilman Bobbitt asked, for the record, if there are any flooding problems in this area.

Public Works Director Chalker stated he is not aware of any flooding in this particular area. He pointed out that Chockoyotte Creek is below this property.

Councilman Bobbitt asked about plans for access onto Smith Church Road and E. Littleton Road. He stated Smith Church Road is a four-lane highway but E. Littleton Road is just two lanes. He asked if they would be working with NCDOT to request an apron. He stated this is a very busy area.

Mr. Fitch stated they will adhere to NCDOT requirements. He stated they typically will have a traffic study done even though it is not required.

Mr. Chalker stated we have actually requested deceleration lanes and DOT has denied the request.

Councilman Bobbitt stated there could be a bad accident at this location.

Mr. Chalker stated NCDOT will look at all of that during the development review process.

Mayor Pro Tem Ferebee stated he is concerned with the ingress and egress as he works at the hospital and knows that there are a lot of accidents in this area. He stated he would really like to

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see a traffic study conducted.

Planning & Development Director Lasky pointed out that this hearing is for the rezoning of the property and the other issues will be reviewed by the Planning staff and NCDOT. She stated we do not know at this time what NCDOT will recommend. Planning & Development Director Lasky stated she hopes we do not get hung up on some of these details.

Mayor Pro Tem Ferebee asked if the rezoning could be contingent on the traffic study.

Planning & Development Director Lasky stated no.

Mr. Fitch stated they typically conduct a traffic study.

Mayor Pro Tem Ferebee asked if we could require the study during the planning review process.

City Manager Scherer pointed out that we cannot require more than what NCDOT requires.

Councilman Bobbitt stated he realizes that but this is a dangerous intersection.

Planning & Development Director Lasky stated we are all in agreement that any new development will bring additional traffic. She stated the City staff and NCDOT will review the development plans to see that the traffic is appropriately evaluated and addressed.

Mr. Fitch stated they will have a traffic study conducted.

Mayor Pro Tem Ferebee asked Planning & Development Director Lasky if she had received any comments from surrounding property owners.

Planning & Development Director Lasky stated no.

Mayor Doughtie stated there were a number of additional vehicular trips indicated in the staff report.

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Planning & Development Director Lasky stated the residential apartment use proposed is expected to average 6.72 vehicular trips per day per dwelling unit and based on 89 units, there could be approximately 598 vehicular trips per day added.

Mayor Doughtie asked how many trips are out there today.

Planning & Development Director Lasky stated there are already 3,000 to 8,000 trips out there. She stated this will be reviewed by DOT in the permitting process.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to approve and adopt the following Statement of Consistency:

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

**Reference: Amendment to Official Zoning Map as defined in Article IX, Section 151-142 of the Land Use Ordinance) – request to rezone 6.13 +/- acres of property located to the west of Smith Church Road, to the south of E. Littleton Road (Hwy 158), and north of Vine Street from R-6 Residential District to B-3 Commercial District. The 6.13 acre area of requested rezoning is a portion of a 20.49 acre tract (Halifax County Parcel 0906083).**

The Roanoke Rapids City Council met on Tuesday, March 3, 2015 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 3RD DAY OF MARCH 2015.

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.

I.4 Encourage commercial development to occur in clusters or planned shopping centers at the intersection of major thoroughfares to minimize “strip” development and to maintain the proper functioning of the arterial street system.

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

I.10 Encourage office and institutional development to locate as a transitional land use between activities of higher intensity and those of lower intensity.

I.19 Consider allowing different housing densities to abut one another as long as proper buffering and design is provided as needed and traffic generated by such land use does not mix within the neighborhood.

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.21 Require residential subdivisions generating 100 or more peak hour trips to prepare a traffic impact analysis/study, including mitigative action to reduce impact.

I.22 The City Planning Board may consult this plan concerning all decisions, including rezoning and subdivision approvals, which will affect residential land use, including impact on existing residential areas.

I.23 Continue to pursue available funding including but not limited to NC Housing Finance Agency and US Department of Agriculture funds from state and federal sources for rehabilitation or redevelopment and/or removal of substandard housing.

I.25 Permit residential development to occur in response to market needs provided that the following criteria are met:

* Due consideration is offered to all aspects of the environment.
* If deficient community facilities and services are identified, the City should attempt to improve such to the point of adequately meeting demands.
* Additional residential development should concurrently involve planning for improvements to community facilities and services if excess capacity does not exist within those facilities and services.
* Residential development is consistent with other policies and the land use map contained within this plan which reflects adequate suitability analysis.

I.30 Support economic and community development initiatives that capitalize upon and enhance the city’s Town Center areas, including 10th Street and Julian Allsbrook Highway.

I.63 Minimize access to arterial streets and restrict excessive development at critical access points.

I.64 Promote neighborhood designs which limit access to adjacent arterials and utilize street patterns which promote slower internal traffic speeds.

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

Adopted: March 3, 2015

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Emery G. Doughtie, Mayor

**17657**

**Roanoke Rapids City Council**

**March 3, 2015**

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to approve an amendment to the Roanoke Rapids Zoning Map to change the zoning classification from R-6 Residential to B-3 Commercial for property identified as the 6.13 acre area described in the foregoing staff report dated February 23, 2015.

Mayor Pro Tem Ferebee stated we have a gentleman’s agreement with Mr. Fitch regarding the traffic study. He asked that staff put on their agenda to make sure we get the study.

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

City Manager Scherer stated according to City Council policy, all Closed Session Minutes are sealed until such time as public inspection would not frustrate the purpose of the Closed Session. He stated City Attorney Chichester has reviewed the sets of Closed Session Minutes listed in the following memorandum and determined that they may be unsealed:

**MEMORANDUM**

February 19, 2015

TO: Mayor and City Council

FROM: Lisa B. Vincent, City Clerk/s/

**RE: UNSEALING CLOSED SESSION MINUTES**

According to City Council policy, all Closed Session Minutes are sealed until such time as public inspection would not frustrate the purpose of the Closed Session.

City Attorney Chichester has reviewed the following sets of Closed Session Minutes (previously approved by Council) and determined that they may be unsealed:

 **Minute Book Page No.** **Date of Meeting**

 16696 July 3, 2012

 16741 July 19, 2012

 16759 August 7, 2012

 16857-16860 & 16862 December 4, 2012

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**Roanoke Rapids City Council**

**March 3, 2015**

 16929, 16930 & 16935 March 5, 2013

 17120, 17121, 17123 & 17124 October 15, 2013

 17246 May 5, 2014

 17265 & 17266 May 20, 2014

 17405 & 17406 September 16, 2014

Thank you.

cc: City Manager

 City Attorney

Motion was made by Councilman Smith, seconded by Councilwoman Cowen and unanimously carried to unseal the Closed Session Minutes as listed in the foregoing memorandum dated February 19, 2015 from City Clerk Vincent.

Public Works Director Chalker stated the North Carolina Department of Transportation has agreed to reimburse the City up to $2,000.00 to construct handicap access to sidewalks at the intersection of 10th Street and Park Avenue. He stated the agreement included in the Council agenda packet is a standard DOT municipal agreement. He stated DOT has told us how they want us to construct the ramp, and this is being done because of a fatality that happened at this intersection a few years ago. Public Works Director Chalker stated we have very good concrete people that do this work all the time.

Motion was made by Councilman Bobbitt, seconded by Councilwoman Cowen and unanimously carried to approve the following agreement with the North Carolina Department of Transportation:

NORTH CAROLINA **LOCALLY ADMINISTERED PROJECT - STATE**

 **SPOT SAFETY AGREEMENT**

HALIFAX COUNTY DATE: 2/20/2015

NORTH CAROLINA DEPARTMENT OF

TRANSPORTATION

**17659**

**Roanoke Rapids City Council**

**March 3, 2015**

 AND WBS Element: 44186.3.1

CITY OF ROANOKE RAPIDS

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the “Department” and City of Roanoke Rapids, hereinafter referred to as the “Municipality”.

**W I T N E S S E T H:**

**WHEREAS**, the parties have agreed to make certain improvements within the Municipality under WBS Element 44186.3.1 in Halifax County in accordance with plans and specifications approved by the Department; and

**WHEREAS,** this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-66.3, Section 136-18 (24) and (27), Section 20-169, Section 160A-296 and Section 297, to participate in the planning and construction of the Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and

**WHEREAS,** the Department and the Municipality have agreed that the jurisdictional limits of the Parties, as of the date of the awarding of the contract for the construction of the above-mentioned Project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and

**WHEREAS,** the parties of this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

**NOW, THEREFORE,** the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

**SCOPE OF PROJECT**

1. The Project consists of the installation of two curb ramps (NCDOT std. 848.06) and associated work on the northern leg of the intersection of 10th Street and Park Avenue in Roanoke Rapids. Work shall also include cutting out and removing existing curb and gutter radius, regular curb and gutter & sidewalk and disposal of all debris off site (hereinafter the “Project”).

**PROCUREMENT OF SPECIALIZED SERVICES**

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**Roanoke Rapids City Council**

**March 3, 2015**

2. If the Municipality causes the professional engineering services required by this Agreement to be performed by contracting with a private engineering firm and seeks reimbursement for said services under this agreement, it is agreed as follows:

 A. The Municipality shall ensure that an engineering firm is obtained through an equitable selection process and that prescribed work is properly accomplished in a timely manner, at a just and reasonable cost.

 B. The Municipality, when procuring architectural, professional and engineering services, must adhere to North Carolina Department of Transportation Policies and Procedures for Major Professional or Specialized Services Contracts. This policy conforms to N.C.G.S. 143-64, Parts 31 and 32.

 C. The Municipality shall submit all professional services contract proposals to the Department for review and approval prior to execution of the professional services contract by the Municipality. In the event that the professional services contract proposal (engineering) exceeds $30,000, a pre- negotiation audit must be requested from the Department’s External Audit Branch. A pre- negotiated audit of a contract under $30,000 will be performed by the Departmental External Audit Branch if the Municipality requests it.

 D. Reimbursement for construction administration costs cannot exceed fifteen percent (15%) of the actual construction contract cost. This applies to private engineering firms and/or work performed by the Municipality. If the Municipality elects to procure a private consulting firm to conduct Project administration, the Municipality shall be responsible for submitting the consulting firm’s proposal to the Division Engineer for review and approval. The Municipality, and/or its agent, shall perform Project administration in accordance with all Departmental policies and procedures.

 E. All work shall be prepared and submitted using computer software and applications approved by the Department and compatible with departmental equipment and programs.

 F. Small Professional and Engineering Services Requirements: Any contract entered into with another party to perform work associated with the requirements of this agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the NC Board of Transportation. These provisions are incorporated into this Agreement by reference *www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.ntml.*

* The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.

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**Roanoke Rapids City Council**

**March 3, 2015**

* If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

**PLANNING AND DESIGN**

3. The Department, and/or its consultant, shall prepare the environmental and/or planning document and obtain any environmental permits needed for the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.

4. The Department shall design and prepare the plans and specifications for the Project, in accordance with the Department’s standard practices, regulations and guidelines for transportation improvements. The Department shall review and approve Project plans and specifications.

**UTILITIES**

5. The Municipality, without any cost or liability whatsoever to the Department, shall relocate and adjust all utilities in conflict with the Project. All utility work shall be performed in a manner satisfactory to and in conformance with rules and regulations of the Department prior to the Municipality beginning construction of the Project. The Municipality shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits of the Project, whichever is greater, regardless of ownership of the connections or services. Any encroachment agreement and/or permits required for the Project must be obtained from the Division Office. All work shall be performed in accordance with the Department’s approved Utility Relocation Policy and standards procedures for utility improvements.

**RIGHT OF WAY**

6. The Department shall be responsible for acquiring any needed right of way and/or permanent easements required for said Project. If the Project is not to be constructed within the existing right of way, the Department will be responsible for any additional right of way or easements. Acquisition of right of way shall be accomplished in accordance with applicable policies, guidelines, statutes and the North Carolina Department of Transportation Right of Way Manual.

 The Department shall remove from said right of way all obstructions and encroachments of any kind or character (including hazardous and contaminated materials). The Department shall indemnify and save harmless the Department from any and all claims for damages that might arise on account of said right of way acquisition, and construction easements for the construction of said Project.

**CONSTRUCTION**

7. The Municipality shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Municipality shall enter into and shall administer the construction contract for said Project and the procedures set out herein below

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**Roanoke Rapids City Council**

**March 3, 2015**

 shall be followed:

 A. Prior to advertising the Project for construction bids, the Municipality or its agents, shall submit for approval by the Department, the final construction plans, the total contract proposal, and an estimate of the Project costs to the Division Engineer. Bids received along with proper documentation of Municipal approval shall be submitted to the Division Engineer for review and approval by the Department prior to the contract being awarded by the Municipality. Upon award of the Project, the Municipality shall provide the Division Project Manager copies of the executed contract and sets of plans as requested.

 B. The Municipality shall follow Department regulations, and North Carolina General Statute regulations pertaining to bid procedures in the award of the contract and purchases. The Municipality shall not enter into any contractual agreement for any phase of the Project without prior written approval from the Department.

 C. The construction engineering and supervision will be furnished by the Municipality. Said work shall be accomplished in accordance with terms set out in Provision #2 of this Agreement.

 D. The Department’s Division Engineer shall have the right to inspect, sample, test, and approve or reject any portion of the Project being performed by the Municipality or the Municipality’s contractor, to ensure compliance with the provisions of this Agreement. The Department will furnish the Municipality with any forms that may be needed in order to follow standard Departmental practices and procedures in the administration and performance of the contract.

 E. The Municipality shall sample and test all materials in reasonable close conformity with the Department’s Guide for Process Control and Acceptance Sampling and Testing. The Division Engineer shall be provided a copy of the testing results.

 F. During construction of the Project, if any changes in the plans are necessary, such changes must be approved by the Division Engineer prior to the work being performed.

 G. All materials incorporated in the Project and workmanship performed by the contractor shall be in reasonable close conformity with the Standards and Specifications of the Department.

 H. Upon completion of the Project, the Municipality shall furnish the Division Engineer with complete sets of “Plan of Record” and/or “As Built” plans as requested.

 I. Prior to the final acceptance and payment by the Department, the Division Engineer shall make a final inspection of the completed work. The Division Engineer will be responsible for final acceptance of the completed work on behalf of the Department.

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**Roanoke Rapids City Council**

**March 3, 2015**

 J. During construction of the Project, the Municipality shall provide and maintain adequate barricades, signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformation with standards and specifications of the Department and the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.

 K. In the event the Project is not let to contract within six (6) months after receiving final approval of construction plans and proposals from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

 L. The Municipality shall complete construction of the Project, in accordance with the terms of this Agreement within one year(s) of execution of this Agreement. If the Municipality has not completed its responsibilities to the satisfaction of the Department, including satisfactory progress of the various phases of the Project, the unexpended balance of funds may be recalled by the Department and assigned to other Projects by the Board of Transportation and the Municipality shall reimburse costs incurred by the Department associated with the Project.

**CONSTRUCTION SUBCONTRACTOR GUIDELINES**

8. Any construction contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Minority Businesses and Women Businesses as required by GS 136-28.4 and the North Carolina Administrative Code.

 A. The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the Department’s website at *https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx.*

 B. No advertisement shall be made nor any contract be entered into for services to be performed as part of this Agreement without prior written approval of the advertisement or contents of the contract by the Department.

 C. Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

**FUNDING**

9. Subject to compliance by the Municipality with the provisions set forth in this Agreement, and the availability of funds, the Department shall participate in the actual Construction costs up to a maximum amount of $2,000 (estimated costs are $2,000). Costs which exceed this amount shall be borne by the

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**March 3, 2015**

 Municipality. Reimbursement to the Municipality shall be made upon approval of the invoice by the Department’s Division Engineer and the Department’s Fiscal Section.

 A. The Municipal may bill the Department for actual costs by submitting an itemized invoice and requested documentation to the Department. Reimbursement shall be made upon completion. By submittal of said invoice, the Municipality certifies that it has adhered to all applicable state laws and regulations as set forth in this Agreement.

 B. Force account work is only allowed when 1) there is a finding of cost effectiveness for the work to be performed by some method other than contract awarded by competitive bidding process, and 2) the force account work is in compliance with NC General Statute 143-135, found at *www.ncleg.net/gascripts/Statutes/Statutes.asp.* Written approval from the Division Engineer is required prior to the use of force account by the Municipality. Said invoices for force account work shall show a summary of labor, labor activities, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 *(http://www.whitehouse.gov/omb/circulars\_a087\_2004/)*. Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department’s rates in effect for the time period in which the work is performed.

 C. In accordance with OMB Circular A-133 “Audits of States, Local Governments and Non-Profit Organizations” *(http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\_revised\_2007.pdf)*, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality’s fiscal year ends.

 D. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this Agreement, for inspection and audit by the Department’s Fiscal Section.

 E. The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs.

 F. Failure on the part of the Municipality to comply with any of these provisions will be grounds for the Department to terminate participation in the costs of the Project.

 G. All invoices associated with the Project must be submitted within six months of the completion of the Project to be eligible for reimbursement by the Department.

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**Roanoke Rapids City Council**

**March 3, 2015**

 H. The Project must progress in a satisfactory manner as determined by the Department. If the Project does not remain active, the Department reserves the right to de-obligate said funding.

 I. The expenses incurred by the Department for reviews, approvals, inspections, and other tasks set forth in this Agreement are an eligible Project cost and charged to allocated Project funding.

**TRAFFIC**

10. All traffic operating controls and devices shall be established, enforced, and installed in accordance with the North Carolina General Statutes, the latest edition of the “Manual on Uniform Traffic Control Devices for Streets and Highways”, the latest edition of the “Policy on Street and Driveway Access to North Carolina Highways”, and maintained and controlled by the Department upon completion of the Project.

**MAINTENANCE**

11. Upon completion of the Project, only those improvements within the state owned right of way shall be considered on the State Highway System and owned and maintained by the Department.

**ADDITIONAL PROVISIONS**

12. The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

13. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

14. It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency. By execution of this Agreement, the Municipality certifies, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a governmental department or agency.

15. The Municipality shall certify to the Department compliance with all applicable State laws and regulations and ordinances and shall indemnify the Department against any fines, assessments or other penalties resulting from noncompliance by the Municipality or any entity performing work under contract with the Municipality.

16. The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible in the terms of this Agreement. However, at no time shall the Department reimburse the Municipality costs which exceed the total funding for this Project.

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**March 3, 2015**

17. The Municipality will indemnify and hold harmless the Department and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the Project activities performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages claims, which may be initiated by third parties.

18. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

19. If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project. Any notification of termination of this Project shall be in writing to the other party. Reimbursement to the Department shall be made in one lump sum payment within sixty (60) days of billing. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105-241.21.

20. In compliance with state policy, the Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall have a Conflict of Interest Policy and adhere to the Department’s Women Business Enterprise (WBE) and Minority Business Enterprise (MBE) policy which requires goals to be set and participation to be reported, as more fully described in the Subcontractor Guidelines section of this Agreement.

21. All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

22. Where the Department determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department reserves the right to deduct monies from the Municipality’s Powell Bill Fund. Such determination shall be made, either by audit and/or inspection of books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs, not to be in compliance with the terms of this Agreement or in the event of non- payment by the Municipality.

23. “By Executive Order 24, issued by Governor Perdue, and N.C.G.S. § 133-32, it is unlawful for any vendor or contractor (i.e., architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor’s Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

**IT IS UNDERSTOOD AND AGREED** that the approval of the Project by the Department is subject to the conditions of this Agreement and that no expenditure of funds on the part of the Department will be made until the terms of

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**Roanoke Rapids City Council**

**March 3, 2015**

this Agreement have been complied with on the part of the Municipality.

**IN WITNESS WHEREOF,** this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the City of Roanoke Rapids by authority duly given.

L.S. ATTEST: CITY OF ROANOKE RAPIDS

BY: BY:

TITLE: TITLE:

 DATE:

“N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.”

Approved by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the City of Roanoke Rapids as attested to by the signature of

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Clerk of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_(Date).

 This Agreement has been pre-audited in the manner Required by the Local Government Budget and Fiscal

 Control Act.

 ­­

 (FINANCE OFFICER)

 (SEAL)

 Federal Tax Identification Number

 Remittance Address:

 City of Roanoke Rapids

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**Roanoke Rapids City Council**

**March 3, 2015**

 DEPARTMENT OF TRANSPORTATION

 BY:

 (CHIEF ENGINEER)

 DATE:

PRESENTED TO THE BOARD OF TRANSPORTATION ITEM 0:

Agreement ID #5532

City Manager Scherer reported that the analysis of traffic stops from 2002 to 2013 has been provided to the Department of Justice. He stated Dr. Baumgartner of UNC-CH is working with Chief Hasty to develop statistical reports for individual officers to review for any potential racial or ethnic bias along with performance, and to identify needed training issues. He stated he feels this will be a good tool.

City Manager Scherer reported that the Citizens Police Academy begins this Thursday at 7:00 p.m. He pointed out that the Police Department is still taking applications.

City Manager Scherer reported that a member of the Citizens on Patrol program, Ms. Edith Harris, has volunteered to be the greeter at the front entrance of City Hall. He indicated that she will assist people with their concerns and help direct them to the right office from 1:00 to 5:00 p.m., Monday through Friday. He stated we are also working to see if we can get a volunteer for the morning hours.

City Manager Scherer stated when you come into City Hall, you will see the renovations being done by Mr. Chalker and his staff. He stated the second set of glass doors have been moved back to just in front of the Planning & Development Department and a window is being installed so the Planning & Development Department Clerk can conduct business at the window if citizens do not need to come into the department. City Manager Scherer stated these renovations really open up the lobby and will make our building more secure.

City Manager Scherer stated the Roanoke Canal Trail received the most votes for the Great Places Greenway Award. He thanked the media for their assistance in getting the word out and

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**March 3, 2015**

also thanked everyone for voting. He stated the City will be recognized at the NCLM Town Hall Day in Raleigh on March 18. He stated he, along with Mayor Pro Tem Ferebee and Councilman Smith will be attending. City Manager Scherer stated the City is planning to put together a ceremony recognizing the award during the Half Marathon on June 20, and Planning & Development Director Lasky will make a presentation on this at the American Planning Association’s North Carolina Conference in October.

City Manager Scherer stated the Food Lion on Julian Allsbrook Highway has just secured a building permit for over $1 million in renovations.

City Manager Scherer reported that the Fire Department is coordinating a child car safety seat class. He stated members of the Police Department and Parks & Recreation Department will also attend. He stated we intend for this to be an on-going community service.

City Manager Scherer reported that the Fire Department has also arranged to have an instructor from the National Fire Academy conduct company officer classes as part of the on-going succession planning program for employees in leadership positions.

City Manager Scherer reported that the new Aquatic Center dehumidifier unit is now scheduled to be powered up by Dominion next Tuesday, March 10. He stated once the system has been checked out, the department will update their Facebook page with class information.

City Manager Scherer reported that a copy of the Halifax County Parks & Recreation Master Plan has been provided to Council for review at their leisure. He stated Parks & Recreation Director Simeon will provide an overview at the next Council meeting along with what will be needed for Council to adopt the plan.

City Manager Scherer reported that the final collection for the February food drive will be this Friday. He stated we had to cancel last Friday’s collection due to the weather. He stated the response has been excellent and the Angel’s Closet is very appreciative.

City Manager Scherer recognized Public Works Director Chalker and everyone for the excellent work in snow removal and road clearance.

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City Manager Scherer reported that the Public Works Department has contacted CSX about their plans to return and repair the crossings they did not address last year.

City Manager Scherer reported that Mr. Nick Rightmyer with DM2 has submitted a draft Emergency Action Plan to DENR as part of the new legislation enacted in light of the coal ash spill. He stated we can move forward with the Rochelle Pond Dam project once we receive approval of the plan and a work permit from DENR.

City Manager Scherer stated a few new businesses are either opening or looking at opening operation along the Avenue. He stated one business is looking for space for 20 to 25 office workers. He stated Main Street Roanoke Rapids will have a fundraiser roast of Representative Michael Wray on April 9 at David’s.

Mayor Doughtie stated he received a lot of good comments on how our departments handled the inclement weather.

Councilman Smith thanked Mr. Lance Martin with *rrspin.com* for his opinion article on the Roanoke Canal Trail. He stated a lot of people read it and voted for the Canal Trail.

There being no further business, motion was made by Councilman Bobbitt, seconded by Councilman Smith and unanimously carried to adjourn.

 

 3/17/2015