



Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, July 16, 2024, at 5:30 p.m.** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

Present: Emery G. Doughtie, Mayor
Sandra Bryant, Mayor Pro Tem

W. Keith Bell)
Rex Stainback)
Curtis Strickland)

Council Members

Kelly Traynham, City Manager
Geoffrey Davis, City Attorney
Traci Storey, City Clerk
Carmen Johnson, Finance Director
Shane Guyant, Police Chief
Christina Caudle, Human Resources Director
Kristyn Anderson, Planning & Development Director
Kelly Daughtry, Interim Parks & Recreation Director
Larry Chalker, Public Works Director
Jason Patrick, Fire Chief

Absent: Ryan Newsome, Interim Parks & Recreation Director

Mayor Doughtie called the meeting to order at 5:30 p.m. He asked for Pastor Michael Simmons to provide an invocation.

After the invocation, the Pledge of Allegiance was recited.

Adoption of Business Agenda

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

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

Election of Mayor Pro Tem

Mayor Doughtie stated with the recent resignation of former Mayor Pro Tem Wayne Smith at the June 18, 2024 City Council meeting, Council must elect a new Mayor Pro Tem to serve the remainder of the 2-year term ending December 2025.

Motion was made by Councilman Bell, seconded by Councilman Stainback and unanimously carried to elect Sandra Bryant to serve as Mayor Pro Tem for the remainder of the term.

Mayor Pro Tem Bryant thanked her fellow council members for their confidence in electing her to this position. She said she promises to serve fairly and to give it her best.

Approval of City Council Minutes

Motion was made by Mayor Pro Tem Bryant, seconded by Councilman Stainback, and unanimously carried to approve the June 18, 2024 Regular City Council Meeting minutes as drafted.

Committee Appointments

Library Advisory Committee

City Clerk Storey stated Ephraim Brodsky has submitted a volunteer application for the Library Advisory Committee which is enclosed in your packets. She reported Mr. Brodsky was eligible and there was currently a vacancy on the committee with a term that expires in May 2025. City Council took a ballot vote earlier and Mr. Brodsky received a unanimous vote to be appointed.

Councilman Stainback asked to be recused from the vote (he also did not participate in ballot vote taken earlier) because Mr. Brodsky is related to him.

Motion was made by Councilman Bell, seconded by Mayor Pro Tem Bryant and unanimously carried to appoint Ephraim Brodsky to the Library Advisory Committee.

Public Hearing

Zoning Map Amendment (rezoning) request from Michael Carroll of Rentco Properties LLC to rezone property along Church and Carter Streets from R-6, Residential to B-3 Commercial District

Planning & Development Director Anderson gave a PowerPoint presentation and reviewed the following report concerning a rezoning request from Michael Carroll.

MEMORANDUM

To: Roanoke Rapids City Council

From: Kristyn K. Anderson, Director of Planning & Development

Re: **Zoning Map Amendment (rezoning) request from Michael Carroll of Rentco Properties, LLC (applicant and property owner) to rezone residentially developed property along Church and Carter Streets from R-6, Residential, to B-3 Commercial District. The property is identified as Halifax County parcel's 0903077, 0903078, 0903079 and is located within City Limits adjacent to Hwy 158 with approximately 550 +/- feet of frontage along Hwy 158.**

Date: July 12th, 2024

Summary Overview

<i>Subject Property</i>	<i>5.81 acres with approximately 700+/- feet of frontage along Church and Carter adjacent to Hwy 158 with approximately 550 +/- feet of frontage along Hwy 158.</i>
<i>Proposal</i>	<i>Rezone from R-6 Residential to B-3, Commercial District</i>
<i>Applicant</i>	<i>Rentco Properties, LLC/ Michael Carroll</i>
<i>Property Owner</i>	<i>Rentco Properties, LLC/ Michael Carroll</i>
<i>Present Use</i>	<i>Single Family Development</i>
<i>Proposed Use</i>	<i>Commercial/ Multi-Family</i>
<i>Staff Recommendation</i>	<i>Approve.</i>

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

CONSIDER IMPACTS ON/FROM:

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

OMIT FROM CONSIDERATION:

- ETHNICITY
- RELIGION
- INCOME
- RENT OR OWN



Analysis and Detail:

1. Applicant and Property Owner

According to the application and Halifax County tax listing, the property owner and applicant is Rentco Properties, LLC/ Michael Carroll of 74 Winterberry Lane, Roanoke Rapids, NC 27870. (***Application for Rezoning and Supplemental Information Attached***)

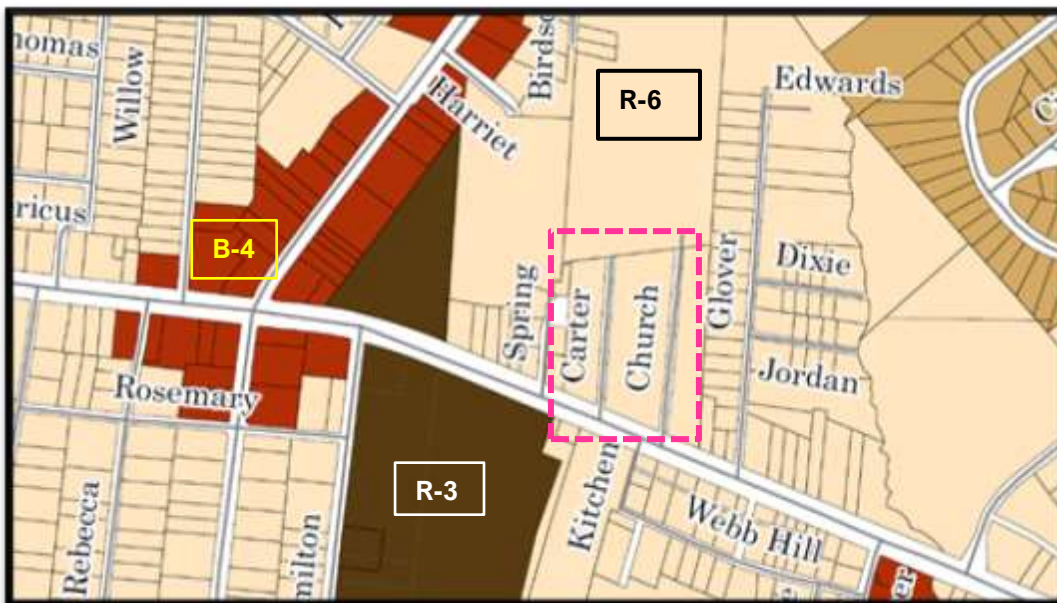
2. Location/Area Description

The site proposed for rezoning is located on the west side of Hwy 158 and fronting Church and Carter Streets. (***See Figure 1: Aerial Photo on Previous Page***)

The property requested for rezoning is 5.81 acres with 700 +/- feet of frontage on Church and Carter Streets. The properties are currently developed with single family dwelling units. The primary development pattern existing along this portion of Hwy 158 on both sides is commercial, multi-family and single family.

3. Existing and Proposed Zoning

The Roanoke Rapids Zoning Map identifies the existing zoning classifications of the lots being considered for rezoning as R-6 Residential District. This area of Hwy 158 has an R-6 Residential designation on both sides of the street from Spring Street to Horner Street. Properties adjacent and west of the subject sites are R-3, Residential District. Further west the designation is B-4, Commercial District from Roanoke Avenue to Rosemary Street. (***See Figure 2 , page 2***).



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

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

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

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

(requested) B-3: *is designed to accommodate a mixture of residential uses, excluding single family residential dwellings, and uses that fall primarily within the 3.000 classification in the Table of Permissible Uses (office, clerical, research, services, etc.) The district will also generally constitute transition or buffer zones between major arterials or more intensively developed commercial areas and residential districts.*

R-3: *designed to accommodate two-family residences (duplex) and multi-family dwelling units (apartments, townhomes).*

The subject property is currently zoned R-6, Residential District:

R-6: *designed to accommodate single family dwelling units and ... the density allowed as determined by the minimum lot size requirements set forth in Section 151-181.*

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

4. Traffic Considerations

All traffic considerations will be evaluated when a proposed use and a preliminary site development plan are officially submitted for review by a future developer. The North Carolina Department of Transportation (NCDOT) regulates placement of access and driveway permitting for properties on state roads. NCDOT Highway Division 4, District 1 District Engineer will review any proposed development plans and would be responsible for approving Hwy 158 access to the subject site if proposed, Public Works issues driveway permits for City streets.

5. Utility Considerations

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

6. Other Considerations

Future development of the site will be evaluated for appropriate **screening, drainage, stormwater retention/detention** and other items during the site plan and/or construction plan review process by the Development Review Committee. Opaque screening between potential commercial uses and existing residential uses will be required at the burden of the commercial developer. The ordinance may require opaque screening from the ground to a height of at least eight feet, which may be a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. The extent is determined by use.

Future development of the site will be evaluated for adequate water supply for firefighting operations and that driveways meet the requirements for apparatus ingress/egress.

7. Comprehensive Development Plan

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

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

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

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

1.20 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.

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

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

8. Public Response to Notice

The notice of request and City Council public hearing was advertised in the *Daily Herald* on Saturday July 6th, 2024, and July 13th, 2024. The meeting was also published on the City's website www.roanokerapidsnc.com.

9. Staff Recommendation

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

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

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

1. ***The size and nature of the tract.*** Planning Staff has determined that the characteristics of the site, and the existing development and zoning surrounding the site, makes the requested zoning change reasonable, and certainly not out of context in this neighborhood. The site has access to utilities and a relatively flat topography.
2. ***Compatibility with existing plans.*** The Land Use Ordinance sets forth the requirements for the various zoning districts. The Comprehensive Plan adopted by the City Council June 17, 2014 proposes and supports mixed uses in the subject area. Buffering or separation between uses is encouraged to minimize impact and provide a transition between lower and higher density land uses.
3. ***The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community.*** Planning staff recognizes that change from R-6 to B-3 represents a degree of difference, but several existing surrounding commercial lots with many similarities in permissible uses.

10. City Council Action

Motion & Vote: The City Council has several options regarding the Statement of Consistency:

- (1) approval of the Statement of Consistency;
- (2) denial of the Statement of Consistency;
- (3) no specific action concerning the Statement of Consistency.

Motion & Vote: Following the previously detailed actions regarding a Statement of Consistency, the City Council has several options regarding the rezoning request:

- (1) approval of the request as submitted;
- (2) approval of a less intense commercial zoning district;
- (2) denial of the request;
- (3) no recommendation concerning approval of the request.

Attachments

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

Planning & Development Director Anderson reported on Thursday, July 11, 2024, the Roanoke Rapids Area Planning Board met to review the requested rezoning. Following a brief discussion, the Planning Board voted 4-2 to forward a favorable recommendation to City Council for adoption of the rezoning request.

Mayor Doughtie opened the Public Hearing and invited those wishing to speak to come forward.

Shawanda Bowser

Ms. Bowser stated she resided off of Everette School Road but was representing her mother Ruth Mason who lives on E. Littleton Road next to Church Street. She was here a couple of the City Council meetings ago with her concerns and her concerns

were still the same. Now they were rezoning and looking at this new commercial property. They were talking about businesses or offices coming in and what the structures could be. She was still concerned about the welfare of the elderly who stay in that community. She questioned what kind of traffic would be coming through there or what kind of businesses would open. They have their church across the street and asked would it cause a lot of confusion as they have services. She stated they were really concerned about it, especially with it being rezoned at this time. She feels the community was not involved in this decision. Maybe there could have been some input. Maybe they could have invited people there to the church and discussed the situation and asked what the community would like to see there. She understands that on property adjacent to the church they are supposed to put a set of family group homes or single homes. She asked why they couldn't just do the same thing in that area; why does it have to be this new zone. She asked why they couldn't build new houses there and they could own the property instead of renting. It is mind-boggling. She was trying to be here for those staying there because it is their community; they have been there for years and years. She was 52 years old and Hodgestown is her heart. That is where she grew up and was raised. They do not want to see it change. They do not want to lose those streets; they have memorabilia for them. If something else could be done to help that would be wonderful. She did not know how she could change their mind, but all she could do was voice her concern. She was concerned about who was going to be next door to her mom because she is elderly and has been sick. At nighttime will she have to be worried about who would be stealing her property along with her neighbors. She can only be an advocate for the people in her community. She hoped they would take into consideration what she said this evening. She also has concerns about the cost of the property. She asked why it was so much; who came up with that number \$699,000. If they sell the property, what are they going to do; will the houses sit there for years and years before they tear them down? What are the guidelines? Since the church is across the street maybe it was something they could have discussed to see if they wanted to purchase the property. She feels the community was left out with giving any input.

Florine Bell

Ms. Bell stated she was a community organizer and activist respective to Roanoke Rapids. Her birth occurred in the Roanoke Rapids hospital on Roanoke Avenue; she was a WWII baby. She resided with her parents at 316 E. Littleton Road at Hwy. 158 in the historic African American community known geographically as Hodgestown. Their community was also referred to by insiders and outsiders, affectionally or not, as colored town. Traditionally both free and in-slave residents have existed south of the railroad tracks of Roanoke Rapids in the historic communities of Hodgestown, Lincoln Heights, Sawmill Line, Shell Line, Shantytown and others since the early 1800s. From the 1800s to the early 1900s, black families fled the servitude of rural farms and relocated to Hodgestown and other black

conclaves to pursue more productive jobs. Hodgestown was named after the Hodges who were among the first to build tenant houses in the community at Hwy 158 for domestic and mill workers. These underserved areas of Hodgestown are not just physical spaces, but the living embodiment of a unique and rich cultural heritage. They are a testament to the resilience, empowerment and unity that these communities have fostered and maintained over generations. Upholding the heritage of these communities is not just about preserving buildings, but about safeguarding the stories of families who have lived on Spring Street and Carter Street. Incidentally, her grands were the Carters and the Hockadays. They have Rightmyer Village in the area, they have Ivytown, the Pines, Webb Hill and Church Street honorably named for the First Baptist Church, a church where she attended for summer camp and other service observances. Although housing redevelopment has been needed in the area for decades, it will undoubtedly cause displacement and hardship for families who have resided in the homes specific to the Church, Spring and Carter Street area for a lifetime. Therefore, many citizens are concerned about the risk of displacement, traffic congestion and possible criminality due to the incoming questionable housing infrastructure and additional commercial related development which can adversely affect citizens to the degree of no return. There is a promising opportunity for a more collective vision of economic revitalization that honors the history and legacy of the Hwy. 158 corridor. This action could involve hosting community meetings where local leaders and citizens discuss equitable economic redevelopment with investors. Such action can act as a shield protecting the community and citizens from unwanted infringement. It will ensure equitable redevelopment is guided by investors and citizens alike who know these neighborhoods best. Thus, instilling a sense of hope and optimism in the community. Realistically and summarily, it would be advantageous to move forward with investors and the community in the discussion area for the proposed rezoning to preserve the characteristic environment and historic cultural heritage.

Gorham Spencer

Ms. Spencer said she resides on Rightmyer Drive and she attends the First Baptist Church which is right across the street from the proposed rezoning. She was concerned about the elderly citizens living there. She was not sure if they could afford to move out and if they could afford to rent somewhere else. She asked if there could be a feasible solution to not have it rezoned. She asked how many apartments/units would there be or would there be units for the elderly. She questioned whether City Council would have a stipulation that there be units that the elderly/senior citizens could afford. She asked if the commercial development could have facades that look residential and not look just any kind of way. She had concerns about how the traffic could affect the church services.

Carl Ferebee

Mr. Ferebee asked if they had received anything from Mr. Carroll on the intentions of the property.

City Manager Traynham replied the applicant is present so if Mr. Ferebee wanted to present his questions for the record, then the applicant would have the opportunity to respond.

Mr. Ferebee asked if Mr. Carroll had any other properties in the city that could be viewed to see how he handled them as a landlord. He said B-3 Commercial is a wide array of permitted uses and asked if they had a copy of the permitted uses available. He asked could there have been another more appropriate residential zone requested as opposed to B-3 even to include duplexes.

Attorney Davis emphasized that this is a rezoning request so if City Council grants the request, it rezones the property. Regardless of what the applicant's intended use is, City Council must consider all the permissible uses under the B-3 Commercial zoning classification. The applicant is requesting to change the zoning classification of those parcels.

Brenda Hardy Powell

Ms. Powell said she has concerns about the rezoning. She and her cousin came this evening because their family owns property at 1923 and 1931 Glover Street. 1923 Glover Street is where she grew up. Sixty-five years ago, her father built a house there. Seventy years ago, her uncle built a house on Glover Street. How will the rezoning affect their homes and property. The letter indicated it was 100 feet from the property they are concerned about. She asked at what cost if it is rezoned do they lose their home and property on Glover Street. She also has concerns about the church issue. She said Glover Street was the only street that had owned homes while the other streets have always been mostly rental property. She has concerns about losing land in the black community.

Mayor Doughtie asked Planning & Development Director Anderson if she could answer some of the questions.

Planning & Development Director Anderson reported the property does back up to Glover Street and other surrounding streets such as Spring Street. She displayed Figure 2 on the zoning map. She can understand the questions from the public. The developer is looking at options or what he can do with the property. One reason they looked at the B-3 Commercial zoning district was because it offers both, commercial development on a smaller scale versus other commercial districts. She noted the B-3 zoning district is typically a more medical/office development. Some other uses are

short term rentals and multi-use facilities, but although they are allowed in the district, they would be required to come before City Council for approval. The applicant has mostly expressed that he wanted to see what his options were for the property.

Mayor Doughtie asked if the citizens that have expressed their concerns received any information like City Council received such as the permissible uses. Planning & Development Director Anderson replied no, they did not receive that information in their letters.

He asked if she would expand on the uses for the requested rezoning. He stated it was a difference between B-3 Commercial and B-4 Commercial.

Planning & Development Director Anderson stated in a B-3 Commercial zone there are several residential uses allowed such as duplexes, two-family conversions, multi-family homes, nursing care homes, family care homes. Short-term rentals require a special use permit. She continued to read the B-3 uses on the Tables of Uses: offices of attorneys, realtors, insurance and stockbrokers, travel agents, government, physicians, dentists, substance abuse treatment centers, banks, schools, churches are allowed. Multi-use facilities also required a special use permit. She explained that a multi-use facility is typically counseling related or non-profit related youth/senior activities.

Mayor Doughtie asked if a multi-use facility could be composed of retail businesses with residential upstairs. Planning & Development Director Anderson replied that would not be considered multi-use under this definition. City Manager Traynham added that multi-use facilities include uses that are already permissible in the zoning district.

Councilman Stainback asked Attorney Davis if they are allowed to discuss any other properties the applicant has bought and improved or developed in the city. Attorney Davis replied this was a rezoning request so it would be best to focus on all the permissible uses in the B-3 Commercial district. He emphasized that they cannot consider in a rezoning by law is ethnicity, religion, income, rent or own. They can and should focus on the potential uses, neighbors, general public, traffic, utilities, neighborhood character, schools.

Mayor Doughtie stated that several citizens that spoke had concerns about traffic. Most of the type businesses she spoke about in his opinion would be Monday – Friday, 9 a.m. – 5 p.m. Hwy. 158 is busy during that time of the day. The area on the corner is B-4 Commercial and there is a lot of congestion there. He believes B-3 Commercial

would have significantly less impact. He said it looks like a very low crime impact would come from that type of business. Most of the activity would be during the day time.

Mr. Carl Ferebee asked if R-3 would be more consistent with the community. If the applicant wanted to do a duplex, it is permitted in R-3 and B-3 without opening it up to other uses in the B-3 that is concerning the community. He questioned whether the R-3 would be more satisfying to both City Council and the Community. He realizes the applicant has requested B-3 and that is what they are looking at. R-3 may be the answer to give the applicant what he wants and be more consistent with the community.

Terrell Davis

Ms. Davis stated she lives on E. Littleton Road across from this property. She agrees with a lot that has already been said. They say there are already businesses in the area, but they are on the outskirts and opposite ends of the community, not directly in the middle. They are trying to put businesses in the middle of this community; therefore, they are very concerned as to what those businesses will be and how they will impact their families, church and community. She asked if this would impact the tax value of their homes or increase what they pay in taxes. She also asked if they could give an example of a B-3 in another residential area.

Planning & Development Director Anderson replied near Steeplechase is an example of a B-3. Steeplechase is off Becker Drive and in the general area where the eye doctor's offices are located rolls into residential.

Ms. Davis said the residential area is behind the businesses, not in the middle. This would be in the middle of the community and that is a big difference. She asked if there were others. Planning & Development Director Anderson said she would need to look at the zoning map to confirm any other locations. Ms. Davis said she would like to see any other community that has been divided and businesses put in the middle.

With no others wishing to speak, Mayor Doughtie closed the public hearing.

City Manager Traynham stated there were two actions for consideration for the rezoning. Firstly, the adoption of the Statement of Consistency and secondly, the final decision on the rezoning. She noted the Statement of Consistency has no bearing on the final decision. It is a procedural aspect that shows the process has been followed and they considered the Land Use Ordinance and Comprehensive Plan Policies.

Mayor Doughtie called for a motion to adopt the Statement of Consistency.

Mayor Doughtie asked for Attorney Davis's help since there was no motion being made.

Attorney Davis stated City Council has several options. They can vote to adopt the Statement of Consistency. Or someone could move to deny the Statement of Consistency which would make the second action simpler. City Council could take no action concerning it and they could defer the vote on this until a future meeting to receive more information.

Mayor Doughtie asked if City Council did not approve it or someone were to make a motion and it was denied, how long before the applicant could resubmit it for a different use or zoning district. Attorney Davis replied there is no limitation. City Manager Traynham added there was no waiting period.

Motion was made by Councilman Bell, seconded by Councilman Stainback and unanimously carried to defer the decision until the August 20, 2024 City Council meeting.

Special Use Permit Request to allow "Duplexes" within the R-8 Residential Zoning District located on Timmy Lane within the City's ETJ

Attorney Davis informed City Council that the following proceeding is different from the one they just had. The rezoning request was legislative in nature. This special use request is quasi-judicial in nature and anyone wishing to speak must be sworn in.

City Clerk Storey reported Planning & Development Director Anderson and those who signed in to speak have been sworn.

Planning & Development Director Anderson, who was duly sworn gave a PowerPoint presentation explaining a Quasi-Judicial Public Hearing and its procedures. She continued her presentation of the following Special Use Permit request from Ra Johnson (owner and applicant).

MEMORANDUM

To: Roanoke Rapids City Council

From: Kristyn K. Anderson, Director of Planning & Development

Re: **Special Use Permit request to allow "Duplexes" within the R-8 Residential Zoning District located on Timmy Lane within the city's ETJ.**

Date: July 1, 2024

Special Use Permit Request

A Special Use Permit (SUP) request from Ra Johnson (owner and applicant) to allow for Duplexes to be located at parcels on Timmy Lane identified as Halifax County Parcels 0911792 and 0911793. Lot 52 A (0911792) is approximately 0.33 acres and Lot 50 (0911793) is approximately 0.23 acres, both properties are located within the R-8, Residential District. Duplexes are authorized in the R-8 District with the granting of special use permits by the City Council after a quasi-judicial hearing. Quasi-judicial hearings are evidentiary hearings.

EXECUTIVE SUMMARY

The subject properties are located within the Robinson Drive Subdivision which was developed in the early 90's. After its creation, the developer constructed duplexes throughout one section of the Subdivision located along Timmy Lane and Suzanne Circle. Lots 50 and 52A were never developed. Soon after the development was completed, the ordinance underwent several amendments, and duplexes were only made permissible with the granting of a Special Use Permit within the R-8 Residential Districts.

Currently along Timmy Lane there are two (2) single family dwelling units and eleven (11) duplex units in the remaining developed area. Directly adjacent to the subject properties is Suzanne Circle, a cul-de-sac, that intersects from Timmy Lane and consists of six (6) duplex units.

Mr. Johnson, owner and applicant, wishes to have these properties developed as duplexes just as intended within the original subdivision development. The applicant is aware of the respective departmental review's contingent upon approval of the Special Use Permit and that the following departments would review the application for compliance prior to occupancy: ***Planning & Development Department, Roanoke Rapids Fire Department, Roanoke Rapids Sanitary District, Halifax County Environmental Health, and NCDOT.***

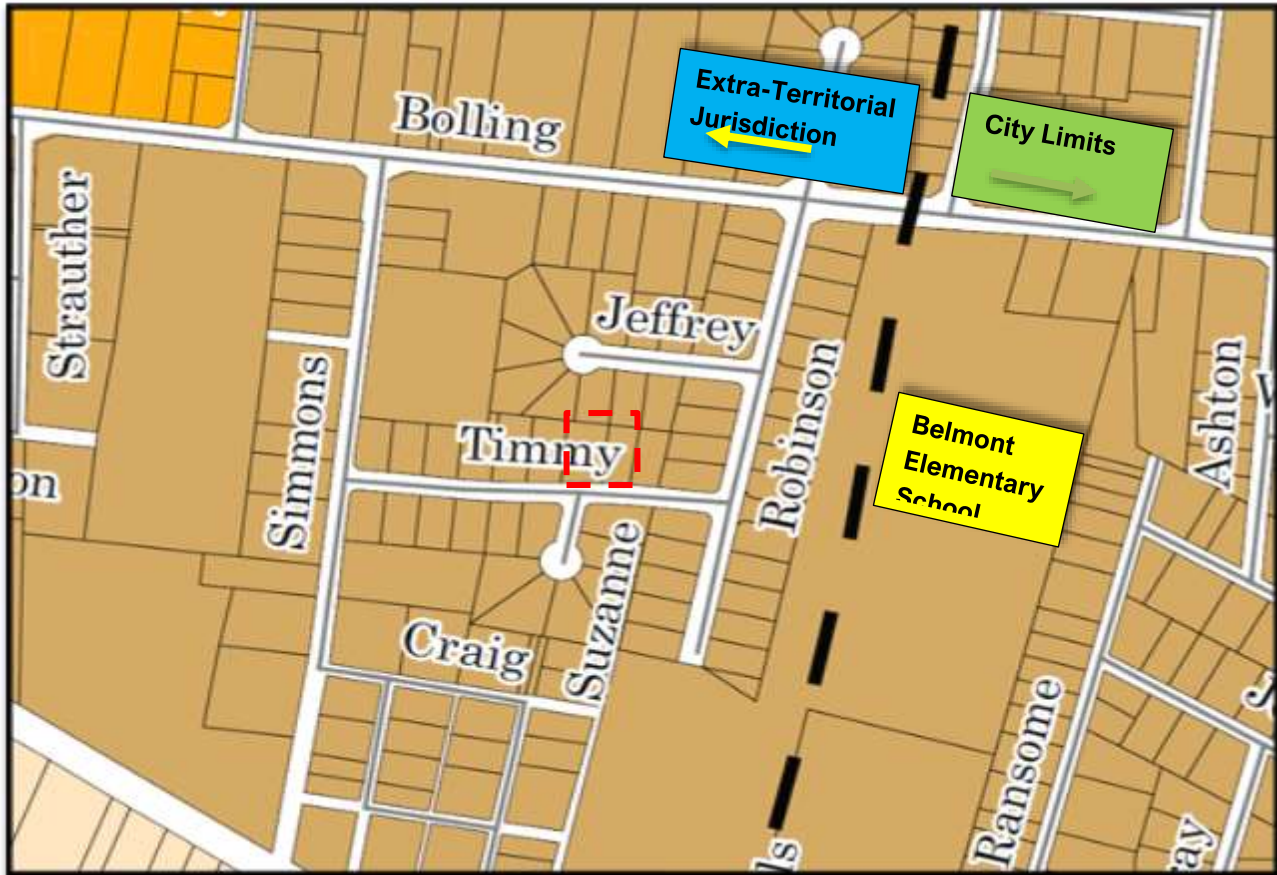
The Land Use Ordinance (LUO) states that the R-8 district is designed, "to accommodate single family dwelling unit and differ primarily in the density allowed as determined by the minimum lot size requirements set forth in Section 151-181."

SUBJECT PARCEL VICINITY MAP (Aerial Photo)



See zoning map excerpt.

(Subject properties identified by red dashed line)



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

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

The requested permit is within Extra-territorial Jurisdiction Limits. Duplexes are authorized within the R-8, Residential District, with a Special Use Permit. The request is to allow for the construction of duplexes at the proposed parcels classified under 1.000 per LUO Section 151-149, Table of Permissible Uses.

The application is complete; or

The application is complete.

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

The development will comply with all of the requirements of the Land Use Ordinance if completed as proposed in the application.

The following seven (7) items were considered and evaluated as follows:

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

Staff finds this to be true. This site has frontage on Timmy Lane an improved State of North Carolina road, with parking on both sides of the street, along with street curb and guttering.

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

Staff finds little potential for negative impact on neighboring properties. The proposed use of the property is unlikely to cause any traffic generation issues.

3: refuse disposal effect on adjacent property with similar uses permitted in that zoning district; and,

Staff finds no likely negative effect should occupants utilize common practices in refuse disposal. Halifax County Waste Management provides refuse and disposal services.

4: utilities are available; and,

Staff believes this is true, with connections and extensions coordinated with appropriate entities.

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

Staff finds screening to be adequate for a use that replicates the surrounding area.

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

Staff believes that exterior lighting is to be the norm for a similar property.

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

Staff believe this is probably true. This lot is currently undeveloped.

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

If completed as proposed, the development, more probably than not:

(a) provide no material endangerment to the public health or safety; or

Staff believes this is probably true. The applicant shall be required to comply with all applicable federal, state and local codes and ordinances. An assessment of the previously referenced seven items used to evaluate areas of concern indicate no specific endangerment to the public health or safety.

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

Staff believes this is probably true. Staff finds no specific reasons for potential negative effects on the value of adjoining or abutting property.

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

Staff believe this is probably true. The proposed use will be residential in nature and in character with the existing surrounding residential land uses. The entirety of Timmy Lane consists of duplexes, with the exception of one single family dwelling.

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

Staff finds this to be true. The plans as submitted will agree with the policies of the Comprehensive Development Plan, Thoroughfare Plan as well as the Land Use Ordinance and other officially adopted plans of the City. The Comprehensive Plan Future Land Use map designates this area as suitable for residential development. The property is located within the existing Extraterritorial Jurisdiction and the staff believes it is in conformity with the following Comprehensive Development Plan policies:

Section 6. Future Land Use

Residential Land Use

1.19 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

Goal 3: Support infill development as an action essential to the continued development of Roanoke Rapids.

THE APPLICANT HAS ADDRESSED THE REQUISITE QUESTIONS, WHICH MUST BE ANSWERED BY THE CITY COUNCIL IN HIS APPLICATION. IT IS YOUR OBLIGATION TO ENSURE EACH HAS BEEN ADEQUATELY ADDRESSED AFTER HEARING ALL PARTIES PRIOR TO RENDERING YOUR FINAL DECISION.

Planning & Development Staff Review

After a complete review of the information submitted by the applicant, it is the Staff's opinion the request satisfactorily meets some requirements of Sections 151 - 49 of the Land Use Ordinance. Staff recommends approval of the request as submitted.

Property owners within 100 feet of the subject property were notified of this public hearing by first class mail, sent July 1st, 2024. Advertisements for this hearing were published on Saturday July 6th and Saturday July 13th, 2024, in the RR Daily Herald, as well as publish on the City's website www.roanokerapidsnc.com. The public hearing notice was also posted on the site.

Requested Action

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

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

Mayor Doughtie opened the public hearing to receive sworn testimony.

James E. Pearce (Pearce Concrete)

Mr. Pearce who was duly sworn stated he was representing his daughter and son-in-law. Their land and house are beside the property. He believes if somebody bought and can afford to get it, it is theirs and they can build what they want on it. He lives out in the country with 100 acres around me, so he doesn't worry about it. He may be putting the cart before the horse, but his concern this property is in a wetland and the drainage is terrible. They got the drainage straight on her (daughter) house. If something is right beside it because nothing has been built there for that reason since this development was started by Timmy Robinson. He has no problem with the duplexes there, they just want to make sure they get the drainage where it doesn't drain on her property. The other folks can come, it's their deal. He was concerned about that house and the property in the corner where they get the water runoff. This may be putting the cart before the horse.

He said the property stays wet. His son-in-law has pictures on his phone. The property got overgrown, and his son-in-law took his lawnmower and cut it. He said the property was so wet, he couldn't cut it with his tractor. The land will have to be built up. He has been doing septic tanks and drainage for 50 years so he knows what he's talking about on that.

Mayor Doughtie asked if there was water and sewer there. Mr. Pearce replied there is water and sewer and there is a tap in front of the yard. That is no problem, it's just

the drainage and they will have to build it up 2-3 feet to make it suitable for building from experience and seeing it. That will make the water run off onto other property. It is widely known that the area over there is terrible on drainage.

Attorney Davis said that is the owner's responsibility. With this property being in the ETJ, the City does not have any control over the drainage patterns over there. That will be something the private owner when they develop it will have to build it up. As far as this process, they do not have any way to control that.

Mr. Pearce said that way he may be putting the cart before the horse because he has never dealt with stuff before.

Mayor Doughtie explained to Mr. Pearce that the ETJ means it is outside the city limits, but it comes under the city code.

Mr. Pearce said his daughter is on the city water and sewer. They did not have a problem with approving it, he was just concerned about the drainage for her house because it is her first house. She was not planning to move anytime soon and has made a lot of improvement there. He did not want to see a problem.

With nobody else wishing to speak, Mayor Doughtie closed the public hearing.

Mayor Doughtie asked City Council to consider each one of the following Findings of Fact:

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

Motion was made by Councilman Stainback, seconded by Councilman Bell and unanimously carried that based on the public hearing testimony and the foregoing staff report dated July 1, 2024 it is the consensus of the City Council that the requested permit will not materially endanger the public health or safety.

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

Motion was made by Councilman Bell, seconded by Councilman Strickland and unanimously carried that based on the public hearing testimony and the foregoing staff report dated July 1, 2024, it is the consensus of the City Council that the requested permit will not substantially injure the value of adjoining or abutting property.

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

Motion was made by Mayor Pro Tem Bryant, seconded by Councilman Bell and unanimously carried that based on the public hearing testimony and the foregoing staff report dated July 1, 2024 it is the consensus of the City Council that the requested permit will be in harmony with the area in which it is to be located.

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

Motion was made by Councilman Strickland, seconded by Councilman Stainback and unanimously carried that based on the public hearing testimony and the foregoing staff report dated July 1, 2024 it is the consensus of the City Council that the requested permit will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

SECTION IV FINAL DECISION – All motions above must be found TRUE to approve the requested permit.

Motion was made by Councilman Stainback, seconded by Councilman Bell and unanimously carried that based on the public hearing testimony and the foregoing staff report dated July 1, 2024 it is the consensus of the City Council that the requested Special Use Permit be granted to Ra Johnson (Applicant/Owner) for Duplexes located on Timmy Lane at Halifax County Parcels #0911792 and 0911793 with the conditions set forth by the Land Use Ordinance.

New Business

Consideration of Budget Amendment (Ordinance No. 2024.16) – Safe Kids Grant

Finance Director Johnson stated the Police Department has taken over the Safe Kids Grant from Halifax County. The organization of community stakeholders provides information and supports programs that are centered around the well-being of children in the county. She said the City has received the first funds for the grant and asked City Council to consider the following budget ordinance:

Ordinance No. 2024.16

**CITY OF ROANOKE RAPIDS
BUDGET AMENDMENT**

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

SECTION 1. The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025, according to the following schedule:

SCHEDULE A – PROJECT FUND REVENUES

Police Dept. – Safe Kids Grant Project Revenues – Police Dept.	\$2,150.52
FUND PROJECT TOTAL	\$2,150.52

SECTION 2. The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2024 and ending June 30, 2025, in order to meet the foregoing appropriations, according to the following schedule:

SCHEDULE B – PROJECT FUND EXPENDITURES

Police Dept. – Safe Kids Grant Project Expenditures – Police Dept.	\$2,150.52
FUND PROJECT TOTAL	\$2,150.52

SECTION 3. This ordinance shall become effective upon adoption.

Emery G. Doughtie, Mayor

Motion was made by Mayor Pro Tem Bryant, seconded by Councilman Bell and unanimously carried to adopt Budget Amendment (Ordinance No. 2024.16) in the amount of \$2,150.52 for the Safe Kids Grant.

Consideration of Budget Amendment (Ordinance No. 2024.17) – Capital Outlay

Finance Director Johnson presented Budget Ordinance 2024.17 which are capital funds previously approved by City Council that have not been utilized yet. This budget ordinance will bring those funds forward into the current budget year.

Ordinance No. 2024.17

**CITY OF ROANOKE RAPIDS
BUDGET AMENDMENT**

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

SECTION 1. The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025, according to the following schedule:

SCHEDULE A – PROJECT FUND REVENUES

General Government – Capital Outlay	\$215,000.00
Police Dept. – Capital Outlay	\$7,700.00
Fire Dept. – Capital Outlay	\$48,587.00
TJ Davis Recreation – Capital Outlay	\$50,000.00
Library – Capital Outlay	<u>\$21,001.73</u>
Project Grant & Revenues – Capital Outlay	\$342,288.73

SECTION 2. The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2024, and ending June 30, 2025, in order to meet the foregoing appropriations, according to the following schedule:

SCHEDULE B – PROJECT FUND EXPENDITURES

General Government – Capital Outlay	\$215,000.00
Police Dept. – Capital Outlay	\$7,700.00
Fire Dept. – Capital Outlay	\$48,587.00
TJ Davis Recreation – Capital Outlay	\$50,000.00
Library – Capital Outlay	<u>\$21,001.73</u>
Project Grant & Revenues – Capital Outlay	\$342,288.73

SECTION 3. This ordinance shall become effective upon adoption.

Emery G. Doughtie, Mayor

Mayor Doughtie asked what the Economic Development Incentive in the amount of \$200,000 was allocated for.

City Manager Traynham replied City Council approved several items with the offset funds/standard allowance from the ARP funds. The Economic Development Incentive could be used to entice development within the historic district. There would be an application request for renovations and so forth. They have not received a request for those funds at this time.

Motion was made by Councilman Bell, seconded by Councilman Stainback and unanimously carried to adopt Budget Amendment (Ordinance No. 2024.17) in the amount of \$342,288.73 to carry over capital funds from FY 2023-2024.

Consideration of Changing Time for August 6, 2024 City Council Meeting

City Manager Traynham stated the first City Council meeting in August is scheduled for August 6, 2024. It is also the same night the Police Department and other local law enforcement offices will be gathering to celebrate National Night Out. This year the event will be held in Roanoke Rapids starting at 6:00 p.m. She asked City Council to consider starting the August 6th meeting earlier so that business could be taken care of in a timely manner and allow for full participation at the National Night Out event. She proposed 4:00 p.m.

Motion was made by Mayor Pro Tem Bryant, seconded by Councilman Strickland and unanimously carried to change the starting time of the August 6, 2024 Regular City Council meeting to 4:00 p.m.

City Manager's Report

City Manager Traynham announced the Police Department has rescheduled its Taking it to the Streets event to July 25th in the downtown residential neighborhood. The Police Department has hired two cadets who will start BLET on August 12th. Meanwhile, they are learning more about the community and profession until they begin school.

She said the Fire Department has three individuals that will attend the Fire Academy which begins the first week of August. The Fire Department has received some good news recently. After many years of being told no with grant applications, they have been successfully awarded a few very competitive grants. One being the Firehouse Subs grant which is one of the most competitive grants out there. The grant is for \$37,000 to provide electronic or battery-operated extrication equipment for the new fire truck. Another grant received is from ECU North for \$9,000 to purchase pulse osmometers to help identify the conditions of anyone affected by smoke inhalation. Lastly, they have received notification from FEMA that the Assistance for Firefighters Grant (AFG) will impact the community with an award of \$65,000 to replace some of the hoses and nozzles for the new fire truck. This helps reduce the City's anticipated costs and is very much needed and appreciated. She commended the efforts of all the departments to apply for grants and receive these grants.

City Manager Traynham announced the Fire Department will host its family-friendly Fire Safety Fair on Friday, August 2nd at Kirkwood Adams Community Center.

She reported that the Parks & Recreation Department or the "department of fun" as named by many children the last few weeks has been very busy with camps and programming taking place at a majority of the City's facilities. She acknowledged complaints or concerns about the outdoor pool conditions. She recognized the Parks & Recreation staff between Kelly Daughtry and Ryan Newsome, the lifeguards and pool staff including Josh Sammons, went above and beyond to ensure the safety of the pool and swimmers. Staff contacted the Halifax County Health Department to come out and check the pool to ease any concerns. She said the library Summer Reading Program will conclude with a kids concert on July 19th at 1:00 p.m. at Kirkwood Adams Community Center.

City Manager Traynham reported the Finance Department is preparing for the fiscal year audit 2023-2024 and closing out the end of the year. She announced the Chamber of Commerce will have its Music in the Park in Centennial Park on Friday, July 26th.

Attorney Davis added that most of the public knows that the City was served with a lawsuit Friday morning. He believes they need to acknowledge that and address it briefly. He said the plaintiff in the lawsuit is the former Roanoke Rapids Police Chief Bobby Martin. He was terminated from his employment with the City in April 2023. In addition to the City in this lawsuit, he has named City Manager Traynham and also Richardson and Davis Investigative Consulting Group which is a third party that was hired by the City in 2023 to conduct a review of some issues going on at the Police Department. They produced a report for them that was relied upon by City Manager Traynham in that termination decision.

He stated there have been some demands made in public to specific City officials or through folks talking on social media about the City responding to or answering those claims immediately. That is not the proper forum for the City to answer something of this weight. The plaintiff, Mr. Martin, has been given the benefit of the legal system and he has filed a formal complaint. He's had over a year and a half or a year and some change to formulate and construct the allegations he's made against the City. While it's not going to take them as long to respond to those, they are going to do it in a thorough fashion. When that comes, they will let the public and the media know. It's not going to be a year down the road. It's going to be within a reasonable time period as required by the rules of civil procedure.

Attorney Davis stated that the allegations in a lawsuit are merely allegations. They are not proven, they have not been vetted by anybody before they have been filed and there will be a response that comes from the City.

He said prior to Mr. Martin's termination, Richardson and Davis produced a lengthy investigative report based not only on interviews, but also on information and data they received as part of their investigation. Back when all of this was happening and those officers were on suspension prior to Chief Martin's termination in April 2023, there was a lot of public scrutiny about the public wanting them to release the information and tell them what was in the report and why were they being terminated. The response was that they cannot tell them that. The law prevents them from revealing that kind of employee data about City personnel. Even in situations where they have "difficult" employees that you may have to take adverse personnel action against, the law really limits what they can reveal about that. That is why nothing up until this point, other than the information that the City had terminated Mr. Martin, has the City been able to respond to it. Some of that situation may now be changed because Mr. Martin has filed this lawsuit.

Attorney Davis stated he was never going to say that it is going to be open season on what is in an employee's personnel file for a public employer like the City. But one of the things that they are going to be evaluating at this point as they evaluate this

lawsuit and evaluate a response, is going to be how much information they can legally release. He said for folks that want more information, that want to find out about what is the details of this, to hear the City's side of it, stay tuned, because that is going to be coming. He said they were going to do it in a careful fashion.

He said like all municipalities, the City of Roanoke Rapids is required to cooperate with its liability carrier/insurance company. He gave the example if someone was at fault in an automobile accident where a person was injured. One of the reasons you have insurance is, so they do not go after you, taking you into court and going after personal assets. Your insurance company steps in the way, and they are on the line for the costs in defending that. He reported there have been questions about who pays for the response to this, it will be the insurance company that does that. The insurance company must have time to review these claims and all the data that is involved in the investigative report and then cooperate with the City as they formulate the response to this.

Attorney Davis stated they are taking it seriously. It is not being ignored by anybody on this Council or by anybody in the City of Roanoke Rapids. But at this early date it is going to take them some time to respond in a thorough fashion. They are going to be deliberate about it and they are going to be thorough about it. He looks forward to being able to get those responses out there to the public.

Finance Director's Report

Finance Director Johnson reported for the period ending June 30, 2024, general fund year-to-date receipts totaled \$17,848,789.42. Year-to-date expenditures totaled \$17,564,269.05. As a result, general fund year-to-date revenues exceeded expenditures by \$284,520.37. As the month of June, 90.3% of the budget year has been completed.

She reported the City still has revenues to collect for FY 2023-2024, which have not been received, which include:

- Ad Valorem Tax for June
- Motor Vehicle Tax for June
- Sales & Use Tax for May & June (Just received May \$403,000)
- Hold Harmless Tax for May & June
- Residential and Commercial Solid Waste Fees for June

Finance Director Johnson stated they were on budget or above what they projected to receive in revenue.

Mayor Doughtie asked how much they would have at the end of the year. Finance Director Johnson said she couldn't say at this time because they have not received all the revenue yet. She will get back to them.

Adjournment

There being no further business, motion was made by Councilman Stainback, seconded by Councilman Bell and unanimously carried to adjourn. The meeting was adjourned at 7:08 p.m.

Traci V. Storey, City Clerk

Approved by Council Action on: August 6, 2024