



Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, April 2, 2024, at 5:30 p.m.** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

Present: Emery G. Doughtie, Mayor
Wayne Smith, Mayor Pro Tem

W. Keith Bell)
Sandra W. Bryant)
Rex Stainback)
Curtis Strickland)

Council Members

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

Absent: Carmen Johnson, Finance Director
Tony Hall, Main Street Development Director

Mayor Doughtie called the meeting to order. He provided an invocation and then 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 Bell, seconded by Councilman Stainback, and unanimously carried to adopt the business agenda as presented.

Special Recognitions

Police Department

Police Chief Guyant recognized the following police personnel:

- **New Hire**
Officer Scott Pate
- **Criminal Investigators Certificate**
Investigator Nicholas Bankert and Investigator Stephan Bryant
- **Intermediate Law Enforcement Certificate**
Investigator Stephan Bryant
- **Management Certificate**
Lieutenant Darrel Newsome and Lieutenant Matt Hunsucker
- **Instructor Certification**
Lieutenant Morgan Worrell
- **K-9 Certification**
Master Officer Kathleen Williams and K9 Melix
- **SHIELD Award**
Administrative Assistant Heather Pleasant

Approval of City Council Minutes

Motion was made by Councilwoman Bryant, seconded by Councilman Stainback, and unanimously carried to approve the March 19, 2024, Regular City Council Meeting minutes as drafted.

Public Hearing

Special Use Permit Request from Jose Douglas Aparicio (Applicant) and MTD Investments (Owner) for a proposed restaurant to be located at 119 E. 10th Street (Halifax Co. Parcel 0907977)

City Manager Traynham said the Planning Department received a request for a restaurant business to be located at 119 E. 10th Street. The location is across from Hardees near Hamilton Street. The zoning district is B-2 Commercial. This district is

a neighborhood friendly type district. It has commercial uses closer to residential uses. In the past, requests were received for a restaurant in a B-2 zone and then it would end up turning into a nightclub. As a result, the table of uses was amended about 5-7 years ago to make it a special use request primarily for the best interest for those living and working near the property in question.

She said in this particular case the applicant has demonstrated compliance with the code and a quasi-judicial hearing is required. One must be an affected property owner to participate in the hearing. There has to be substantial competent evidence opposing the permit to not grant it. Unless there is any substantial evidence that says otherwise, the permit would need to be approved.

Interim Planning & Development Director Anderson summarized what a quasi-judicial (evidentiary) hearing was, how City Council should base its decision on factual evidence provided to them and the specific procedures to follow.

She presented and reviewed the following report with City Council.

MEMORANDUM

To: Kelly Traynham, City Manager

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

Re: **Special Use Permit Request to a Restaurant 119 E. 10th Street**

Date: March 26, 2024

Special Use Permit Request

A Special Use Permit (SUP) request from Douglas Aparicio (applicant) & MTD Investments (owner) to operate a Restaurant, at 119 E 10th Street (Halifax County Parcel 0907977). Parcel is approximately 0.45 acres, and is located in the B-2, Commercial District. Restaurants are authorized in the B-2 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 establishment of a restaurant is permitted in the B-2, Commercial District, with approval of a Special Use Permit from City Council. Halifax County records indicate this property has a total building size of 8,400 ± square feet. Apparently, the building is located within a strip mall (*owned by MTD Investments*) consisting of (6) six tenant spaces. The building in its entirety occupies the property from the east to west property line with some street and rear setbacks distances. A parking area exists fronting E. 10th Street, which accommodates all businesses within the strip mall. An unimproved area extends from the rear of the building abutting the neighboring property which holds a residence.

Mr. Aparicio (applicant) currently owns a convenience store within the strip mall, located directly next door to the proposed restaurant location. He intends to combine the two businesses and offer take-out services as well as minimum sit-down services for the proposed restaurant. The location was originally home to Red

Rabbitt Coffee for several years up until their recent move to Becker Drive. The property is located adjacent to Hardee's Restaurant and Domino's Pizza along E. 10th Street between Hamilton and Washington Streets.

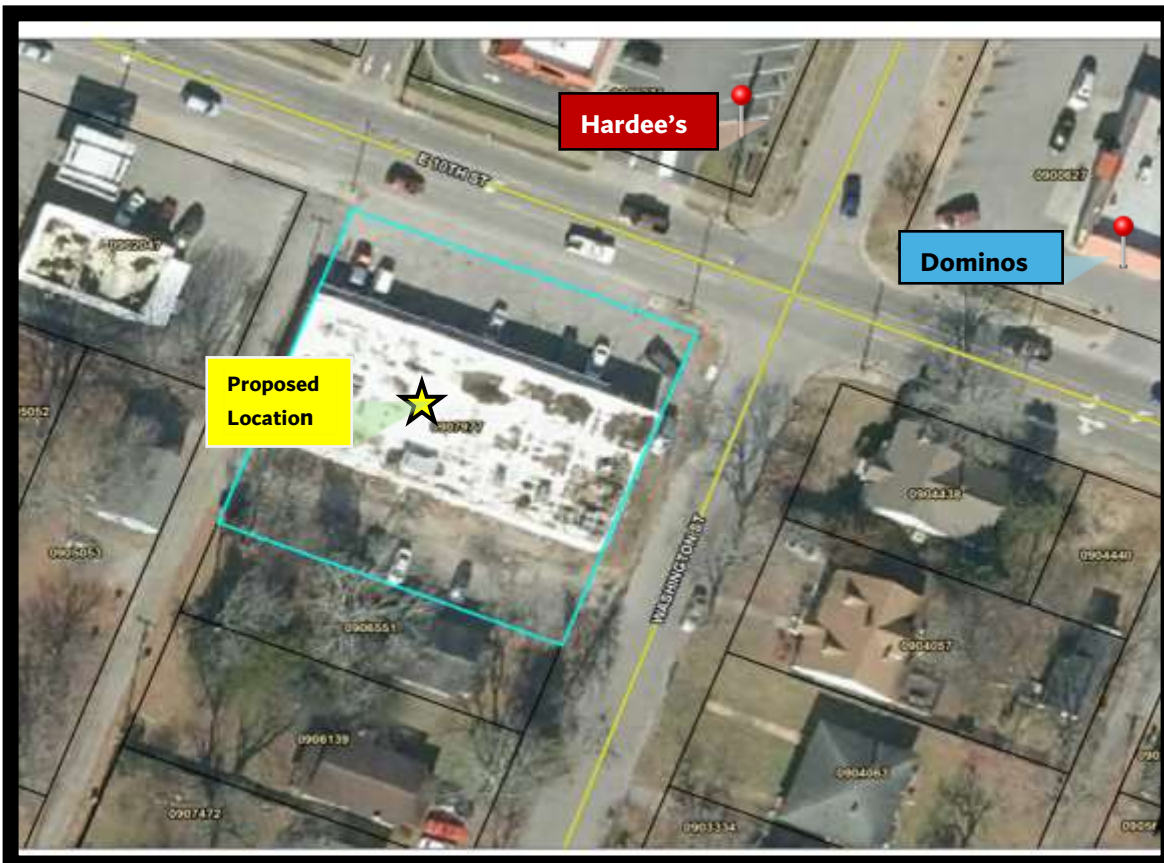
The applicant is aware of the respective departmental reviews contingent upon approval of the Special Use Permit the following departments would review the application for compliance prior to occupancy: ***Planning & Development Department, Roanoke Rapids Fire Department, Roanoke Rapids Sanitary District, Halifax County Environmental Health, and NCDOT.***

The Land Use Ordinance (LUO) states that the B-2 district is designed, *“to accommodate commercial uses 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 more restrictive than those applicable in 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 and provides for a smaller scale retail or service uses primarily serving the neighborhood in which it is located (as opposed to a regional shopping center).*

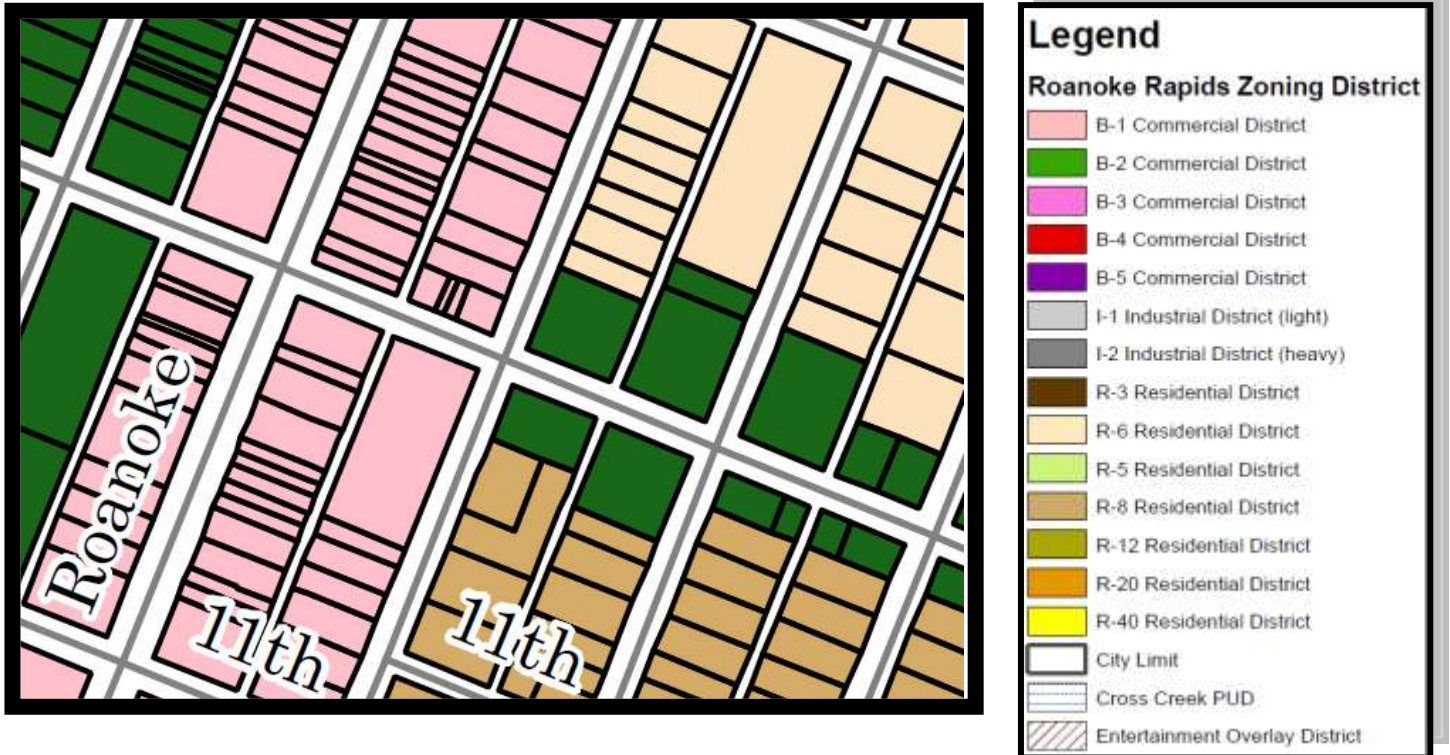
(Note: the application and supporting documents are attached to this memorandum and are on file in Clerk's Office)

Interim Planning & Development Director Anderson stated notice of the public hearing was sent by First Class Mail to all property owners within 100 feet of the property. It was also posted in the local news outlet and on the site. All notices encouraged citizens to contact the Planning & Development Department for information about the request. She reported there was no contact from surrounding owners regarding the requested use.

SUBJECT PARCEL VICINITY MAP (Aerial Photo)



See zoning map excerpt.



Interim Planning & Development Director Anderson stated in addition to the Special Use Permit, the applicant would be subject to all applicable local and state approvals prior to issuance of any construction or improvement permits. The Development Review Committee which consists of NCDOT, Halifax County Environmental Health, Roanoke Rapids Public Works, Roanoke Rapids Fire Department, Roanoke Rapids Sanitary District, Dominion Energy and the Roanoke Rapids Planning & Development Department, would all review the proposed use as required before any applicable permits or occupancy.

She said a Special Use Permit requires specific items to be considered when making the decision. She referred to Section I of the worksheet. She read the following findings from staff:

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 Roanoke Rapids Incorporated Limits. Restaurants are authorized within the B-2, Commercial District, with a Special Use Permit. The request is to operate a restaurant classified under 8.000 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 E. 10th Street an improved State of North Carolina road, with parking and sidewalks on both sides of the street, along with street curb and guttering. The existing parking lot is located along E. 10th Street.

- 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. The proposed restaurant is primarily for take out services.

- 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. The City provides refuse collection, and the City of Roanoke Rapids regulations shall apply.

- 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 has no expected outside activity adjacent to residential development. This parcel of land is zoned B-2 commercial, and based on its construction, blends in with adjoining properties and requires no additional screening or buffering.

- 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 believes this is probably true. This lot is currently developed.

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 believes this is probably true. The proposed use will be commercial in nature and in character with the existing surrounding commercial land uses. There are two existing restaurants located in close proximity.

- (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 high density commercial. The property is located within existing City Limits and the staff believes it is in conformity with the following Comprehensive Development Plan policies:

Section 6. Future Land Use

Mixed Use – Town Center

“The Town Center should provide a concentration of Commercial, Service, And Residential uses that will serve Roanoke Rapids and the region. The district should encourage a mix of high intensity, pedestrian-oriented uses compatibly designed and arranged around the existing compact core. The district is intended to safeguard the unique architectural character, social activity and cultural value of the town center while promoting its continued success and redevelopment. Vertical mixed use is preferred. There is no minimum lot size.”

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 meeting by first class mail, sent March 26th, 2024.

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*

Interim Planning & Development Director Anderson concluded her presentation and entertained questions from City Council.

Mayor Pro Tem Smith asked if there was a back alley behind the building. Interim Planning & Development Director Anderson replied there was a driveway situation but did not believe there was a dedicated back alley there.

Councilman Bell asked with the proposed restaurant being mostly take-out, is there a plan or agreement concerning parking with the other businesses located on the same side of the street and/or with Hardees across the street for any overflow. He was concerned if the restaurant becomes popular, it was going to take up more than two or three parking spaces at a time. Especially at that intersection and during the busy times.

Interim Planning & Development Director Anderson agreed and replied with a situation like this, the applicant must get special use approval first before they can go too much further. That could be a condition they add to the permit – that parking be adequate for them. That would be conversation they would review with Public Works and NCDOT in reference to any hazardous situations they would need to consider.

City Manager Traynham added the City's ordinance requires parking spaces based on the number of tables and chairs for a restaurant classification. It also provides for

parking availability within 400 feet to meet that parking requirement. She reported there are several public municipal lots within the 400 foot range of the property as well. She feels parking will be addressed, but they would not be able to issue the permit if the parking was not there.

Mayor Doughtie asked if there was some parking behind the building. Interim Planning & Development Director Anderson said it appears like an alley, but there is minimal parking there; she believes it is meant for staff. She also did not believe that to be appropriate and it would not be the safest route for the general public.

With no further questions, Mayor Doughtie opened the public hearing to receive testimony and evidence.

Michael Taylor

Mr. Michael Taylor, duly sworn by City Clerk Storey, lives at 688 Reynolds Circle. Mr. Taylor stated he wanted to address the parking situation. He (Douglas Aparicio – applicant) owns A Selectas which is beside the restaurant. With those parking spots he already owns, and he’s acquired this additional building, it gives him extra parking. He feels like he has sufficient parking for the business he is going to open. As far as the table situation, he only has one table.

Mayor Doughtie asked Mr. Taylor if he was speaking in favor of the permit. Mr. Taylor replied yes.

Mayor Doughtie asked if anyone else wished to speak. With no one else, he closed the public hearing.

City Manager Traynham asked City Council to move on to the worksheet for the Findings of Fact. Four motions are necessary to evaluate it. She referred to the last page of the packet and said if City Council finds the questions to be true, there is some language to help with their motions followed by a final decision motion.

Mayor Doughtie led City Council through the Findings of Fact by reading the following questions a – d in Section III.

Is it the consensus of the City Council that the requested permit:

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

Motion was made by Councilman Stainback, seconded by Mayor Pro Tem Smith, and unanimously carried that based on the public hearing testimony and the foregoing

staff report dated March 26, 2024 it is the consensus of the City Council that the requested permit will not materially endanger the public health or safety.

Is it the consensus of the City Council that the requested permit:

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

Motion was made by Councilman Strickland, seconded by Mayor Pro Tem Smith, and unanimously carried that based on the public hearing testimony and the foregoing staff report dated March 26, 2024, it is the consensus of the City Council that the requested permit will not substantially injure the value of adjoining or abutting property.

Is it the consensus of the City Council that the requested permit:

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

Motion was made by Councilwoman Bryant, seconded by Councilman Strickland and unanimously carried that based on the public hearing testimony and the foregoing staff report dated March 26, 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.

Is it the consensus of the City Council that the requested permit:

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 Bell, seconded by Mayor Pro Tem Smith, and unanimously carried that based on the public hearing testimony and the foregoing staff report dated March 26, 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

Motion was made by Councilman Bell, seconded by Mayor Pro Tem Smith, and unanimously carried that based on the public hearing testimony and the foregoing staff report dated March 26, 2024 it is the consensus of the City Council that the requested Special Use Permit be granted to Douglas Aparicio (Applicant/Owner) for a restaurant located at 119 E. 10th Street with the conditions set forth by the Land Use Ordinance.

City Manager's Report

City Manager Traynham reported plan reviews were underway for residential housing developments. She has mentioned them before, but wanted to reiterate since they are actively under review and permits are forthcoming, especially at Stateside Landing. It will be a multi-family housing development with 64 apartment units among three buildings and a community center building. It will be located at Hwy 158 and Hwy 48 (Roanoke Avenue). At Cross Creek, there have been a couple of different proposed developments under review. One being the townhome expansion and some single-family development. One of the hiccups in that review is NCDOT has the authority of issuing driveway permits and compliance on that state road. There are some requirements by NCDOT coming through that could be a substantial cost burden to the developer of those projects. She hopes they will get worked through so that additional housing can be provided in the subdivision area.

She announced the City is recruiting the next Parks & Recreation Director. John Simeon is retiring after 30 years of creditable service. His retirement is effective June 1, 2024. He brings a wealth of experience and knowledge. He makes his job look so easy. He will not be able to be replaced but will be very fondly remembered for his role with the City. The first round of reviews will take place by the end of this month. The position will be open until filled.

She added the City is showing signs of recovery from struggles economically over time. Currently, they are down to five vacant positions city-wide as far as what they are advertising for. Those positions are certified positions in the police department and fire department. She stated this was a big deal. They hope to get those positions filled soon.

City Manager Traynham reported the personnel policy updates being drafted will be presented to staff soon so they can get those to City Council and work towards approval with the budget July 1st.

She called upon Fire Chief Patrick to give a report on the upcoming activities with the Fire Department.

Chief Patrick said they planned to get started with the annual fire hydrant testing this week, but unfortunately the rain delayed the hose testing last week. They have advertised for the hydrant testing and they may be able to get out by the end of this week. They usually start on the west side of town and work their way up one side of Roanoke Avenue. Their goal is to put the work area out on Facebook daily to inform

citizens to be mindful when washing clothes and using water for different things. They will be out testing for most of April and May.

He announced their 3rd Annual Veterans Breakfast will be held Friday, May 3rd. It started out at the Fire Station to do something for the veterans. He said veterans can be neglected. For as much as they have done for the country and community, the Fire Department wanted to do something else for the veterans and recognize them. The first year they had about 40 veterans come to the breakfast. The firemen and volunteers come in to cook for them. Businesses donate money for the food and door prizes to give to the veterans. Last year they moved the breakfast to the Kirkwood Adams Community Center, and it grew to 100 veterans. This year they are planning for 100-150 veterans. He invited City Council to attend and thanked Councilman Bell for his service. They plan to keep the first Friday in May as the date for this event. He asked them to take the flyers he passed out to their churches and businesses where they may have veterans and encourage them to attend.

Mayor Doughtie asked Chief Patrick if he would speak about the new work schedule the Fire Department was trying out.

Chief Patrick stated the department has switched to a different shift. For the past couple of years, the department has been struggling with manpower and maintaining personnel. It has been due to various things such as money, benefits, and work schedules. As staff started looking around the state and other places, a lot of departments were switching to a different work schedule. They had discussed it a couple of times in the past but not too many people were interested. They brought it up again back in October and he put out a survey to the firemen to see if they wanted to try it.

He explained previously the department worked a 24/48 schedule meaning they worked a 24-hour shift and were off for 48 hours. The schedule they are trying is a 48/96 shift. They work for two days straight and then they are off four days. It has advantages and disadvantages. One of the advantages is they are truly able to disconnect from work. When they work a 24-hour shift, they get off that morning and if they had a late call or something going on, they may be sleepy that day so they would only have one full day completely disconnected from work. With the 48/96 shift, yes, they are at work for two days, but then on that third day they leave work and will have three full days disconnected from work. He said through the survey, the majority of the membership wanted to try it. In January they rolled out the new schedule on a trial basis for three cycles. At the end of the trial, they held a vote on which shift they wanted to stick with. A majority wanted to stick with the new shift so that is what they are doing now. He stated another advantage is it gives them more true weekends off. On the 24/48 shift, they would only get one full weekend off a

month. They would work either on a Saturday or a Sunday. With this particular schedule, they get three full weekends off in a row. On the other side, they have to work a Saturday/Sunday, Friday/Saturday or Sunday/Monday. Again, it has its advantages and disadvantages. They were trying to think outside the box and see what they could do to attract more people to stay with the department or to bring in new people. There are quite a few departments across the state that have switched to this schedule. They do have some that do not like it, but they cannot always please everybody. They try to do the best they can to make the transition as easy as possible. One concern by the firemen was they may have to work three days in a row if somebody calls in sick. They did some things to try to keep that from happening and continue to look for ways to prevent that from happening.

City Manager Traynham said Police Chief Guyant had a few things to report.

Chief Guyant said the department is ramping up their community engagement beginning with the month of April, and it will increase even more come May, June, and the summer. This Friday they will have the Barber Shop Talk at Quality Cuts, 1039 E. 10th Street from 11 a.m. – 12:30 p.m. He invited the public to attend. They have put flyers out and spoken with the owner about people coming in and talking with the department about what was on their mind and what they can do to better serve the public and meet the needs as a police department. Not to alienate the women, on April 19th between 9:30 – 11 a.m., they will be at Diva's Den Hair Salon located 800 Julian Allsbrook Hwy.

He announced this Saturday, they would be participating in the Boy Scouts Pinewood Derby at Rosemary Baptist Church. They asked the other law enforcement agencies in Halifax County to also participate. He knows the Sheriff's Office, Task Force, Roanoke Rapids Police Department and Roanoke Rapids Police Club will all have a car. Check in is at 8 a.m. but he was not sure exactly what time the derby starts. This gives them an opportunity to engage with the Boy Scouts.

Chief Guyant said on Saturday, April 27th at the New Town Resources Building parking lot, the Fire and Police Department will host a Bicycle Rodeo with a helmet give-away between 11 a.m. – 1 p.m. They will give the cyclists some safety tips and talk about how to be safe and give a helmet to each participant. This will be the first time they have held this event at the New Town Resources Building parking lot.

He said on the same day, there is a DEA National Drug Take Back at Walmart between 10 a.m. – 2 p.m. for anyone who has some medicines they want to turn in to be destroyed. There are boxes scattered throughout the county. There is one at the Police Department and the Senior Center here in the city. He reported they were awarded a

portable incinerator to incinerate the items they collect instead of them hanging on to them for so long and then transporting them to an incinerator.

He thanked Councilman Bell for participating in a ride-along recently. He invited other Council members to participate as well.

Chief Guyant announced April is National Autism Awareness Month. He placed a lapel pin at each of their seats. He said 1 in 58 children are impacted by autism. Autism is developmental disability; it is not an emotional or mental illness. The analogy of the puzzle refers to the theory that a person's personality is made up of a number of different parts. Like a puzzle, each part reflects specific events in a person's development. The completed personality is thought of as having all the pieces put together. The puzzle is complete when the last piece is put into the puzzle. They will be honoring that by wearing the lapel pin this month. One of the great things they continue to push is Project Life Saver. They ordered another set of transmitters today. They have five people hooked up on Project Life Saver. Please contact him or Sgt. Joey Spragins if anyone is interested.

Chief Guyant stated a lot of good things are coming; May will be a busy month. He believes they will be pleased with what the department has planned with community engagement this summer.

Other Business

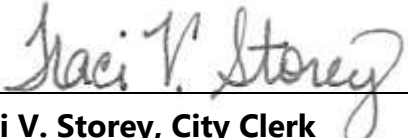
City Manager Traynham announced the next scheduled City Council meeting is Tuesday, April 16th and she understands there are some potential scheduling conflicts. At this point, she did not foresee any action items for that meeting. If City Council wishes to cancel that meeting, it would be appropriate to make that decision tonight with a motion.

Motion was made by Councilman Bell, seconded by Mayor Pro Tem Smith and unanimously carried to cancel the April 16, 2024 City Council meeting due to other community events where there may be a conflict.

Mayor Doughtie said at the HCIA meeting last week, Sheriff Davis and Congressman Don Davis were there. They reported the Sheriff's Department was awarded \$225,000 for a body scanner at the jail in Halifax. Now they will not have to take people to Edgecombe County to have it done. It has been very beneficial for them. He thanked Congressman Davis and Sheriff Davis for working to get that for the jail.

Adjournment

There being no further business, motion was made by Councilwoman Bryant, seconded by Councilman Stainback and unanimously carried to adjourn. The meeting adjourned at 6:35 p.m.



Traci V. Storey, City Clerk

Approved by Council Action on: May 7, 2024