***­­­­­­­­­­­­17868***

***Roanoke Rapids City Council***

***July 21, 2015***

The regular meeting of the City Council of the City of Roanoke Rapids was held on the above date at 5:15 p.m. at the Lloyd Andrews City Meeting Hall.

 Emery G. Doughtie, Mayor

 Carl Ferebee, Mayor Pro Tem

 Ernest C. Bobbitt)

 Suetta S. Scarbrough)

 Carol H. Cowen)

 Wayne Smith)

 Joseph Scherer, MPA, MS, City Manager

 Gilbert Chichester, City Attorney

 Lisa B. Vincent, MMC, NCCMC, City Clerk

 Kathy Kearney, Deputy City Clerk/Human Resources Manager

 Kelly Lasky, Planning & Development Director

 Larry Chalker, Public Works Director

 John Simeon, Parks & Recreation Director

 Stacy Coggins, Fire Chief

 Christina Caudle, Main Street/Development Director

 Andy Jackson, Deputy Police Chief

 Leigh Etheridge, Finance Director

 Chuck Hasty, Police Chief

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

Mayor Doughtie announced that the agenda needs to be amended to remove 4(a) “scheduled” public comment as the applicant could not be in attendance tonight.

There being no conflict of interest with any of the items on the agenda, motion was made by Councilwoman Cowen, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda for July 21, 2015 as amended.

Mayor Doughtie stated he enjoys having special recognitions on the agenda especially when we are able to recognize our young people. He stated we are proud to recognize five winners of the NAACP Student Essay Contest sponsored by the Halifax County Chapter of the NAACP in partnership with Pruitt Health Hospice and the *Roanoke Rapids Daily Herald*. He indicated that

***­­­­­­­­­­­­17869***

***Roanoke Rapids City Council***

***July 21, 2015***

students from every school district in Halifax County were invited to pen an essay about the topic, “Social Justice in Halifax County: What I and My Generation Can Do.” He stated it is his understanding that only one of the five winners and a parent of one of the winners were able to be here tonight.

Mayor Doughtie recognized first-place winner Joshua Brown of Southeast Halifax High School. He stated this is quite an accomplishment. He stated it takes a lot of confidence and soul searching to be able to express yourself on paper. He stated this accomplishment is something Joshua will be able to carry with him and put on his resume. Mayor Doughtie stated he is sure that all of the winners are destined for great things.

Mayor Pro Tem Ferebee stated he realizes that Joshua does not live in the City but he is part of our community. He congratulated Joshua for his great accomplishment and presented him a City Seal lapel pin. Mayor Pro Tem Ferebee commented that Joshua already looks like a lawyer.

Mayor Doughtie recognized the mother of second-place winner Quintera J. Gordon of KIPP Gaston College Preparatory. Mayor Doughtie asked that she pass the City’s congratulations onto her daughter.

Mayor Pro Tem Ferebee stated he appreciates Quintera, her family, as well as the others, for doing great things. He presented Ms. Gordon with a City Seal lapel pin for Quintera.

Ms. Gordon stated her daughter works hard and has a 4.0 GPA. She stated she could not be a prouder parent.

Mayor Doughtie recognized the following winners not able to attend and Mayor Pro Tem Ferebee presented City Seal lapel pins to Mr. David Harvey, President of the Halifax County Chapter of the NAACP, to be given to them:

* Third-place winner ***Ky’Aire Goode*** (Southeast Halifax High School)
* Honorable mention ***Justice Holloway*** (Southeast Halifax High School)
* Honorable mention ***Phanysha Taylor*** (Weldon High School)

Mayor Doughtie stated three of our area citizens served as judges: ***The Honorable Judge Brenda*** ***Branch, Dr. Laura Buffaloe*** and ***Mr. Gilbert Portela***. He thanked them for giving of their time and effort.

Mayor Pro Tem Ferebee thanked the Halifax County Chapter of the NAACP along with the *Roanoke Rapids Daily Herald* and Pruitt Health Hospice for sponsoring this essay contest.

***­­­­­­­­­­­­17870***

***Roanoke Rapids City Council***

***July 21, 2015***

Mayor Doughtie recognized Judge Brenda Branch in the audience.

Judge Branch stated it felt so good to have a young person stand before her on a good note and to realize that there are young people that have care and concern for their community and others. She thanked the NAACP and the City for recognizing these young people. Judge Branch stated she sees the opposite side so often, and wants to make sure these young people get the kudos they deserve.

Mayor Doughtie stated Mayor Pro Tem Ferebee said Joshua is already destined to be an attorney.

Judge Branch stated that is great and mentioned that they have a program called Teen Court.

Mr. John Clark of 104 Braeburn Circle, Roanoke Rapids, NC stated he has concerns about the chickens and ducks in his subdivision. He stated he talked with Planning & Development Director Lasky and she turned the matter over to the County and sent him the following letter (presented to Council before the meeting):

November 18, 2014

Mr. John Clark

104 Braeburn Circle

Roanoke Rapids, NC 27870

**Reference: Land Use - Zoning Inquiry**

Dear Mr. Clark:

The property at 106 Braeburn Circle in the City of Roanoke Rapids Planning & Zoning Jurisdiction is located in the R-6 Residential Zoning District. Since this property is located outside of the municipal boundaries, the Roanoke Rapids Land Use Ordinance provides jurisdiction for planning and zoning activities. This letter is in response to your inquiry for use of the property for chicken and ducks. Unlike the City’s Code of Ordinances, which prohibits chickens within the City Limits, the Land Use Ordinance does not regulate chickens or nuisance abatement.

I contacted the Halifax County Planning Department for assistance in determining jurisdiction of your complaint. The following North Carolina General Statute was provided for guidance:

**§ 160A-193. Abatement of public health nuisances.**

**(a)** A City shall have authority to summarily remove, abate, or remedy everything in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety. Pursuant to this section, the governing board of a city may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred.

***­­­­­­­­­­­­17871***

***Roanoke Rapids City Council***

***July 21, 2015***

A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

**(b)** The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person’s primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

If you can demonstrate to the City that the issue you are experiencing is a danger to public health, then the City Council has the authority to order the abatement of the dangerous situation. The purpose of this letter is to provide a zoning clarification per your request. In the meantime, I will continue to inquire with other communities to see how they handle this type of issue in the planning jurisdiction.

Should you need any additional information, please feel free to contact me at (252) 533-2844 or klasky@roanokerapidsnc.com.

Sincerely,

Kelly Lasky/s/

Planning & Development Director

Mr. Clark stated Planning & Development Director Lasky and Councilwoman Cowen came out and looked at this situation and agreed that it is very bad. He stated Ms. Lasky asked that he write a letter to the City stating his concerns. He stated he did that and received a response from City Attorney Chichester stating he did not think the City had any authority. He also presented copies of the following two letters to Council:

Attn. Kelly Lasky

To the City of Roanoke Rapids Planning & Development Department

Our neighbor in the last couple of years has built 3 chicken pens. They are about 10 feet from our backyard. The chickens are a nuisance because of the foul smell. They attract flies and the smell gets in your cars. When you want to go on our back deck to sit or cook out, the odor is horrible. The homeowners’ covenants state that no farm animals are allowed in our neighborhood. Also when you have chickens they attract foxes. Chicken feed attracts rats, they attract snakes. Snakes also like chicken eggs. We are in the City School District and City Water & Sewer District. We are .5 tenths out--well within the 1 mile.

p.s. Plus it makes us have a lot of flies.

June 25, 2015

Mr. John Clark

104 Braeburn Circle

Roanoke Rapids, NC 27870

***­­­­­­­­­­­­17872***

***Roanoke Rapids City Council***

***July 21, 2015***

Dear Mr. Clark:

I am writing you on behalf of the City of Roanoke Rapids. Ms. Kelly Lasky has briefed me on your complaint against the activities of your next door neighbor, Ms. Lisa Bazemore. I am very sorry to hear about your problems.

I do not believe that the City has the legal authority to assist with your complaint against Ms. Bazemore at this time. North Carolina law gives the City authority to take action against a public nuisance in the ETJ. However, to do so we must be able to prove that a public health/safety threat exists. Code Enforcement has inspected along with Ms. Lasky. Poultry does not currently rise to the level of a nuisance under our code.

As we discussed by phone, your subdivision (Wedgewood) does have covenants that prohibit livestock and poultry. While the City does not have authority to enforce private subdivision covenants, you and other property owners within the subdivision do have that authority.

I understand that you are continuing to work with the Halifax County Health Department. We wish you the very best. Please feel free to continue to keep me informed of any new developments.

Sincerely,

CHICHESTER LAW OFFICE

Gilbert W. Chichester/s/

GWC/jn

cc: Joseph Scherer

 Kelly Lasky

Mr. Clark stated he asked the Code Enforcement Department if he would be required to get a building permit to build a hog pen and they said no because it was not allowed yet his neighbor has chickens and ducks. He stated the smell is unbearable. He stated it seems the City has done more to try to avoid doing anything. Mr. Clark stated he is dealing with flies, snakes and rats. He stated every time it rains, the smell is worse. He stated you cannot sit in the backyard. He stated it is not fair. He stated his autistic step-son cannot play in the yard because of the smell. Mr. Clark stated he does not understand why the City cannot fix this. He stated it is a health problem and a nuisance. He stated Planning & Development Director Lasky stated the situation was unbelievable.

Mayor Doughtie explained that our policy on public comment is to hear the comments and have someone follow up.

Mayor Pro Tem Ferebee stated Planning & Development Director Lasky and Councilwoman Cowen looked at the situation. He asked if it is within our jurisdiction.

***­­­­­­­­­­­­17873***

***Roanoke Rapids City Council***

***July 21, 2015***

Planning & Development Director Lasky stated the property is located outside of our City Limits but is in our ETJ. She stated our municipal code regulations do not apply outside the City Limits.

Motion was made by Councilwoman Cowen, seconded by Councilman Smith and unanimously carried to approve the June 10, 2015 *(Special Meeting)* and June 16, 2015 *(Regular Meeting)* Council Minutes.

A ballot vote was taken and City Clerk Vincent announced that Chris Wicker received the unanimous vote for reappointment to the Roanoke Canal Commission.

Motion was made by Councilwoman Scarbrough, seconded by Councilman Smith and unanimously carried to reappoint Chris Wicker to the Roanoke Canal Commission.

Planning & Development Director Lasky reviewed the following staff report with Council:

### **MEMORANDUM**

To: Joseph Scherer, City Manager

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

Re: **Rezoning Request–Amendment to the Roanoke Rapids Zoning Map to rezone Wedgewood Village Subdivision Lot 1 (0.3134 acres** **of property) located at the northeast corner of Wedgewood Drive and W. 10th Street, from B-2 Commercial District to R-6 Residential District (Halifax County Parcel 0910916)**

Date: July 10, 2015

**Summary Overview**

|  |  |  |
| --- | --- | --- |
| Subject Property |  | Wedgewood Village Subdivision, Lot 1 (0.3134+/- acres of property) located on the corner of Wedgewood Drive and W. 10th Street |
| Proposal |  | Rezone from B-2 Commercial District to R-6 Residential District  |
| Applicant |  | Robert Barnes, Jr. |
| Present Use |  | Cleared, vacant land  |
| Proposed Use |  | Residential |
| Staff Recommendation |  | Approve |

**Analysis and Detail**

**1. Applicant(s)**

***­­­­­­­­­­­­17874***

***Roanoke Rapids City Council***

***July 21, 2015***

The applicant is Robert Barnes, Jr., 518 Arbutus Dr. E., Roanoke Rapids, NC 27870, (252) 537-6573.

**2. Location/Area Description – *map attached***

The Wedgewood Village subdivision is located off W. 10th Street in the City’s Planning & Zoning jurisdiction. The site proposed for rezoning is Wedgewood Village Lot 1 (a 0.3134+/- acre lot) and is located at the northeast corner of W. 10th Street and Wedgewood Drive. Lot 1 is located at the entrance to the subdivision. The property is currently vacant land and was originally platted as part of the Wedgewood Village subdivision with the intention of being developed as a single-family lot.

The property adjacent to the north side of the rezoning area is zoned R-6 Residential District and is developed as a single-family residential subdivision.

The properties adjacent to the east side of the rezoning area are zoned B-2 Commercial District and R-6 Residential District. The B-2 area to the east side of the rezoning area is developed as *Browning’s Grill*. The R-6 area to the northeast side of the rezoning area is developed as single-family residences.

The property adjacent to the south side of the subject property is located in the Halifax County Planning & Development jurisdiction.

The property to the west of the rezoning area is zoned I-2 and is currently developed as an Industrial Lot.

**3. Existing and Proposed Zoning**

The attached map delineates the existing zoning of the area being considered for rezoning and the zoning of the adjacent parcels. The requested rezoning area is currently zoned B-2 Commercial District. The requested zoning is R-6 Residential District. The following provides the adjacent zoning: North = R-6; South = Halifax County Jurisdiction; East = B-2, R-6; and West = I-2.

**The rezoning request is a change** **from B-2 Commercial District to R-6 Residential District**.

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

The R-6 district is designed to accommodate single-family and two-family (duplex) dwelling units.

The B-2 district is designed to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot width requirements that are more restrictive than those applicable to the B-1 zone. The B-2 zone thus may provide a transition in some areas between a B-1 zone and a residential zone or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the city (as opposed to a regional shopping center).

The I-2 district is established primarily to accommodate enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment.

***­­­­­­­­­­­­17875***

***Roanoke Rapids City Council***

***July 21, 2015***

The specific 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.

**4. Traffic Considerations**

There are no traffic considerations. The proposed zoning change may be accessed by Wedgewood Drive and W. 10th Street.

**5. Utility Considerations**

There are no specific utility considerations that should negatively impact this property at the present time. All utilities are readily available to the area.

**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. The proposed request for rezoning is considered to be reasonable. Reasonableness is determined by considering the size of the area, 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.

**7. Comprehensive Development Plan**

The property is located in the City’s ETJ and the following implementing strategies may be considered from the City of Roanoke Rapids Comprehensive Plan, adopted by City Council on June 17, 2014:

*I.19 Consider allowing different housing densities to abut one another as long as proper buffering and design is provided as needed and traffic generated by such land use does not mix within the neighborhood.*

*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.22 The City Planning Board may consult this plan concerning all decisions, including rezoning and subdivision approvals, which will affect residential land use, including impact on existing residential areas.*

*I.25 Permit residential development to occur in response to market needs provided that the following criteria are met:*

* *Due consideration is offered to all aspects of the environment.*
* *If deficient community facilities and services are identified, the City should attempt to improve such to the point of adequately meeting demands.*
* *Additional residential development should concurrently involve planning for improvements to community facilities and services if excess capacity does not exist within those facilities and services.*
* *Residential development is consistent with other policies and the land use map contained in this plan which reflects adequate suitability analysis.*

*I.63 Minimize access to arterial streets and restrict excessive development at critical access points.*

**8. Public Response to Notice**

The notice of request and City Council public hearing was advertised in the *Daily Herald* on July 5, July 12 and July 19, 2015.

***­­­­­­­­17876***

***Roanoke Rapids City Council***

***July 21, 2015***

On July 6, 2015, first class mail notice of the public hearing was sent to property owners within 100 feet of the subject request.

**9. Staff Recommendation**

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 surrounding zoning and supported by the Comprehensive Development Plan. Staff requests that the rezoning be recommended to the City Council for approval.

**10. Planning Board Action**

On Thursday, June 18, 2015, the Roanoke Rapids Area Planning Board reviewed the requested rezoning. The Board unanimously approved a Recommendation of Consistency with the Land Use Plan and unanimously voted for a recommendation for approval of the requested rezoning.

**11. City Council Action**

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

**Statement of Consistency** – *if City Council concurs with the approval of the Statement, the following motion is appropriate:*

***Requested Motion & Vote:* Motion to approve and adopt the presented Statement of Consistency to amend the Zoning Map for Wedgewood Village Subdivision Lot 1 described in the staff report dated July 10, 2015.**

**Final Decision** – *if City Council concurs with approval of the rezoning request, the following motion is appropriate:*

***Requested Motion & Vote:* Motion to approve an amendment to the Roanoke Rapids Zoning Map to change the zoning classification from B-2 to R-6 for property identified as Wedgewood Village Subdivision Lot 1 described in the staff report dated July 10, 2015.**

A public hearing having been advertised and proper notices having been given according to law, Mayor Doughtie opened the public 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 the Official Zoning Map**

**Reference: Rezoning Request – Amendment to the Roanoke Rapids Zoning Map to rezone Wedgewood Village Subdivision Lot 1 (0.3134 acres** **of property) located at the northeast corner of Wedgewood Drive and W. 10th Street from B-2 Commercial District to R-6 Residential District (Halifax County Parcel 0910916)**

***­­­­­­­­17877***

***Roanoke Rapids City Council***

***July 21, 2015***

The Roanoke Rapids City Council met on Tuesday, July 21, 2015 at 5:15 p.m. and determined that the above mentioned request is consistent with the Roanoke Rapids Comprehensive Plan, adopted by City Council June 17, 2014, and with the Roanoke Rapids Land Use Ordinance. Comprehensive Development Plan Policies:

ADOPTED BY THE ROANOKE RAPIDS CITY COUNCIL ON THE 21st DAY OF JULY 2015.

*I.19 Consider allowing different housing densities to abut one another as long as proper buffering and design is provided as needed and traffic generated by such land use does not mix within the neighborhood.*

*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.22 The city Planning Board may consult this plan concerning all decisions, including rezoning and subdivision approvals, which will affect residential land use, including impact on existing residential areas.*

*I.25 Permit residential development to occur in response to market needs provided that the following criteria are met:*

* *Due consideration is offered to all aspects of the environment.*
* *If deficient community facilities and services are identified, the City should attempt to improve such to the point of adequately meeting demands.*
* *Additional residential development should concurrently involve planning for improvements to community facilities and services if excess capacity does not exist within those facilities and services.*
* *Residential development is consistent with other policies and the land use map contained in this plan which reflects adequate suitability analysis.*

*I.63 Minimize access to arterial streets and restrict excessive development at critical access points.*

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

Adopted: July 21, 2015

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Emery Doughtie

Mayor

Motion was made by Councilwoman Scarbrough, seconded by Councilwoman Cowen and unanimously carried to approve an amendment to the Roanoke Rapids Zoning Map to change the zoning classification from B-2 to R-6 for property identified as Wedgewood Village Subdivision Lot 1 described in the above referenced staff report dated July 10, 2015.

*The following were sworn in by City Clerk Vincent: Planning & Development Director Lasky; Nathan Rogers and David Harvey*

Planning & Development Director Lasky reviewed the following staff report with Council:

**MEMORANDUM**

***­­­­­­­­17878***

***Roanoke Rapids City Council***

***July 21, 2015***

To: Joseph Scherer, City Manager

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

Re: **Conditional Use Permit Application for a Solar Farm on American Legion Road**

Date: July 10, 2015

**Proposed Request**

An application for a Conditional Use Permit was submitted by Ecoplexus, Inc. (applicant) and Bank of Hampton Roads (property owner) to develop the site as a Solar Farm (major energy facility) on American Legion Road (SR 1683) on Halifax County Parcel 1200688.

The subject property is located within the City’s Planning & Zoning Jurisdiction and has a B-4 Commercial Zoning Classification. The use of the property as a **solar farm** is a use that is permitted with the approval of a Conditional Use Permit. An authorized Conditional Use Permit (CUP) is perpetually binding upon the property unless subsequently changed by City Council.

The subject property includes approximately 124 undeveloped acreslocated on the north side of American Legion Road, west of North Carolina Highway 125. The approximate area of proposed solar array is approximately 70.5 acres (of the 124 acre site).

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

1 SUBJECT SITE OUTLINED IN RED

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

**SECTION I:**

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

 *The requested permit is within its jurisdiction subject to the approval of a Conditional Use Permit, as indicated in the Table of Permissible Uses (Section 151-149), a solar farm (use Classification 31.300).*

###

**2. The application is complete; or**

*The application is complete.*

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

***­­­­­­­­17879***

***Roanoke Rapids City Council***

***July 21, 2015***

*The Development will comply with all of the requirements of the Land Use Ordinance if completed as proposed in the application. The site plan will be required and will go through the formal Development Review Committee process. Once the site plan has been approved and the building plans are reviewed a building permit will be issued. Per the requirements of the Land Use Ordinance, the following conditions apply:*

1. *Solar farms shall meet the minimum zoning setbacks for the zoning district in which located.*
2. *Solar panel height/elevation is limited to 15 feet.*
3. *Solar farms with panels located less than 100 feet from an adjacent public street right-of-way, a residentially zoned property, or a property currently utilized for residential purposes must be screened by a continuous screen of evergreen vegetation intended to be at least six (6) feet high and three (3) feet thick at maturity.*
4. *State stormwater permits may be required based upon ground cover.*
5. *The applicant must apply and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the required use prior to final project approval.*
6. *Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).*
7. *All solar farms shall meet all requirements of the International Building Code with North Carolina amendments.*

**SECTION II:**

The following seven 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,**

 *This is probably true; the site has direct access to American Legion Road (SR-1683). Driveway access is under the jurisdiction of the North Carolina Department of Transportation and subject to its approval and permitting.*

 *The preliminary site layout shows ingress and egress to American Legion Road by one permanent 24-foot driveway with access gate. A second soil surface driveway is shown on the site plans.*

 *The site is not expected to generate much traffic after construction is completed.*

**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,**

 *This is probably true; the requested use as a solar farm is not anticipated to generate increased traffic to and from the site following completion of development.*

 *The site has a B-4 Commercial Zoning Classification and the proposed use as a solar farm has limited intensity of economic impact compared to other uses in the district.*

 *The inverters of the solar farm operations may produce an electric hum with a radius of 100 feet; therefore will be located in the middle of the site to provide a minimal impact, if any, to surrounding properties.*

 *The solar panels shall be designed with anti-reflective coating(s) to minimize any potential impacts of glare.*

 *Solar panels produce no odors.*

*All proposed construction and site plans will be formally evaluated by city staff, the Development Review Committee, including NC Department of Transportation to ensure a proper design. The Development Review Committee includes the Sanitary District, NCDOT, Public Works, NC Dominion Power, Fire Marshal and Code Enforcement.*

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

***­­­­­­­­17880***

***Roanoke Rapids City Council***

***July 21, 2015***

 *This is probably true; the proposed development is not expected to produce much, if any, refuse. Refuse collection requirements of the City of Roanoke Rapids shall apply to the development.*

**4: utilities are available; and,**

 *This is probably true; all utilities are currently available for the site. Connections and extensions shall be coordinated with appropriate entities. There are no specific utility considerations that should negatively impact this property at the present time. All utilities are readily available to the area. The development will be subject to impact or user fees as established by the appropriate utility entities.*

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

 *This is probably true; the parcel of land is zoned B-4 and is surrounded by rural residential R-40 zoning. The Ordinance requires screening and buffering adjacent to residentially zoned property. The site must be screened by a continuous screen of evergreen vegetation intended to be at least six (6) feet high and three (3) feet thick at maturity.*

 *The preliminary site plans show a 10-foot continuous evergreen buffer adjacent to residential zoning and uses.*

 *The preliminary site plans indicate a security fence 6-foot tall with barbed wire to inhibit unauthorized access to the site.*

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

 *This is probably true; the request does not include any signage or lighting. Any future proposed signage and lighting will be required to comply with the Roanoke Rapids Land Use Ordinance.*

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

 *This is probably true; the site is located in a B-4 Commercial District and has minimal required setbacks. The applicant proposes a 20-foot setback from the property boundaries along adjacent residential uses and residential zoning districts. A 20-foot setback from the street right-of-way property line is provided, as required. A 10-foot vegetative buffer will be provided around the perimeter of the property. The existing vegetation will be used where possible. The buffer will be planted where no vegetation exists. The wetlands delineated on the site are noted on the site plan. The applicant has provided a 20-foot buffer (setback) from the identified wetlands. No disturbance to wetlands is proposed. Any proposed changes are subject to review by staff.*

**SECTION III:**

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

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

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

 *The staff has determined this is probably true; the development shall be required to comply with all applicable federal, state and local codes and ordinances. An assessment of the previously referenced seven items used to evaluate 4 (a), (b), (c) & (d) indicates no specific endangerment to the public health or safety that is not adequately addressed.*

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

***­­­­­­­­17881***

***Roanoke Rapids City Council***

***July 21, 2015***

 *The staff believes this is probably true. Staff cannot determine the impact of value 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) will be in harmony with the area in which it is to be located; or**

 *The staff has determined this is probably true; its use as proposed will be in harmony with the existing surrounding uses in the area based on the previously referenced seven items used to evaluate items 4 (a), (b), (c) & (d).*

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

 *The staff has determined this is probably true. The proposed request for use of the property as a solar farm is considered to be reasonable. Reasonableness is determined by considering the size of the area, 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 Comprehensive Development Plan states the following policies should be considered:***

***General Land Use***

 *I.1 Support infill development. Infill development is development or redevelopment of land that has been bypassed, remained vacant, undervalued and/or is underused as a result of continuing urban development process. 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 laterally and horizontally thus necessitating a higher expenditure for capital improvements than would be required for infill development.*

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

 *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.31 Encourage new and expanding industries and businesses which: (1) diversify the local economy, (2) utilize a more highly skilled labor force, and (3) increase area resident’s incomes.*

 *I.33 Economic development efforts should encourage the revitalization and reuse of currently unused or underutilized structures, sites, and infrastructure in appropriately located areas.*

**SECTION IV:**

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

**Planning & Development Department Review**

After a complete review of the information submitted to date by the applicant, it is the Planning staff’s opinion that the request satisfactorily meets the requirements of Section 151 – 94 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 Solar Energy Facility shall be developed in accordance with the American Legion PV1 Solar Energy System plans prepared by 4D Site Solutions, dated July 6, 2015.*

***­­­­­­­­17882***

***Roanoke Rapids City Council***

***July 21, 2015***

1. *Additional detailed construction drawings and building plans shall be provided to the Planning & 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.*
2. *Required screening between land uses shall be installed prior to issuance of a Certificate of Occupancy.*

**Planning Board Review**

The Roanoke Rapids Area Planning Board reviewed the request on Thursday, July 16, 2015 at 5:30 p.m. and voted to recommend the approval of the Conditional Use Permit with two additional stipulations: *(1) Record a decommissioning plan for removal of the solar generation facility after the facility becomes inoperable* and *(2) Maintain the property to standards set forth by City Code concerning nuisances, specifically uncontrolled growth of noxious weeds or grass (a 10" height limit)*.

**Requested Action by City Council**

***Please refer to the attached Work Sheet to discuss the application and provide a motion, second and a vote concerning the Findings of Fact and a Final Decision.***

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

Mr. Nathan Rogers, Project Development Manager for Ecoplexus, Inc., reviewed a PowerPoint presentation with Council *(a copy of which is on file in the City Clerk’s Office)* indicating that his company has 50 completed projects and has completed three in North Carolina. He stated they are looking at a total of six projects in the state. He explained that the American Legion Road project would be a 26 mw facility on 70 acres of the approximately 124-acre site.

Following the presentation, Mayor Pro Tem Ferebee asked Mr. Rogers if the solar farm would result in a decrease in electricity rates.

Mr. Rogers explained that a decrease would not result from this facility alone but from facilities across North Carolina as a whole.

Councilwoman Scarbrough stated there is already a solar farm at the old Airport site. She asked how they would co-exist. She asked if it was necessary to have both.

Mr. Rogers explained that the Legislature deemed it necessary by requiring utilities companies to have 12% of energy generated come from renewable sources by 2021.

Councilman Bobbitt asked how often the solar panels would need washing.

Mr. Rogers stated it depends on how often it rains.

Councilman Bobbitt asked how they would handle storms such has hail on the panels.

***­­­­­­­­17883***

***Roanoke Rapids City Council***

***July 21, 2015***

Mr. Rogers explained that the panels are rated to withstand a certain size and speed of hail. He stated they would monitor the panels and would send out crews if necessary. He stated there is no problem to take one out and replace it.

Councilman Bobbitt asked if they sell the solar farms they develop to power companies.

Mr. Rogers stated they do sell some of them. He stated they have had some interest from utility companies about this one.

Councilman Bobbitt asked if a power company did purchase the solar farm would they be responsible for making sure the grounds are returned to their natural state.

Mr. Rogers stated that would go back to one of the Planning Board’s recommended stipulations to have a decommission plan which would be recorded in the Office of the Register of Deeds.

Councilman Smith asked Mr. Rogers if his company owns this land.

Mr. Rogers indicated that it is in foreclosure but they are in the process of purchasing the property.

Mayor Doughtie stated this is a $32 million investment. He asked if the County would start collecting taxes or if there were tax incentives.

Mr. Rogers indicated that under current regulations which could change at any time, only 20% is taxable.

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

Mr. David Harvey, President of the Halifax County Chapter of the NAACP, stated he has been taking notes during the presentations and has several questions. He asked the time frame for construction.

Councilman Smith questioned Mr. Harvey about his address. He stated speakers are required to give their address.

Mr. Harvey stated he is President of the Halifax County Chapter of the NAACP and the address is 520 Smith Church Road, Roanoke Rapids, NC.

***­­­­­­­­17884***

***Roanoke Rapids City Council***

***July 21, 2015***

Mr. Rogers stated ideally it would be built in the fall but he feels there is a decent chance it will not be built until the spring. He stated the company would like for it to be built as soon as possible.

Mr. Harvey asked if the 70 acres backs up to County land.

Planning & Development Director Lasky stated this project is not located in the City Limits. She stated it is in the City’s planning and zoning ETJ.

Mr. Harvey stated jobs and contractors are very important to this area. He stated it was mentioned that the company would probably use crews that would be local. He asked if that would be during the process of building the facility.

Mr. Rogers stated they will use a mix of imported and local labor.

Mr. Harvey asked if the company would ensure that they would consider bids of minority-owned firms during the construction of the project and not just give it to a large contracting firm, and also in the hiring of jobs once built. He encouraged the company to reach out to other agencies such as the NAACP to ensure a mixture.

Mayor Pro Tem Ferebee stated it was mentioned that the company would contact local temp agencies. He stated the City itself could not mandate this but encouraged Mr. Rogers to make contact with Mr. Harvey.

Mr. Rogers stated he will certainly exchange information with Mr. Harvey.

City Manager Scherer pointed out that the NC Workforce Office is also another agency to contact.

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

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried that based on the foregoing staff report dated July 10, 2015 and items 1 - 7 of Section II included in that report, the proposed development (request) will not materially endanger the public health or safety.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried that based on the foregoing staff report dated July 10, 2015 and items 1 - 7 of Section II included in that report, the proposed development (request) will not substantially injure the value of adjoining or abutting property.

***­­­­­­­­***

***17885***

***Roanoke Rapids City Council***

***July 21, 2015***

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried that based on the foregoing staff report dated July 10, 2015 and items 1 - 7 of Section II included in that report, the proposed development (request) will be in harmony with the area in which it is to be located.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried that based on the foregoing staff report dated July 10, 2015 and items 1 - 7 of Section II included in that report, the proposed development (request) will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

Having found all of the Findings of Fact to be true, motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to grant the Conditional Use Permit to Ecoplexus, Inc. (Applicant) and Bank of Hampton Roads (Property Owner) to develop the site as a Solar Farm (energy facility) on Halifax County Parcel 1200688 with the following stipulations:

*(1) The Solar Energy Facility shall be developed in accordance with the American Legion PV1 Solar Energy System plans prepared by 4D Site Solutions, dated July 6, 2015.*

*(2) Additional detailed construction drawings and building plans 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.*

*(3) Required screening between land uses shall be installed prior to issuance of a Certificate of Occupancy.*

*(4) Record a decommissioning plan for removal of the solar generation facility after the facility becomes inoperable.*

*(5) Maintain the property to standards set forth by City Code concerning nuisances, specifically uncontrolled growth of noxious weeds or grass (a 10" height limit).*

Mayor Pro Tem Ferebee told Mr. Rogers that he hopes he will get together with Mr. Harvey.

Mr. Rogers stated they will swap information.

City Manager Scherer stated Rural Health Group, Inc., successor by merger with Twin County Rural Health Center, Inc., is presently leasing certain real property from the City of Roanoke Rapids

***17886***

***Roanoke Rapids City Council***

***July 21, 2015***

located at 116A West Third Street (a portion of the New Town Neighborhood Resource Center) for administration of the Women, Infants and Children (WIC Program) in Halifax County.

City Manager Scherer explained that the administration of the WIC Program is being transferred to the Halifax County Health Department which was approved by the Halifax County Board of Commissioners on March 2, 2015. He explained further that as part of the transfer, Rural Health Group, Inc. and the Halifax County Health Department desire to enter into the assignment of the lease with the City of Roanoke Rapids. He pointed out that the Halifax County Health Department assumes responsibility for all obligations imposed thereunder including the payment of rent.

City Manager Scherer stated as lease holder, the City of Roanoke Rapids must consent to this Assignment of Lease which was prepared by County Attorney Glynn Rollins and approved by City Attorney Gilbert Chichester.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to consent to the following Assignment of Lease made and entered into effective as of October 1, 2015, by and between Rural Health Group, Inc., as Assignor, and Halifax County, by and through the Halifax County Health Department, as Assignee:

NORTH CAROLINA

HALIFAX COUNTY

**ASSIGNMENT OF LEASE**

 THIS ASSIGNMENT OF LEASE (“Assignment”), made and entered into effective as of October 1, 2015, by and between RURAL HEALTH GROUP, INC., a North Carolina non-profit corporation (hereinafter “RHG”), as Assignor, and HALIFAX COUNTY, by and through the HALIFAX COUNTY HEALTH DEPARTMENT, a unit of local government (hereinafter “Department”) as Assignee, with Assignor and Assignee being collectively referred to as “the Parties”;

**WITNESSETH:**

 ***WHEREAS,*** RHG is successor by merger with Twin County Rural Health Center, Inc., said merger having occurred on or about December 6, 2006; and

 ***WHEREAS,*** RHG, as successor by merger, is presently leasing certain real property from the City of Roanoke Rapids located at 116A West Third Street, Roanoke Rapids, North Carolina 27870, said property being a portion of the New Town Neighborhood Resource Center, and being used by RHG for administration of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program) in Halifax County; and

 ***WHEREAS,*** administration of the WIC Program in Halifax County is being transferred to the Department, said transfer having been approved by the Halifax County Board of Commissioners on March 2, 2015; and

***17887***

***Roanoke Rapids City Council***

***July 21, 2015***

 ***WHEREAS,*** as part of the transfer of the WIC Program, RHG and the Department desire to enter into this Assignment;

 ***NOW, THEREFORE,*** inconsideration of the premises recited above, and in order to effectuate the transfer of administration of the WIC Program in Halifax County from RHG to the Department, the Parties agree as follows:

 1. RHG hereby assigns to the Department all of its rights, title and interest in that certain Lease dated January 9, 2004, between the City of Roanoke Rapids as Lessor and Twin County Rural Health Center, Inc., as Lessee, a complete and true copy of which is attached hereto as **Attachment A.**

 2. The Department hereby accepts assignment of said Lease and assumes responsibility for all obligations imposed thereunder, including the payment of rent, and to the extent allowed by law, the Department will save and hold harmless RHG from any liability arising from the Department’s failure to comply with all such obligations.

 3. Notwithstanding earlier execution of this document, the effective date of this assignment shall be October 1, 2015.

 4. The Parties acknowledge that this assignment must be approved in writing by the Lessor, the City of Roanoke Rapids.

 ***IN WITNESS WHEREOF,*** the Parties have caused this Assignment Agreement to be executed by it duly authorized officers or officials.

 **RURAL HEALTH GROUP, INC., Assignor**

 By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Title:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **HALIFAX COUNTY HEALTH DEPARTMENT, Assignee**

 By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Director

 **HALIFAX COUNTY**

 By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 County Manager

 Approved as to Form and Legality

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 County Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

***17888***

***Roanoke Rapids City Council***

***July 21, 2015***

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Halifax County Finance Officer Date

-------------------------------------------------------------------------------------------------------------------------------------------

The CITY OF ROANOKE RAPIDS hereby consents to this Assignment of Lease.

 By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Title:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Attachment A referred to above is on file in the Clerk’s Office.***

City Manager Scherer stated in light of the Legislature’s repeal of most privilege license taxes, the School of Government has advised that all privilege license taxes that cities and towns charge under the authorization that was previously found in NCGS 160A-211 should be eliminated. He stated we have amended Chapter 110 “Business Licenses” to reflect only the privilege license taxes that we are allowed to levy and collect: *Adult Entertainment Business; Adult Entertainer; Beer & Wine - Retail; Beer & Wine - Wholesale and Municipal Taxi/Limo*.

Mayor Doughtie asked about the economic impact of this loss on our budget.

City Manager Scherer stated our estimated loss is around $370,000.

Councilwoman Scarbrough asked what adult entertainment business we have in the City.

City Clerk Vincent indicated none at this time.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to adopt the following Ordinance:

**AN ORDINANCE TO AMEND CHAPTER 110 “BUSINESS LICENSES” OF THE ROANOKE RAPIDS CITY CODE.**

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

**SECTION 1.** Section 110.11 be amended to read as follows:

§ 110.11 **SCHEDULE OF LICENSE TAXES.**

On the following trades, professions, agencies, business operations, and other subjects herein set out, the following taxes shall be levied and collected:

***17889***

***Roanoke Rapids City Council***

***July 21, 2015***

 ***Type of Business License Fee***

 Adult Entertainment Business $250.00

 Adult Entertainer $250.00

 Beer & Wine Retail Licenses\*

 *On-premises malt beverage* $ 15.00

 *Off-premises malt beverage* $ 5.00

 *On-premises unfortified wine, on-premises fortified wine, or both* $ 15.00

  *Off-premises unfortified wine, off-premises fortified wine, or both* $ 10.00

 \*Tax on Additional License - The tax stated above is the tax for the first license issued to a person.

 The tax for each additional license of the same type issued to that person for the same year is one

 hundred ten percent (110%) of the base license tax, that increase to apply progressively for each

 additional license.

 Beer & Wine Wholesaler License $ 37.50

 Municipal Taxi/Limo Tax $ 15.00 per

 Vehicle

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

Planning & Development Director Lasky reviewed the following staff report with Council:

### **MEMORANDUM**

To: Joseph Scherer, City Manager

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

Re: **Final Decision of City Council Regarding the Issuance of a Conditional Use Permit for an Amendment to the Villages at Cross Creek Planned Unit Development (PUD) Map**

Date: July 10, 2015

**Background/Timeline of Event**

***Public Hearing:*** On January 6, 2015, the Roanoke Rapids City Council opened a public hearing for consideration of the above referenced request. After testimonies and evidence had been received, City Council continued the public hearing until Tuesday, February 3, 2015. On Tuesday, February 3, 2015, City Council continued receiving testimony and evidence before deliberating the application in open session. The public hearing was conducted, as required, and closed.

***17890***

***Roanoke Rapids City Council***

***July 21, 2015***

***City Council Denies Application for Conditional Use Permit:*** On February 3, 2015, City Council passed a motion to deny the Conditional Use Permit application. By motion and a vote, the City Council found the following statements not to be true: if completed as proposed, the development, more probably than not: *will not substantially injure the value of adjoining or abutting property* and *will be in harmony with the area in which it is to be located*.

***Applicant Appeals City Council’s Decision to Superior Court:*** MaSuki, Inc. (CUP applicant and property owner) filed a petition for judicial review by the Superior Court of Halifax County by proceedings in the nature of certiorari. On May 11, 2015, Senior Resident Superior Court Judge Alma L. Hinton reviewed the record to determine if the evidence of record supported the Council’s action in denying the permit.

***Superior Court Orders City:*** Halifax County Superior Court Judge Alma L. Hinton ordered Roanoke Rapids City Council **to Enter Findings of Fact Consistent with the Record whereby Council Denied the Conditional Use Permit then file the Order with the Court and made part of the record.**

**REQUESTED MOTION**

Motion to direct the City Attorney and Planning & Development Director to draft the Findings of Fact consistent with the testimony and evidence presented during the January 6 and continued February 3, 2015 public hearing for consideration by the City Council during the August 4, 2015 City Council meeting.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to direct the City Attorney and Planning & Development Director to draft the Findings of Fact consistent with the testimony and evidence presented during the January 6 and continued February 3, 2015 public hearing for consideration by the City Council during the August 4, 2015 City Council meeting.

City Manager Scherer stated since the Department Heads will be presenting their reports, his report will be brief.

City Manager Scherer stated we are at the beginning of a new fiscal year and thanks to the efforts of all the Department Heads, he is cautiously optimistic that we will come in at or under our forecasted budget.

City Manager Scherer stated from the departmental reports you will hear next, you will see that we are continuing to try and meet the City’s mission statement goal, part of which is “to provide planned, efficient, acceptable services for the citizens of Roanoke Rapids in a cost-effective manner.” He stated the departments should be recognized for their efforts, given the limited resources we have at our disposal.

City Manager Scherer indicated that he would be presenting the June Finance Report as Finance Director Etheridge is attending a conference out of town.

***17891***

***Roanoke Rapids City Council***

***July 21, 2015***

City Manager Scherer reported that the General Fund year-to-date revenues totaled $15,030,419.62 (92.7%) and the General Fund year-to-date expenditures totaled $15,005,390.15 (92.6%). He stated we are looking at a surplus of just over $25,000.00.

City Manager Scherer reported that the sales and use tax receipts for the month of June totaled $169,486.12 and the percentage of actual money collected stands at 84.7% (10% increase compared to July 2013 - June 2014).

City Manager Scherer stated staff is working diligently on year-end closeout and preparing for the annual audit which is scheduled for the week of August 17th.

Councilman Smith asked City Manager Scherer if he said the surplus was $250,000.00.

City Manager Scherer stated no, it looks like it will be a little over $25,000.00. He pointed out that there is still some sales tax revenues unaccounted for.

Councilman Smith asked the amount of those revenues.

City Manager Scherer stated $340,000.00 is our conservative estimate.

Mayor Doughtie asked about outstanding expenses.

City Manager Scherer indicated that staff is working on that now.

Councilman Smith asked if there was any way to get a report on this at the first meeting in August.

City Manager Scherer stated yes.

Councilman Smith stated in this budget, we took money away from each department. He stated he would like to see an ordinance so that we can get money back to those departments. He stated instead of this money going back into the General Fund, he would like to see it spread back among the departments that were cut.

City Manager Scherer stated we will take a look at this and come back to Council with a recommendation.

Mayor Doughtie stated he understands what Councilman Smith is saying but we had to take $500,000.00 from the Fund Balance to fund the budget we just approved.

***17892***

***Roanoke Rapids City Council***

***July 21, 2015***

 Human Resources Manager Kearney reported that June was a very busy month. She stated she received many applications including 23 for the Police Department which is a significant number. She stated they interviewed 18 applicants for Police Officer and are in the process of hiring 4. She stated 8 people applied for the Animal Control Officer position vacated by Arthur Sizemore who recently retired.

 Human Resources Manager Kearney reported that during the month of June, we hired 6 part-time lifeguards and 1 property maintenance worker.

 Human Resources Manager Kearney reported that she has also been busy finishing up paperwork for open enrollment for health insurance.

 Deputy Chief Jackson stated it has also been a busy month for the Police Department. He pointed out a correction to the written departmental report. He stated at the bottom of the first page, for the number of calls, the 2,353 calls made should be for the month of June instead of March. He commended the C.O.P. volunteers for all of their time last month working the Seafood & Shag Festival; the Canal Half Marathon; the Baseball Tournament; and the Concert in the Park. He stated they are a vital part of our department and help to cut down on a lot of overtime.

 Deputy Chief Jackson reported on a very successful Kids Police Camp. He stated they had 21 in attendance and had a lot of activities. He thanked the Recreation Department and the Fire Department for their assistance. He also reported that the Police Department and Police Club held a joint fundraiser at Angel’s Closet and received over $900.00 for the “Christmas for Kids” program. He also gave special thanks to the Roanoke Rapids Football Team and Coach McDaniel for their assistance. He also reported on the department’s participation at the Men’s Day of Oak Grove Baptist Church and the ABC’s of Encountering at St. Luke Church.

 Deputy Chief Jackson reported that the Animal Control Officer answered 165 calls for service and issued 2 citations. He reported that Arthur Sizemore retired as Animal Control Officer on June 30 with 10 years of service. He stated they plan to have him at an upcoming Council meeting for recognition.

 Deputy Chief Jackson reported on the rash of bicycle thefts, averaging about a dozen stolen each week. He stated they were able to secure arrest orders on three juveniles who

***17893***

***Roanoke Rapids City Council***

***July 21, 2015***

 have been placed on monitors and restricted to home. He stated we have had only 1 bike stolen since then.

 Deputy Chief Jackson stated Tuesday, August 4 is “National Night Out” at The Centre at HCC. He stated this event is put on by the Halifax County Sheriff’s Office and the Police Departments in Roanoke Rapids, Weldon, Littleton and Scotland Neck. He stated they have lined up a great band--The Fantastic Shakers--that played at the first “National Night Out” 10 years ago. He stated there will be a lot of activities for everyone to enjoy and it will be a good reason to have a short Council meeting that evening.

 Deputy Chief Jackson reported on the Unity March to be held this Saturday from 9:00 to 11:00 a.m. sponsored by the Evangelistic Church of Deliverance in Weldon. He stated plans are to march from the First Pentecostal Holiness Church on Old Farm Road to Centennial Park and then enjoy a picnic back at the church.

 Mayor Pro Tem Ferebee asked how the body cameras are working.

 Deputy Chief Jackson stated they have come in very handy particularly with handling use of force complaints. He stated they have actually cut down on a lot of those complaints. He stated just recently the City Manager was able to review an incident which backed up a story. He stated we have them in every patrol car and the guys are very appreciative. He stated they are working on getting cameras for CID and for himself and the Chief.

 Planning & Development Director Lasky stated they have been fairly busy. She stated they issued 94 permit applications (about a 40% increase) and collected about $15,800.00 in permit fees. She reported that the June building construction valuation was $3,245,676.00 (almost double) and some of these projects included a few new houses (1 in the Canal Walk Subdivision). She also reported that they are currently reviewing plans for all 3 Food Lions.

 Planning & Development Director Lasky reported that she is taking part in the meetings to develop the first regional hazard mitigation plan (Halifax-Northampton Regional Hazard Mitigation Plan). She stated previously Roanoke Rapids has participated with Halifax County but this time, it will be a regional effort. She stated the counties have received funding for this plan. She stated this will include a public process and anyone interested in more information can visit [www.halifaxnorthamptonhmp.org](http://www.halifaxnorthamptonhmp.org).

 Parks & Recreation Director Simeon reported that they are making strides in improving parks along the US 158 corridor (Wheeler, Chaloner & Martin Luther King, Jr. Parks). He

***17894***

***Roanoke Rapids City Council***

***July 21, 2015***

 stated they met with Rural Forward NC to discuss paying for a plan that the Kate B. Reynolds Charitable Trust Fund is requiring of us. He stated we will be applying for grants for this project. He stated once that is in place, they will hold public meetings.

 Parks & Recreation Director Simeon reported that the City will host the 2016 U-9 Cal Ripken Southeast Regional Baseball Tournament here at the Ledgerwood Field Complex. He stated this is a very big tournament with teams from Virginia to Florida, including the Bahamas. He stated they expect 15 to 20 teams. He stated this will definitely take a concerted effort by all of our departments, including assistance from Tourism and the Chamber, to host this event. He stated they will also be working with the Youth Baseball Association. He stated he has been told that this tournament may get national television coverage.

 Councilman Smith asked how the Parks & Recreation Department budget would be impacted by having to get the fields ready for this tournament.

 Parks & Recreation Director Simeon stated it will have a very large impact on his budget. He stated we only get one time to showcase Roanoke Rapids. He stated something will have to be done about the concession stand. He stated it could also affect our youth athletics and our general maintenance of facilities. He stated right now we are having to be reactive instead of proactive.

 Parks & Recreation Director Simeon reported on East Carolina Aquatics’ plan to offer year- round swimming at our Aquatic Center. He stated they will be renting the facility after school to hold practices. He stated this is something the community has been asking for over the last few years. He pointed out that this will not interrupt their regular schedules at the Aquatic Center but will maximize our revenue.

 Parks & Recreation Director Simeon reported that they are busy preparing for rentals at the Theatre. He stated they are training a part-time employee to be at the Theatre to answer phone calls and field questions. He stated they have met with some promoters and others that want to rent the facility for such events as gospel concerts, reunions and dance recitals.

 Parks & Recreation Director Simeon reported that site borings are being conducted for the skate park and they expect the contract any day now. He stated they hope to see some dirt moving very shortly.

***17895***

***Roanoke Rapids City Council***

***July 21, 2015***

 Public Works Director Chalker reported that during the month of June, cemetery staff sold 6 lots and performed 16 openings and closings. He stated the total collected for the month was $19,781.00 and the year-to-date amount collected was $129,790.06. He stated they are already over the $20,000.00 mark this month and we need to start looking at some type of expansion. He stated they hope to do this with proceeds from the sale of timber at the cemetery.

 Public Works Director Chalker reported that 43 letters were sent out to property owners informing them of City Code ordinance violations. He stated 37 lots were cut by City forces in the amount of $12,941.50 and the year-to-date amount collected was $75,845.80. He stated this is a record since he has been with the City. He stated they are still behind in mowing but are working as hard as they can every day.

 Public Works Director Chalker reported that the Sanitation Department collected 4906.27 tons of solid waste; 1102.95 tons of junk; 13409 tons of limbs; 10315.50 tons of leaves and 359.55 tons of tires.

 Public Works Director Chalker reported that the Rochelle Pond project was quite a long project but it has been completed. He stated the outfall is stable.

 Public Works Director Chalker reported that his property maintenance crew has been diligently working to get the Theatre ready for rentals. He stated they have replaced flooring, made repairs to walls and painted. He stated they are also upgrading the lighting to LED which is more efficient. He stated they also made repairs to leaks in the cupola. He invited Council to come out and take a look around.

 Public Works Director Chalker reported on storm drainage issues on Long Circle. He stated crews worked on this for many days to clear out a large pipe. He stated there is also an active sinkhole at 6th and Henry Streets. He stated it has been stabilized and they are working with the Sanitary District on this project. He also reported that there are some storm drainage issues on Price Street that NCDOT is looking at.

 Public Works Director Chalker reported that they will be meeting with the contractor tomorrow morning regarding the replacement of the generator at City Hall.

 Public Works Director Chalker reported that Nick Rightmyer is not here tonight but Bill Dreitzler is present. He stated they have submitted our Powell Bill information to the State.

***17896***

***Roanoke Rapids City Council***

***July 21, 2015***

 Chief Coggins reported that during the month of June, his department responded to 164 calls and the average response time for the month was a little over 4 minutes. He reported that his men engaged in 531 man-hours of training. He also reported on a class at HCC that some attended dealing with legal issues in the fire service.

 Chief Coggins reported that Wes Hux has received his Level II Fire Inspector License.

 Chief Coggins reported that they continue to enter data into their new software and recently had the ladder truck inspected.

 Chief Coggins reported that some of his men have come together to plan a public safety day. He stated it will be like an open house and they will have a lot of activities.

 Chief Coggins reported that he will conduct a new hire and promotion ceremony at the second Council meeting in August.

 Main Street/Development Director Caudle reported that as part of the Main Street designation, she is required to report statistical tracking information about the district to the Department of Labor. She stated this information will be presented at the Annual Meeting which is scheduled for next Monday, July 27 from 6:30 to 8:00 p.m. at David’s Restaurant. She stated they will also be announcing award winners for Business of the Year, Volunteer of the Year and more. She asked that anyone interested in attending to please let her know.

 Main Street/Development Director Caudle reported that the Planning & Development Department has issued a 60 day permit for the demolition of 1026 Roanoke Avenue. She stated the contractor wants to start before the end of this week. She stated the contractor will start work at the back of the building and move forward. She stated Main Street, along with the Planning & Development and Public Works Departments, brought in a structural engineer who determined that we could save the façade.

 Main Street/Development Director Caudle reported on three new businesses in the district: *Upsy Daisy Consignment Boutique at 235 Roanoke Avenue; Signature Dogs at 1300B Roanoke Avenue* and *E-clipse Photography at 1015A Roanoke Avenue*.

***17897***

***Roanoke Rapids City Council***

***July 21, 2015***

 Main Street/Development Director Caudle reported that the next Fridays in the Park concert will be held on Friday, July 31 at 7:00 in Centennial Park with The Gospel Sensations. She stated the final concert will be August 28 with Vernon Futrell performing.

 Main Street/Development Director Caudle reported that Assistant Commerce Secretary Pat Mitchell will be attending our 2016 Planning Retreat to be held in mid-April.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to go into closed session as allowed by NCGS 143-318.11(a)(3) to consult with the City Attorney on a legal matter.

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

**Minute Book Page 17898 contains 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.**

***17899***

***Roanoke Rapids City Council***

***July 21, 2015***

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to return to open session.

Mayor Doughtie called the meeting to order in open session.

City Council consulted with the City Attorney on a legal matter in closed session. No action was taken.

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

 

 8/5/2015