



# **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 4, 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  
John Simeon, Parks & Recreation Director  
Larry Chalker, Public Works Director  
Jason Patrick, Fire Chief  
Tony Hall, Main Street Development Director

**Absent:** Christina Caudle, Human Resources Director  
David Wise, Planning & Development Director

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

## **Adoption of Business Agenda**

Mayor Doughtie stated he has been advised that a Closed Session to discuss a personnel matter needed to be added to the agenda under Other Business. He asked Council members if there were any known conflicts of interest with respect to the matters before them this evening and called for a motion to adopt the agenda with the amendment.

There being no conflicts, motion was made by Councilman Stainback, seconded by Mayor Pro Tem Ferebee, and unanimously carried to amend the business agenda to add a Closed Session to discuss a Personnel Matter as allowed by NCGS 143-318.11 (a)(6).

## Approval of City Council Minutes

Motion was made by Councilwoman Bryant, seconded by Mayor Pro Tem Ferebee, and unanimously carried to approve the March 21, 2023, City Council Regular Meeting minutes as drafted.

## Committee Appointments

### **Roanoke Rapids Area Planning Board & Board of Adjustment**

City Clerk Storey reported the terms for Joseph Brinkley and Virginia (Ginny) Lewis as ETJ members on the Roanoke Rapids Area Planning Board/Board of Adjustment will expire June 1, 2023. Mr. Brinkley and Ms. Lewis are both willing to serve another term. The Halifax County Board of Commissioners make the final appointment; therefore, a ballot vote is not required for their reappointments.

Ellen Heaton resigned from the Planning Board which leaves a vacancy. Mr. Gregory Page submitted a volunteer application for your review and consideration. Mr. Page would serve the remainder of a term which expires June 1, 2024.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Stainback, and unanimously carried to reappoint Joseph Brinkley and Virginia Lewis as ETJ members and appoint Gregory Page to the Roanoke Rapids Area Planning Board/Board of Adjustment.

City Clerk Storey stated Calvin Potter recently resigned from the Halifax-Northampton Regional Airport Authority leaving a vacancy. She asked for anyone who wished to serve on the board to please contact her.

## Public Hearings

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

Mayor Doughtie stated this public hearing is continued from the last meeting. He also reported Planning & Development Director Wise is unable to attend, therefore City Manager Traynham will be presenting.

Mayor Doughtie reopened the public hearing.

City Manager Traynham summarized and reviewed the information set out in the following report:

## 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

### 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

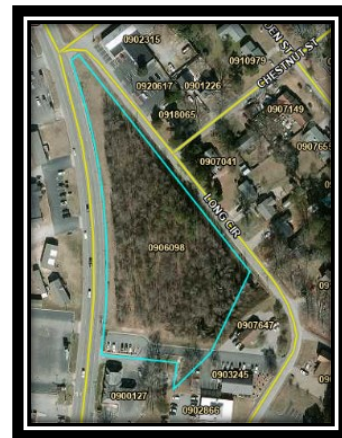


Figure 1 Aerial Image of Subject Property

### Analysis and Detail:

#### 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

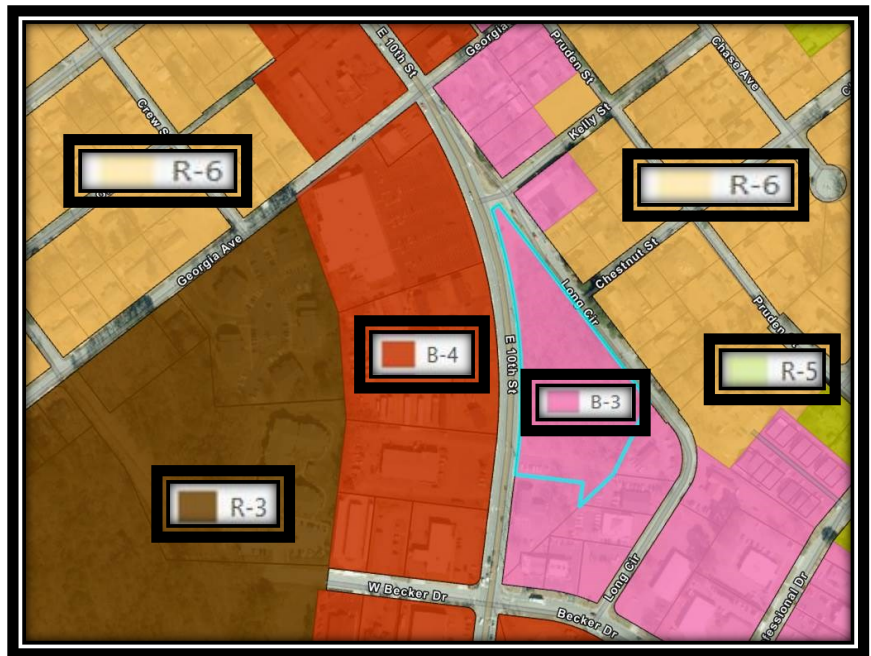
The site proposed for rezoning is located northeast along East 10<sup>th</sup> Street, South & West of Long Circle, and East of Kelly Street.

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 rezoning 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 capitalize 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 invited those wishing to speak to come forward.

## Public Comment

**Mr. Sean Beaver** (739 Raleigh Street) stated he believes City Council could see by the representation in the building, they have over ten people here that are opposed to the rezoning from a B-3 to a B-4. He has spoken to others that could not be here and they wanted to make sure everyone here knew they were opposed to it as well. He said he would let Lauren speak since she did not speak at the last meeting. He would appreciate it if City Council would leave the zoning at B-3.

**Ms. Lauren Williams** (203 Long Circle) thanked City Council for extending the public hearing to allow a lot more neighbors to come voice their concerns. She is a self-employed hair stylist and recalls starting out in 2012 and wanting to purchase a home

of her own. She worked two jobs and with all those hours she put in she was going to consider every single detail in purchasing a home. After all, that is one of the greatest investments one could have. Honestly, she could say if there were a gas station or convenience store which is classified under zoning B-4 located 50-100 feet from her driveway, she would not have invested in her property. She knew she was surrounded by B-3 zones such as doctor's offices that close by 5 p.m. on weekdays. A B-4 zoning does not compliment a residential neighborhood. They all work so hard to own a house. She was sure everyone remembers the sweet victory of purchasing their first home. Home is where family begins. It is where kids take their first steps, ride a bike, maybe learn their first sport. Their home is special and sacred to them. It is a safe place after a long day and go to relax. If the rezoning were to change to a B-4, that would open doors to a higher volume business. Being right off Tenth Street is quite noisy so having a wooded area in front of their homes does help provide a buffer from the traffic. She does understand that with a current B-3 zoning, those trees could easily be cut down, but she does appreciate the privacy. Rezoning to be B-4 leaves a door open to greater possibilities that could change the entire character of their neighborhood. Some of the neighbors are retired and worry over the peace and tranquility of the neighborhood, including herself. They do not want to look out their front door and be about 50-100 feet away from a business such as a gas station, apartment complex or convenience store. This would greatly impact the traffic on their road. Small children play outside and a lot of people in the surrounding area love walking the block with their pets and kids. More traffic means more people and more noise which also leads to greater safety concerns. She knows the City looks for ways to better the community, so she understands the request to rezone by the property owners. She cannot see why anyone would want to reside that close to a high volume business or have that potential. That is why she feels her property value would decrease. Having a certain level of privacy is something every homeowner values. She does not want to risk having that taken away. She feels strongly that the property should remain the same at a B-3.

**Ms. Dee Williams** said Lauren was her daughter and agrees that it should stay a B-3 zone. She hopes one day to have grandchildren and feels if it is rezoned to a B-4 it would be a safety issue. As many of them know, this day in time, people are very mean and she does not want her grandchild snatched up. She wants her grandchild to have as safe of an environment as possible. Right now, she feels that is what they have where Lauren lives. She hopes they will consider leaving the zoning as B-3.

**Mr. Andrew Bryant** said he agreed with what both Lauren and Ms. Williams said, he would like it to remain a B-3. He asked for those living on Long Circle to raise their hand. He said some people do not like to speak in front of people. He knows whoever owns the land, just like him, he wants to make the greatest investment in his



property. There are pros and cons of owning land and being beside neighbors. That is why if he bought a bunch of property, he would want a big buffer around him so he would not have to deal with that stuff. He did not know where they lived, but look at it from their prospective, what would they want to look at out their front door.

**Mr. Chris Gerity** (201 Long Circle) said he would like it to stay a B-3 rather than a B-4. He has three kids and putting something like a Dollar General or some type of high-volume business will not be okay for the kids at all. They have people flying down the streets. He would like to keep the neighborhood a little safer than it is today. If they put that there it is going to cause more problems for the neighborhood. More high traffic and more volume. It may benefit some people, but it would not benefit them. Those people living on Long Circle do not want to look at a store. Trash flying onto their property and having to pick up trash from the stores. As a B-3 it will keep the community how it is supposed to be; safer for the kids, safer for the environment. He likes to see the trees when he wakes up. He works for FedEx so he delivers to many of the businesses in the area. Nobody knows that is there. Everywhere else people are speeding down the streets. When he moved over there onto Long Circle the speeding vehicles stopped. When he lived on Marshall Street, everyone would speed down the street. He has three kids, and he did not want them to get hit by a car or something like that.

**Mr. Deleon Parker** with Parker Law Office in Rocky Mount stated he was representing the applicant, M/K Properties. He appreciated City Council continuing the public hearing so they could discuss it further with the community. A couple of things he would like them to consider. Some of the concerns that have been brought up such as traffic and safety and the more intense use would bring greater traffic to the neighborhood. As he pointed out on the map, overall, there is a significant amount of B-4 already in this area. There is B-3 scattered around, but the vast majority is B-4. It is a long-standing use along Tenth Street. He also showed on the map where there was B-4 that abuts residential, so they already have an existing pattern of B-4 directly adjacent to residential use. The change of the one section the applicant is looking to change from B-3 to B-4 is an incremental extension of what was already there. When they look at the vast number of properties already zoned B-4, it is hard to imagine that one piece of property was going to bring that much more traffic to the area. Additionally, he would like them to consider such impacts on use such as schools, commercial development and get someone there. Right now it is trees there and he understands the residents like to look out the front door and see the trees there. At the end of the day, if someone put a commercial establishment there, they have someone who is able to invest in the community and bring in greater tax dollars than the vacant piece of land is doing there. They have relatively little impact as a business on schools because nobody is living there. The general nature of commercial use that

already exists, the existing uses on traffic and other services the City provides should be minimal because they are already serving those other businesses on Tenth Street. He asked City Council to consider those as they make their decision and vote in favor of the rezoning.

Mayor Doughtie asked if anyone else wanted to speak. Nobody else wished to speak. He asked if City Council had any questions.

Councilman Smith asked City Manager Traynham if there would have to be a buffer zone between the property and the neighbors. She replied it depends on the proposed use, but the greatest buffer required by the City's code would be an 8-foot-tall privacy fence or vegetation that would be evergreen in nature for 12 months of the year that would reach that mature height. Any proposed development would have to undergo review by the Development Review Committee. Even if it is developed under its current state of a B-3, there could be some. It would have to be alongside the property being developed.

Councilman Smith asked if B-4 was turned down and left as B-3, is there any restrictions where someone could not come back with a conditional use permit as long as the Planning Department had a favorable opinion on it. City Manager Traynham reported state laws have changed a couple of years ago making things more flexible in some of these situations. They now offer something supported by state statutes what is called a Conditional Zoning District. No one has applied for it yet as it is still very new. What would happen in this situation, for example, a gas station would be a permissible use in a B-4 zoning district. If the property was zoned B-3 or some other zoning district, an applicant would submit an application to say they want to rezone the property to B-4 because it allows a gas station and would include a preliminary site development plan. It would go through a similar hearing process just like the rezoning process, but they would talk about the specifics, and they actually become conditions of the rezoning decision. She realizes that goes against everything they have ever talked about throughout her career in rezoning decisions. It is something that has been done to try to facilitate development and it would allow for the citizens of the affected property to have input into the process as well. People would know exactly what is planned to be developed as a result of the rezoning decision, if it is a conditional district. Under the traditional legislative rezoning process all permissible uses within that district are permissible either by right or with a Special Use Permit. They cannot pick and choose which uses if the property was rezoned to B-4. All the uses in the Table of Uses apply to the property. So there is an alternative method. She added usually rezonings cannot be re-requested unless there is additional information that can be provided. Should the property maintain its B-3 zoning district, if the owner has an intended use in the future they could request a

zoning district that would be complimentary to that proposed use.

Mr. Parker requested to speak to the Conditional Zoning. Attorney Davis advised Mayor Doughtie to allow it.

Mr. Parker said in relation to the conditional use, one of the things the City Manager noted was having a specific plan for what the business is going to do. While it sounds good, the problem one could have from a business and investment standpoint is it would require a business that is looking to purchase the property, to do the conditional use and basically have to engineer everything upfront. They would wind up spending a fair amount of money upfront because if they vary from what is approved, they have to go back through the application process. This defeats what the applicant is trying to do, which is open up options so someone will know what they are going to get when they buy the property.

City Manager Traynham said some applicants will go that far. The more specific they get into a conditional district zoning approval, the more likely they will have to come back if changes are necessary. This is why they should try to stick with a more limited basis. It also puts a burden on staff to keep up with all those conditions. There is not a specific requirement on the site plan; it could be as simple as a sketch to get the process started.

Mayor Pro Tem Ferebee asked what the recommendation was from the Planning Board. City Manager Traynham replied the Planning Board reviewed the proposal in its meeting in March and recommended approval of the request as submitted. She noted the Planning Board recommendation has no bearing on City Council's decision.

Mayor Pro Tem Ferebee asked how did this differ from the ones in the past. She replied one of the main differences with this one compared to the other one on Becker Drive and Hunting Ridge Road, now Rooney Ridge Apartments, is the site was originally B-4 and it was downgraded to B-3. B-3 allows for multi-family development and basically allows some residential uses, but no single-family development. That was the best example she could come up with because the B-3 district by definition is a transition area from commercial to residential. B-4 is more of a highway business type of zoning district classification that allows limited commercial uses. Commercial uses for B-3 are primarily office, clerical, research and non-retail type uses. In her opinion, B-3 is probably the best zoning classification for this piece of property based on the adjacent residential neighborhood and the uses surrounding the area are already in B-3 use. She believes B-3 is appropriate. She stated B-4 is requested so it is up to City Council to make a final decision in consideration of the zoning map change as requested.

Mayor Pro Tem Ferebee said City Manager Traynham mentioned there had been some changes in the last couple of years because he recalled if the request was valid and there were no other things against that, City Council was somewhat obligated to do that change. He asked if these changes they have now were different from that.

City Manager Traynham replied he may be referring to the special use permit or conditional use permit process. Legislation has changed where they are all considered special use terms. In the past there have been considerations under a special use permit that have affected a zoning district; for example, Cross Creek. That had to do with the way in which the development was originally approved. Under a special use process, that is more about the use that is being authorized rather than the district itself. The special use process is quasi-judicial, so all evidence and testimony have to be expert witnesses and so forth. Legislative decisions such as this rezoning, they can consider all input. There is unrestricted input as far as public comment on the matter as long as it is relevant to the City of Roanoke Rapids. They do not require any factual or expert witness testimony when talking about property values, traffic and things like that.

Attorney Davis added when some things come before City Council, it has been under the old special use permit statute. There are different standards of evidence that must be applied and it is a different type of hearing. There are different findings that have to be made under that process; it is a lot more formal. If "all the boxes are checked" the Council does not get much discretion. This is not one of those situations. This is not a quasi-judicial hearing, this is an administrative hearing. That means it is legislative in nature so City Council is sitting in its capacity as a legislature rather than in a capacity as a judge in a special use permit. It is a relaxed standard of evidence and a different kind of findings than they make in the other scenario.

City Manager Traynham stated in summary the requested zoning district is B-4 Commercial so all B-4 commercial uses in the City's Table of Uses would be possible on that site either by right or through other permitting processes before City Council.

Mayor Doughtie stated in the B-4 classification information, they were looking at a 1.7-acre piece of property which is not very big. Under B-4 it states it is designed to accommodate a wide range of commercial activities, with larger scale developments. That would concern him with a piece of property that small. He asked if the property remains B-3 and if someone comes along and wants to put a gas station there then they could come before City Council about that specific project where City Council would decide to approve it or deny it.

City Manager Traynham explained the conditional zoning process allows for an

applicant to request a rezoning for this particular piece of property, for this particular use, and they need the zoning to be this particular zoning. Then City Council can apply conditions going through the same type of rezoning process. Under conditional zoning they would have more specific information about the proposed use and the decision to change the zoning district would be for that particular use. That decision would be recorded against the property. If there were to be any changes in the future, it may have to go back through the same review process in which it was originally approved. That is an alternative. It is not a special use permit; it is called conditional zoning. It would be changing the zoning district for a specific proposed use. She reminded City Council that they were not talking about that tonight. It is just an option that exists for all properties in the City's zoning jurisdiction. She stated based on the information, the record and the assessment, did they want to keep the property as B-3 or approve the request to change the zoning to B-4.

Councilman Daughtry clarified that if it stays B-3, they can apply for conditional zoning and City Council can consider it and have input in it. If it goes to B-4, they pretty much have free hand when it comes to development. City Manager Traynham stated any development would have to be in compliance with the City's code and table of uses. If it is changed to B-4, it can be any use that is in B-4 district. The same goes for the B-3 district.

Mayor Doughtie asked if the request was denied, would City Council be bound to some type of reasoning other than a vote to deny it. City Manager Traynham replied they were in a legislative hearing. It was not like the special use permit process where they would have to be more specific. They could just say based on the record or say they want to keep it as it is originally zoned.

Mayor Doughtie closed the public closed.

### **Statement of Consistency**

City Manager Traynham stated the Statement of Consistency is to determine whether or not the request is consistent with the Comprehensive Development Plan policies that apply. In general, the Comprehensive Development Plan does support the Statement of Consistency. The Statement of Consistency has no bearing on the actual outcome or final decision of the rezoning. She asked City Council to consider the following Statement of Consistency:

### **Recommendation of Consistency with Plans to Amend the Official Zoning Map**

Reference: Amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcel 0906098 (a 1.726 ± acre property) from B-3 Commercial District to B-4 Commercial District. The property is located long the E.10<sup>th</sup> Street Corridor at the intersection of Kelly and Long Street.

The Roanoke Rapids City Council met on Thursday April 4<sup>th</sup>, 2023 at 5:30 p.m. for the continuation of the Public Hearing previously held on March 21<sup>st</sup>, 2023 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 COUCIL ON THE 4TH DAY OF APRIL 2023.

***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.***

Upon review of the request, it is the City Council 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: April 4<sup>th</sup>, 2023

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Roanoke Rapids Mayor  
Emery Doughtie

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried, that based on the knowledge of the Statement of Consistency and it is believed to be valid, to approve the Statement of Consistency to amend the Zoning Map to a commercial district for Halifax Co. Parcel 0906098, described in the staff report dated March 21, 2023 because everything was paid and done according to the rules and guidelines of the request.

### **Final Decision**

Motion was made by Councilman Stainback, seconded by Councilwoman Bryant, and unanimously carried to deny the rezoning request.

Mayor Doughtie called for a five-minute recess.

<h2><b>Old Business</b></h2>
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### **Roanoke Rapids Theatre**

City Manager Traynham stated the sale of the Roanoke Rapids Theatre which is owned by the City has not been discussed here in a couple of months. There were proposals submitted to City Council back in February. One had seller-financing conditions and the other was essentially a management contract of the Theatre. She reviewed and summarized the following report:

**To:** Mayor and City Council  
**From:** Kelly Traynham, City Manager  
**Date:** April 4, 2023  
**Re:** Roanoke Rapids Theatre

### **Roanoke Rapids Theatre** **500 Carolina Crossroads Parkway**

In July of 2022, the City Council accepted a deed in lieu of foreclosure from G&T Holdings and resumed ownership of the Roanoke Rapids Theatre (“Theatre”) property, located at 500 Carolina Crossroads Parkway. The resale of the Theatre is a top priority of the City Council. During the second half of 2022, the City Council authorized the Theatre sale by sealed bids process four (4) consecutive times resulting in the acceptance of zero (0) bids. The City Council cannot negotiate the private sale of real property without a formal process authorized by the North Carolina General Statutes (NCGS). Private interest in the Theatre remains steady with inquiries, property shows, requests for information, etc.

Staff requests the City Council to consider the informed recommendations discussed in this memorandum and to provide directions to the City Administration concerning the disposal of the Theatre property in accordance with the NC General Statutes.

The purpose of this memorandum is to provide the City Council with the following: **(1)** updates concerning the continued private interest in the Theatre property, **(2)** status of the debt instruments used to finance the development of the Entertainment District, including the Theatre property, **(3)** summarize the legal opinion concerning the potential consequences of seller-financing the sale of the theatre, and **(4)** discuss alternative methods/procedures for disposal of real property.

## **(1) Proposals**

The City has recently received differing proposals from interested parties/buyers with stipulations and/or conditions, such as seller-financing, long-term lease with option to purchase, and city-funded promotions. All proposals received by the city are evaluated by the City Administration and the City Attorney prior to any requested action by the City Council. The common themes identified thus far include funding assistance and/or “seller-financing” to facilitate the private sale or use of the Theatre property with variable terms.

***Seller-Financing.*** Sales of real property involve a financial transaction between seller(s) and buyer(s) in exchange for a Deed of Trust, or other legal instrument used to convey ownership. If conveyance of property is secured by a loan, then the buyer consents to a lien against the property until the financial obligation is fulfilled subject to certain terms. In situations where “seller-financing” is proposed and agreed to, the seller retains “interest” in the real property, like a financial institution (bank).

## **(2) Financial Obligations**

On May 10, 2017, the City refinanced its outstanding Music and Entertainment District Special Revenue Bonds, Series 2007 with Bank of America through Special Revenue Bonds, Series 2017A (Tax-Exempt) and 2017B (Taxable). The debt financed by the 2017B (Taxable) Bonds was retired (paid-off early) on March 23, 2022 utilizing a state-directed grant from the NC General Assembly.

***Overview of 2017A (Tax-Exempt) Special Revenue Bonds.*** The 2017A (Tax-Exempt) bonds were issued in an initial amount of \$11,852,907.66, on May 10, 2017, and pay quarterly principal and interest at a 2.54% and mature on May 1, 2032. The 2017A Bonds became callable in whole or in part on any date without penalty on May 1, 2022. After the upcoming 5/1/2023 quarterly payment, **the outstanding principal balance will be \$7,638,760.** The 2017A Bonds are secured by the Obligated Revenues of the City, which are defined as (a) the District Tax Increment Fund Proceeds and (b) the Sales Tax Revenues of the City.

## **(3) Legal Considerations – Potential Taxable Conversion of Bonds**

City Administration recently consulted with the City’s bond counsel, *Womble Bond Dickinson (US), LLP*, and *Davenport Public Finance* consultants concerning questions related to the seller-financing proposals and any potential impact on the debt instrument financing the Theatre under Bank of America Series 2017A (Tax-Exempt) Bonds. Subject to further review by Bond Counsel, if the city purposefully/unilaterally takes an action or fails to take an action that results in the loan becoming taxable, the interest rate may increase to a taxable interest rate. Under the Bond Order for the 2017A Bond adopted on April 18, 2017, in the event of an occurrence of a Determination of Taxability, the Bond shall bear interest from the date as of which the Determination of Taxability has occurred at the Alternative Taxable Rate, which is equal to 1.54 times the current tax-exempt rate of 2.54% (1.54 x



2.53% = 3.9116%). Additionally, the City would owe a penalty equal to the difference in the tax-exempt and taxable rate going back to the inception of the tax-exempt loan.

***Bond Order Conditions 2017A Tax-Exempt Bonds.*** On March 10, 2023, City Administration received the *attached* Memorandum from *Womble Bond Dickinson (US), LLP* (“Bond Counsel”) concerning the Federal Tax consequences if the city were to “seller-finance” the sale of the Roanoke Rapids Theatre to a private user. The memorandum describes the existing tax analysis for the bonds financing the Theatre and explains why a **seller-financing sale would undermine the tax-exempt status of the debt.**

- Paragraph #1 of the memo describes “payment tests” that are used to assess the activity or use of the financed property as either “Private” or “Public (Government)”.
- Paragraph #2 describes the restructuring of the 2007 Bonds (taxable) into two Series 2017 Bonds: A (Tax-exempt) and B (taxable). This facilitated the private sale of the theatre and release of the mortgage, with legal conditions.
- Paragraph #3 provides an assessment of two scenarios for selling the Theatre property with either seller-financing or one-time payment.

***Sale of Theatre with Seller-Financing.*** It is confirmed that seller-financing, as proposed, would create a “private activity” bond under the test, which would result in a **taxable interest rate that would be RETROACTIVE to the issuance of the bonds in 2017.**

- The City would not only pay a higher interest rate but would have to pay the difference in the new (higher) rate and the current rate of 2.54% back to May of 2017 (closing).
- At a minimum, this would increase the City’s payment to Bank of America by \$100,857, annually. Currently, the city pays approximately \$952,736, annually.
- This would also incur additional penalties, etc for Bank of America having to file amended tax returns for all these prior years!!

***Sale of Theatre with One-Time Payment.*** The 2017A Bonds would maintain their current Tax-Exempt status without further action if the Theatre is sold in a one-time payment transaction, such as cash or private, lender financing.

#### **(4) Alternative Methods for Disposal of Real Property**

The **Competitive Sales** process is the most common method of local government property disposal/sale and is subject to procedural requirements set forth by state law. There are three methods for competitive sale of real property: ***sealed bids*** (160A-268), ***upset bids*** (160A-269), and ***public auction*** (GS 160A-270). Additionally, the general statutes require a public notice of sale to be published in a newspaper of general circulation at least 30-days prior to the opening of sealed bids. The City Council would have to approve any decision to publish notice solely by electronic means for a particular electronic public auction. The City Council may include a “minimum bid amount” with the understanding that a minimum bid is not a binding sale price. In all cases, the City Council reserves the right to award sales to the highest responsive, responsible bidder or reject all bids.

**Public Auction.** Staff recommends that the City Council consider alternative methods of disposal of surplus property as allowed by the NC General Statutes, to include, but not limited to **electronic public auction as allowed by NCGS 160A-270**. City-owned real property may be sold at public auction by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services.

Currently, the City utilizes the GovDeals marketplace for electronic public auction of surplus personal property. GovDeals is a Liquidity Services marketplace specifically created for government agencies to dispose of surplus property (personal and real estate). Basic GovDeals services for real estate include but are not limited to:

1. *Electronic administration and automatic updates for bidders;*
2. *Full MLS listings for large assets including listings across multiple platforms, such as realtor.com and trulia.com;*
3. *Limited costs to the City as buyers pay the fees (negotiable, TBD);*
4. *Secure IT system to protect against fraud or other malware events that could damage the auction*
5. *Local and US-based customer service*

**Alternate Disposal Methods.** As an alternative method to Competitive Sales (described above), Staff recommends that the City Council consider all qualified proposals consistent with Step-by-Step Procedures for Disposal of Property for NC Local Governments as allowed by the NC General Statutes. Alternative methods include:

#### **Leases**

- **Short-Term Lease** (less than 1-year): *no procedural requirements, council may delegate authority to approve leases.*
- **Mid-Term Lease** (more than 1 year and less than 10 years) - *Council to approve by Resolution and procedural steps:*
  1. *Publish notice at least 30-days prior to Council meeting at which resolution authorizing sale will be considered.*
  2. *Adopt Resolution authorizing lease.*
  3. *Execute lease anytime after adoption of resolution.*
- **Long-Term Lease** (more than 10 years): *must use one of the competitive sales procedures – sealed bid, upset bid, or public auction.*

#### **Special Conveyances**

**Exchange** (NCGS 160A-271);

**Economic Development** (NCGS 158-7.1(d))

**Conveyance to other governments in North Carolina** (NCGS 160A-274)

**Attachments (On file in Clerk's Office)**

Memorandum from Womble Bond Dickinson (US), LLP, dated March 10, 2023  
Davenport's Overview of Series 2017A Special Revenue Bonds, dated March 10, 2023  
GovDeals information sheets

**Staff Recommendations**

City Administration requests the City Council to consider the following recommendations concerning the disposal/sale of the Roanoke Rapids Theatre.

1. In consideration of the potential federal tax consequences to the 2017A Tax-Exempt Bonds that currently finance the original debt for the construction of the Roanoke Rapids Theatre and Entertainment District, *staff recommends that the City Council reject any actions and/or proposals that would compromise the current tax-exempt status of the 2017A Bonds.*
2. *Staff recommends the City Council to consider GovDeals electronic auction services as the next option for competitive sale of the Roanoke Rapids Theatre.*
3. *Staff recommends that the City Council consider all qualified proposals consistent with Step-by-Step Procedures for Disposal of Property for NC Local Governments as allowed by the NC General Statutes.*

**Requested Action**

**Discuss the Roanoke Rapids Theatre, consider staff recommendations and provide directions to the City Administration.**

*If sale of the Theatre by electronic public auction is desired by the Council, then please direct the City Administration to prepare the necessary items to initiate the process. This will include the drafting of a resolution for the Council's consideration and action during its next regularly scheduled meeting, April 18<sup>th</sup> or as soon thereafter as possible.*

City Manager Traynham stated staff spends a lot of time fielding questions and inquiries. There is still interest in the Theatre. They understand there are some challenges surrounding the Theatre with any private financing opportunities, but at this point she did not feel the City has exercised all of its options as far as sale of the Theatre. She asked City Council to think about all the options and give staff direction on what they are willing to consider. She was not asking for any action tonight; she would like to get some consensus. For example, if City Council did not want to consider any seller-financing proposals, then that is something City Council can come out with a consensus. That may help reduce some of the resources being expended to research each and every proposal that comes in.

Attorney Davis wanted to make it clear if the City did want to use the GovDeals.com auction process, after the bids come in and after the upset bid period passes, it still comes before City Council at the end to decide whether to accept the highest bid or

deny all bids. He wanted to be clear about that and they would still have the opportunity to accept or reject.

City Manager Traynham stated if City Council wanted to give staff direction to pursue it, they would have to go through a similar process with the other competitive sales. A resolution would be prepared to state the actual platform for electronic auction and to set the starting, minimum bid. There are very limited initial upfront costs to the City using the GovDeals.com process because they handle the transactions. If it results in a sale, the buyer pays that percentage for the purchasing of it to help facilitate this. The City would still have some typical closing of real estate transaction costs. This online presence would eliminate staff from having to handle any money transactions. At the end of the auction period the City Council would still ultimately retain its decision-making authority to accept or reject bids.

Mayor Pro Tem Ferebee asked for clarification on the seller-financing extra costs of \$100,000. City Manager Traynham replied if the current tax status changed to a taxable rate, it would result in a payment of approximately \$101,000 more annually. But also, the City would have to backpay all the other years that were unpaid plus pay for the federal tax returns to be amended. There is a lot of significant expense involved. At this time, she does not recommend the City move forward with that.

Mayor Pro Tem Ferebee stated at one time they were looking at advertising outside of Roanoke Rapids. He asked if they looked at the costs of doing that and considered doing that. City Manager Traynham replied GovDeals.com was a way of doing that with minimal costs to the City upfront. When the City sells surplus property, the charges for the service are charged to the buyer. GovDeals.com has a lot more exposure.

Mayor Pro Tem Ferebee asked if they could put a floor on it. City Manager Traynham replied yes. They can specialize and create a document that would have the information upfront. It would be part of the resolution City Council would need to approve stating that. She provided this information in their agenda packets. She was not asking for specific action by City Council to do it but would like them to consider it as the next progressive step under the Competitive Sales option.

City Manager Traynham also said if they have any lease proposals come before them, she asks that City Council consider anything that complies with what can be processed and approved under those statutes. She said she wanted to present City Council with options and provide recommendations from staff. They do not want to keep doing nothing about the Theatre at this point; they want to keep it actively moving as far as efforts for disposal of the property in accordance with state law.

Attorney Davis stated from speaking with the city manager and staff, it seems that it is not feasible for the City to do seller-financing. It would greatly relieve some burden on them as far as fielding offers if City personnel could respond that based on the tax consequences on the bond obligations they currently have, that City Council was not comfortable with any kind of seller-financing. If they could communicate that, then the offers the City may get will be more of something City Council would be interested in. It does not need to be a motion, but if there was a consensus of City Council that seller-financing is not feasible at this point and not be an option.

Mayor Doughtie stated he did not believe anyone on City Council wanted to do seller-financing. It was a consensus of City Council not to consider seller-financing.

Councilman Smith asked if the lease agreement fell in the same tax code as seller-financing. City Manager Traynham replied no, under a lease agreement the City would still own the Theatre property no matter what the term would be.

Councilman Smith stated he knows some papers have been sent to city administration requesting a lease agreement. They were not informed of what this lease agreement was, so they do not know how to make a decision on anything. If it is enough money involved in it, then City Council might want to get into a lease agreement, if it was enough down payment and enough money per month. They could negotiate with the person that wants these land lease agreements where they maintain the building and pay the utilities so the City can get out of the responsibility of that. He noticed that nobody talked about the lease agreement they had.

City Manager Traynham said tonight they did not want to speak about any specific proposals because there were some out there that have not been responded to. The proposal Councilman Smith was speaking of involves some additional terms they cannot just approve in one. He was answering one of her other questions which is what the City Council's favor is on any lease agreements.

Councilman Smith said it was not brought up though. It was brought up to either not do the seller-financing or put it up to auction. If they can come out okay on the lease agreement by for example, getting \$500,000 down and \$100,000 a month, it may be beneficial to them. They need to see the agreement that came in or somebody needs to tell them about the agreement. He could find out, but he directed everything to them and did not want to get in the middle of it.

Attorney Davis stated when the Theatre originally came back into the City's hands, the impression he got from the discussions with City Council was they were interested in the sale of the property rather than a lease. If the consensus of City Council was

that they wanted to see lease agreements, he believes they should make a public statement to that effect because he was not sure that had been communicated to the public. If that is communicated tonight and is the consensus of City Council, he was sure the city manager could organize those. Also, he believed any proposals that would be presented to City Council, they would want those individuals to come before City Council to discuss what their plans were.

Mayor Pro Tem Ferebee said he heard Councilman Smith say if they could get enough from a lease, could they do both at the same time.

Attorney Davis replied yes, but he wanted to consult with the city manager. After a brief discussion, City Manager Traynham acknowledged that the city attorney shared a lease proposal with her and there have been other talks about other leases. There have been some questions that they have not been able to have answered yet concerning the financial implications of leases. There are new government accounting standards where they must track all their leases of property. She was not saying that was a reason they could not, but this is a new requirement to be listed in the City's annual audit this year. All lease agreements the City has must be documented as liabilities starting this fiscal year. So tonight, she does not have answers to all their questions, but maybe by the next meeting they can have those questions answered.

Finance Director Johnson stated GASB87 is a standard that was effective fiscal year 2021-2022. She got that done when she started in April. As a lessor, they would have to record any leased property as a liability and record the input and outflow which would encumber some of the fund balance at the end of the year. That would be a financial implication of leasing. She could do more research and get more specific examples of that when they come back to discuss it.

City Manager Traynham stated as long as the building is leased, the City maintains ownership of it. They remain responsible for everything with it regardless of utilities being paid and so forth. She was not saying they could not do a lease and she suggests City Council consider all leases. City staff must do their due diligence when they present a decision that needs to be made by City Council so they can make an informed decision without any consequences that may not be foreseen at the time. They are working to get some of those answers for the lease proposals that may have been discussed or drafted. They have to look at it as a lease itself, they cannot include buying conditions as a stipulation of a lease proposals. For example, a lease for two years with option to purchase.

Councilman Smith stated he was not 100% for leasing, but he wants to be informed of what options they do have. He felt he was just given two options earlier: seller-

finance or GovDeals.com. He knew there was another option on the table so that is why he brought it up.

Attorney Davis said in reference to Mayor Pro Tem Ferebee's question earlier, the City can do both. If they had a scenario where City Council approved a resolution at the next Council meeting to put the Theatre property up on GovDeals.com and they received a lease they liked in the interim. Even with the results of the GovDeals.com bidding, Council could still reject all bids and approve whatever lease agreement was most beneficial to the City by the City Council's estimation. They were not stuck with one or the other; both can be proceeding at the same time. Having a consensus today that seller-financing is off the table will send a communication to certain interested parties. Rather than having proposals that involve seller-financing, they are either going to make an alternative proposal involving leasing or out-right purchase or bank financing. This allows City personnel to direct their efforts towards those other options and it will help interested parties structure their offers to meet those requirements.

City Manager Traynham added, as discussed earlier, there are three different methods of approving leases. It depends on the term of the lease to which state statute process they need to follow. City staff is doing its due diligence for all things coming in and provide as much information as they can. She was not asking for City Council to make any decisions tonight but wanted to continue these discussions concerning the Theatre to keep it going.

### **City Manager's Report**

City Manager Traynham stated City Council previously approved funding allocation for the sink hole issue located at First and Jackson Street. The replacement pipe that has been on order for almost a year now has finally come in. Rightmyer Construction is working with the Public Works Department to make that repair.

She said the knuckleboom approved in last year's capital budget is scheduled for delivery sometime next week. This afternoon a pre-bid meeting was held at City Hall for the Southgate flood abatement project for interested contractors to find out more about the project before they submit any bids. The work is funded by a grant to Halifax County for flood abatement projects along Chockoyotte Creek in Roanoke Rapids.

City Manager Traynham announced Main Street Roanoke Rapids has extended the grant application deadline to April 14<sup>th</sup> for exterior rehabilitation.

She reported the Chaloner restroom bid package has been distributed for interested contractors to do the preliminary site work. Once they get the bids in, they will move

forward to ensure that site work is completed prior to the building being scheduled for delivery. Based on recent conversations, May 30<sup>th</sup> is still the target deadline for completion of the Chaloner restroom building.

She said as part of the tourism budget, there was \$20,000 budgeted for wayfinding signage. Parks & Recreation Director Simeon has been working with tourism for the placements of signs in the Exit 171 area directing people to locations within the city, especially with the new road (Premier Blvd. extension).

Councilman Smith stated he and the mayor have received some complimentary comments about Kristyn Anderson in the Planning Department on the great job she is doing. He asked the city manager to let her know City Council is aware and appreciate what she does.

<b>Closed Session</b>
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Motion was made by Councilman Stainback, seconded by Councilman Smith and unanimously carried to go into Closed Session to discuss a Personnel Matter as allowed by NCGS 143-318.11 (a)(6).

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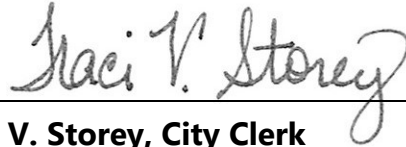


*Minute Book Pages 21172 - 21179 contain Minutes and General Account of a Closed Session which have been sealed until such time as public inspection of those minutes would not frustrate the purpose of the Closed Session.*

**Open Session/Adjournment**

City Council returned to Open Session. No action was taken.

There being no further business, motion was made by Councilman Stainback, seconded by Councilwoman Bryant, and unanimously carried to adjourn. The meeting was adjourned at 7:32 p.m.



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**Traci V. Storey, City Clerk**

**Approved by Council Action on: April 18, 2023**