



# **Minutes of the Roanoke Rapids City Council**

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, March 21, 2023, at 5:30 p.m.** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor  
Carl Ferebee, Mayor Pro Tem  
Sandra W. Bryant) **Council Members**  
Tommy Daughtry)  
Wayne Smith)  
Rex Stainback)

Kelly Traynham, City Manager  
Geoffrey Davis, City Attorney  
Traci Storey, City Clerk  
Carmen Johnson, Finance Director  
Gorton Williams, Acting Police Chief  
Christina Caudle, Human Resources Director  
Jason Patrick, Fire Chief  
David Wise, Planning & Development Director  
John Simeon, Parks & Recreation Director  
Tony Hall, Main Street Development Director

**Absent:** Larry Chalker, Public Works Director

Mayor Doughtie called the meeting to order and opened with an invocation.

## **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 Mayor Pro Tem Ferebee, seconded by Councilman Smith, and unanimously carried to adopt the business agenda as presented.

## Approval of City Council Minutes

Motion was made by Councilwoman Bryant, seconded by Mayor Pro Tem Ferebee, and unanimously carried to approve the March 7, 2023, City Council Regular Meeting minutes as drafted.

## Public Hearings

### **Zoning Map Amendment Request – M/K Properties (E. 10<sup>th</sup> St, Long Circle & Kelly St)**

Planning & Development Director Wise presented and reviewed the following report with City Council.

#### MEMORANDUM

To: Members of the Roanoke Rapids City Council

From: David Wise, Planning Director

Re: **Rezoning Request (map attached) – Amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcel 0906098 (1.726 +/- acre property) from B-3 Commercial District to B-4 Commercial District. The property is adjacent to three street right-of-ways: East 10<sup>th</sup> Street, Long Circle, and Kelly Street. The subject property is in the northern right-of-way along East 10<sup>th</sup> Street, the southern right-of-way of Long Circle, and Eastern right-of-way of Kelly Street.**

Date: March 16<sup>th</sup>, 2023

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#### Summary Overview

<i>Subject Property</i>	<i>1.726 acres with 1,574.5 +/- feet of combined frontage located along East 10<sup>th</sup> Street, Long Circle, and Kelly Street.</i>
<i>Proposal</i>	<i>Rezone from B-3 Commercial District to B-4, Commercial District</i>
<i>Applicant</i>	<i>M/K Properties, LLC – Contact: W.E. Murphy &amp; Marvin Shearin</i>
<i>Property Owner</i>	<i>Same as applicant</i>
<i>Present Use</i>	<i>Undeveloped land</i>
<i>Proposed Use</i>	<i>No specific use – Rezoning to improve property’s marketability.</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:**

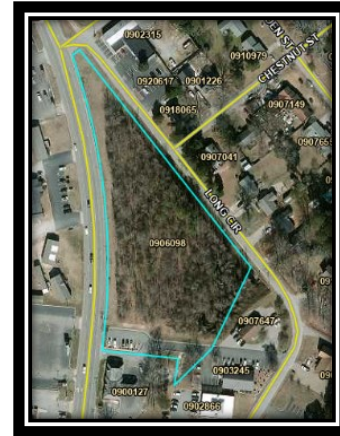


Figure 1 Aerial Image of Subject Property

**1. Applicant and Property Owner**

The applicant is M/K Properties, Inc, 610 Lankashire Road, Winston Salem, NC 27016; (252) 904-0383; contact: Mr. Marvin Shearin. According to the application and Halifax County tax listing, the property owner is M/K Properties, LLC a North Carolina Limited Liability Company c/o WE Murphy.

**2. Location/Area Description**

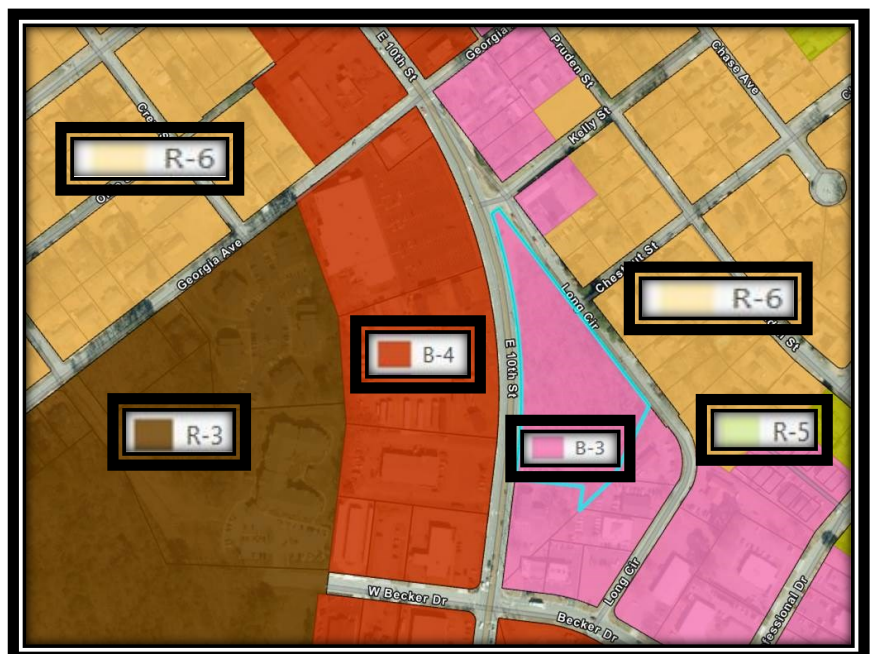
The site proposed for rezoning is located northeast along East 10<sup>th</sup> Street, South & West of Long Circle, and East of Kelly Street.

The property requested for rezoning is 1.726 acres with 1,574.5 +/- feet of frontage combined along East 10<sup>th</sup> Street, Long Circle and Kelly Street. The property is undeveloped with trees or shrubbery, throughout the property. The primary development pattern(s) existing along this portion of East 10<sup>th</sup> Street is both the B-4 Zoning Commercial District & the B-3 Zoning Commercial District. There are three other zoning districts near the subject property which are the R-3, R-5, and R-6 residential zoning districts.

**3. Existing and Proposed Zoning**

The Roanoke Rapids Zoning Map identifies the existing zoning classification of the subject property being considered for rezoning is currently,

B-3 Commercial. The applicant does not have a specific use identified; their attached letter states that this change in the zoning will make the property more marketable. The subject property has parking located on its southern end, and the lot is a flat wooded lot.



(Fig 2. City of Roanoke Rapids Zoning Map Excerpt)

**The requested rezoning change is from B-3, Commercial District to B-4, 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:*

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

**(requested) B-4:** *Designed to accommodate a wide range of commercial activities, with larger scale developments attracting customers within a region is a common feature. Uses that fall primarily within the 3.000 classification in the Table of Permissible Uses (office, clerical, research services, etc.). The 5.000 classification (recreational & entertainment.) The 8.000 classification (restaurants & bars.) The 9.000 classification (motor vehicles sales and services), and the 13.000 classification (emergency services, etc.)*

*The following Zoning Districts are near the subject property.*

**R-3, R-5, R-6:** *These districts are designed and intended to secure, for the person who resides there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Furthermore, these districts are designed to also provide for the following uses:*

**R-3 Zoning District:** *Is designed to accommodate multi-family dwelling units.*

**R-5 Zoning District:** *Is designed to accommodate some types of mobile homes used as single-family residences in addition to site-built single-family residences.*

**R-6 Zoning District:** *Is designed to accommodate single family and two-family dwelling.*

**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 East 10<sup>th</sup> Street access. Gray Keeter from NCDOT Highway Division 4, District 1 engineer reviewed the rezoning request on February 28<sup>th</sup>, 2023, and stated “thought we would be able to put some type of cut in. But it will depend on the proposed business.” Traffic considerations for both Long Circle and Kelly Street will be evaluated by the City of Roanoke Rapids, Public Works Department since these are under the city’s jurisdiction. On March 1<sup>st</sup>, 2023, Larry Chalker, Public Works Director, “had no comments at this time.”

#### **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. Justin Blackmon, Utility

Engineer for the Roanoke Rapids Sanitary District [RRSD] reviewed the rezoning request on March 1<sup>st</sup>, 2023, and stated “The Sanitary District does have ample capacity to support most developments that would fall under the B-4 Commercial District. The RRSD has both 8-inch water and 8-inch sewer mains in both E. 10<sup>th</sup> Street and Long Circle ROW’s (See Appendix I). Brent Hamill, Coordinator Electric Designer, with Dominion Energy reviewed the rezone request on March 1<sup>st</sup>, 2023, and stated “Dominion has no comment on the rezoning of this property. We have 3 phase primaries along Long Circle and E. 10<sup>th</sup> Street on this property and will serve them according to our filing with the State of North Carolina.”

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:

*Goal 3. Supports infill development as an action essential to the continued development of Roanoke Rapids.*

*Goal 7. Support an environment which is ‘friendly’ to business/industrial development.*

*I.1 Supports 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.*

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

*I.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.*

*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.30 Support economic and community development initiatives that capitalizes upon, maintains, and enhances the city’s Town Center areas, including 10<sup>th</sup> Street and Julian Allsbrook Highway.*

*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

The notice of request and Planning Board review meeting was advertised in the *Daily Herald* on Saturday, February 25<sup>th</sup>, 2023, and Saturday, March 4<sup>th</sup>, 2023. The Notice of Public Hearing for City Council being held on Tuesday, March 21<sup>st</sup>, 2023, at 5:30 at the Lloyd Andrews City Meeting Hall was mailed on Tuesday, February 28<sup>th</sup>, 2023.

### Public Inquires to the Rezoning Request

- Lauren Williams of 203 Long Circle
- Mark Anderson of Southern Bank at 1503 E. 10<sup>th</sup> Street.

*These two individuals expressed some general concerns and wanted information regarding the rezoning and what the proposed use.*

- Sean Beaver of 739 Raleigh Street

*Mr. Beaver was provided the Table of Permissible Uses and informed him that the Planning Board has to consider all permissible uses of a B-4 zone when making their decision.*

A public letter notice that was mailed on March 1<sup>st</sup>, 2023, came back undeliverable to the Planning & Development Office on Wednesday, March 15<sup>th</sup>, 2023. Unable to forward and address was correct under Halifax County Tax Records.

## 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. Staff requests that the rezoning be recommended to the City Council for approval. The Planning Board met Thursday, March 16<sup>th</sup>, 2023, after the council packet was created. Their decision will be shared during staff presentations to Council on Tuesday, March 21<sup>st</sup>, 2023.

## 10. City Council Action

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

Mayor Doughtie opened the public hearing and asked for those wishing to speak to come forward.

**Public Comment**

Mr. Sean Beaver (739 Raleigh Street) stated he owned property at 207 Long Circle. He has spoken with many of the neighbors in that area and the concerns they have over the rezoning from B-3 to B-4. They have a lot of foot traffic and they have businesses, a bank and a couple doctor's offices so there is nothing that really bothers them. Most of the businesses close at 5:00 p.m. so it quiets down. Their biggest concern about going to a B-4 is what would happen on the retail side such as a Dollar General. He worries about a nightclub that closes at 2:00 a.m. that would cause the neighborhood to go from peaceful to traffic right at their front door. That was his main concern and he wanted them to think about that for those in the neighborhood.

Mr. Deleon Parker with Parker Law Office in Rocky Mount stated he was representing the applicant, M/K Properties. Primarily the applicant is trying to take a piece of property that has sat vacant forever and find a way where it is marketable and develop into something that is useful to the community and the businesses there. Going from B-3 to B-4 should do that. The area surrounding the property is already B-4 so this is an incremental step for a piece of property that is lying dormant. In reference to the concern about a nightclub, that did come up in the planning board meeting and in talking to staff, a nightclub would require 500 feet of separation from residential. Residential is right across the street so a nightclub would not be allowed. Hopefully that addresses that concern.

Mayor Pro Tem Ferebee confirmed with Mr. Parker that he was not aware of any proposed development going there. Mr. Parker replied they were asking for the rezoning hoping to get something there. It opens up the window of possibilities.

Mayor Doughtie asked if it stayed B-3 and someone came in the future and wanted to put a business that was classified as B-4 there, would it be possible for it to be a special use permit. This would allow City Council and the community to know what type of business would be located there.

City Manager Traynham replied the zoning ordinance allows for conditional zoning which is a fairly new process that was incorporated as part of the changes to Chapter 160D that regulates development. The City's ordinance would allow for the site-specific project to be approved with certain schematics under a conditional zoning request. It would be a zoning change, but subject to a specific outcome that would comply with the underlying zoning district. It would help with any concerns. Generally, these situations are helpful when there are some potential consequences to neighboring properties. Under a conventional zoning request, they must consider all the potential uses and all of the potential developments possible. One of the

differences between B-3 and B-4 is that B-4 has a greater intensity of commercial uses and does not have a height limitation under the City's zoning code. B-3 has a 35-foot limit. If the zoning district were to remain the same, there are some other alternative ways to get a project approved without a zoning change.

Mayor Doughtie stated City Council had the information for a few days and they have heard individuals speak. He asked if City Council wished to table the matter could they continue the public hearing or would they have to close it and have another public hearing at the next meeting.

City Manager Traynham replied they could do either option. City Council could continue the public hearing to the next meeting and state the date and time. They would reopen the public hearing at the next meeting and receive any additional comments. City Council could also close the public hearing tonight and postpone the final decision based upon information on the record. If they wanted to allow time for more information to be gathered to make a decision, then continuing the public hearing until the next meeting date and time would be appropriate.

Mayor Pro Tem Ferebee asked Planning & Development Director Wise to bring the zoning map up again so they could see the zoning of all the properties. He confirmed that the properties in the area received a notification letter. Planning & Development Director Wise stated the applicant owns property across the street, so they notified all property owners 100 feet past the property owner's line. They did get the one letter back with the verified Halifax County tax record address.

City Council reviewed the zoning classifications of the surrounding area on the map.

Mayor Doughtie asked if there was anyone else wishing to speak. No one came forward.

Attorney Davis reviewed City Council's options. First, City Council could continue the public hearing/comments without closing it which would give others the opportunity to come speak next time. Secondly, City Council could close the public hearing/comment and continue the decision which would not allow the opportunity for public comment next time. Thirdly, City Council could close the public hearing and work through the rest of the process.

Councilman Stainback made a motion to continue the public hearing/comment until April 4, 2023 at 5:30 p.m., seconded by Councilman Daughtry. Councilman Stainback, Councilman Daughtry, Mayor Pro Tem Ferebee and Councilwoman Bryant voted in favor; Councilman Smith voted against. Motion carried by a 4-1 vote.



Mayor Doughtie announced that anyone who wished to speak at the next meeting could do so since the public hearing was continued.

## **New Business**

### **Consideration of Voting Delegate**

City Manager Traynham stated it was the time of year for preparation of the 2023-2024 NCLM Board of Directors elections. The NCLM will hold an electronic voting process for elections. For the last several years, Mayor Pro Tem Ferebee has served as the voting delegate for the City of Roanoke Rapids. He is willing to serve in this capacity again. The election results will be announced during the business meeting at the CityVision conference in Concord, NC.

Motion was made by Councilman Smith, seconded by Councilwoman Bryant, and unanimously carried to designate Mayor Pro Tem Ferebee as the City's voting delegate for the 2023-2024 NC League of Municipalities Board of Directors electronic election.

## **City Manager's Report**

City Manager Traynham reported budget meetings between herself, Finance Director Johnson and department heads will be taking place this week and be completed by the middle of next week. These meetings will take place in advance of meetings with City Council for presentations of those proposed budgets for the upcoming fiscal year. Again, they do not have any revenue estimates. They expect the NCLM to present their revenue estimates memo by the second week of April.

She said they were currently receiving bids for street resurfacing. The asphalt sealed bid opening will be Wednesday, March 29<sup>th</sup> at 10:00 a.m. The Southgate flood abatement project sealed bid opening is April 13<sup>th</sup> at 2:00 p.m. The Boys & Girls Club has received some recent upgrades, especially in the boys' restroom in preparation of the upcoming camps held there this summer.

She announced the Fire Department will conduct hydrant testing beginning April 1<sup>st</sup>. They intend to start on the west side of town and move eastward. They will update their social media pages for areas they will be in next. Truck testing was recently completed, and they are doing hose testing as required.

City Manager Traynham stated Human Resources is working towards Open Enrollment which starts Tuesday, May 2<sup>nd</sup> for employees and retirees to review their benefits. More information to come soon.

She reported the Main Street Roanoke Rapids program is still accepting applications for the Historic Rehab Grant. Anyone interested in the grant should contact Main Street Development Director Tony Hall. Some of the street planters are expected to be installed soon. They are working with Master Gardener Sonny Brown.

She announced Easter Egg Hunts are scheduled for Saturday, April 1 at 10:00 a.m. at TJ Davis Recreation Center and Chaloner Recreation Center. The new swing set that was ordered for Chaloner Park has been installed. Ashley Bobbitt has been hired as the TJ Davis Recreation Supervisor and started this week. This will benefit the department with the void and meet the need for additional programming for youth and adult athletics.

City Manager Traynham reminded City Council that this Saturday, March 25<sup>th</sup> at 10:00 a.m. Crime Stoppers will hold a March for Awareness event in Centennial Park. If the weather is unfavorable, the event will move into the Lloyd Andrews building. On April 1<sup>st</sup> at 10:00 a.m. Acting Chief Williams and Detective Seward will be conducting a scam awareness program at Calvary Baptist Church.

Mayor Pro Tem Ferebee asked how the other project was coming along at Chaloner. Parks & Recreation Director Simeon replied they were still waiting on the shop tickets. Then they will start the bids for the general contractor. He plans to give a full update when they meet for their budget sessions. He has sent several emails to the company about the restrooms and has not received any response. He will continue to make additional phone calls and climb the ladder as needed to keep that project on task.

Mayor Pro Tem Ferebee stated they were trying to make sure that was ready for the kids this summer. He asked Parks & Recreation Director Simeon to keep City Council abreast on that project.

Councilman Smith asked if there were any other contractors out there who do the same thing as this company that will not respond to him. Parks & Recreation Director Simeon replied there is and if they recall the City received three bids. They chose the lowest bid and voted to sign a contract with that company. The City is locked in at this point.

Mayor Doughtie asked if there was any kind of termination date. Parks & Recreation Director Simeon said he would need to ask City Attorney Davis to review the contract on that. Attorney Davis said he did review the contract at some point, but it had been some time so he could not recall.

Mayor Doughtie and Mayor Pro Tem Ferebee agreed that the contract should have some kind of clause about a completion date.

City Manager Traynham added that although it was March 21<sup>st</sup>, they were under the expectation that the restroom building was under construction right now. Parks & Recreation Director Simeon said from the last conversation he had, he was under the impression that the shop tickets were being put together and it was going into production. Since the last meeting, he has made several phone calls and sent emails, but has not received a response.

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

Finance Director Johnson reported for the period ending February 28, 2023, the General Fund year-to-date revenues totaled \$13,362,737.27 which accounts for 65.9% of the adopted budget. Prior year for February it was at 75% which was above this year, but that was due to the budget being slightly higher. The General Fund year-to-date expenditures totaled \$12,044,499.45 which is 59.4% of the adopted budget. For the prior year in February 2022, it was at \$10.7M.

She stated the City's last material allotment of Ad Valorem Tax Revenue has been recognized this reporting month, in February, for January collections. It remains critical to hold as much year-to-date earnings as possible for operations.

Mayor Pro Tem Ferebee asked if she felt the City was in good shape with its funds. Finance Director Johnson replied yes, she did.

Mayor Doughtie asked Finance Director Johnson if she was continuing to move money into funds in order for the City to get as much interest as possible. She replied yes, they continue to move money around in order to make as much money as possible.

### **Closed Session**

Motion was made by Councilman Stainback, seconded by Mayor Pro Tem Ferebee and unanimously carried to go into Closed Session to discuss a Personnel Matter as allowed by NCGS 143-318.11 (a)(6).

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

*Minute Book Pages 21137 - 21146 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.*

**Open Session/Adjournment**

City Council returned to Open Session. Councilman Smith excused himself from the meeting during Closed Session.

There being no further business, motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Bryant, and unanimously carried to adjourn. The meeting was adjourned at 6:56 p.m.

*Traci V. Storey*

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**Traci V. Storey, City Clerk**

**Approved by Council Action on:** April 4, 2023