**Minute Book Page 18435**

**Minutes of the Roanoke Rapids City Council**

A regular meeting of the City Council of the City of Roanoke Rapids was held on Tuesday, August 2, 2016 at 5:15 p.m. in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor

Carl Ferebee, Mayor Pro Tem

Ernest C. Bobbitt) **Council Members**

Suetta S. Scarbrough)

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

Leigh Etheridge, Finance Director

Kelly Lasky, Planning & Development Director

Larry Chalker, Public Works Director

Stacy Coggins, Fire Chief

Christina Caudle, Main Street Director

Chuck Hasty, Police Chief

**Also Present:** Charles Vaughan, Attorney at Law

**Absent:** Carol H. Cowen, Council Member

John Simeon, Parks & Recreation Director

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

**Adoption of Business Agenda**

Mayor Doughtie asked Council members about any known conflicts of interest with respect to the matters before them this evening.

Councilman Smith stated with respect to Public Hearing Item 7 (b), he would like to disclose that on Thursday, July 21, 2016, he attended the Planning Board meeting as a non-voting Ex Officio Member. He stated he sat in the audience and did not participate

**Minute Book Page 18436**

**August 2, 2016 Regular Meeting**

in the Planning Board’s discussion of the permit application. He stated he is aware of the Board’s recommendation that will be presented during tonight’s public hearing. Councilman Smith stated he remains an impartial decision-maker and intends to make a decision based upon competent, material and substantial evidence presented during the public hearing.

City Attorney Chichester asked to be recused from representing the City during Public Hearing Item 7 (b). He stated he has an ethical conflict in as much as he owns property adjacent to the subject property. He stated with the permission of City Manager Scherer, he contacted Attorney Charles Vaughan and he has graciously agreed to represent the City during this hearing. He pointed out that Mr. Vaughan has been working with Planning & Development Director Lasky on this matter.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to adopt the business agenda for August 2, 2016.

**Public Comment (Unscheduled)**

**Kathleen Robinson**

Ms. Kathleen Robinson of 812 Vance Street, Roanoke Rapids, NC thanked the Mayor, City Council, City staff and citizens for welcoming her, a stranger, to the community. She stated when she first came here, she thought she was going to lose her mind but God opened doors and shined a light in this town where she did not think it would shine again. Ms. Robinson stated her heart is glad to see how this town has bloomed. She stated we are a community here that is coming together to make this a better place to live.

Ms. Robinson stated God has led her to open the first women’s group home in Roanoke Rapids. She stated this will not be a ghetto place. She stated a lot of women want to be better women. Ms. Robinson stated God has already anointed it whether it is in her house or under a tent on a street corner. She thanked all, especially the Police Department, Fire Department and the ladies at City Hall for all of their assistance, and she thanked the Mayor for visiting the mill village.

Ms. Robinson stated she had 32 children and 12 counselors at her Save-A-Child Camp. She stated people came out of the woodwork. She announced that God has also led her to run an afterschool program at the New Birth Ministries Church on 9th Street. She stated this will be a continuation of the Save-A-Child Camp to help keep kids away from drugs and gangs.

**Minute Book Page 18437**

**August 2, 2016 Regular Meeting**

Ms. Robinson stated at the next Council meeting, the camp participants would like to share with everyone involved a letter from the Governor of North Carolina.

Mayor Doughtie commented that he and Lauren visited Ms. Robinson’s camp one day and she had about 8 to 10 children, ranging from 5 to 18 years old. He stated she also had three young ladies there that she called counselors, and he could tell how dedicated they were to what they were doing. Mayor Doughtie stated he was amazed at the control Ms. Robinson had over the children and the respect they had for her. He stated they looked up to her as a guiding light. He stated while he was visiting, each child told about something they learned at the camp. Mayor Doughtie stated he told the three young ladies that were volunteering that when they were ready to apply for jobs, they could use this experience as a training opportunity and also use Ms. Robinson as a reference—and that is how they would receive payment for their assistance. He stated one young man at the camp shared that he had problems with expressing himself but listening to Ms. Robinson had helped him with that.

Mayor Doughtie stated the first night Ms. Robinson came to a Council meeting, he introduced himself and asked her why she was at the meeting. He stated Ms. Robinson replied that God had led her here. He stated she hit the ground running and has not stopped. He also mentioned that she fed people at Thanksgiving and Christmas. He stated every time you talk to her, she has something different going on. He stated she is not just talking about doing things, she is actually doing them.

**Approval of Council Minutes**

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to approve the July 19, 2016 City Council Minutes.

**City Council Appointments/Reappointments**

**Reappointments & Appointment to Senior Center Advisory Committee**

A ballot vote was taken and City Clerk Vincent announced that William Mueller and Evelyn Given received the unanimous vote for reappointment to the Senior Center Advisory Committee and Sarah Carpenter received the unanimous vote for appointment to the Senior Center Advisory Committee.

**Minute Book Page 18438**

**August 2, 2016 Regular Meeting**

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to reappoint William Mueller and Evelyn Given, and to appoint Sarah Carpenter to the Senior Center Advisory Committee.

**Appointment to Roanoke Rapids Area Planning Board/Board of Adjustment**

A ballot vote was taken and City Clerk Vincent announced that Richard Bolton received the unanimous vote for appointment to the Roanoke Rapids Area Planning Board/Board of Adjustment.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to appoint Richard Bolton to the Roanoke Rapids Area Planning Board/Board of Adjustment.

**Public Hearings**

**Zoning Map Amendment (Rezoning) Request to Rezone Adjacent Properties Located at 901-903 NC Highway 48 from R-20 Residential to B-2 Commercial**

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

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 (map attached) – Amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcels 0909022, 0903032 (a 1.90± acre property) from R-20 Residential District to B-2 Commercial District.  The property is adjacent to the eastern right-of-way of NC Highway 48.**

Date: July 22, 2016

**Summary Overview**

|  |  |  |
| --- | --- | --- |
| Subject Property |  | 901-903 NC Hwy 48: combined 1.90+/- acres of property located along NC Hwy 48 in the City’s Planning & Zoning Jurisdiction |
| Proposal |  | Rezone from R-20 Residential District to B-2 Commercial District |
| Applicant |  | Glandon Forest Equity, LLC |
| Property Owner |  | Frances V. Rackley and Cecil E. Faison |
| Present Use |  | Single Family Residential |
| Proposed Use |  | Ordinance Use 2.111: Misc. Sales/Retail/Mercantile |
| Staff Recommendation |  | Approve |

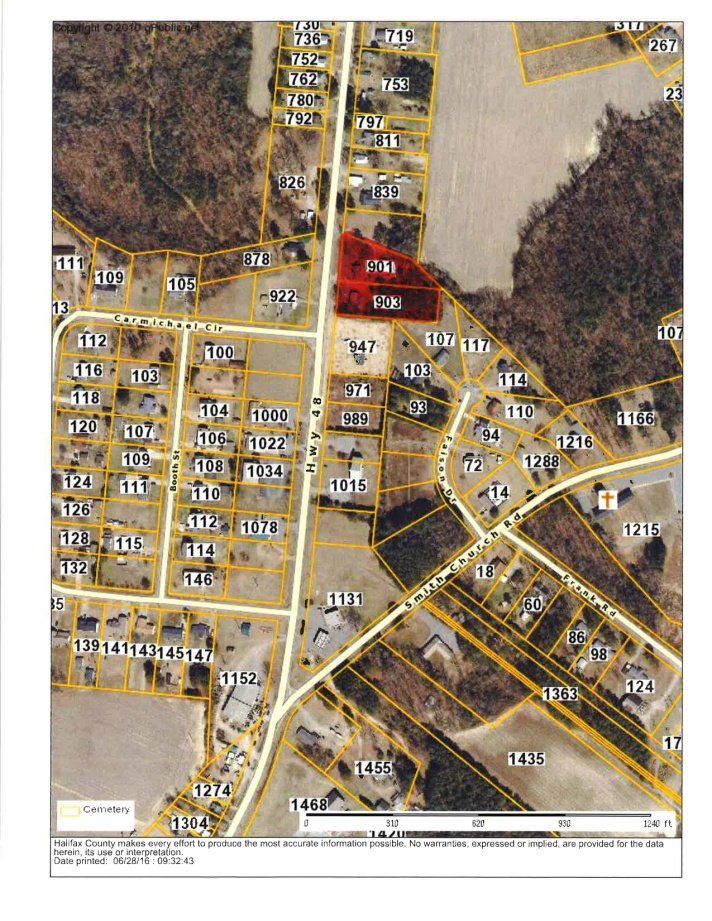
**Minute Book Page 18439**

**August 2, 2016 Regular Meeting**

When evaluating a rezoning request, it is appropriate to consider ALL permissible uses in the requested zoning district.  City Council cannot specifically limit which uses are allowed (or not) as a result of any rezoning consideration.

Figure 1 Aerial Image of Subject Property

Consider impacts on/from:

* potential uses
* neighbors
* general public
* traffic
* utilities
* neighborhood character
* schools

Omit from Consideration:

* ethnicity
* religion
* income
* rent or own

**Analysis and Detail:**

**1. Applicant and Property Owner**

The applicant is Glandon Forest Equity, LLC, 3825 Barrett Drive, Suite 100, Raleigh, NC 27609; contact is George Barnes at (919)459-2601. According to the application and Halifax County tax listing, the property is owned by Frances Vivian Rackley and Cecil Elmo Faison, 304 Davie Smith Street, Roanoke Rapids, NC 27870. ***(Application for Rezoning is attached.)***

**2. Location/Area Description**

The site proposed for rezoning is located at 901-903 NC Hwy 48, which is in the southwest area of the City’s Planning & Zoning Jurisdiction, also known as the Extraterritorial Jurisdiction (ETJ). (***See Figure 1***) The site is approximately 1,500 feet to the north of the intersection of NC Hwy 48 and Smith Church Road. The property requested for rezoning is 1.90 acres located adjacent to the eastern right-of-way of NC Hwy 48 having approximately 285 feet of road frontage. The property is developed as single-family residential.

The site area is a transition zone from rural residential and agricultural to more urbanized highway business.

**3. Existing and Proposed Zoning**

The Roanoke Rapids Zoning Map identifies the existing zoning classifications of the area being considered for rezoning and the nearby parcels. The requested rezoning area is currently zoned R-20 Residential District. The requested zoning is B-2 Commercial District. The subject rezoning site is adjacent to the R-40 and R-20 Residential Districts; the site is within close proximity (diagonal across right-of-way) from B-2 Commercial and R-20 Residential District. (***See Figure 2****)*

The B-2 Commercial District permits the following types of uses by right (approval of a zoning permit):

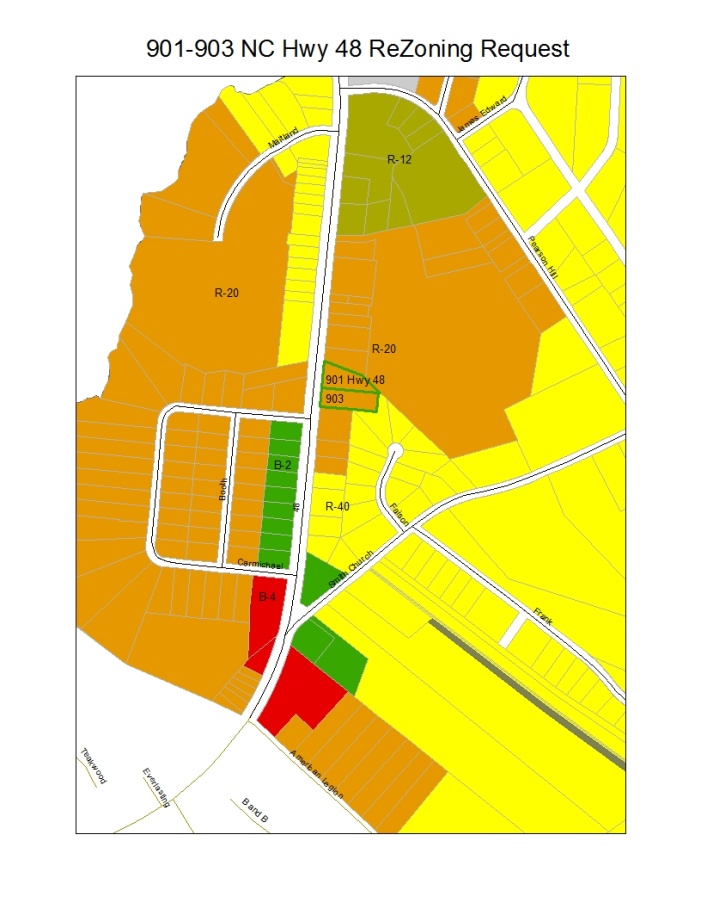
* *Convenience/Grocery/Retail stores*
* *Professional Offices and Services*
* *Schools and Daycares*
* *Libraries and Museums*
* *Banks*
* *Processing and Assembly of Goods (interior-only)*
* *Restaurants*

**Minute Book Page 18440**

**August 2, 2016 Regular Meeting**

* *Public Utilities and Facilities*

Figure 2 Roanoke Rapids Zoning Map Excerpt

The uses allowed in each zoning district are identified in Section 151-149 Table of Permitted Uses of the City of Roanoke Rapids Land Use Ordinance.

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

**B-2**: *designed to accommodate a transition between B-1 and a residential zone or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the city (as opposed to a regional shopping center).*

*The commercial districts are created to accomplish the purposes and serve the objectives within each classification:*

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

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

***The request is a change******from R-20 Residential***

***to B-2 Commercial (outlined in above map)***

**B-4**: *designed to accommodate the widest range of commercial activities.*

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

*The subject property is currently zoned R-20 Residential District:*

**R-20:** *the R-20 district is designed to accommodate single family dwelling units with a minimum lot area of 20,000 square feet.*

**Any proposed construction and site plans are evaluated by city staff and the Development Review Committee to ensure a proper design. The Development Review Committee includes the Sanitary District, NCDOT, Public Works, NC Dominion Power, Fire Department and Code Enforcement.**

**4. Traffic Considerations**

All traffic considerations will be evaluated when the proposed use and a preliminary site development plan are officially submitted for review by a future developer. The North Carolina Department of Transportation (NCDOT) regulates placement of access and driveway permitting for properties on state roads. NCDOT Highway Division 4, District 1 District Engineer would be responsible for granting NC Hwy 48 access to the subject site. Preliminary comments from Senior Assistant District Engineer Franz Enders were received 05-27-2016 in response to a request for comment concerning the requested rezoning: ***NCDOT has reviewed the conceptual plan and commented that a right turn lane from NC Hwy 48 is required to access the property***.

**Minute Book Page 18441**

**August 2, 2016 Regular Meeting**

If the request for rezoning is approved, the Applicant has stated that the intended use of the property is a retail business. Planning Staff have estimated the potential number of vehicles added to NC Hwy 48 as a result of a proposed 9,100 square foot commercial retail development. Staff utilized the Institute of Transportation Engineers, Trip Generation Manual, 7th Edition to calculate the standard trip generation rates for “Free Standing Discount Store” land use. The table below indicates that the proposed retail store could generate approximately 500 trips per day. (***See Figure 3****)*

Figure 3 Trip Generation

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Trip Generation for the Proposed Use if Requested Rezoning is Approved. | | | | |
| Land Use | Units | AM Peak Hour | PM Peak Hour | Daily Rate |
| Free-Standing Discount Store | Units = (Building SF/1,000 SF) | 0.84 (#units) | 5.06 (#units) | 56.02 (#units) |
| Proposed Retail Store | 9.1 units = (9,100/1,000) | 7.64 trips AM Peak Hr = (0.84)(9.1) | 46.05 trips PM Peak Hr = (5.06)(9.1) | 509.78 trips per day = (56.02)(9.1) |

**5. Utility Considerations**

There are no specific utility considerations that should negatively impact this property at the present time. The area is served by Dominion Power and Halifax County Public Utilities. Septic service is proposed. All connections, extensions and responsibilities for services will be the responsibility of the developer.

**6. Other Considerations**

Future development of the site will be evaluated for appropriate **screening, drainage, stormwater retention/detention** and other items during the site plan and/or construction plan review process by the Development Review Committee. Opaque screening between potential commercial uses and existing residential uses will be required at the burden of the commercial developer. The ordinance requires opaque screening from the ground to a height of at least eight feet, which may be a wall, fence, landscaped earth berm, planted vegetation or existing vegetation.

The subject property is located in the Rheasville Volunteer Fire Department District, the primary responding agency for the site. Per request, the City of Roanoke Rapids Fire Department may respond for mutual aid.  Future development of the site will be evaluated for adequate water supply for firefighting operations and that driveways meet the requirements for apparatus ingress/egress.  Preliminary comments from Roanoke Rapids Fire Marshal Scott Jean were received 06-01-2016 in response to a request for comment concerning the proposed development: ***An approved fire hydrant(s) shall be located within 400-feet, of the most remote point of all buildings, as measured by an approved route around the building, in accordance with section 507.5.1 of the NC Fire Prevention Code, 2012 edition. Exception: For buildings equipped throughout with an approved automatic fire sprinkler system, the distance requirement shall be 600-feet. Turning radii within the parking lot must accommodate fire apparatus ingress/egress.***

**7. Comprehensive Development Plan**

The property is located outside City Limits and within the Planning & Zoning Jurisdiction. The following implementing strategies may be considered from the City of Roanoke Rapids Comprehensive Plan, adopted by City Council on June 17, 2014:

***I.1*** *Support infill development. Infill development is development or redevelopment of land that has been bypassed, remained vacant, undervalued and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to the infrastructure (services and facilities). Use of such lands for new housing and/or other urban development is*

**Minute Book Page 18442**

**August 2, 2016 Regular Meeting**

*considered a more desirable alternative than to continue to extend the outer development pattern. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.*

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

***I.18*** *Utilize the mixed use areas as a tool to aid in regulating/reducing strip commercialization, stimulate compact development, encourage infill development, reduce trip generation, provide flexible development options, and utilize existing infrastructure.*

***I.20*** *Encourage developers to utilize thoroughfares and natural topographic features to define the boundaries of a neighborhood and concentrate higher intensity uses at the outer boundaries of the neighborhood.*

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

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

**8. Public Response to Notice**

Letters were sent to owners of property within 100-feet of the requested rezoning on July 8, 2016. The notice of request and Public Hearing was advertised in the *Daily Herald* on July 24 and July 31, 2016. The Public Hearing is advertised for Tuesday, August 2, 2016 at 5:15 during the regular City Council meeting at the Lloyd Andrews City Meeting Hall, 700 Jackson Street, Roanoke Rapids, NC 27870.

**9. Staff Recommendation**

The proposed request for rezoning is considered to be reasonable. Reasonableness is determined by considering the size and nature of the tract, any special conditions or factors regarding the area, the consistency of the zoning with the land use plan, the degree of the change in the zoning, the degree it allows uses different from the surrounding area, and the relative benefits and/or detriments for the owner, the neighbors, and the surrounding community.

The Planning and Development Staff recommends in favor of the petitioner’s request. The staff finds the proposed rezoning request to be consistent with the area land uses and supported by the Comprehensive Plan. ***Staff requests that the rezoning be recommended to the City Council for approval.***

The courts have established the following factors to determine the reasonableness of spot zoning:

1. ***The size and nature of the tract.***Planning Staff has determined that the size and characteristics of the site make it more likely to be reasonable to zone. The site is a large parcel having significant street frontage along a state road with convenient access to the major thoroughfares. The site has access to utilities and a relatively flat topography.
2. ***Compatibility with existing plans.***The Land Use Ordinance sets forth the requirements for the various zoning districts. The Comprehensive Plan adopted by the City Council June 17, 2014 proposes and supports commercial land uses in the subject area (Map 24: Future Land Use). Buffering or separation between uses is encouraged to minimize impact and provide a transition between lower and higher density land uses.
3. ***The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community.*** The degree of change from R-20 to B-2 represents an increase in potential land use intensities as well as a few similarities in existing permissible uses. The B-2 District is characterized as

**Minute Book Page 18443**

**August 2, 2016 Regular Meeting**

a transition area between commercial and residential. The specific potential benefits to the owner and the specific potential impacts to the neighbors are unknown at this time. However, evaluation of the site access, surrounding rural uses, and nearby commercially zoned property makes the proposed request more reasonable.

1. ***The relationship between the newly allowed uses in a spot rezoning and the previously allowed uses.*** Planning Staff has evaluated and compared the permitted uses in the B-2 and R-20 District. The Table of Permissible Uses (Section 141-49) includes all permissible uses for all zoning districts. Therefore, Staff has determined that the relationships between the uses in the current zoning classification and the uses in the proposed classification support the reasonableness of the petitioner’s request. Similarities include schools, churches, daycares, towers (less than 50 feet tall), public facilities, emergency services, utilities, and agricultural production.

**10. Planning Board Recommendation**

With all eight members present, the Roanoke Rapids Area Planning Board conducted a public meeting to review the request on Thursday, July 21, 2016. After receiving comments from the applicant and property owners, the Planning Board unanimously voted to recommend approval of the Rezoning Application for B-2 Commercial District Zoning at 901 and 903 NC Hwy 48.

**11. City Council Action**

The City Council should consider all testimony presented during the public hearing and make a motion concerning adoption of the Statement of Consistency and a Final Decision concerning the Application.

1. **Statement of Consistency:**

**Adoption: Motion for Adoption of the Statement of Consistency for the subject rezoning;**

Or

Denial: Motion for denial of the Statement of Consistency because\_\_\_\_\_\_\_\_(state reasons)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

1. **Final Decision:**

**Approval: Motion for Approval of the Subject Rezoning Application to Change the Zoning of Property at 901 and 903 NC Hwy 48 to B-2 Commercial District;**

Or

Denial: Motion for denial of the rezoning request because \_(state specific reason for denial)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

**Attachments**

1. **Notice to Property Owners within 100-feet of Rezoning Request**
2. **Application for Rezoning and Supplemental Information**
3. **Statement of Consistency** (prepared by Staff)

Planning & Development Director Lasky pointed out that she has not received any written comments regarding this request.

Councilwoman Scarbrough asked if any of the residents were in attendance at the Planning Board meeting.

Planning & Development Director Lasky stated yes. She stated the property owners spoke in favor of the request and one other property owner was there just to listen.

**Minute Book Page 18444**

**August 2, 2016 Regular Meeting**

Mayor Pro Tem Ferebee stated there were no written comments. He asked about verbal comments.

Planning & Development Director Lasky stated no written or verbal comments were received—just general inquiries.

Mayor Pro Tem Ferebee asked if the petitioner is aware of DOT’s recommendation for the right turn lane.

Planning & Development Director Lasky stated yes.

Mr. Cecil Faison of 304 Davie Smith Street, Roanoke Rapids, NC stated he is one of the property owners. He stated this property is his heritage. He stated it is where he grew up and where he worked. Mr. Faison stated what is being planned for this property will be an improvement for the City. He stated this property has been in great decline and something new here will be an improvement for this community.

Ms. Frances Rackley of 304 Davie Smith Street, Roanoke Rapids, NC stated she is one of the property owners. She stated she was three years old when her father and grandfather built the house so it is about 70 years old. She stated the shop was built in 1946. She stated anything that old is playing out. Ms. Rackley stated she hates to see them go but like her brother said, she feels it will help the community. She stated she does not feel the house can be fixed.

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

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

**Request – Amendment to the Roanoke Rapids Zoning Map to rezone property located at 901-903 NC Hwy 48 (Halifax Co. Parcels 0909022, 0903032, combined a 1.90± acre property) from R-20 Residential District to B-2 Commercial District.**

The Roanoke Rapids City Council met on Tuesday, August 2, 2016 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:

***I.1*** *Support infill development. Infill development is development or redevelopment of land that has been bypassed, remained vacant, undervalued and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to the infrastructure (services and facilities). Use of such lands for new housing and/or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern. The use of infill*

**Minute Book Page 18445**

**August 2, 2016 Regular Meeting**

*development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.*

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

***I.18*** *Utilize the mixed use areas as a tool to aid in regulating/reducing strip commercialization, stimulate compact development, encourage infill development, reduce trip generation, provide flexible development options, and utilize existing infrastructure.*

***I.20*** *Encourage developers to utilize thoroughfares and natural topographic features to define the boundaries of a neighborhood and concentrate higher intensity uses at the outer boundaries of the neighborhood.*

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

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

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

**ADOPTED by the Roanoke Rapids City Council on the 2nd day of August, 2016.**

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

Mayor Emery Doughtie

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to approve the rezoning application to change the zoning of property located at 901 and 903 NC Highway 48 to B-2 Commercial.

Mayor Doughtie closed the public hearing.

**Conditional Use Permit Request to Construct a Wireless Communications Facility at 689 Old Farm Road South**

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

Planning & Development Director Lasky, having been duly sworn by City Clerk Vincent, presented the following staff report:

### **MEMORANDUM**

To: Joseph Scherer, City Manager

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

**Minute Book Page 18446**

**August 2, 2016 Regular Meeting**

Re: **Conditional Use Permit Request to Develop a Wireless Communications Facility at 689 Old Farm Road South (Halifax County Parcel 1205328)**

Date: July 22, 2016

**SUBJECT PARCEL VICINITY MAP**

***Vicinity Map*** 689 Old Farm Rd. S. outlined in red



The subject property is a one-acre site located on the western right-of-way of Old Farm Road South having approximately 115 feet of road frontage. The subject site is adjacent to Chichester Law Office and to the south of New Day Fitness Wellness Studio. The parcel is part of the Gregory Commercial Subdivision, which extends from Old Farm Road South to NC Hwy 125 and Gregory Drive.

**EXECUTIVE SUMMARY**

The property at 689 Old Farm Road South has a B-4 Commercial District zoning classification. The proposed use of the property as a Wireless Communications Facility is permitted with City Council’s approval of a Conditional Use Permit. The Permit Applicant is USCOC of Greater North Carolina, LLC and the property owner is Lana Horn. The site is Halifax County Tax Parcel 1205328 and measures approximately 115 feet wide by 380 feet long.

The requested Facility consists of 20-foot wide easement at the center of the parcel with access directly to/from Old Farm Road South. The 20-foot wide access easement, having a 12-foot wide gravel driveway, extends approximately 300 feet to the interior of the parcel. At the end of the driveway, a 60-foot by 60-foot fenced area is proposed to shelter a 195-foot tall monopole tower and small equipment shelter. If completed as proposed, the location of the tower is approximately 330 feet from the driveway entrance. No modifications or exceptions to the City’s development standards are being requested.

The wireless tower is designed by a North Carolina Professional Engineer for U.S. Cellular.

**CRITERIA FOR CONSIDERATION IN REVIEWING CONDITIONAL USE PERMITS**

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**

***Analysis:*** *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 tower more than fifty feet in height (use Classification 18.200) is permissible with a Conditional Use Permit in the commercial zoning districts. Land Use Ordinance Article XXV: Wireless Communication Facilities provides the zoning regulations and development standards for this application.*

### 

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

***Analysis:*** *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**

**Minute Book Page 18447**

**August 2, 2016 Regular Meeting**

***Analysis:*** *The Development will comply with all of the requirements of the Land Use Ordinance following formal review by the Development Review Committee. Once the site plan has been approved, the building plans are reviewed then a building permit will be issued. Development standards include, but are not limited to, ordinances regulating the following conditions:*

1. *Equipment Cabinets:*
   1. *Cabinets shall not be visible from public views.*
   2. *They may be provided within a building, behind a screen, or within a fenced compound*
2. *Fencing:*
   1. *All equipment compounds shall be enclosed with a wood/brick/masonry fence.*
   2. *Fencing shall be subject to requirements of the Land Use Ordinance.*
3. *Buffers:* 
   1. *The proposed compound shall be landscaped by the developer in accordance with the Ordinance.*
   2. *The Ordinance requires a Type B screening between adjacent uses.*
4. *Signage:*
   1. *Attaching commercial messages for off-site and on-site advertising shall be prohibited.*
   2. *The only signage permitted shall be informational for the purpose of identifying the antenna support structure, the party responsible for the operation and maintenance of the facility, the current address and telephone number, security or safety signs, and property manager signs (if applicable).*
5. *Lighting:*
   1. *Shall comply with Federal Aviation Administration (FAA) minimum standards.*
   2. *Any security lighting for on-ground facilities and equipment shall comply with the Land Use Ordinance.*
6. *Conformance with Building Codes;*
7. *Equipment Compound:*
   1. *Shall not be used for storage of any excess equipment or hazardous waste.*
   2. *Shall not be used as a habitable space.*
   3. *Where feasible, one building with multiple compartments shall be constructed to serve the total number of collocation tenants.*
8. *Compliance with federal standards for interference protection;*
9. *Compliance with American National Standards Institute (ANSI) standards as adopted by the Federal Communications Commission (FCC);*
10. *Sounds: no sound emissions from machinery, alarms, bells, buzzers or the like are permitted beyond the perimeter of the equipment compound and shall comply with the Code of Ordinances.*
11. *Abandonment:* 
    1. *The wireless facility and equipment compound shall be removed at the owner’s expense within 180 days of cessation of use, unless associated with a replacement structure (within 180 days);*
    2. *The City may give notice that it will contract for removal within 60 days following written notice to the owner. Thereafter, the City may cause removal of the structures with costs being borne to the land owner.*
    3. *Upon removal of the facility, the area shall be returned to its natural state and topography or consistent with the natural surroundings at time of removal. The costs shall be borne to the owner.*

**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,**

***Analysis:***  *This is probably true; the preliminary site layout has direct access to Old Farm Road South by a 20-foot wide access and utility easement. Traffic control measures and access on Old Farm Road South are under*

**Minute Book Page 18448**

**August 2, 2016 Regular Meeting**

*the jurisdiction of the North Carolina Department of Transportation and subject to its approval. Traffic to and from the facility should not have impact on parking and traffic as the facility will be unstaffed and typically require a few monthly routine visits by a service technician.*

**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,**

***Analysis:*** *This is probably true; as currently proposed, a parking area is provided outside of the fenced equipment compound. The proposed use is expected to generate minimal traffic.*

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

***Analysis:***  *This is probably true; the refuse collection requirements of the City of Roanoke Rapids shall apply to the development. The proposed use should not generate any amounts of refuse.*

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

***Analysis:*** *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,**

***Analysis:*** *This is probably true; the parcel of land is zoned B-4 and will be compatible to the adjoining uses. The Land Use Ordinance requires screening and buffering between neighboring land uses to provide an impression of separation of spaces by lessening any potential visual pollution that may otherwise occur in the urbanized area. Screening is necessary to safeguard public health, safety and welfare.*

*The Ordinance requires the wireless communication facility to install the required screening during the time of construction. The Ordinance requires Opaque Screen Type B between the requested land use and the existing permitted commercial and office uses.* A d*escription of the required screening type is provided below.*

Broken Screen, Type "B". A screen composed of intermittent visual obstructions from the ground to a height of at least eight feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged based on the average mature height and density of foliage of the subject species, or field observation of existing vegetation. No opening between opaque portions of the screen shall exceed eight feet. The opaque portion of the screen must be opaque in all seasons of the year, while the unobstructed openings may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix D.

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

***Analysis:*** *This is probably true; the only signage permitted shall be informational for the purpose of identifying the antenna support structure, the party responsible for the operation and maintenance of the facility, the current address and telephone number, security or safety signs, and property manager signs (if applicable); No commercial advertising signage is permissible. The facility shall be sufficiently illuminated by the developer to meet Land Use Ordinance requirements and FAA standards.*

**Minute Book Page 18449**

**August 2, 2016 Regular Meeting**

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

***Analysis:*** *This is probably true; the site was originally approved for a commercial subdivision and the use of a tower is permissible with a Conditional Use Permit. The proposed site plan includes the required yards and open space based on required building setbacks. There are no existing trees identified for preservation within the project area as the land is undeveloped and cleared. 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 proposed Facility will be located within a secured area and the structure will be engineered to meet structural specifications, including breakpoint technology. All safety and health codes will be enforced. 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**

*The staff believes this is probably true. The site is adjacent to non-residential uses that are permissible in commercial districts. The development requires buffering and screening in compliance with Ordinance. 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; the decision to determine if the Tower and Wireless Communications Facility meets the standards is quasi-judicial and subject to procedural due process requirements. The 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.*

***City of Roanoke Comprehensive Plan (2014)***

*Section 4 (p. 36-37) describes the Existing Land Use Patterns of the City’s Planning & Zoning Jurisdiction, which includes a total land area of 7,998.21 acres. The subject property is currently classified a “vacant” land, which accounts for 3,337.77 acres (41.73% of total land). Section 6, (p. 4), states that Industries should be required to minimize their emission of smoke, dust, fumes, glare, noise, and vibrations and that “buffering” features should be used between uses.*

***NCDOT Comprehensive Transportation Plan***

**Minute Book Page 18450**

**August 2, 2016 Regular Meeting**

Old Farm Road South at the subject location is designated as a “minor thoroughfare” near an intersection with a “major thoroughfare.”

**SUMMARY OF PROCESS AND ACTIONS TO DATE**

**Notification**

On July 8, 2016, Notice of the City Council meeting and the public hearing on the proposed request was mailed to property owners within 100 feet of the subject parcel. The notice was published on the City’s website and posted on the subject property. The notice was advertised in the *Daily Herald* andwas advertised on the *RRSPIN* website’s City Page section.

**EXHIBITS**

The following documents are incorporated and attached to this staff report:

* Conditional Use Permit Application
* Preliminary Site Layout

**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 recommendation to City Council.

**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. *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.*
2. *Required screening and buffering between land uses shall be installed prior to issuance of a Certificate of Occupancy or Certificate of Completion.*

**Requested Action by City Council**

Please utilize the attached worksheet to discuss the application and provide a motion, second and a vote concerning a final decision.

***Suggested Motion for Approval:***

***I move that we approve the Conditional Use Application and that we find as a fact from the evidence presented that the applicant has met all of the requirements for a conditional use permit for a wireless communications facility set forth in the City of Roanoke Rapids Land Use Ordinance.***

Councilman Smith stated he has concerns regarding Items 4 (b) and (c) under Section III. He asked Planning & Development Director Lasky to explain to him why it would not injure the value of adjoining property to put a concrete building in the middle of million dollar businesses and why it would be in harmony with the brick buildings out there. He stated he would also like to see the road going to the building be asphalt instead of gravel. He stated it should be in compliance with everything else out there.

**Minute Book Page 18451**

**August 2, 2016 Regular Meeting**

Planning & Development Director Lasky stated regarding 4 (b), the staff cannot determine the exact impact this project would have on surrounding properties. She stated we can only evaluate the application in accordance with City ordinances and development standards. She stated after evaluating such things as potential uses, traffic generation, and signs and lighting, etc., staff feels the impact would be minimal and would not substantially injure the value of the adjoining or abutting property. Planning & Development Director Lasky stated as far as harmony is concerned, the Table of Uses in the Land Use Ordinance allows cell towers in the B-4 Commercial District with a Conditional Use Permit. She pointed out that this was added by City Council as a Conditional Use Permit to ensure certain conditions could be applied to the development. Planning & Development Director Lasky stated the staff assumes that harmony is established with the Table of Uses. She stated she also believes the applicant has established that the project will not hurt the value of the adjoining property and will be in harmony with the area. She stated it is up to the individuals opposed to the project to provide evidence to the contrary.

Planning & Development Director Lasky pointed out that the road to the building is not an approved road. She stated it is an access driveway and does not meet the definition of a street. She stated the intent of the gravel was to discourage people from turning onto the driveway.

Councilman Smith asked if a gate could be put up.

Planning & Development Director Lasky stated the facility itself will be fenced in and gated.

Councilman Smith stated gravels ends up in the middle of the road or washing away to surrounding properties. He asked if City Council could put a restriction on this.

Planning & Development Director Lasky stated the applicant will be required to comply with all regulations regarding runoff to reduce the impact to adjacent properties.

Councilman Smith stated before this is approved, he would like to see the road asphalted. He stated he feels it should be in compliance with everything out there. He stated most of the roads out there have curb and gutter.

Planning & Development Director Lasky stated the access driveway is not a road and the ordinance only requires paving if it will be operated five days a week or more. She stated this facility is expected to generate only a couple of visits each month.

**Minute Book Page 18452**

**August 2, 2016 Regular Meeting**

Councilman Smith asked if the City Council has the right to put restrictions on something that is built.

Public Works Director Chalker stated he will address this as this falls under the joint responsibility of Public Works and Planning & Development. He stated our Land Use Ordinance talks about impervious surfaces. He stated when you pave, you create an impervious surface where water will stand. He stated he prefers that we do not pave anything unless we have to. He stated also in the Land Use Ordinance, Section 151-205 talks about alternative management measures that can be taken. Public Works Director Chalker stated he would prefer that this driveway not be paved unless the use requires it.

Councilman Bobbitt asked about the slope of the property.

Public Works Director Chalker stated it is a gradual slope but not to the point of erosion. He stated he feels if the driveway is built properly, it will last.

Councilman Bobbitt asked who would be responsible if it is not built properly.

Public Works Director Chalker stated we could make that a condition.

Councilman Bobbitt asked what type of buffer is required for the 195' tower.

Planning & Development Director Lasky stated at least 8 feet of visual buffer. She stated the ordinance sets out the type.

City Manager Scherer asked if it could be fence or vegetation.

Planning & Development Director Lasky read the following from the Land Use Ordinance and staff report:

*The Ordinance requires the wireless communication facility to install the required screening during the time of construction. The Ordinance requires Opaque Screen Type B between the requested land use and the existing permitted commercial and office uses.* A d*escription of the required screening type is provided below.*

Broken Screen, Type "B". A screen composed of intermittent visual obstructions from the ground to a height of at least eight feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged based on the average mature height and density of foliage of the subject species, or field

**Minute Book Page 18453**

**August 2, 2016 Regular Meeting**

observation of existing vegetation. No opening between opaque portions of the screen shall exceed eight feet. The opaque portion of the screen must be opaque in all seasons of the year, while the unobstructed openings may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix D.

Councilman Bobbitt stated in other places where trees have been required, they have conveniently not been maintained. He asked if we could add a restriction that the trees be maintained.

Planning & Development Director Lasky explained that the Conditional Use Permit would be recorded with the parcel and outlined in the permit would be all of the applicable requirements of the Land Use Ordinance. She stated if the property owner did not comply, we have this avenue to get the property back into compliance.

Mayor Pro Tem Ferebee stated in the photo provided, there appears to be a fence.

Planning & Development Director Lasky stated a fence will be required.

Mayor Pro Tem Ferebee asked how tall the fence would be.

Planning & Development Director Lasky stated 8' tall.

Mayor Pro Tem Ferebee asked how tall the building would be.

Planning & Development Director Lasky stated 10'. She stated the applicant is present and may be able to provide more information.

Mayor Pro Tem Ferebee asked if there is a minimum height for the buffer.

Planning & Development Director Lasky stated if trees are planted, they have to be at least 8 feet tall.

Mayor Pro Tem Ferebee asked if there is something in the Land Use Ordinance that says what they need to be.

Planning & Development Director Lasky referred back to the definition in the staff report which she read earlier.

Councilwoman Scarbrough stated this sounds like the screening around the bus maintenance area at the old Medlin School with the chain link fence and trees.

**Minute Book Page 18454**

**August 2, 2016 Regular Meeting**

Planning & Development Director Lasky stated it would be similar.

Councilman Bobbitt asked who would be responsible for maintaining the property and cutting the grass.

Planning & Development Director Lasky stated the property owner or the lessee of the property.

Mayor Pro Tem Ferebee stated if this is approved, he would like to see that the trees be tall enough to at least cover the building.

Mayor Doughtie stated some of our questions may be answered by the applicant. He stated we do not want to be anti-business but we also do not want to do anything to detract from the businesses that are already out there. He stated he feels that these are all good questions being asked by Council members.

Mr. Drake Brinkley, Attorney at Law with Ward & Smith in Greenville, NC, having been duly sworn by City Clerk Vincent, stated he will try to answer what he can and US Cellular will do all it can to handle all issues that come up. He stated the purpose of this cell tower is to deal with the coverage gap and capacity issues in the area. He stated there are mainly vacant lots adjoining this property with the exception of Mr. Chichester’s property—and he has signed a waiver of covenants. Mr. Brinkley stated there is no other suitable property that can be used for this tower. He stated this tower will have co-locators on it so other companies could use it and therefore decrease the number of towers needed.

Mr. Brinkley asked that the application be made a part of the record of the meeting. **[This information is on file in the Planning & Development Department and hereby incorporated by reference.]**  He stated this use is not a detriment to the public health and safety and he believes it will promote safety as a lot of 911 calls are now coming from cell phones. He stated this use will not injure the value of the adjoining or abutting property. He submitted into evidence a document entitled ***“Impact*** ***of Cell Tower on Surrounding Properties”*** which has been marked as **Exhibit A** and hereby attached to the minutes. Mr. Brinkley stated there is no proof of negative impacts of cell towers on property values. He pointed out that the tower will be located at the rear of the lot and will not interfere with other businesses. He stated it will produce essentially no traffic. He stated there are adequate utilities available to the property and adequate ingress and egress. Mr. Brinley stated in regards to gravel versus concrete, he believes it would be the position of US Cellular to do whatever the City wants it to do. He stated if

**Minute Book Page 18455**

**August 2, 2016 Regular Meeting**

there is a concern that the gravel will end up in the road, they could maybe asphalt an apron for about 20 feet or so to keep the gravel from coming out. He stated the use complies with all applicable plans and ordinances, and staff has not indicated any inconsistencies with the Land Use Ordinance.

Mr. Mike Doran with US Cellular in Greenville, NC, having been duly sworn by City Clerk Vincent, stated there are several ways to address the concerns about aesthetics. He stated they could put up more of a solid fence that would be more appealing to the eye. He stated they can put whatever is necessary to make the property more appealing. Mr. Doran pointed out that they have folks that can take care of the overgrowth and maintain their sites.

Mayor Pro Tem Ferebee asked Mr. Doran if they would agree to a tree that would grow to at least 10' tall.

Mr. Doran stated yes.

Mayor Pro Tem Ferebee asked Mr. Doran if he would agree to do some type of apron for the access driveway.

Mr. Doran stated yes. He stated that was actually his suggestion.

Councilman Bobbitt asked Mr. Doran how much wind it would take to blow down the tower.

Mr. Doran stated quite a lot. He pointed out that they are structurally designed to bend.

Councilman Smith stated he would like to see the road asphalted. He stated he would like to see the property in compliance with the nice development already out there.

Mr. Doran stated he is open to do that.

Planning & Development Director Lasky stated the proposal is for a gravel access driveway but if the applicant wants asphalt, it can be agreed to in the development approval process. She stated the stormwater ordinance would not prevent it.

Mayor Pro Tem Ferebee stated he thought in the presentation earlier that Public Works Director Chalker did not recommend asphalt.

**Minute Book Page 18456**

**August 2, 2016 Regular Meeting**

Public Works Director Chalker stated this was presented as a gravel driveway that was not going to be used very often. He stated he would prefer it to be gravel but it could be grass under the gravel. He pointed out that the driveway will have to comply with the stormwater management plan if they decide on asphalt. He stated the engineer would take a look at it. Public Works Director Chalker stated it would be his preference to not pave the driveway.

Councilman Smith stated we would not have to maintain it whether it is paved or gravel.

Planning & Development Director Lasky pointed out that it is an access driveway—not a road or street by definition.

Mayor Doughtie stated they have said that there would only be a couple of trips to the site a month. He stated when you travel up and down that road running 40 miles per hour, you would probably not even notice the access road unless you were looking straight at it.

Councilman Smith stated we are not the ones that have spent $800,000 or a $1,000,000 on businesses out there. He stated it should be nice looking out there.

Mayor Doughtie stated we are trying to see that they do something as nice as they can within our plans.

Councilwoman Scarbrough stated she does not want the applicant to think we are not business-friendly. She stated we have walked a path with a cell tower before that sort of flavors our taste.

Mr. Doran stated they want to do whatever the City Council agrees to.

Mayor Doughtie stated the City Council needs to understand that everyone within 100 feet of the property was notified of the meeting and no one is here speaking against the request.

Councilman Smith stated he does not believe anyone on the Council has talked against the request but there are certain things out there that need to be done.

Mayor Pro Tem Ferebee asked Mr. Gilbert Chichester, adjacent property owner recused earlier from representing the City as City Attorney on this matter, how we felt.

**Minute Book Page 18457**

**August 2, 2016 Regular Meeting**

Mr. Gilbert Chichester, having been duly sworn by City Clerk Vincent, stated he is the property owner of 717 Old Farm Road. He stated he appreciates the opportunity to speak although he did not plan to speak on the matter. He stated he purchased his property when there was almost nothing out there and looked forward to investing in this area. He stated he invested three-quarters of a million dollars in his property and has maintained it better than anyone out there. Mr. Chichester stated he frankly despises cell towers but is a realist. He stated when the Federal Government changed the laws, they made it impossible to keep them from happening. He stated rather than fight this, he would hope that City Council would put restrictions on the permit. He asked that they try to keep the place in conformity as much as they can as Councilman Smith mentioned earlier.

Mr. Chichester stated the current owner of the property does not keep the grass cut. He stated, at times, it has been up to his shoulders. He stated he and Mrs. Elias keep their grass cut. He asked whatever the Council members decide that they try to impose restrictions to keep it nice looking out there. He stated he does not care what the report says, it will affect his property value and asked for the restrictions so it will not make it worse. Mr. Chichester stated every one of the property owners out there contacted him and said they would follow his lead. He stated that means a great deal to him.

Mayor Pro Tem Ferebee asked Mr. Chichester if he would prefer gravel or asphalt.

Mr. Chichester stated he was required to curb and gutter, and asphalt. He stated it should be in conformity with the community out there. He stated there will be mud holes out there if gravel is allowed.

Mr. Jerry McDaniel of 713 Monroe Street, having been duly sworn by City Clerk Vincent, asked if Mr. Chichester was allowed to put a cinderblock building out there. He stated he agrees with the questions being asked. **[Note: Mr. McDaniel is not a property owner within 100-feet of the subject property but was allowed to speak on the advice of Attorney Vaughan.]**

Motion was made by Councilman Smith to approve the Conditional Use Permit Application after finding as a fact from the evidence presented that the applicant has met all of the requirements for a Conditional Use Permit for a wireless communications facility set forth in the City of Roanoke Rapids Land Use Ordinance, subject to the following stipulations:

**Minute Book Page 18458**

**August 2, 2016 Regular Meeting**

1. Additional detailed construction drawings and building plans shall be provided to the Planning & Development Department 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 and buffering between land uses shall be installed prior to issuance of a Certificate of Occupancy or Certificate of Completion.
3. Access driveway to be paved and have curb and gutter.

City Manager Scherer suggested requiring that the building be brick.

Councilman Smith stated he will include in the motion the requirement of brick veneer on the building.

Mayor Pro Tem Ferebee asked about the requirement of 10' tall trees to cover the accessory building and that the grass be maintained in accordance with City ordinances.

Councilman Smith withdrew his motion on the floor in order to consider the other suggested stipulations for the permit.

Mr. Brinkley stated Council is adding all of these conditions but has not given the applicant an opportunity to discuss them. He stated he feels his client needs to be able to address what US Cellular’s thoughts are on this.

Mr. Doran stated when it comes to curbing the access road, he stated if another development comes in it will have to be torn out. He asked why the curbing is being required. He asked if it is for aesthetics. Mr. Doran stated he feels the blacktop is fair for a road that is only going to be accessed maybe once a month. He stated he feels the requirement of curbing will be a hardship.

Councilwoman Scarbrough asked the length of the access road.

Mr. Doran stated about 300 feet.

Planning & Development Director Lasky stated gutters are installed at the suggestion and design of an engineer in developments to direct water to the street, which could additionally require connection to the City’s stormwater drainage system. She stated without them, it allows the water to go out to the grass. She stated staff believes the best alternative would be to have the asphalt driveway as a requirement—and not

**Minute Book Page 18459**

**August 2, 2016 Regular Meeting**

gutters as it would not be feasible to require gutters for a project of this size. She stated it would be more in line with the Stormwater Management Ordinance.

Mr. Doran stated this will be a masonry building. He asked if the brick veneer would be required.

City Manager Scherer stated that was his suggestion so that it would be in conformity with the area.

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve the Conditional Use Permit Application after finding as a fact from the evidence presented that the applicant has met all of the requirements for a Conditional Use Permit for a wireless communications facility set forth in the City of Roanoke Rapids Land Use Ordinance, subject to the following stipulations:

1. Additional detailed construction drawings and building plans shall be provided to the Planning & Development Department 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 and buffering between land uses shall be installed prior to issuance of a Certificate of Occupancy or Certificate of Completion.
3. Access driveway to be paved.
4. Accessory building to have brick veneer.
5. Trees to be planted that will grow to at least ten (10) foot tall to cover the accessory building.
6. The entire property be maintained in compliance with all City Codes and Ordinances, including, but not limited to, tall grass.

Mayor Doughtie closed the public hearing.

**New Business**

**Consideration of Traffic Amendments**

Due to the length of the meeting, Chief Hasty was excused earlier to make an appearance at the National Night Out event, and City Manager Scherer presented the proposed amendments to the Traffic Code. He reported that after meeting with the Roanoke Rapids School Board, Chief Hasty is recommending amendments to improve pedestrian safety, traffic flow and parking around Roanoke Rapids High School.

**Minute Book Page 18460**

**August 2, 2016 Regular Meeting**

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to adopt the following Ordinance No. 2016.14:

ORDINANCE NO. 2016.14

**AN ORDINANCE TO AMEND THE TRAFFIC CODE OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA:**

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

**SECTION 1.** The Roanoke Rapids Traffic Code is amended to install “No Parking from 7:30 a.m. to 4:30 p.m.” Signs on the west side of Hamilton Street from 8th Street to 9th Street.

**SECTION 2.** The Roanoke Rapids Traffic Code is amended to install “No Parking” Signs on the north side of 8th Street in front of the staff parking lot.

**SECTION 3.** The Roanoke Rapids Traffic Code is amended to make 8th Street from Washington Street to Jefferson Street a one-way street in the direction of Jefferson Street (east).

**SECTION 4.** The Roanoke Rapids Traffic Code is amended to install “No Parking” Signs on the south side of 8th Street from Charlotte Street to Jefferson Street.

**SECTION 5.** This Ordinance shall become effective upon the installation of the appropriate signage.

Councilman Bobbitt stated since we have a new Principal and Superintendent, and the changes are based on assumptions, he would like to ensure that we will be able to come back and make changes if issues come up.

City Manager Scherer stated yes. He also stated that they would be meeting with the Superintendent tomorrow.

**Consideration of Resolution Authorizing Upset Bids for Surplus Property (Lot Next to the Roanoke Rapids Post Office, Halifax County Parcel #0909242)**

City Manager Scherer stated the City has received an offer to purchase the lot next to the Roanoke Rapids Post Office between Roanoke Avenue and Jackson Street. He stated a representative from Nationwide Postal Management has submitted an offer in the amount of $10,000.00, and the Council has a copy of that offer. City Manager Scherer stated if Council desires to consider acceptance of the offer, it is appropriate to adopt a resolution declaring the property as surplus and authorizing the City Clerk to proceed with the upset bid process as outlined in NCGS 160A-269.

Motion was made by Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to adopt the following Resolution No. 2016.07:

**Minute Book Page 18461**

**August 2, 2016 Regular Meeting**

RESOLUTION NO. 2016.07

**RESOLUTION AUTHORIZING THE ADVERTISEMENT**

**OF AN OFFER TO PURCHASE CERTAIN PROPRETY**

**WHEREAS,** the City Council of the City of Roanoke Rapids desires to dispose of certain surplus property of the City;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Roanoke Rapids that:

1. The following described property is hereby declared to be surplus to the needs of the City:

**Roanoke Avenue – Jackson & Weathers Lot & Building (.2583**

**Acres) Next to the Roanoke Rapids Post Office (Halifax County**

**Parcel #0909242)**

1. The City Council has received an offer to purchase for the sum of $10,000.00 the property described above.
2. The City Council proposes to accept the offer unless an upset bid shall be made.
3. The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer.
4. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
5. The City Clerk is directed, should a qualifying upset bid and deposit be received within ten (10) days from the publication of said notice in accordance with G.S. 160A-269, to re-advertise the offer at the increased upset bid amount.

**ADOPTED** this the 2nd day of August, 2016.

**Emery G. Doughtie, Mayor**

ATTEST:

**Lisa B. Vincent, City Clerk**

**City Manager’s Report**

City Manager Scherer reported that the Public Works Department has several projects in progress; replacement of stormwater concrete pipes at the intersection of 7th and Monroe Streets, temporary repair of depressions on Virginia Avenue from heavy use by trucks at the Manning School construction site and the installation of a new stormwater collection fixture on Park Avenue. He stated they have also been busy with recent happenings at the Theatre such as the Touch a Truck event and the Community Wellness Forum.

**Minute Book Page 18462**

**August 2, 2016 Regular Meeting**

City Manager Scherer reported that recently, an online petition was started anonymously to complain about the lack of cleanup efforts by the City at Rochelle Pond. He stated the City has spent thousands of dollars and hundreds of man-hours maintaining the Pond and it is disingenuous of residents around Rochelle Pond to complain about how poorly the City maintains what is a stormwater retention basin, and not a private lake. He stated the City has dredged the Pond and the natural flora around the shoreline, put employees out in a boat on a regular basis to collect trash in the Pond and treat the shoreline cattails to keep them from growing too large. He stated we have repaired the Pond overflow drain to ensure heavy rains do not raise the Pond levels to near or above flood stage. City Manager Scherer stated we do not have the resources to do any more than what we do there now. He stated the Pond serves as a retention basin to collect stormwater from a large area of the City and then release it at a controlled rate. He stated that attached to his report is a map which outlines the area of the City our stormwater system drains into Rochelle Pond. He stated as you can see, it is an extensive area and the trash that residents thoughtlessly leave in the streets ends up in the Pond. He stated while the Public Works Department endeavors to clean those streets on a regular basis, they cannot do it every day and keep all the needless trash out of the stormwater system. City Manager Scherer stated those who anonymously want to complain about the trash in the Pond would be better served by assisting us in occasionally helping to collect the trash themselves, either off of the streets or along the shoreline. He stated the Public Works Department will put out cans around the Pond for people to put the trash into and will then haul the trash away. He stated one of the favorite sayings in our area is “working together works” and all we ask is for the Pond area residents to work with us to help keep the Pond clean. **[Map referred to above is on file in the Office of the City Clerk.]**

City Manager Scherer reported that the Main Street Roanoke Rapids program has noticed an uptick in businesses looking at locating on the Avenue. He stated some of the locations being considered are the old bakery store and the McCrory building. He stated the group is also busy planning for the annual Seafood and Shag Festival fundraiser next Friday, the 12th. He stated you can contact Main Street Director Caudle or any board member for tickets to the event. He stated Ms. Caudle will be attending a mandatory Main Street Manager’s conference next week in Sylva, NC.

City Manager Scherer reported that the Police Department is taking part in the National Night Out event tonight after the Council meeting at The Centre at HCC. He stated the Fire Department will also be represented there. He stated as part of their community outreach program, the Police Department is planning a Back to School Cookout at the New Town Neighborhood Resource Center on August 18th from 3:00-5:00 p.m. He stated everyone in the area is invited!

**Minute Book Page 18463**

**August 2, 2016 Regular Meeting**

City Manager Scherer reported that the Planning & Development Department was recently made aware of an unsafe building situation at 205 E. 10th Street and held a hearing onsite last Friday to determine the structural situation of the building. He stated they determined it was an immediate hazard and the alley next to the building was closed for the public’s protection. He stated this matter will be brought before Council at the next meeting to consider issuing an Unsafe Building Order allowing us to expedite the demolition of the building. City Manager Scherer also reported that the department has received plans from the State Employees’ Credit Unit (SECU) for the erection of a 6' black chain link fence on E. 10th Street to replace the current fence where the memorial banners were hung. He stated the Credit Union intends to begin its construction soon and the banners will be allowed to be hung there.

**Other Business/Comments by Council Members**

Councilman Bobbitt stated several years ago, we talked about the different stages of the State’s Stormwater Management Regulations and the impact fees for paved driveways. He asked Public Works Director Chalker if anything had been done with that.

Public Works Director Chalker stated the larger communities have the impact fees. He stated we do not have a mechanism in our ordinance for the fees.

Councilman Bobbitt asked if any medium-sized towns are charging the fees.

Public Works Director Chalker stated it is probably a mix.

There being no further business, motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to adjourn.



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**Lisa B. Vincent, MMC, NCCMC, City Clerk**

**Approved by Council Action on: 8/16/2016**