



# Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, November 17, 2020 at 5:15 p.m.** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor  
Carl Ferebee, Mayor Pro Tem  
Ernest C. Bobbitt)  
Sandra W. Bryant)  
Suetta S. Scarbrough)  
Wayne Smith)

## Council Members

Joseph Scherer, MPA, MS, City Manager  
Geoffrey Davis, City Attorney  
Traci Storey, City Clerk  
Leigh Etheridge, Finance Director  
Bobby Martin, Police Chief  
Kelly Lasky, Planning & Development Director  
John Simeon, Parks & Recreation Director  
Larry Chalker, Public Works Director  
Jason Patrick, Fire Chief  
Christina Caudle, Main Street Director

**Absent:** Kathy Kearney, Deputy City Clerk/Human Resources Manager

Mayor Doughtie called the meeting to order at 5:30 p.m. due a power outage and offered an invocation.

## Adoption of Business Agenda

Mayor Doughtie asked Council members if there were any additions, corrections or any known conflicts of interest with respect to the matters before them this evening and stated a Closed Session needed to be added to the agenda to discuss personnel.

There being no conflicts, a motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to adopt the agenda with the addition of a Closed Session as Item 10 a) to discuss personnel as allowed by NCGS 143-318.11 (a)(6).

## **Approval of City Council Minutes**

Motion was made by Councilman Smith, seconded by Councilwoman Bryant and unanimously carried to approve the November 4, 2020 Regular City Council Meeting Minutes as drafted.

## **Committee Appointments**

City Clerk Storey reminded City Council that Mike Green resigned from the Canal Commission in July 2020, leaving a vacancy on the Canal Museum Advisory Committee as their representative.

She reported the Canal Commission met recently and recommended Greg Lawson serve as their representative on the Canal Museum Advisory Committee. A ballot vote was taken earlier and Mr. Lawson received a unanimous vote. She requested City Council make a motion to appoint Greg Lawson as the Canal Commission representative on the Canal Museum Advisory Committee.

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to appoint Greg Lawson as the Canal Commission Representative on the Canal Museum Advisory Committee.

## **Public Hearing**

### **Consideration of Rezoning Request (Continued Public Hearing)**

Mayor Doughtie re-opened the public hearing and called on Planning & Development Director Lasky.

As Planning & Development Director distributed a Zoning Map Excerpt (on file in Clerk's office) to City Council, she reminded them this was a continued public hearing from the October 20, 2020 City Council meeting. She stated Wilbur Crawley submitted his rezoning application on March 3, 2020 just before the pandemic took place. For seven months they have been postponing his application up until September when the Planning Board reviewed the application and provided a favorable recommendation to City Council. Mr. Crawley could not be present tonight, but she would be in communication with him should any questions come up.

She referred to the four parcels on the zoning map excerpt entitled Crawley, Morris, Adams and Hamilton. Currently they have an R-40 Residential zoning classification. In total the four parcels are approximately 22 acres. Most of the property is either wetlands or not developable. The front half of the properties on Hwy 125 would be the more suitable land for development in this case. She continued to summarize the

rezoning request and reviewed the following staff report:

Rezoning Request (map attached) – Amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcels 1200528 (2.5± acres), 1202044 (6.5± acres), 1200186 (6.5± acres) and 1201123 (6.5± acres) from R-40 Residential District to B-4 Commercial District. These properties total 21.8± acres with approximately 870 feet of frontage on the western right-of-way of NC Highway 125 and 600 feet of frontage on the southern right-of-way of American Legion Road.

Date: October 8, 2020

Summary Overview

<i>Subject Property</i>	<ul style="list-style-type: none"> <li>- Parcel 1200528: 2.5 ± acres at the southwest corner of the American Legion Road intersection with NC HWY 125, having road frontage of 175 feet on the west side of NC HWY 125 and approximately 600 feet along American Legion Road.</li> <li>-Parcel 1202044: 6.5± acres with approximately 260 feet fronting on the west side of NC HWY 125.</li> <li>-Parcel 1200186: 6.5± acres with approximately 260 feet fronting on the west side of NC HWY 125.</li> <li>-Parcel 1201123: 6.5± acres with approximately 275 feet fronting on the west side of NC HWY 125.</li> </ul>
<i>Proposal</i>	Rezone from R-40, Residential District to B-4, Commercial District.
<i>Applicant</i>	Wilbur Taylor Crawley, Jr.
<i>Property Owners</i>	<ul style="list-style-type: none"> <li>Parcel 1200528 – Wilbur Taylor Crawley, Jr.</li> <li>Parcel 1202044 – Hubert Morris</li> <li>Parcel 1200186 – Quincey Adams Heirs</li> <li>Parcel 1201123 – Annie Hamilton Heirs</li> </ul>
<i>Present Use</i>	<ul style="list-style-type: none"> <li>Parcel 1200528 – Partially cleared, undeveloped land.</li> <li>Parcel 1202044 – Partially cleared with a vacant, deteriorated house and garage.</li> <li>Parcel 1200186 – Total forest covered.</li> <li>Parcel 1201123 – Total forest covered.</li> </ul>
<i>Proposed Use</i>	None stated
<i>Staff Recommendation</i>	Approve.

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

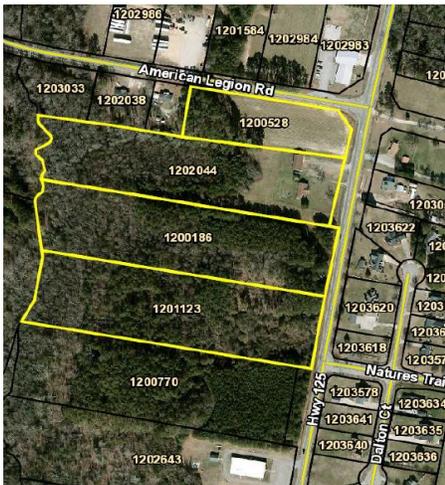


Figure 1 Aerial Image of Subject Property

CONSIDER IMPACT 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 Owners**

The applicant is the owner of property at the southwest corner of the American Legion Road inter-section with NC Highway 125, Wilbur T. Crawley, Jr., 516 Holly Road, Roanoke Rapids, NC 27870 (252) 536-1727. This property was purchased by Mr. Crawley earlier in 2020. (*Application for Rezoning and Supplemental Information Attached*)

The owner of the lot adjacent to and south of Mr. Crawley's lot, Hubert T. Morris, has also asked that his property be included in this zoning change. It has an established address as 1448 HWY 125.

The parcels 1200186 and 1201123 are listed as heir properties and attempts to contact them by mail have received no response. The proposed change in zoning is an effort to establish zoning consistency.

**2. Location/Area Description**

The total site proposed for rezoning consists of 4 lots/parcels totaling 21.8± acres located on the west side of NC Hwy 125 outside the City Limits in the City's Planning & Zoning Jurisdiction, known as the Extraterritorial Jurisdiction (ETJ). (*See Figure 1, p 2*) The site is approximately 1/2 mile south of the City Limit corporate line, and 2500 feet north of another City boundary in the vicinity of the NC HWY 125 interchange with Interstate 95.

The site area is a transition zone from rural residential and agricultural to more urbanized highway development. It should be noted that the portion of Highway 125 fronting this property is currently under construction from a two-lane road to a four-lane road, and that American Legion Road is being extended east to connect with Premier Boulevard.

Wilbur Crawley, Jr. bought the 2.5 acre lot at the southwest corner of American Legion Road and NC HWY 125 in early 2020 and submitted a rezoning request in early March, 2020. In discussion with Mr. Crawley the Planning Dept. was told that the owner of the adjacent property, Hubert Morris, was supportive of the zoning change and would like to have his property included. In considering the request Planning staff decided that it would be appropriate to have zoning consistency on the west side of HWY 125 with property to the south and the north already designated B-4. Rezoning the 4 lots from American Legion Road south to properties previously designated B-4 would bring this consistency. Properties to the south include the location of a business known as Mystique, which is a multi-purpose meeting place. The other properties are undeveloped and largely covered in forest.

On the northwest corner of American Legion Road and HWY 125 is a Halifax County Emergency Services building. That property and several lots going west on American Legion Road have previously been designated B-4.

East across NC HWY 125 from the property requested for rezoning is property subdivided into lots for a single-family subdivision. This subdivision of about 16 houses has Natures Trail Drive as a single street entry. Lots adjacent to HWY 125 are accessed via short cul-de-sacs extending north and south off Natures Trail.

### 3. Existing and Proposed Zoning

The Roanoke Rapids Zoning Map identifies the existing zoning classifications of the area being considered for rezoning and the nearby parcels. The requested rezoning area is currently zoned R-40, Residential District. The requested zoning is B-4, Commercial District. To the west of the subject rezoning site the zoning is R-40, Residential District. To the south and the north the zoning is B-4, Commercial District along NC Hwy 125. On the northwest corner of the American Legion Road intersection is a Halifax County Emergency Services building. (See Figures 2 & 3 below)

**The rezoning request is a change from R-40, Residential District to B-4, Commercial District.**

(Figure 2)

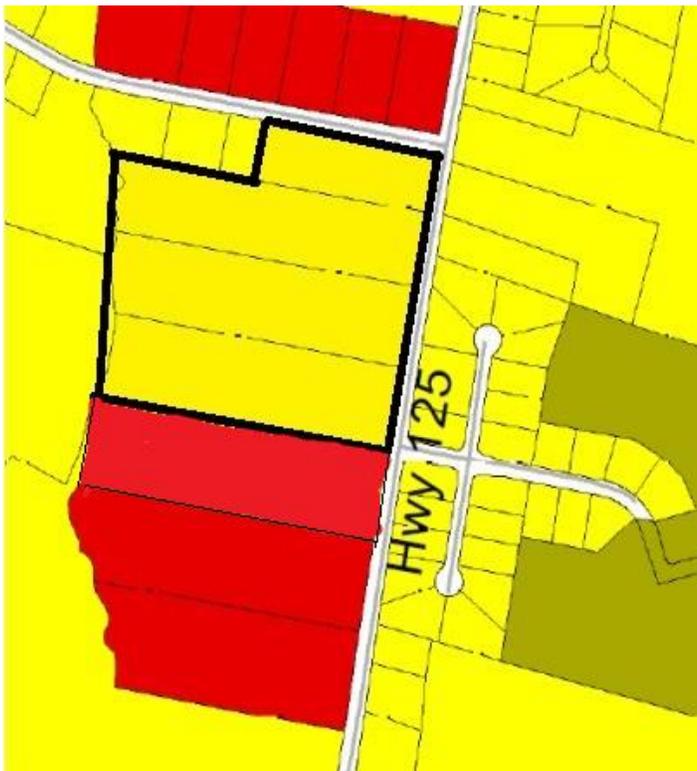
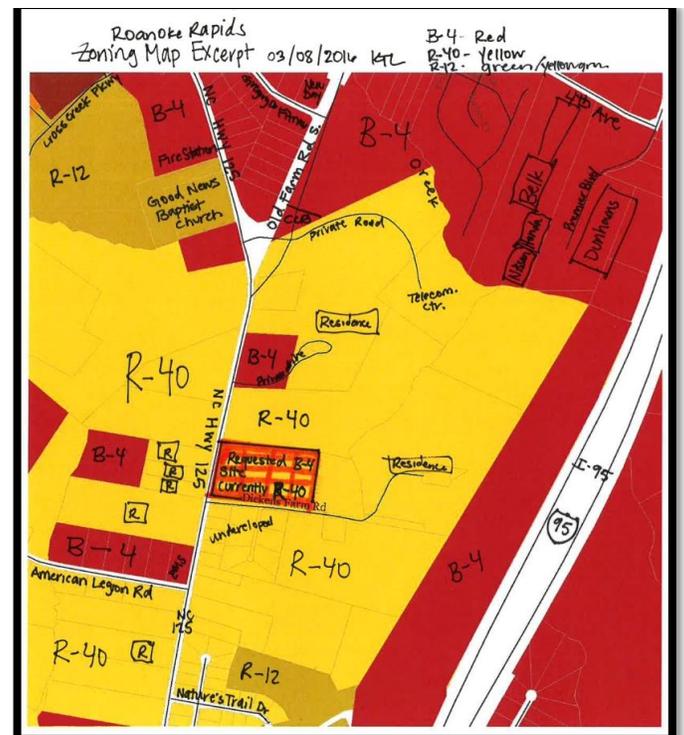


Figure 3 Roanoke Rapids Zoning Map Excerpt Below, Expanded



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.

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

**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.*

The subject property is currently zoned R-40, Residential District:

**R-40:** *intended to accommodate some types of uses that would be appropriate in more sparsely populated areas but would not be appropriate in more intensely developed residential zones. Single-family dwelling units and mobile homes used as single-family residences are permitted. The district is characterized for agricultural and woodland protection and production.*

*Other commercial districts are as follows with purposes and objectives within each classification:*

**B-1:** *designed to accommodate a wide variety of commercial activities (particularly pedestrian oriented) that will result in most intensive and attractive uses of the city's central business districts (Roanoke Avenue – Main Street class)*

**B-2:** *designed to accommodate a transition between B-1 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)*

**B-3:** *designed to accommodate a mixture of residential uses and uses that are primarily related to office, clerical, research and services, etc.). This district serves as a transition or buffer area between major roads and more intensively developed commercial areas and residential districts.*

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

**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 POWER OR ROANOKE ELECTRIC, FIRE DEPARTMENT AND CODE ENFORCEMENT.**

#### **4. Traffic Considerations**

All traffic considerations will be evaluated when development is proposed and a preliminary site development plan 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 Engineers would be responsible for granting NC Hwy 125 access to the subject site. District Engineer Ronald Keeter previously submitted comments received on 03-04-2016 in response to a request for comment concerning the nearby Mid- Atlantic Eye rezoning, to the north on the east side of HWY 125: *Access would be granted to this property. It is a good size lot. If there were multiple businesses on the parcel, NCDOT would require access to be provided through on single driveway located as far away from American Legion Road as possible. There may be required roadway improvements to be done by the development/developer. There is an existing TIP project for NC 125 to be widened to a multi-lane section along this property. You may want to note future improvements in your staff report.*

It is to be noted that NCDOT improvements to Highway 125 should be complete in early 2021, with the road north from the I-95 interchange to Old Farm Road becoming a divided four lane road.

The Applicant has not stated an intended use of the property, nor submitted any proposed development plan. At such time as a development proposal is presented, such development review would include NCDOT review for traffic concerns.

## 5. Utility Considerations

There are no specific utility considerations that should negatively impact this property at the present time. The area is served by Roanoke Electric. The nearest Roanoke Rapids Sanitary District sewer line is about ½ mile. Halifax County has a water line that serves houses in the subdivision across HWY 125 in front of this parcel, and also serves the adjacent commercial building. The Developer would need to determine if there is adequate flow, pressure and quality to support any proposed development. All connections, extensions and responsibilities for services will be the responsibility of a 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 requires 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 subject property is located in the District of the Rheasville Volunteer Fire Department, the primary responding agency for the site. Per request, the City of Roanoke Rapids Fire Department may respond for mutual aid. 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 outside 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:

*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 be located as a transitional land use between activities of higher intensity and those of lower intensity.*

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

*I.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

Letters were sent to the owners of property subject to the rezoning and to owners of property within 100-feet of the requested rezoning on October 1, 2020. Notice of a legislative hearing before City Council was advertised in the *Daily Herald* on October 3 and October 10, 2020. They were also notified of the rescheduled public hearing.

## 9. Staff Recommendation

The proposed request for rezoning is considered to be 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.

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. Staff requests that the rezoning be recommended to the City Council for approval.

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 size and characteristics of the site make it reasonable for a commercial zoning designation. The site is four (4) parcels having significant street frontage along a state road providing access to Interstate 95, within a mile, and at an intersection with a moderately traveled road. Both NC HWY 125 and American Legion Road are currently receiving significant improvement. The site has reasonable 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.*** The degree of change from R-40 to B-4 represents an increase in potential land use intensity. The specific potential benefits to the owners and the specific potential impacts to neighbors are unknown at this time, with no proposed development. However, evaluation of the site access, surrounding rural uses, nearby commercially zoned property, and sparse population makes the proposed request reasonable.
4. ***The relationship between the newly allowed uses in a spot rezoning and the previously allowed uses.*** Planning Staff has evaluated and compared the permitted uses in the B-4 and R-40 District. The Table of Permissible Uses (Section 141-49) includes all permissible uses for all zoning districts. Staff has determined that the relationships between the uses in the current zoning classification and the uses in the proposed classification support the reasonableness of the petitioner's request.

#### 10. **Council Action**

Motion & Vote:

Consideration of approval/denial of the Statement of Consistency

Consideration of approval/denial of the Rezoning Request

Mayor Doughtie asked if anyone wished to speak to come forward at this time.

Ms. Ruby Gerald stated her family has property adjacent to the proposed business that is going to be erected there. The letter she received did not state what type of business it is. At this point she feels that road will not handle any type of business. They now have trucks going up and down the highway speeding. They were told when the road was erected that there would never be any 18-wheelers on that road.

Currently there are 18-wheelers on that road. There is also a company at the end of the road with 18-wheelers. At 4 a.m. and 5 a.m. those trucks start up and it wakes them up in the morning. She would like to know what type of business this is, the plans for the future and how they propose to fix the highways to make sure they can accommodate the roads. They see accidents at the end of that highway at Hwy. 125 all the time. She asked how they were going to accommodate the roads for that; people coming in and out for businesses there.

Mayor Doughtie stated he assumed Ms. Gerald was speaking about American Legion Road. She replied yes, at American Legion and Hwy. 125, there are accidents right where the rescue squad station is located. She said it is very difficult to get out onto Hwy. 125 now. The residents on American Legion now have to go to Hwy. 48 to get out onto the main highway.

Planning & Development Director Lasky said the current construction that is going on will have a signalized intersection at American Legion Road and Hwy. 125 that will control the traffic and the turning movements. It will restrict them more so there will not be as many left turns out on the highway except in limited places. She reiterated that they do not know the type of business but it could be anything that is allowed in a B-4 which would go under review by the development review committee should the property be rezoned. American Legion Road and Hwy. 125 are state roads so the NCDOT would be reviewing every access or driveway permit requested relative to the type of business. They would make certain requirements to ensure safety and design of that site. She stated there were probably a lot of growing pains on Hwy. 125 and changes being made due to the ongoing construction. The finalization of the project is expected within a year. It is hard to tell when it will be completed at this location but they have been given specific assurances that the current capacity of the road even without the expansion would support a commercial development there.

Mayor Doughtie confirmed when a person requests to put a business on this property and it is within B-4 zoning compliance, they would not have to come back before City Council; they would just have to have their site plan and that type of thing approved to meet the qualifications. Planning & Development Director Lasky replied yes, as long as it is a permissible use. It would be a staff review with the development review committee and that does include NCDOT for properties adjacent to state roads.

Mayor Pro Tem Ferebee asked if the Crawley and Morris properties front more of American Legion Road or Hwy. 125. Planning & Development Director Lasky replied the Crawley property has more road frontage on American Legion Road and the other three front Hwy. 125. At this point, only NCDOT has the authority to say where they can have their driveway located.

Mayor Pro Tem Ferebee asked Planning & Development Director Lasky to clarify what she said about the properties not meeting some of the requirements. She replied the Morris, Adams and Hamilton properties are primarily more developable closer to Hwy. 125. The rear of those properties/land is wet and likely is not able to be developed. They see limited commercial development there but nothing that would take out the whole entire parcel(s).

Ms. Gerald asked when someone submits a proposal to put a business in an area, do they not give an indication on what type of business. Planning & Development Director Lasky replied the type of business is subject when they submit their application. If these properties are rezoned, any future uses would be looked at on a case by case basis. The type of business is not part of the rezoning request; it is just the land classification to make it from residential to commercial.

Mr. Robert Jones came forward and stated he lives on Hwy. 125 and like his sister said, they have property adjacent to the property that has been submitted for rezoning. He did not think it was proper to come before the board and say you want to develop a property and not to allow the residents to know what kind of business. He was sure if they were coming to their neighborhood, they would want to know. This has been going on for a while and he believes they deserve to know. He asked if they could just put whatever kind of business they want, regardless of what it is and they do not know until it is there. He asked if that was fair to the residents because they are taxpayers too. Ms. Gerald added especially when the roads do not accommodate it. If they looked at police reports, there are accidents along that road all the time. Mr. Jones said he did not have that many more years on this earth and he did not need to keep putting up with all this traffic and noise. His children may move back home and maybe their children will inherit his home.

Mayor Doughtie asked Mr. Jones if he resided on Hwy. 125 or American Legion Road. He replied American Legion Road. Councilman Smith asked what his address was on American Legion Road. Mr. Jones stated 287 American Legion Road which is less than 100 yards.

Councilman Smith clarified if everything in red on the zoning map was already B-4. Planning & Development Director Lasky replied that was correct, everything in solid red on the map is already B-4 classification. She reminded City Council that these roads are part of a construction project and are in the process of being widened and traffic controls put in place. Councilman Smith asked which parcel was the location of the Mystique venue. She replied below the Hamilton site, the middle one is where the Mystique venue is located. It is close to Hwy. 125 and most of the remaining property is wooded in the back. Councilman Smith asked if she knew who owned the

property beside the Hamilton property that is already B-4. She replied it was owned by a Mr. Dickens and he asked for it to be rezoned by City Council a few years ago.

Mayor Pro Tem Ferebee asked if City Council approved the rezoning tonight and where the applicant would not have to come back before City Council and if at some point they wanted to put a store there, would the property owners know or would the Planning Department send a letter to them. Planning & Development Director Lasky replied it is not required by statute to do it but there is a process involved with new development. Once they receive applications it becomes part of the official record. Typically they announce when new construction is proposed in the media. If they find there will be any potential impacts on property owners nearby, they tend to let them know what is going on. Any application that is submitted can be appealed for certain purposes. If it is a use that is permitted in a certain zoning district, it can be appealed if there are substantial issues.

Mayor Pro Tem Ferebee said it sounded like the property owners didn't know what is going there, but they would like to know prior to it going there. He asked if there was any way they could add that to make sure the residents get notified at some point. Planning & Development Director Lasky replied legally it is not allowed for the City Council to add any conditions to a rezoning request, but they will try their best to keep these things in mind and let people know. She said Mr. Crawley just purchased this property not even a year ago and he and Mr. Morris both stated they really did not have any plans at this point. She reminded City Council that they need to look at all the types of uses. With the 4-laned highway coming and the expansion in this area, she believes the existing residential use in this zoning district is not appropriate and a commercial district is more appropriate at this location.

Councilman Smith asked if a 3-4 story apartment building could be erected at this location with how it is currently zoned now. Planning & Development Director Lasky replied it is not permissible at that location. Councilman Smith asked what was permissible at this location. Planning & Development Director Lasky said the types of businesses allowed in R-40 is residential and agricultural uses, a daycare center. With the widening of the highways and based on the current usage and patterns, NCDOT and the State's efforts are adding a lot of capacity that is unfulfilled for the highway.

Councilwoman Bryant asked what kinds of businesses would qualify under B-4. Planning & Development Director Lasky said to think about Julian Allbrook Hwy. They could do restaurants, retail, indoor/outdoor assembly, gas station, car wash, offices, mini storage etc., it is the widest variety that is allowed there. Also, the existing Premier Blvd. is B-4.

Ms. Gerald stated she was all for improvement in the Roanoke Rapids and the county, and she understands they are improving Hwy. 125 and the uses going on Hwy. 125, but they have not addressed American Legion Road. This property is going to front American Legion Road and they are not improving American Legion Road. It is going to bring a lot of traffic onto American Legion Road which is not even 100 yards from her house. She needs to know what type of business it is going to be before it is approved.

Mayor Doughtie stated he did not mean to diminish Ms. Gerald's request but City Council has had many public hearings such as this before and Planning & Development Director Lasky or City Council is required by statute for the person looking to rezone the property to tell them specifically what type of business they are going to put there. In his opinion, looking at the map Planning & Development Director Lasky presented, from a business standpoint and of course NCDOT would have to make a recommendation on this property or American Legion Road as far as ingress and egress via the driveway, it would be more beneficial to enter and exit off of Hwy. 125 versus American Legion Road. He did not understand why she would say it would put more traffic on American Legion Road by putting a business there. Also, his understanding of the extension of Premier Blvd. was that NCDOT was looking at the next 50 years. As Councilman Smith said there are B-4 parcels on both sides of the property and there is a B-4 parcel going back towards Roanoke Rapids. It is what you see in most towns where it is moving and getting 4-laned highways, you are not going to have residential on that. He knows that does not make her feel better, but that looks like the way progress comes as far as businesses.

Ms. Gerald said she understands that and has no problem with the development on Hwy. 125. The issue she has right now is the amount of traffic on American Legion Road. That road has not been improved in years. There are a number of accidents on that road each year. There is a curve and people run off the road down into the embankment because they are driving too fast. The American Legion post is also on that road so when there is an event there, hundreds of cars come down that road. There is noise out there on the weekends. There was an event out there on Saturday and it had to be 500 people there. They can hear that noise from her home. It is also going to affect their property value. She does not feel another business should be allowed on that road; there is already one that has been approved and put on that road. It's a trucking company of some kind adjacent to this and they are in and out all the time.

Mayor Doughtie asked if she understood that the City of Roanoke Rapids does not maintain American Legion Road or Hwy. 125, it is the State. Ms. Gerald replied yes, but the City works in conjunction with the County and the State with development

out there. Mayor Doughtie said they do not have any influence on the road improvements. Ms. Gerald said she was not suggesting the City come make improvements, she was saying that should be considered when they are approving businesses. The City is approving this business, not the State or the County.

Mayor Pro Tem Ferebee said he had a comment in reference to letting the residents know. He knows they cannot hold the petitioner liable for letting the residents know when they are getting ready to do something. He heard Planning & Development Director Lasky would put it on a list to let them know. He asked if the City could do something else in addition to doing their best. Can they make a note so that it will happen rather than missing it? Planning & Development Director Lasky said they will make note of it but it depends when the properties are developed and on the timeline. A lot of times it is word of mouth by employees. They can make a note on the zoning map. Mayor Pro Tem Ferebee asked if the Planning Department could do that. Planning & Development Director Lasky stated the department will do their best to make note that any request for development, especially if there is one that may impact residents along American Legion Road, that they be notified of any application. She would be fine with that.

Planning & Development Director Lasky added that the intersection of American Legion Road and Hwy 125 will have a traffic signal there to control it. With her experience with NCDOT, she can say with confidence that they will likely not allow a left turn from the Crawley property onto American Legion Road based on the proximity to the intersection. They try to reduce those types of conflicts so things are more right-turn oriented to flow with traffic. That is what she would expect in the future based on her professional experience, but she cannot speak for fact although she feels confident that most of the traffic will be on Hwy. 125 as a result of future development of these sites.

Mayor Doughtie declared the public hearing closed.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt the following Statement of Consistency.

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

1. **Amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcels 1200528 (2.5± acres), 1202044 (6.5± acres), 1200186 (6.5± acres) and 1201123 (6.5± acres) from R-40 Residential District to B-4 Commercial District. These properties total 21.8± acres with approximately 870 feet of frontage on the western right-of-way of NC Highway 125 and 600 feet of frontage on the southern right-of-way of American Legion Road.**

The Roanoke Rapids City Council met on Tuesday, November 17, 2020 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 17<sup>th</sup> DAY OF NOVEMBER 2020.

*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 Town Center areas, including 10<sup>th</sup> 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: November 17, 2020

---

Emery Doughtie, Mayor

### **Final Decision on Rezoning Request**

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to approve the rezoning request.

## City Manager's Report

City Manager Scherer gave the following report:

The virus pandemic continues to affect our community, as noted by the County Health Department's recent report of 81 new positive cases reported over the weekend in the County and over 1,700 total in the County. We have had a few employees test positive as well. Governor Cooper recently issued Executive Order #176 which is in effect until Friday, December 4<sup>th</sup>. He reduced the maximum number for indoor mass gatherings to 10, which will impact upcoming in-home Thanksgiving holiday and social gatherings. The State also implemented a County Alert System that uses 3 metrics to designate a county as Red (critical), Orange or Yellow. Halifax County is designated as Orange (substantial). Each level has suggested actions that individuals, businesses and public officials could consider reducing the metrics. If the number of positive cases and hospitalizations does not decrease, we are concerned any future plans to close or restrict businesses here will lead to a large number of closures and a major blow to our economic situation in rural North Carolina, which has less business locations to sustain the community than does the major population centers. Any attempts to roll back everyone's access to retail, food and other business activities will not be well-received by the public and enforcement will be harder to do. The Police Department currently responds to all complaints from the Health Department and individuals about mask wearing in businesses and for the most part they are complying with the mask order. If not, the Police Department issues warnings. We urgently ask all citizens to practice the 3 W's to reduce the infection rate and help keep everyone safe.

While the violent crime rate is down in the City, we have had an increase in car break-ins and the theft of catalytic convertors. The Police Department is working on leads in these cases and I am confident they will apprehend the suspects in these cases.

We see some positive trends in economic development. There are three new eateries on the Avenue coming and a Dunkin Donuts store will be opening soon on Julian Allsbrook Hwy. in front of Lowe's. The September sales tax income is down from the August total but is the same amount as a year ago. The Corridor Planning Group led by Cathy Scott continues to work on planning and zoning issues in the new Premier Boulevard extension road area. Once local business is looking to relocate in this area. There is a business planning expansion in the Cross-Creek area. Several businesses are doing renovations to their buildings. Planning continues on the old bus station being converted to a brewery pub and possibly other businesses. The Inspections personnel in the Planning & Development Department continue to be busy. The Chamber of Commerce is conducting an innovative "drive thru job fair" at the end of

the month at Fire Station #2 with four local businesses participating in it.

Our liability insurance carrier formerly replied that they felt the concrete communications tower behind City Hall was not damaged enough to warrant removal and replacement. Mr. Davis feels we have met our legal liability threshold for any future problems so we will not proceed with the tower removal and its replacement.

We will bring legislation to the next Council meeting to put those funds back in Fund Balance that were allocated for the project if it was needed.

In Miscellaneous, the Planning & Development Department had two dilapidated houses torn down, one in the 800 block of Cedar Street and one in the 100 block of Madison Street. The Police Department is still planning to do the Christmas for Kids shopping trip on December 12<sup>th</sup> in two groups, with 40 children total, to be in compliance with the virus response rules.

Mayor Pro Tem Ferebee referred to the statement in his report, "If the number of positive cases and hospitalizations does not decrease, we are concerned any future plans to close or restrict businesses here will lead to a large number of closures and a major blow to our economic situation in rural North Carolina." He asked if the County had done something recently. City Manager Scherer stated the County extended their emergency declaration to mandate mask wearing. But, his comment was tied back to if Governor Cooper rolls the restrictions back to what he had in Phase 1 or 2, where businesses were either closed or limited severely in what they could do, those were the concerns he was expressing if they had to go back to those rules.

Mayor Pro Tem Ferebee asked if the Police Department was responding to complaints by the business owners. City Manager Scherer said they were complaints that either the Health Department had received or an individual calls and says the employees of a certain business are not wearing masks and being compliant. The Police Department issues a warning.

### **Finance Director's Report**

Finance Director Etheridge presented the October 2020 Financial Report. She reported in the month of October General Fund year to date receipts totaled \$6,322,920. (The percentage of actual money collected of adopted budgeted figures is 40.3%). General Fund year to date expenditures totaled \$5,249,257. (The percentage of actual monies expended of adopted budgeted figures is 33.5%). After the month of October, 33.33% of the budget year has been completed. As a result, Year-To-Date Revenues exceeded Expenditures by \$1,073,663.

She said during the month of October, the City received Ad Valorem Tax Revenue, Sales & Use Tax Revenue and Motor Vehicle Tax Revenue (August & September Collections). All regulatory database compliance for grant and awards systems on behalf of City departmental areas was completed in October, 2020.

Finance Director Etheridge stated operating cash and investment reserves have increased some after the receipt of Ad Valorem taxes, Sales & Use taxes, Utility Franchise taxes, and other revenue sources last month. These funding sources are still critical in offsetting revenue shortfalls during the months of July and August, 2020, as well as continuing operations for the remainder of fiscal year 2020-2021.

Councilman Smith suggested City Council forego the departmental reports since they have a Closed Session. It was the consensus of City Council unless any department heads had something in particular they wanted to talk about.

### **Departmental Reports**

Parks & Recreation Director Simeon said he had been working with the Halifax County Health Department and Bruce Robistow and they will be offering free COVID testing at Kirkwood Adams on November 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup> from 8 a.m. to 5 p.m. each day. The Red Cross will be holding blood drives at Kirkwood Adams on December 1<sup>st</sup> and December 30<sup>th</sup>.

Councilwoman Scarbrough asked if they would need to an appointment for the COVID testing. Parks & Recreation Director Simeon replied no.

Mayor Doughtie asked how was the testing process and how long does it take to get the results back. Parks & Recreation Director Simeon replied although it may be uncomfortable for some, it does not take long for the test. He said it seems to vary from place to place, but believes it takes 24 hours to get the results back.

Mayor Doughtie referred to City Manager Scherer's report that the insurance company felt like the communications tower did not need to be replaced. He asked Public Works Director Chalker about the funds they had to spend immediately and would they be able to file a claim on those. He replied that claim had been filed and they have received the check for approximately \$18,000. Although they submitted about \$21,000, there was a deductible involved with the policy. They did hold back a little bit of money for some tower repairs to the physical concrete and there is something at the top that needs to be repaired. He added whatever they repair now will be submitted to the insurance company for reimbursement.

Mayor Doughtie asked if it was a misprint that a new hire, Nicole Powell - Police Officer was listed under the Public Works Department on the Human Resources Manager report. Police Chief Martin replied it was a misprint. Ms. Powell actually is one of their new police officers. She is getting ready to graduate college with her Bachelor degree in December. Right now she is doing her in-service training every weekend. Hopefully by the time she graduates in December she will be ready to go in January.

Mayor Doughtie stated they would take a brief recess before they go into Closed Session.

<p style="text-align: center;"><b>Other Business/Closed Session</b></p>
---

After the recess, motion was made by Councilwoman Bryant, seconded by Councilman Smith and unanimously carried go into Closed Session to discuss Personnel as allowed by NCGS 143-318.11 (a)(6).

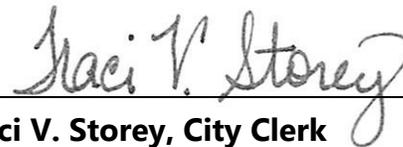
**[Remainder of page intentionally left blank]**

*Minute Book Pages 20116 - 20122 contain Minutes and General Account of a Closed Session which have been sealed until such time as public inspection of those minutes would not frustrate the purpose of the Closed Session.*

**Adjournment**

City Council returned to Open Session.

There being no further business, motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to adjourn. The meeting adjourned at 7:00 p.m.



**Traci V. Storey, City Clerk**

**Approved by Council Action on: December 1, 2020**