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**Roanoke Rapids City Council**

**September 3, 2013**

The regular meeting of the City Council of the City of Roanoke Rapids was held on the above date at 5:15 p.m. in the first floor conference room of the J. Reuben Daniel City Hall & Police Station.

Emery G. Doughtie, Mayor

Carl Ferebee, Mayor Pro Tem

Ernest C. Bobbitt)

Suetta S. Scarbrough)

Greg Lawson)

Carol H. Cowen)

Joseph Scherer, MPA, MS, City Manager

Lisa B. Vincent, MMC, City Clerk

Gilbert Chichester, City Attorney

Mayor Doughtie called the meeting to order and opened the meeting with prayer.

Mayor Doughtie called Council’s attention to the Conflict of Interest statement in the agenda packet. He recused himself from participating in Item 7 (b) as he has a conflict of interest as an owner of property in the Canal Walk Subdivision. Mayor Doughtie requested Council take action to recuse him.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to recuse Mayor Doughtie from participating in Item 7 (b) “Conditional Use Permit for the Canal Walk Subdivision….” and to adopt the business agenda for September 3, 2013.

Motion was made by Councilman Lawson, seconded by Councilwoman Cowen and unanimously carried to approve Council Minutes dated August 6, 2013 *(Work Session)*; August 13, 2013 *(Special Meeting)* andAugust 13, 2013 *(Regular Meeting)*.

A ballot vote was taken and the Clerk announced that Margaret Clark and Wayne Smith received the unanimous votes for reappointment to the Recreation Advisory Committee, and Annette Stallings, Ervin Griffin and Wesley Pepper received the unanimous votes for appointment to the Beautification Committee.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to reappoint Margaret Clark and Wayne Smith to the Recreation Advisory Committee, and to appoint Annette Stallings, Ervin Griffin and Wesley Pepper to the Beautification Committee.

The following individuals were sworn by City Clerk Vincent: Planning & Development Director Lasky and Edward Ramsey *(Applicant & Property Owner)*.

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Planning & Development Director Lasky reviewed the following staff report with Council and presented photos of the completed accessory apartment located at 114 Southgate Drive:

**MEMORANDUM**

TO: Joseph Scherer, City Manager

FROM: Kelly Lasky, Planning & Development Director/s/

DATE: August 28, 2013

**RE: CONDITIONAL USE PERMIT REQUEST FOR AN ACCESSORY APARTMENT LOCATED AT**

**114 SOUTHGATE DRIVE**

Edward Ramsey (Applicant and Property Owner) has requested a Conditional Use Permit for an accessory apartment located at 114 Southgate Drive. The parcel of land is zoned, R-20 Residential District. The property is currently developed as a single-family dwelling. An accessory apartment is permitted with approval of a Conditional Use Permit from City Council. ***(Note: the application and supporting documents are attached to this memorandum.)***

The applicant requests a Conditional Use Permit to convert an existing outbuilding of the home to an accessory apartment. No building additions to the home will be constructed. The proposed apartment is independent from the single-family dwelling and will consist of a kitchen, bedroom, bathroom and living room. The property is heated by gas and a window unit is provided for air conditioning. A shared driveway access is provided by an existing driveway.

The Land Use Ordinance defines a Single-Family Residence with Accessory Apartment as, “*a residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25% of the gross floor area of neither the building nor more than a total of 750 square feet.”*

The requested use of the property has been reviewed by the Planning Department, Fire Marshal, Public Works Department, and North Carolina Department of Transportation. All comments have been addressed by the applicant.

**The City Council is now required to hold a public hearing followed by a final decision concerning this matter.**

*Property owners within 100 feet of the subject property were notified of this public meeting by first class mail, sent August 20, 2013. This meeting was advertised in the Daily Herald on August 18, 25 and September 1, 2013.*

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

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

*The requested permit is within its jurisdiction. Accessory apartments are authorized in the R-20, Residential District, with a Conditional Use Permit. The request is for 1.130 Single-family residence with accessory apartment.*

1. The application is complete; or

*The application is complete.*

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

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

**The following seven (7) items were also considered when evaluating item # 4 (a), (b), (c) and (d) that follows:**

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

*The staff believes this is probably true; the site has direct access to Southgate Drive via existing driveway entrance. The proposed accessory apartment will have independent access.*

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

*The staff believes this is probably true; the proposed use of the property should not cause an increase in traffic generation. Any required parking of vehicles may be accommodated in the existing driveway.*

3: refuse disposal affects adjacent property similar to uses permitted in that zoning district; and,

*The staff believes this is probably true; the refuse collection requirements of the City of Roanoke Rapids shall apply to the development.*

4: utilities are available; and,

*The staff believes this is probably true; all utilities are currently available. Connections and extensions shall be coordinated with appropriate entities.*

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

*The staff believes this is probably true; the parcel of land is zoned R-20 residential and based on its construction blends in with adjoining properties and requires no additional screening or buffering.*

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

*The staff believes this is probably true; signage and lighting should not be necessary for this additional residential use.*

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

*The staff believes this is probably true; this lot is currently developed and landscaped.*

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

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

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

*The staff believes this is probably true; the applicant shall be required to comply with all applicable federal, state and local codes and ordinances. The proposed use will have direct access to Southgate Drive. An assessment of the previously referenced seven additional items used to evaluate 4, (a) (b) (c) & (d) indicates no specific endangerment to the public health or safety.*

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

*The staff believes this is probably true; staff cannot determine the impact this proposed use would have on surrounding properties however based on the seven additional items used to evaluate 4, (a) (b) (c) & (d) any potential negative effects on adjoining or abutting property should be minimal.*

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

*The staff believes this is probably true; the proposed use will be residential in nature. The existing surrounding land uses are residential in nature. Based on the seven additional items used to evaluate 4, (a) (b) (c) & (d), the project is designed to be in harmony with the area.*

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

*The staff believes this is probably true; the plans as submitted will adequately satisfy the policies of the Comprehensive Development Plan, Thoroughfare Plan as well as the Land Use Ordinance and other officially adopted plans of the City. The property is located within existing City Limits and the staff believes it is in conformity with the following Comprehensive Development Plan policies:*

**Residential Land Use**

9.1Innovative land planning techniques shall be encouraged as a means of providing for a variety of identified city-wide housing needs.

9.3 Land uses considered harmful to the health, safety and welfare of area residents shall be prohibited from infringing upon the livability of residential areas.

9.4 Proposed residential development which would expose residents to harmful effects of incompatible development or environmental hazards shall be prohibited.

The applicant has addressed the requisite questions, which must be answered by the City Council in his application. It is your obligation to ensure each has been adequately addressed after hearing all parties prior to rendering your final decision.

**Planning & Development Staff Review**

After a complete review of the information submitted by the applicant, it is the Staff’s opinion the request satisfactorily meets the requirements of Sections 151 - 49 and 151- 54 of the Land Use Ordinance. The Staff recommends, however, if approval of the Permit is recommended, it is subject to the following stipulations:

1. Additional detailed construction drawings shall be provided to the Planning and Development staff, when requested, to determine compliance with any one or more of the provisions of the Land Use Ordinance, Building Code, Fire Code, City Code or other applicable required code or ordinance.

**Requested Action**

The City Council has several options regarding this Conditional Use Permit application:

1. Approval of the request as submitted;
2. Denial of the request (*must state specific reason for denial);* ***or***
3. Approval of the request, subject to any additional conditions.

***Staff requests City Council to refer to the attached Conditional Use Permit Evaluation Worksheet and provide a final decision concerning approval of the requested permit.***

Councilman Bobbitt asked if the structure was built as an apartment or just converted to an apartment.

Planning & Development Director Lasky indicated that the applicant would have to answer that question.

Councilwoman Scarbrough asked how long the apartment has been in existence and how it is being used.

Planning & Development Director Lasky stated the apartment has been vacant. She stated she believes the structure was constructed for use as an accessory apartment.

Mayor Pro Tem Ferebee asked if the primary residence is on the property.

Planning & Development Director Lasky stated yes.

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Councilman Bobbitt asked if the structure was already converted to an apartment when the inspection was conducted.

Planning & Development Director Lasky stated yes. She stated it was ready for someone to move in with the exception of a few minor items that needed to be addressed.

Councilman Bobbitt stated the Code Enforcement Officer was not aware of the building until there was an inspection. He stated the property owner did not secure a building permit before constructing the accessory apartment.

Planning & Development Director Lasky stated that is correct. She stated there was nothing in the files on this matter.

A public hearing having been advertised and proper notices having been given according to law, Mayor Doughtie opened the hearing for comments.

Mr. Edward Ramsey of 401 Woodlawn Avenue, Weldon, NC stated he owns this piece of rental property at 114 Southgate Drive. He stated the building was originally a garage but it was almost torn down during a hurricane. Mr. Ramsey stated he did not have any insurance money so he decided to build it back and convert it to an apartment.

Councilman Bobbitt asked Mr. Ramsey when he remodeled the structure.

Mr. Ramsey said after the hurricane, about five years ago.

Councilman Bobbitt asked Mr. Ramsey if he has been renting out the apartment.

Mr. Ramsey stated no.

Mayor Doughtie asked Planning & Development Director Lasky if Mr. Ramsey is aware of the items needed to bring the structure up to code.

Planning & Development Director Lasky stated yes.

Mayor Pro Tem Ferebee asked Mr. Ramsey if the other house on the property is being used as rental property.

Mr. Ramsey stated yes.

There being no one else to speak, Mayor Doughtie declared the public hearing closed.

Mayor Pro Tem Ferebee stated the basic question is does this property meet the requirements of the Land Use Ordinance since the primary structure is also rental property.

Planning & Development Director Lasky stated yes. She explained that the Land Use Ordinance does not regulate rental apartments or who the tenants would be. She stated there could be two different families occupying these residences.

Councilman Bobbitt stated the main dwelling could easily become a permanent residence.

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Councilman Bobbitt stated his concern is that this could double the population in the neighborhood and cause traffic concerns. He stated he is also concerned about setting a precedent.

Planning & Development Director Lasky explained that this is why a Conditional Use Permit is the proper avenue for this request. She stated the Council can consider items such as traffic concerns, screening, etc.

Councilman Bobbitt stated once we start the process, we cannot say there will not be any more allowed.

Planning & Development Director Lasky stated we could modify the Land Use Ordinance to not allow accessory apartments.

Mayor Pro Tem Ferebee asked in which zoning districts they are allowed.

Planning & Development Director Lasky stated accessory apartments are allowed by issuance of a Conditional Use Permit in: R-40; R-20; R-12; R-8; R-6 and R-5.

Councilman Lawson asked what would happen if the property is sold and the new owner wanted to move in and use the apartment as a permanent residence.

Planning & Development Director Lasky stated the use runs with the property and not with the individual applicant. She stated if the use is discontinued for a period of 180 days, they would have to come back and reapply for a Conditional Use Permit.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Lawson and unanimously carried that it is true, based on the foregoing staff report dated August 28, 2013 and items 1 – 7 of Section II included in that report, that if completed as proposed, the development will not materially endanger the public health or safety.

Motion was made by Councilman Lawson and seconded by Mayor Pro Tem Ferebee that it is true, based on the foregoing staff report dated August 28, 2013 and items 1 – 7 of Section II included in that report, that if completed as proposed, the development will not substantially injure the value of adjoining or abutting property.

Upon being put to a vote, Councilman Lawson and Mayor Pro Tem Ferebee voted in favor of the motion. Councilwoman Cowen, Councilwoman Scarbrough and Councilman Bobbitt voted against the motion.

Mayor Doughtie announced that the motion failed by a vote of 3 to 2.

Motion was made by Councilman Lawson and seconded by Mayor Pro Tem Ferebee that it is true, based on the foregoing staff report dated August 28, 2013 and items 1 – 7 of Section II

included in that report, that if completed as proposed, the development will be in harmony with the area in which it is to be located.

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Upon being put to a vote, Councilman Lawson and Mayor Pro Tem Ferebee voted in favor of

the motion. Councilwoman Cowen, Councilwoman Scarbrough and Councilman Bobbitt

voted against the motion.

Mayor Doughtie announced that the motion failed by a vote of 3 to 2.

Motion was made by Councilman Lawson and seconded by Mayor Pro Tem Ferebee that it is true, based on the foregoing staff report dated August 28, 2013 and items 1 – 7 of Section II included in that report, that if completed as proposed, the development will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

Upon being put to a vote, Councilman Lawson and Mayor Pro Tem Ferebee voted in favor of the motion. Councilwoman Cowen, Councilwoman Scarbrough and Councilman Bobbitt voted against the motion.

Mayor Doughtie announced that the motion failed by a vote of 3 to 2.

Motion was made by Councilman Lawson to grant the Conditional Use Permit to Edward Ramsey *(applicant and property owner)* for an accessory apartment located at 114 Southgate Drive with the conditions set forth by the Land Use Ordinance and the Planning Department in the foregoing staff report dated August 28, 2013.

There being no second to the motion, Mayor Doughtie announced that the motion died for lack of a second.

Motion was made by Mayor Pro Tem Ferebee and seconded by Councilman Bobbitt to deny the Conditional Use Permit to Edward Ramsey *(applicant and property owner)* for an accessory apartment located at 114 Southgate Drive based on the fact that several items under Section III were found not to be true.

Upon being put to a vote, Mayor Pro Tem Ferebee, Councilman Bobbitt, Councilwoman Cowen and Councilwoman Scarbrough voted in favor of the motion. Councilman Lawson voted against the motion.

Mayor Doughtie announced that the motion carried by a vote of 4 to 1 to deny the request.

Mayor Pro Tem Ferebee stated he wanted to clarify why he voted to deny the request. He explained that in the event any one of the items in Section III is found not to be true, the request must be denied. Mayor Pro Tem Ferebee stated this does not necessarily mean that he is against the request.

***Mayor Pro Tem Ferebee presided over this agenda item as the City Council took action earlier to recuse Mayor Doughtie from participating in this matter due to a conflict of interest.***

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The following individuals were sworn by City Clerk Vincent: Planning & Development Director Lasky, Gene W. Minton *(Property Owner)* and Wayne Smith.

Planning & Development Director Lasky reviewed the following staff report with Council and presented a layout of the proposed recombination plat *(as shown below)*:

**MEMORANDUM**

TO: Joseph Scherer, City Manager

FROM: Kelly Lasky, Planning & Development Director/s/

DATE: August 28, 2013

**RE: CONDITIONAL USE PERMIT REQUEST FOR “CANAL WALK” SUBDIVISION (FORMERLY RIVERS**

**EDGE) LOCATED ON THE NORTH SIDE OF OLD FARM ROAD NEAR ITS INTERSECTION WITH**

**VIRGINIA AVENUE**

**Background**

On February 27, 2007, City Council granted a Conditional Use Permit to Mr. Thomas Barrett, Jr., BBD Development, Inc. for the Rivers Edge Subdivision located on the north side of Old Farm Road near its intersection with Virginia Avenue, subject to six (6) stipulations. The final approved Rivers Edge Subdivision Plat included 98 lots intended for single-family development. BBD Development, Inc. initially sold 21 lots within the subdivision and completed most of the infrastructure improvements, with the exception of asphalt paving and street lights.

As of today, six (6) of the 98 lots have been developed as single-family residences.

During November 2012, Halifax County and City of Roanoke Rapids initiated a tax foreclosure proceeding versus the original developer of Rivers Edge. A public sale was conducted and RBD Investments, Inc. purchased remaining developer-owned properties owned by BBD Development Inc. within the Rivers Edge Subdivision. RBD Investments acquired 77 lots for single-family development, a 2.849 acre riverfront parcel, a 6.94 acre “future development” parcel fronting Old Farm Road and a 22-acre “future development” parcel that includes Rivers Edge Parkway and Skipping Stone Way.

Since purchasing the properties within the subdivision, RBD Investments, Inc. deeded the property to DRM Group, LLC and have completed a majority the remaining infrastructure improvements. The former Rivers Edge subdivision has been renamed “Canal Walk”.

On June 26, 2013, DRM Group, LLC presented a request to the City to recombine properties within the Subdivision. **Planning & Development Staff determined that the proposed recombination plat includes a significant deviation from the original permit, which requires public review under a new conditional use permit.** *Condition #1 of the authorized Conditional Use Permit states that the subdivision shall be developed in accordance with the Sketch Plan prepared by Jonathan C. Waters, Professional Land Surveyor, entitled, ”Rivers Edge Subdivision”, dated November 30, 2006, Revised January 26, 2007, as kept in the Office of Planning and Development for greater reference.*

**Request by Applicant**

City of Roanoke Rapids has received a Conditional Use Permit request from DRM Group, LLC (Applicant) and RBD Investments, Inc. (Property Owner) to amend the approved Conditional Use Permit for the Rivers Edge Subdivision, dated February 27, 2007. The proposed amendment to the Conditional Use Permit includes a material change to the originally approved final subdivision plat dated November 30, 2006 and revised January 26, 2007. Substantial modifications to the originally approved Conditional Use Permit require approval from City Council.

The applicant requests a Conditional Use Permit to change the subdivision plat by combining existing subdivided parcels into two tracts:

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* The proposed approximate 12.489 acre Tract “B” consists of formerly lots in ‘Rivers Edge Subdivision’

# 1 – 10, 16 – 27 and an area designated as “future development”;

* The proposed approximate 14.856 acre Tract “C” consists of formerly lots in ‘Rivers Edge Subdivision’ # 94 – 105 and an area designated as “future development”.

Following lot combination, the applicant requests to phase the development and subsequently subdivide lots in accordance with the originally approved final subdivision plat dated November 20, 2006 and revised January 26, 2007.

**Planning Staff Analysis**

An authorized Conditional Use Permit (CUP) is perpetually binding upon the property unless subsequently changed by City Council. The City Council may amend or change any CUP, after a public hearing upon recommendation by the Planning Board and subject to the same consideration for the original issuance of the Permit.

1. Recombination of the properties would reduce the density of housing permitted within the subdivision. The City of Roanoke Rapids Land Use Ordinance allows one (1) residence per parcel.
2. The proposed Tract B includes 22 originally platted lots intended for single-family development.
3. The proposed Tract C includes 12 originally platted lots intended for single-family development.
4. The Applicant is requesting that future subdivisions of land within Canal Walk to comply with the original Rivers Edge subdivision plat.

**The City Council is now required to hold a public hearing followed by a final decision concerning this matter.**

*Property owners within 100 feet of the subject property were notified of this public meeting by first class mail, sent August 20, 2013. This meeting was advertised in the Daily Herald on August 18, 25 and September 1, 2013.*

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

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

*The requested permit is within its jurisdiction.*

2. The application is complete; or

*The application is complete.*

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

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

**The following seven (7) items were also considered when evaluating item # 4 (a), (b), (c) and (d) that follows:**

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

*The staff believes this is probably true; access to the lots is provided via two main entrances on Old Farm Road. Access to individual lots is provided from streets with a 60-foot right-of-way width. No direct lot access is proposed from building sites onto Old Farm Road. Pedestrian sidewalks are provided on both sides of the streets around the existing development.*

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

*The staff believes this is probably true; the entire subdivision is located in an R-12 residential zoning classification which requires that two (2) off-street parking spaces be provided for each residence.*

3: refuse disposal affects adjacent property similar to uses permitted in that zoning district; and,

*The staff believes this is probably true; the refuse collection requirements of the City of Roanoke Rapids shall apply to the subdivision.*

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4: utilities are available; and,

*The staff believes this is probably true; all utilities are currently available. Connections and extensions shall be coordinated with appropriate entities.*

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

*The staff believes this is probably true; the subdivision currently has a natural tree buffering the Old Navigation Canal. All buffering shall comply with the requirements of the Land Use Ordinance.*

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

*The staff believes this is probably true; street lighting will be required for all public streets. All proposed signage shall be constructed in accordance with city requirements.*

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

*The staff believes this may be true; the site will be developed in conformity with the policies of the Land Use Ordinance and any additional conditions deemed necessary by the Planning Board and/or City Council.*

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

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

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

*The staff believes this is probably true; the developer shall be required to comply with all applicable federal, state and local codes and ordinances. An assessment of the previously referenced seven additional items used to evaluate 4, (a) (b) (c) & (d) indicates no specific endangerment to the public health or safety.*

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

*The staff believes this is probably true; staff cannot determine the impact this proposed recombination would have on surrounding properties however based on the seven additional items used to evaluate 4, (a) (b) (c) & (d) any potential negative effects on adjoining or abutting property should be minimal.*

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

*The staff believes this is probably true; the proposed use will be residential in nature and will be adjacent to existing similar uses. Based on the seven additional items used to evaluate 4, (a) (b) (c) & (d), the project is designed to be in harmony with the area.*

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

*The staff believes this is probably true; the plans as submitted will adequately satisfy the policies of the Comprehensive Development Plan, Thoroughfare Plan as well as the Land Use Ordinance and other officially adopted plans of the City. The property is located in a primary growth area and the staff believes it is in conformity with the following Comprehensive Development Plan policies:*

**Residential Land Use**

9.1Innovative land planning techniques shall be encouraged as a means of providing for a variety of identified city-wide housing needs.

9.2 Protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing resource, where economically feasible and practical. Redevelopment of neighborhoods is encouraged where rehabilitation is impractical, not economically feasible, and would not result in comprehensive improvement of neighborhoods.

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9.3 Land uses considered harmful to the health, safety and welfare of area residents shall be prohibited from infringing upon the livability of residential areas.

9.4 Proposed residential development which would expose residents to harmful effects of incompatible development or environmental hazards shall be prohibited.

The applicant has addressed the requisite questions, which must be answered by the City Council in his application. It is your obligation to ensure each has been adequately addressed after hearing all parties prior to rendering your final decision.

**Planning & Development Staff Review**

After a complete review of the information submitted by the applicant, it is the Staff’s opinion the request satisfactorily meets the requirements of Sections 151 - 49 and 151- 54 of the Land Use Ordinance. The Staff recommends, however, if approval of the Permit is recommended, it is subject to the following stipulations:

1. The subdivision shall be developed in accordance with the Sketch Plan prepared by Jonathan C. Waters, Professional Land Surveyor, entitled, ”Rivers Edge Subdivision”, dated November 30, 2006, Revised January 26, 2007, as kept in the Office of Planning and Development for greater reference.

2. Any required new crossing(s) of the Old Navigation Canal by water and/or sewer and/or storm sewer easements and lines shall meet the approval of the Roanoke Canal Commission.

3. The developer shall submit plans that detail how existing trees and other natural features of the land are to be preserved or buffered for review and approval of the Planning Department prior to the start of construction activities.

4. Additional detailed construction drawings shall be provided to the Planning and Development staff, when requested, to determine compliance with any one or more of the provisions of the Land Use Ordinance, Building Code, Fire Code, City Code or other applicable required code or ordinance.

5. Final plat approval of the entire subdivision or any phase thereof may be conditioned by developer providing an acceptable performance bond or other security to the City in the amount of 125% of the actual cost of all required improvements in compliance with Section 151-61 of the Land Use Ordinance in lieu of actual installation of improvements. All requirements shall be fulfilled within not more than 12 months after final plat approval.

6. The subdivision shall be developed in conformity with the terms and conditions of a mutually agreed upon Conservation Easement Agreement, between the Roanoke Canal Commission, Inc. and BBD Development, Inc., which shall be recorded in the Halifax County Public Registry.

**Requested Action**

The City Council has several options regarding this Conditional Use Permit application:

1. Approval of the request as submitted;

2. Denial of the request (*must state specific reason for denial);* ***or***

3. Approval of the request, subject to any additional conditions.

***Staff requests City Council to refer to the attached Conditional Use Permit Evaluation Worksheet and provide a final decision concerning approval of the requested permit.***

Councilman Bobbitt stated if this is all open grassland then items 1 – 7 will not apply.

Planning & Development Director Lasky stated the land would be undeveloped but they can permit single-family homes to be constructed and then those items such as trash collection, lighting, etc. would apply.

City Attorney Chichester pointed out for clarity that a home could not just sit in the middle of “Tract B”. He stated it would have to go back to the original layout.

Following additional questions from Council, Planning & Development Director Lasky indicated that if a proposed configuration does not match up to the original plan, the

matter would have to come back before City Council.

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Mayor Pro Tem Ferebee asked Planning & Development Director Lasky if she received any feedback from the property owners within 100 feet that were notified of the request.

Planning & Development Director Lasky stated nothing other than one general inquiry.

City Attorney Chichester pointed out that on page six of the staff report, staff is recommending that if the request is approved that it be subject to the six stipulations included in the report. He asked Planning & Development Director Lasky if the DRM Group agreed to these stipulations.

Planning & Development Director Lasky stated Mr. Minton indicated at the Planning Board meeting that they were in agreement but she would prefer that he address this question.

A public hearing having been advertised and proper notices having been given according to law, Mayor Pro Tem Ferebee opened the hearing for comments.

Mr. Gene Minton of 63 Golf Course Road, Littleton, NC stated he and his partners are in agreement with the stipulations. He distributed photos of the property to City Council, and introduced his partners: *Robbie Davis* and *Johnny Rightmyer*. Mr. Minton stated they have heard nothing but positive feedback from the neighbors. He stated they have worked hard to clean up this subdivision and make it look good. Mr. Minton stated they want to build the neighborhood in phases and do it in an orderly fashion. He pointed out that the first phase consists of 40 lots. Mr. Minton stated their only desire is to make Roanoke Rapids a great place to live.

Councilman Bobbitt asked if it would be easier to just take some of the lots off the market.

Mr. Minton stated he does not believe that question addresses any of the conditions that need to be addressed. He stated they just want to concentrate on one area at a time. Mr. Minton stated it is their goal to make this the best neighborhood in Roanoke Rapids.

Councilman Bobbitt suggested putting up a sign that indicates that certain lots are not being sold at this time.

Mr. Minton stated they are handling this the way they were told to by the City. He stated they feel the best way to move ahead is in phases. He stated they are doing this in a business-like fashion. Mr. Minton pointed out that no one else bid on the property. He stated it is not a hot commodity. Mr. Minton also stated they have met with the Canal Commission and hope to donate a section near the river to the Commission for a natural space. He stated they plan to deed a tract of land between lots 43 and 44 for public access to the Canal Trail. Mr. Minton stated they feel developing the subdivision one phase at a time makes sense. He also pointed out that the Planning Board unanimously approved this.

Mr. Wayne Smith of 705 E. 12th Street, Roanoke Rapids, NC stated he has been coming to City Council meetings for quite a while and it seems like this subdivision has never been developed like it should. He stated he believes this group has a good idea with these plans. Mr. Smith stated he knows Mr. Rightmyer and Mr. Minton, and believes that what they set out to do, they accomplish. He stated he has faith that they will do this the proper way and will do a good job.

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There being no one else to speak, Mayor Pro Tem Ferebee declared the public hearing closed.

Motion was made by Councilman Lawson, seconded by Councilwoman Scarbrough and unanimously carried that it is true, based on the foregoing staff report dated August 28, 2013 and items 1 – 7 of Section II included in that report, that if completed as proposed, the development will not materially endanger the public health or safety.

Motion was made by Councilman Lawson, seconded by Councilwoman Scarbrough and unanimously carried that it is true, based on the foregoing staff report dated August 28, 2013 and items 1 – 7 of Section II included in that report, that if completed as proposed, the development will not substantially injure the value of adjoining or abutting property.

Motion was made by Councilman Lawson, seconded by Councilwoman Scarbrough and unanimously carried that it is true, based on the foregoing staff report dated August 28, 2013 and items 1 – 7 of Section II included in that report, that if completed as proposed, the development will be in harmony with the area in which it is to be located.

Motion was made by Councilman Lawson, seconded by Councilwoman Cowen and unanimously carried that it is true, based on the foregoing staff report dated August 28, 2013 and items 1 – 7 of Section II included in that report, that if completed as proposed, the development will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

Motion was made by Councilman Lawson, seconded by Councilwoman Scarbrough and unanimously carried to grant a Conditional Use Permit to DRM Group, LLC *(Applicant and* *Property Owner)* for a major subdivision located at Canal Walk *(formerly Rivers Edge)* off Old Farm Road with the conditions set forth by the Land Use Ordinance and the Planning Department in the foregoing staff report dated August 28, 2013 as follows:

1. The subdivision shall be developed in accordance with the Sketch Plan prepared by Jonathan C. Waters, Professional Land Surveyor, entitled, ”Rivers Edge Subdivision”, dated November 30, 2006, Revised January 26, 2007, as kept in the Office of Planning and Development for greater reference.

2. Any required new crossing(s) of the Old Navigation Canal by water and/or sewer and/or storm sewer easements and lines shall meet the approval of the Roanoke Canal Commission.

3. The developer shall submit plans that detail how existing trees and other natural features of the land are to be preserved or buffered for review and approval of the Planning Department prior to the start of construction activities.

4. Additional detailed construction drawings shall be provided to the Planning and Development staff, when requested, to determine compliance with any one or more of the provisions of the Land Use Ordinance, Building Code, Fire Code, City Code or other applicable required code or ordinance.

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5. Final plat approval of the entire subdivision or any phase thereof may be conditioned by developer providing an acceptable performance bond or other security to the City in the amount of 125% of the actual cost of all required improvements in compliance with Section 151-61 of the Land Use Ordinance in lieu of actual installation of improvements. All requirements shall be fulfilled within not more than 12 months after final plat approval.

6. The subdivision shall be developed in conformity with the terms and conditions of a mutually agreed upon Conservation Easement Agreement, between the Roanoke Canal Commission, Inc. and BBD Development, Inc., which shall be recorded in the Halifax County Public Registry.

Planning & Development Director Lasky reviewed the following staff report with Council and presented photos of solar farm panels:

**MEMORANDUM**

TO: Joseph Scherer, City Manager

FROM: Kelly Lasky, Planning & Development Director/s/

DATE: August 28, 2013

**RE: PROPOSED AMENDMENT TO ARTICLE X: PERMISSIBLE USES, SECTION 151-149 TABLE OF**

**PERMITTED USES TO ALLOW SOLAR FARMS IN A B-4 ZONING DISTRICT BY ISSUANCE OF A**

**CONDITIONAL USE PERMIT UNDER LAND USE CODE 31.300**

**Background**

On May 16, 2013 the Roanoke Rapids Area Planning Board unanimously forwarded a favorable recommendation to City Council for the adoption of a Land Use Ordinance update that incorporated regulations on Solar Farms. The City Council adopted the updated ordinance on July 9, 2013. The Land Use Ordinance Section 151-49, 31.000 Energy-Related Facilities currently permits 31.300 Solar Farms in the Industrial Districts: I-1 and I-2.

The City of Roanoke Rapids has recently been notified of a potential solar farm facility, proposed to be located on American Legion Road, which is within the City’s Planning & Zoning Jurisdiction. The subject property is zoned B-4, Commercial District and is surrounded by R-40, Residential District property. Planning staff has evaluated the request and has determined that a text amendment to allow solar farms in the B-4 district would be a reasonable request under a conditional use permit. Solar farms are required to meet district setbacks, including a height limit of 15-feet. Solar farm panels located within 100-feet of residential districts or uses are required to be screened by vegetation.

**Proposed revision to Table of Permitted Uses is shown in red below:**

### Section 151-149 Table of Permitted Uses.

|  | **R-40** | **R-20** | **R-12** | **R-8** | **R-6** | **R-5** | **R-3** | **B-1** | **B-2** | **B-3** | **B-4** | **B-5** | **I-1** | **I-2** | **PUD** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **31.000 ENERGY-RELATED FACILITIES** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 31.300 Solar Farm |  |  |  |  |  |  |  |  |  |  | **C** |  | P | P |  |

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**Planning & Development Staff Recommendation**

Planning Staff recommends that the Table of Permitted Uses be revised to permit Solar Farms in the B-4 zoning classification by the issuance of a Conditional Use Permit. All solar farms would be and permitted under Land Use Code 31.300 Solar Farms and would comply with provisions set forth by the Ordinance. All Conditional Use Permit requests are reviewed by the Planning Board and the final decision is provided by City Council after a public hearing.

**Planning Board Recommendation**

On Thursday, August 22, 2013 the Roanoke Rapids Area Planning Board reviewed the proposed updates to the Land Use Ordinance and unanimously voted to forward a **favorable** recommendation to City Council for the adoption of the proposed revisions.

**Requested City Council Action**

1. **Open and conduct the public hearing on the proposed amendment to the Land Use Ordinance allowing Solar Farms with a Conditional Use Permit.**
2. **Receive comments from the public.**
3. **Close the public hearing.**
4. ***Motion & Vote:* Motion to adopt the Statement of Consistency concerning the adoption of the amendment to the Land Use Ordinance allowing Solar Farms with a Conditional Use Permit.**
5. ***Motion & Vote:* Motion to adopt amendment to the Land Use Ordinance allowing Solar Farms with a Conditional Use Permit.**

Councilman Bobbitt asked if this amendment would prevent individuals from installing a solar panel at their residence.

Planning & Development Director Lasky stated there is a separate section of the Land Use Ordinance that allows individuals to install one at their residences. She stated this just addresses solar farms. Planning & Development Director Lasky did point out that there are not many potential sites that could accommodate a solar farm.

Mayor Pro Tem Ferebee asked if there are any within the city limits.

Planning & Development Director Lasky stated she does not believe so.

Mayor Pro Tem Ferebee asked if there are any buffer requirements for solar farms.

Planning & Development Director Lasky stated since the amendment is to require a Conditional Use Permit, items such as buffering would be evaluated when we receive a request. She did point out that if a solar farm is to be located within 100 feet of a right-of-way or a residence, it must be screened.

A public hearing having been advertised and proper notices having been given according to law, Mayor Doughtie opened the hearing for comments.

There being no one to speak, Mayor Doughtie declared the public hearing closed.

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adopt the following Statement of Consistency:

**STATEMENT OF CONSISTENCY WITH PLANS TO AMEND LAND USE ORDINANCE**

**Reference: Amendment to Article X Permissible Uses, Section 151-149 Table of Permitted Uses to Allow Solar Farms in a B-4 Zoning District by Issuance of a Conditional Use Permit under Land Use Code 31.300.**

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The Roanoke Rapids City Council met on Tuesday, September 3, 2013 at 5:15 p.m. and determined that the above mentioned request is consistent with the following Roanoke Rapids Comprehensive Development Plan policies and with the Roanoke Rapids Land Use Ordinance.

Comprehensive Development Plan Policies:

ADOPTED BY THE ROANOKE RAPIDS CITY COUNCIL ON THE 25TH DAY OF JULY, 2006.

1.1 Coordinated and intergovernmental planning for land use, transportation, utilities, environmental quality, community appearance, historic preservation and economic development shall be encouraged.

1.2 Public involvement shall be encouraged in decisions on land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication between developers and the public.

1.4 Plans, policies, public investments and regulatory tools shall be coordinated as appropriate with those of adjacent counties, and municipalities, and with those of other governmental levels.

1.5 City land use and development policies shall be designed to encourage innovation, flexibility, and adaptability such that development in the city and surrounding area is encouraged and accommodated, while protecting the city’s quality of life.

1.6 The City and its planning and development staff members are committed to encouraging and accommodating land uses and development by being innovative and creating in planning and review; recognizing this must be accomplished within City Council policies and direction.

1.7 The City recognizes the responsibility and duty of the City’s Planning Board and planning staff to review and recommend sound planning decisions. The City also recognizes the responsibility of City Council to consider all factors and variables, in addition to planning recommendations, when considering land use and development issues. The City recognizes this planning process and mutual responsibilities as being healthy for good decision-making, not conflictive.

2.1 The City shall encourage new and expanding industries and businesses to locate in the City with equal emphasis on facilitating and assisting growth and development of the existing business and industrial community.

2.2 The City shall protect, enhance and encourage a high quality of life, image, and cultural amenities as an effective approach to economic development.

2.3 The benefits of continued economic development shall be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.

3.6 The City of Roanoke Rapids will incorporate innovative planning concepts and techniques, including conditional use and special use zoning, to encourage and accommodate positive commercial development and activity in the City and surrounding area.

3.7 The City shall encourage a customer service and regulatory environment conducive to commercial development.

Upon review of the request, it is the City Council’s determination that the above mentioned request is reasonable and in the public interest of the City of Roanoke Rapids in that it provides for the organized location and review of land development regulations that will help to ensure the health, safety, and general welfare of the citizens of Roanoke Rapids.

Adopted: September 3, 2013

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Emery G. Doughtie, Mayor

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adopt the following ordinance:

**17089**

**Roanoke Rapids City Council**

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

**SECTION 1.** That Article X, Section 151-149 “Table of Permitted Uses” of the Land Use Ordinance be amended to allow Solar Farms as a “Conditional Use” in the B-1 District as shown below:

**Section 151-149 Table of Permitted Uses.**

|  | **R-40** | **R-20** | **R-12** | **R-8** | **R-6** | **R-5** | **R-3** | **B-1** | **B-2** | **B-3** | **B-4** | **B-5** | **I-1** | **I-2** | **PUD** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **31.000 ENERGY-RELATED FACILITIES** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 31.300 Solar Farm |  |  |  |  |  |  |  |  |  |  | C |  | P | P |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

**SECTION 2.** This Ordinance shall become effective upon adoption.

City Manager Scherer stated Council has been provided a draft of amended Rules of Procedures of the Roanoke Rapids City Council. He stated Section 1 is being revised to reflect the recent change in the Code of Ordinances to amend the regular City Council meeting schedule. He stated Section 6 is being revised to set the Order of Business for each meeting.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Cowen and unanimously carried to adopt amendments to Sections 1 and 6 of the Rules of Procedures of the Roanoke Rapids City Council to read as follows:

**1. *Regular Meetings***

The Roanoke Rapids City Council shall hold two Regular Business Meetings each month as follows:

*City Council shall meet the first Tuesday of each month at 5:15 p.m. at the Lloyd Andrews City Meeting Hall at 700 Jackson Street.*

*City Council shall meet the third Tuesday of each month at 7:00 p.m. at the Lloyd Andrews City Meeting Hall at 700 Jackson Street.*

A copy of the Council’s current meeting schedule shall be filed with the City Clerk. Notice of meeting location changes shall be posted at City Hall and on the main entrance to the Lloyd Andrews City Meeting Hall.

**6. *Order of Business***

Items shall be placed on the agenda according to the Order of Business.

The Order of Business for the first Tuesday regular meeting shall be as follows:

**Invocation**

**Adoption of Business Agenda**

**Special Recognitions**

**Public Comment**

**Approval of Council Minutes**

**City Council Appointments**

**Public Hearings**

**Old Business**

**New Business**

**City Manager’s Report**

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**Other Business**

**Adjournment**

The Order of Business for the third Tuesday regular meeting shall be as follows:

**Invocation**

**Adoption of Business Agenda**

**Special Recognitions**

**Public Comment**

**Approval of Council Minutes**

**City Council Appointments**

**Public Hearings**

**Old Business**

**New Business**

**City Manager’s Report**

**Finance Director’s Report**

**Departmental Reports**

**Other Business**

**Adjournment**

By general consent of the Council, items may be considered out of order.

City Manager Scherer stated each year representatives from the City attend the Annual Conference of the North Carolina League of Municipalities. He stated this year, he, along with Mayor Pro Tem Ferebee, will be attending the conference in Hickory from October 12 through October 15. City Manager Scherer stated the Annual Business meeting will be held during the conference and voting delegates need to be designated by Council.

Motion was made by Councilwoman Cowen, seconded by Councilman Bobbitt and unanimously carried to designate Mayor Pro Tem Ferebee as the City’s Voting Delegate and City Manager Scherer as the City’s Alternate Voting Delegate for the 2013 Annual League Business Meeting.

Finance Director Hite stated Council has before them an ordinance that comes as a result of the 2013 General Assembly, House Bill 664/Session Law 2013-185 which enacted new requirements for wireless communication facilities, commonly referred to as cell towers. She explained that the focus of this amendment as outlined in Section 160A-400.53 (a3) states, “A city may impose a fee not to exceed $1,000 for technical consultation and the review of a collocation or eligible facilities request application.” Finance Director Hite stated this law becomes effective October 1, 2013. She stated currently, the City charges a fee of $4,000 for third party supplementary review and charges a fee of $1,500 for both free-standing concealed and non-concealed wireless communication facilities.

Motion was made by Councilman Bobbitt, seconded by Councilwoman Cowen and unanimously carried to adopt the following ordinance:

**AN ORDINANCE TO AMEND SECTION 5 “FEE SCHEDULE” OF THE FY 2013-2014 BUDGET ORDINANCE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA, that:**

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**September 3, 2013**

**SECTION 1.** Section 5 “Fee Schedule” of the FY 2013 - 2014 Budget Ordinance, fees for wireless communication facilities under the *Planning & Development Department Fees*, be amended to read as follows:

**Supplemental plan review fees for wireless communication facilities shall be charged in addition to a City processing fee as follows:**

**Review** **City Processing** **3rd Party Supp.**

(1) Concealed Attached WCF $ 750.00 $1,000.00

(2) Collocated or Combined WCF $ 750.00 $1,000.00

(3) Freestanding Concealed WCF $1,000.00 $1,000.00

(4) Non-concealed Freestanding WCF $1,000.00 $1,000.00

**SECTION 2.** This Ordinance shall become effective October 1, 2013.

City Manager Scherer stated Mr. Ellis Hankins, Executive Director of the NC League of Municipalities, has announced his retirement effective January 31, 2014. He stated Mr. Hankins has been a staunch advocate for cities and towns throughout his tenure, and the League staff plans to surprise him at the Annual Conference with recognition and well wishes from the many municipalities he has served. City Manager Scherer stated we would like our well wishes to be included.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to adopt the following resolution:

**RESOLUTION HONORING THE CONTRIBUTIONS OF ELLIS HANKINS**

**TO THE**

**NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

**WHEREAS,** the North Carolina League of Municipalities is a membership association of 540 great hometowns representing nearly every municipality in the state. The League advocates for its members, from the largest city to the smallest village, on a full range of legislative issues that affect municipalities; and

**WHEREAS,** Ellis Hankins is only the fifth full-time executive director in the League's 105-year history; and

**WHEREAS,** Ellis Hankins first joined the League staff in 1982 as assistant general counsel, was promoted to associate general counsel and then general counsel and chief legislative lobbyist in 1987; and

**WHEREAS,** Ellis Hankins left the League to work as a lawyer in private practice in 1993 and returned to the League in 1997 as executive director; and

**WHEREAS,** Ellis Hankins has been a staunch advocate for cities and towns throughout his tenure with the League; and

**WHEREAS,** Ellis Hankins has announced his retirement as executive director of the North Carolina League of Municipalities, effective January 31, 2014; and

**WHEREAS,** the Roanoke Rapids City Council desires to publicly recognize and honor Ellis Hankins for his contributions to the North Carolina League of Municipalities and its membership, and in particular, the City of Roanoke Rapids;

**NOW, THEREFORE**, **BE IT RESOLVED** that the Roanoke Rapids City Council adopts this resolution honoring the contributions of Ellis Hankins to the North Carolina League of Municipalities and its membership, and extends to him best wishes for health and happiness in his retirement.

**ADOPTED** this 3rd day of September, 2013.

**17092**

**Roanoke Rapids City Council**

**September 3, 2013**

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Emery G. Doughtie, Mayor

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lisa B. Vincent, City Clerk

City Manager Scherer reported that work progresses on the repairs and upgrades to the Andrews Building. He stated he believes the Council will be pleased with the final product as well as everyone who attends Council meetings in the future. He stated he believes it will be more professionally functional and will positively contribute to accomplishing Council business. He stated plans are to start holding Council meetings there in October.

City Manager Scherer reported that the Steering Committee for the Comprehensive Land Use and Community Health Plan met last Tuesday and reviewed draft planning information along with discussing priorities for economic development considerations. He stated he would like to highly encourage the public to attend future meetings to provide their comment and input on this important project.

City Manager Scherer reported that he has been working with Cathy Scott, the County Economic Development Director, to focus specific efforts on certain facets of the City’s economic development resources. He stated he hopes to have her attend a Council meeting in the near future to give Council an update on their efforts.

City Manager Scherer reported that proposals for the Theatre loan refinancing are due next week, and shortly afterwards, staff will begin review and prepare a recommendation for Council. He pointed out that the refinancing of the two USDA loan projects has been completed.

City Manager Scherer reported that a 9/11 remembrance ceremony will be held next Wednesday at 8:45 a.m. at Centennial Park.

City Manager Scherer reported that the Police Department is coordinating a fundraiser golf tournament for the Crime Stoppers program to be held at Scotfield Country Club on October 26. He stated individuals should contact Detective Frankie Griffin with any questions about signing up a team or being a hole sponsor.

City Manager Scherer reported that the Parks and Recreation Department is reviewing proposals for new playground equipment to be placed at Ledgerwood Park. He indicated that this is being funded by the Kate B. Reynolds grant the Department recently received. City Manager Scherer reported that a recommendation will be made to the Recreation Advisory Committee. He stated the Department is also hosting the “Pass, Punt & Kick” competition on Friday, September 13 at 6:00 p.m. at Doyle Field.

City Manager Scherer reported that the Chamber of Commerce will be holding its next Business After Hours at the Canal Museum on Thursday, September 12 at 5:30 p.m. He stated the event will include an auction of Canal Trail paintings.

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City Manager Scherer reported on the fundraiser for Fire Marshal Scotty Jean to be held this Saturday at Chockoyotte Park. He indicated that chicken plates will be sold beginning at 12:00 Noon and a homerun derby is scheduled for 5:00 p.m.

Fire Chief Coggins reported that Scotty worked about six hours today.

Councilman Bobbitt stated several years ago when Canal Walk *(formerly Rivers Edge)* was in its infancy, the Planning & Development Department suggested that the former developers needed to do what was done today. He stated the developers did not want to do that which probably led to the problems with the subdivision. Councilman Bobbitt stated things are hopefully on the right track now.

There being no further business, motion was made by Councilman Lawson, seconded by Mayor Pro Tem Ferebee and unanimously carried to adjourn.

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10/1/13