



Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, May 1, 2018 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)
Carol H. Cowen)
Suetta S. Scarbrough)
Wayne Smith)

Council Members

Joseph Scherer, MPA, MS, City Manager
Gilbert Chichester, City Attorney
Traci Storey, City Clerk
Kathy Kearney, Deputy City Clerk/Human Resources Manager
Leigh Etheridge, Finance Director
Chuck Hasty, Police Chief
Kelly Lasky, Planning & Development Director
Larry Chalker, Public Works Director
Stacy Coggins, Fire Chief
Christina Caudle, Main Street Director
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.

There being no conflicts, motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda for May 1, 2018 as presented.

Special Recognitions

Proclamation Recognizing National Police Week

Mayor Doughtie read and presented the following Proclamation to Police Chief Hasty:

City of Roanoke Rapids Proclamation Recognizing National Police Week

WHEREAS, the Congress and President of the United States have designated May 15th as Peace Officers Memorial Day, and the week in which it falls as National Police Week; and

WHEREAS, the International Association of Chiefs of Police has declared law enforcement officer safety and wellness a top priority, and the IACP's Center for Officer Safety and Wellness promotes the importance of individual, agency, family, and community safety and wellness awareness; and

WHEREAS, the members of law enforcement agency of the Roanoke Rapids Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Roanoke Rapids; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of Roanoke Rapids has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service.

NOW, THEREFORE, I, Emery G. Doughtie call upon all citizens of Roanoke Rapids and upon all patriotic, civil and educational organizations to observe the week of May 14 - 18, 2018, as **National Police Week** with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Roanoke Rapids to observe May 17th as Peace Officers Memorial Day to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Roanoke Rapids to be affixed this 1st day of May, 2018.

Emery G. Doughtie, Mayor

Chief Hasty thanked Mayor Doughtie and City Council for the proclamation. He announced they would be holding a Law Enforcement Memorial Service on May 17th at 6 p.m. in Centennial Park and the FOP Lodge 47 would be holding a memorial service on May 18th at 10:00 a.m. in Jackson at the courthouse.

Public Comment (Scheduled)

Victor Marrow and Dr. Barbara Hasty

Mr. Marrow stated he was the WIOA Program Assistant and Dr. Hasty was the Vice-President of Enrollment Management and Student Service with Halifax Community College. He extended greetings from Dr. Elam and the Board of Trustees and thanked City Council for allowing them to share information about HCC and the current programs of study.

Dr. Hasty stated at the Elected Officials reception held last week, she heard them say how committed they were to this community and making sure this community thrives and grows. At Halifax Community College, they have various training programs on the continuing education side as well as the curriculum side. She said they want them to know they are here and believe in this community the same way they do. She lives in this community and grew up in Halifax County; she is a product of this area. It has value for her and always has. She wanted to let Council know the college is there to enroll students and help them any way they can. She called attention to the handout given to Council listing the programs they have on campus. If they know anyone that is interested in enrolling at Halifax Community College, the contact information is listed.

Approval of Council Minutes

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to approve the April 17, 2018 Regular Council Meeting Minutes as written.

Public Hearing

Planning & Development Director Lasky reviewed the proposed rezoning request from Travis Whitby (applicant) to rezone a parcel located on the corner of Chockoyotte Street and 4th Avenue from B-4, Commercial District to R-6, Residential District and gave a Powerpoint presentation including the following staff reports:

MEMORANDUM

To: Joseph Scherer, City Manager

From: Kelly Lasky, Planning & Development Director

Re: **Rezoning Request (map attached) - Travis L. Whitby is requesting an amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcel 0919963 (0.713± acres) located on the northeast corner of 4th Avenue and Chockoyotte Street from B-4, Commercial District to R-6, Residential District. Current parcel usage is as undeveloped land.**

Date: April 26, 2018

Summary Overview

<i>Subject Property</i>	<i>0.713 ± acre of property with 175+ feet of road frontage on the north side of 4th. Avenue and 185± feet on the north side Chockoyotte Street.</i>
<i>Proposal</i>	<i>Rezone from B-4, Commercial District to R-6 Residential District.</i>
<i>Applicant</i>	<i>Travis L. Whitby</i>
<i>Property Owner</i>	<i>Vernon T. Bradley, Jr., Trustee, the Vernon T. Bradley, Jr., Living Trust</i>
<i>Present Use</i>	<i>Undeveloped</i>
<i>Proposed Use</i>	<i>Residential</i>
<i>Staff Recommendation</i>	<i>Approve</i>

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.

CONSIDER IMPACT ON/FROM:

- POTENTIAL USES
- NEIGHBORS
- GENERAL PUBLIC
- TRAFFIC
- UTILITIES
- NEIGHBORHOOD CHARACTER
- SCHOOLS

OMIT FROM CONSIDERATION: <ul style="list-style-type: none">• ETHNICITY• RELIGION• INCOME• RENT OR OWN
--

Figure 1 Aerial Image of Subject Property



Analysis and Detail:

1. Applicant and Property Owner

The applicant is Travis L. Whitby, 904 East Thirteenth Street, Roanoke Rapids, NC 27870; (252) 529-4270. The property owner according to the Halifax County tax listing is Vernon T. Bradley, Jr., Trustee for this property under the Vernon T. Bradley Jr. Living Trust. ***(Application for Rezoning and Supplemental Information Attached)***

2. Location/Area Description

The subject parcel of 0.713 acre is located at the northeast corner of Fourth Avenue and Chockoyotte Street in within City Limits and Planning and Zoning jurisdiction. ***(See Figure 1, p. 2)***

The 0.713 acre property requested for rezoning is generally square in shape with approximately 175 feet of Fourth Avenue frontage, and 185 feet of Chockoyotte Street frontage. While the frontages given above generally provide a good basis for viewing the size of this parcel, it should be noted that there is a very narrow extension of this parcel eastward along and adjacent to Fourth Avenue extending 200± feet, with a depth that appears at most to be 5 feet. This is apparently a remnant from the development of Fourth Avenue.

3. Existing and Proposed Zoning

The Roanoke Rapids Zoning Map identifies the existing zoning classifications of the area being considered for rezoning as B-4, Commercial District, and the nearby parcels as R-6, Residential District. The zoning map also shows that the shard of the subject property described above continues the existing B-4, Commercial District, designation. This shard of property separates a City park that has a R-6 zoning designation from having Fourth Avenue frontage at this location. From a planning perspective, this zoning change will establish a zoning continuity that does not now exist.

The rest of the block, in which this parcel sits, has a R-6, Residential District, designation. The City park takes up most of this block, with the exception of lots fronting on Chockoyotte Street with single-family houses.

The block on the west side of Chockoyotte Street also has a R-6 designation. This block has several single-family houses, but also has an apartment development on the north side of the block. The apartments were built prior to 1990, when zoning regulations were allowing apartment development. The oldest apartment building dates to 1958, before zoning regulations would have restricted development.

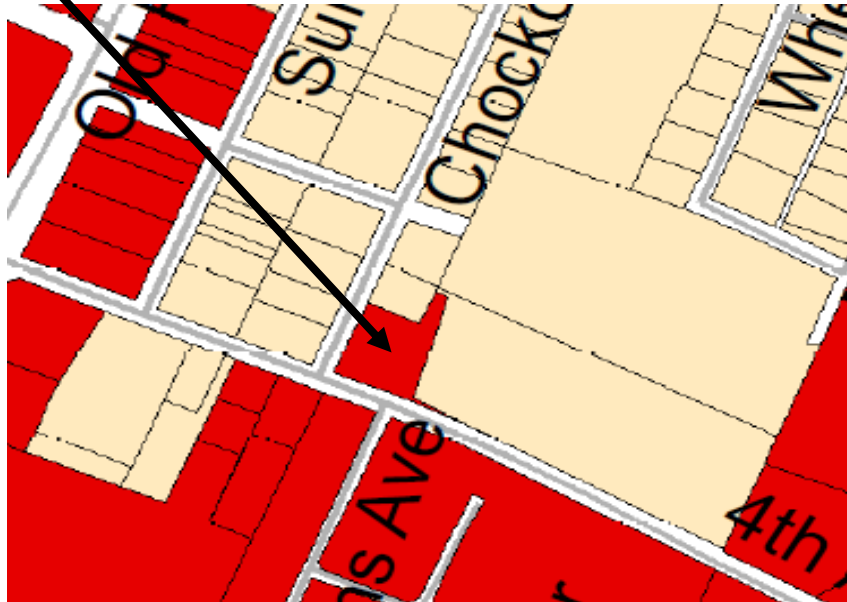
The south side of Fourth Avenue has a B-4, Commercial District, designation. That includes a large mobile home park that is a legal non-conforming use. Apparently, when the nearby lands were being developed commercially along Premier Boulevard the B-4, Commercial District, designation included the mobile home park with the hope that it might be re-developed commercially at some future time.

(See Figure 2, below)

The rezoning request is a change from B-4, Commercial District to R-6 Residential District.

The subject property is currently zoned B-4, Commercial District, which is designed to accommodate the widest range of commercial activities.

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:

The subject property is currently zoned B-4, Commercial District:

B-4: *designed to accommodate the widest range of commercial activities with no minimum lot density based on square footage, however minimum lot widths are established at 70 feet. Setbacks from the street right-of-way property line are 20 feet and the distances from other property lines are determined by the rating of the exterior wall of construction.*

The subject property is proposed to be R-6, Residential District:

R-6: *designed to accommodate single-family and two-family dwelling units, with minimum lot sizes of 6,000 square feet and lot widths of 50 feet. Duplexes (2-family) are permissible with a Conditional Use Permit (CUP) on lots that are at least 8,000 square feet in the R-6 District. City Council approves all CUPs.*

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 OR ROANOKE ELECTRIC, FIRE DEPARTMENT AND CODE ENFORCEMENT.

4. Traffic Considerations

All traffic considerations will be evaluated when development is presented and a site development plan officially submitted for review. Fourth Avenue is a State Road maintained by the North Carolina Department of Transportation (NCDOT). The Division 4, District 1 Engineers regulate access and driveway permitting on 4th Avenue. Chockoyotte Street is maintained as a City right-of-way by the Public

Works Department, who regulates placement of access and driveway permitting for properties on city streets.

The Applicant has stated that an intended use of the property is the construction of houses. At such time as a development proposal is presented, such development review may include NCDOT review for traffic concerns. The City and NCDOT will review driveway requests relative to the intersection of streets and existing driveways prior to issuance of permits.

5. Utility Considerations

There are no specific utility considerations that should negatively impact this property at the present time. The area is served with electricity by Dominion Power. Roanoke Rapids Sanitary District water and sewer utilities serve adjacent properties. The Developer would need to determine if there is adequate flow, pressure and quality to support any proposed development. All connections, extensions and responsibilities for services will be the responsibility of a 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 Type A between potential residential uses and existing recreational uses may be required at the burden of the residential 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 City of Roanoke Rapids Fire Department service area. Future development of the site will be evaluated for adequate water supply for firefighting operations and that driveways meet the requirements for apparatus ingress/egress.

7. Comprehensive Development Plan

The property is located within City Limits. 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.

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

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

8. Public Response to Notice

Letters were sent to owners of property within 100-feet of the requested rezoning on April 6, 2018. The notice of request and Planning Board review meeting was advertised in the *Daily Herald* on April 1 and April 15, 2018.

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 providing access to Interstate 95. 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 mixed uses in the subject area. 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 B-4 to R-6 represents a decrease in potential land use intensity. The specific change will benefit the land owner with an increase in its marketability by permitting uses similar to neighboring properties. The specific potential impact to neighbors is viewed as positive due to a greater compatibility with existing residential uses, and the elimination of commercial development that would be better suited on nearby properties currently available for commercial development.

4. *The relationship between the newly allowed use and the previously allowed uses.* Planning Staff has evaluated and compared the permitted uses in the B-4 and R-6 Districts as enumerated in The Table of Permissible Uses (Section 141-49). Upon viewing all permissible uses for these zoning districts 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 in view of adjacent property usage.

10. Planning Board Recommendation

The Roanoke Rapids Area Planning Board held a public meeting on Thursday, April 19, 2018 to review the subject application.

During deliberation, Board member Ford stated that the current B-4 classification allows the potential for a gas station or a wide range of commercial development. He added that a residence next to a gas station could devalue anywhere up to 30-40% of property values and that a residence next to a vacant lot is likely going to be devalued (compared to other side-by-side residences) when the potential use of the vacant lot is unknown. Ford stated that the requested R-6 zoning allows single-family homes, does not permit mobile homes, and residential zoning instead of current commercial zoning, is a positive outcome for all involved citizens.

The Board unanimously voted 5-0 to forward a recommendation of approval of the requested rezoning.

11. City Council Action

A simple majority of all voting members is required to adopt a zoning amendment. City Council is required by NC Law to vote on a Statement of Consistency with the City's Plans & Policies, then follow that with a motion and vote for a final decision to the rezoning request. **If a motion is made for the denial of Statement of Consistency and/or Rezoning Request, then state the reason(s).**

Motion & Vote: *Motion for adoption of the Statement of Consistency prepared by Staff*

Motion & Vote: *Motion to adopt the Zoning Map Amendment to Rezone the Subject Property at intersection of Chockoyotte Street and 4th Avenue to a R-6 Residential District Zoning Classification;*

Planning & Development Director Lasky asked if Council had any questions.

Mayor Pro Tem Ferebee asked for clarification. He said she stated R-6 would allow single family and asked what else. Planning & Development Director Lasky replied a two-family or duplex development is allowed with a Conditional Use permit, but the lots would have to be 8,000 sq. ft. minimum and would have to come back to

Council if a duplex was requested in the future. He asked if the lot was large enough. She replied yes it was; it has over 30,000 sq. ft. and an R-6 classification has to have at least 50 feet of width on the street frontage and 6,000 sq. ft. She added potentially up to three lots could be created that exceed the 6,000 sq. ft. and meet the 50 foot wide requirement.

Mayor Doughtie asked if the two large parcels were the Chockoyotte recreational area. She replied yes, Chockoyotte Park is to the east of the lot.

Mayor Doughtie asked if there would be any issues with ingress and egress on City property if the City were to do something different with the property in the future. She replied it should not have any implications on it. There are single family homes that already back up to the City's property on most sides on Chockoyotte Street and Wheeler Street. He asked if there were houses on the two small lots next to it. Planning & Development Director replied yes.

Councilman Smith said on the side of 4th Avenue, it looks like a 2-4 foot strip and asked if that interfered with City property such as sidewalks and is there anything the property owner could do with that. She replied no it did not and that narrow strip area is an underground easement for electrical with Dominion Energy. That narrow strip is really insignificant to the request when they evaluated it. They primarily looked at the square area that would be considered developable property. He asked how close was the property to the walking track in the park. She replied the blue line was from GIS and has the potential to be skewed; only a survey will show exactly where the property lines are so there could be some distortion from one to five feet. Parks & Recreation Director Simeon said to the best of his knowledge from the Leland Cypress trees buffer it should be approximately fifteen feet and it is very similar to the other residences there and their property lines. Planning & Development Director stated that any potential development would be required to be set back from that property line.

Mayor Doughtie opened the public hearing for comments.

Public Hearing Comments

Mr. Travis Whitby, the applicant, stated he grew up in the Chockoyotte Trailer Court and had always seen the empty lot. He recently inquired about it and discovered it was commercial so that was why he has requested it to be rezoned so he could put a home on it in the near future. He said whatever he decided to do, it would meet all the City's requirements and regulations.

With no further comments, Mayor Doughtie declared the public hearing closed.

Planning & Development Director Lasky advised Council that two motions were required to move forward. One being for the Statement of Consistency and a final decision by separate motion and a vote.

Adoption of Statement of Consistency

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

Statement of Consistency with Plans to Amend the Official Zoning Map

Reference: Rezoning Request by Travis L. Whitby to amend the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcel 0919963 (0.713± acres) located on the northeast corner of 4th Avenue and Chockoyotte Street from B-4, Commercial District to R-6, Residential District. Current parcel usage is as undeveloped land.

The Roanoke Rapids City Council met on Tuesday, May 1, 2018 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.

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

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

Upon review of the request, it is the Planning Board'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 BY THE ROANOKE RAPIDS CITY COUNCIL ON THE 1ST DAY OF MAY 2018.

Mayor Emery G. Doughtie

Final Decision for Rezoning Request

Motion was made by Councilwoman Scarbrough, seconded by Councilman Smith and unanimously carried to approve the rezoning request to rezone the subject property to R-6, Residential.

New Business

Consideration of Resolution Supporting NCDOT Resurfacing & Streetscape Improvement Project and Commitment of Local Matching Funds

Main Street Director Caudle gave an update on the NC 48 Roanoke Avenue Streetscape Improvement Project. She said NCDOT is committed and promotes safe streets as a top priority. They consider the safety and well-being of the traveling public to be motorists, bicyclists and pedestrians. They promote this public safety by new roadway construction, improvements to existing roadways and continual roadway maintenance. The NC-48 resurfacing project falls under the improvements to existing roadways and the City of Roanoke Rapids considers public safety along these streets and roadways within the city to be of the utmost importance.

She reported in 2016, the Main Street Roanoke Rapids Board and their work secured State funding and identified a need for a Streetscape Master Plan. In late 2016, a plan development was underway by Rivers & Associates out of Greenville and it engaged the non-profit board, NCDOT, many City staff including Planning and Public Works and the general public. On June 6, 2017, the Roanoke Rapids City Council approved and adopted the Roanoke Avenue Streetscape Master Plan. At the conclusion of that, they knew NCDOT had the resurfacing of Roanoke Avenue as a priority, but were not clear on where it fell. Soon after the adoption of the Master Plan they discovered it was becoming a top priority for NCDOT Highway Division 4. They are now committed to resurfacing NC-48 Roanoke Avenue and the

project area covers from the entrance of the intersection of Hwy. 158 along Roanoke Avenue all the way to the Halifax/Northampton County line at the Gaston Bridge. The estimated project costs is \$80,000 per lane mile. They have awarded the project to Rose Brothers Paving in late March and are committed to completing the project by fall 2019.

Main Street Director Caudle stated with this, the Main Street board identified a community wide unique opportunity to coordinate the implementation of some of our on street streetscape design elements in conjunction with NCDOT's committed resurfacing project. At the beginning of this year, the board formed a streetscape steering committee to evaluate this unique opportunity, determine implementation options and identify any funding sources. As part of the committee's work, they requested NCDOT Highway Division 4 review the Roanoke Avenue Streetscape plan in detail. They completed that review in March 2018. As part of their review, in late March Ronnie Keeter and Kristen Barnes made an onsite visit with City staff to discuss possible implementation of several on street streetscape improvements. At the meeting, they approved several of these design improvement concepts including: high visibility pedestrian cross walks (intersection 10th & Roanoke Avenue), enhanced cross walks and mid-block pedestrian crossing in the 1000 block of Roanoke Avenue; this concept would line up with 1026 Roanoke Avenue urban green space set to open the end of May.

She said in early April 2018, NCDOT Highway Division 4 requested quickly on street design improvements listed in priority order. City staff, Main Street board members and other involved community members helped create this priority list. She said these on street improvements keep in mind the safety of pedestrians, bicyclists and motorists. She reported NCDOT Highway Division 4 is now seeking approval from the NC Board of Transportation to allocate \$50,000 out of the current fiscal year NCDOT budget (FY2017-2018) to assist with the implementation of these on street Roanoke Avenue improvements. In order to do so, NCDOT requires the City do project support and allocate \$50,000 in matching funds. With Council's commitment, that would be a combined total of \$100,000 that can be put toward the Streetscape Improvements Project and these design elements on street will drastically improve the safety of pedestrians, bicyclists and motorists.

Main Street Director Caudle said pending Council's approval, the next steps would be for NCDOT and the City to coordinate the Roanoke Avenue streetscape improvements with the NC-48 Roanoke Avenue resurfacing project and implement the design improvements in priority order based on available project funding. The Streetscape Steering Committee will continue to identify and pursue additional project funding sources in the meantime. Main Street Roanoke Rapids has been

approved to hire Rivers & Associates to complete any final on street design element cost estimating.

Mayor Pro Tem Ferebee asked if this would be enough to do the whole project or was this just a start. Main Street Director Caudle replied they submitted eighteen on street improvements in priority order to NCDOT and they came up with a very rough cost estimate for them. All eighteen improvements would be approximately \$595,000. She stated looking at the top five priorities line by line, they would be covered with that \$100,000. There are some opportunities for exploring, for example the materials they were looking at for the high visibility enhanced pedestrian crosswalks are estimated at \$15 - \$20 per sq. ft. There are some alternatives that are about half that cost they are trying to use. They are trying to figure out a way to stretch that \$100,000 and again the Streetscape Steering Committee is going to continue to try to secure additional funds so they can do more while NCDOT is here.

Councilman Smith asked if there were more funds out there to continue this project. Main Street Director Caudle stated they have explored several opportunities. On the federal level there is a TIGER grant, but they tend to want to see a commitment or even a block that has been completed before they award any funds. That opens again in October and it would be a spring 2019 announcement for any awards. It is a possibility they could go after that. There are some state level opportunities they could explore for the upcoming fiscal year and they are in the process of doing that. There is also some private funds including an AARP grant they are exploring that closes mid-May. She said there are lots of opportunities, but as of today, they have the opportunity of the \$50,000 from NCDOT out of their fiscal year funds.

Mayor Doughtie asked if she thought the \$100,000 would allow the project to get to a point where it did not look like they ran out of money. She said they would not want that to be the case. They are looking at more efficient ways to do some of these high visible enhanced crosswalks. The ultimate goal would be to make all fourteen blocks of the Roanoke Avenue historic district be touched in some way. That would appear to be the case no matter what because of the resurfacing project. They will have to restripe and repaint everything. Again, their goal is to figure out how to spend the \$100,000 as efficiently as possible from the junction to Canal Museum and Trail.

Mayor Doughtie stated Roanoke Avenue needed to be repaved very badly due to all the cuts from utility repair. He said the thing Council may be concerned about is when she said approximately \$600,000, we do not want to pay \$550,000 to get

\$50,000. Main Street Director Caudle replied she could say confidently the money Council commits today is the only money the City is committing to at the present time. No design implementation they commit to as part of this project will lead to more work to make it look complete. The commitment of \$100,000, \$50,000 from the City and \$50,000 from NCDOT, will be what they move forward with as far as planning with NCDOT on how to implement the project. She said in her opinion there will not be a need to commit additional funds at this time if they stick with these on street priorities.

Mayor Pro Tem Ferebee said it seems like the Streetscape Steering Committee has identified the top five. She stated the list of eighteen are the on street improvements with public safety in mind. That would be the enhanced crosswalks, high visibility crosswalks and some of the mid-block crossing, specifically the one in the 1000 block of Roanoke Avenue.

Mayor Doughtie said the top five appear to be crosswalks. She replied primarily, the mid-block crosswalk in 1000 block and either high visibility or enhanced crosswalks at the intersections of 10th and Roanoke Avenue, 9th and Roanoke Avenue, 11th and Roanoke Avenue and 8th and Roanoke Avenue. These crosswalks would also be ADA compliant.

She presented the following resolution for their consideration and adoption:

RESOLUTION NO. 2018.04
RESOLUTION IN SUPPORT OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RESURFACING AND STREETScape IMPROVEMENT PROJECT ALONG NC-48 ROANOKE
AVENUE AND COMMITMENT TO PROVIDE LOCAL MATCHING FUNDS

WHEREAS, the North Carolina Department of Transportation promotes the safety and wellbeing of the traveling public for motorists, bicyclists, and pedestrians across the State through new roadways, improvements to existing roadways and continual roadway maintenance; and

WHEREAS, the Roanoke Rapids City Council considers the safety of the public along streets and roadways within the city to be of the utmost importance; and

WHEREAS, the Roanoke Rapids City Council approved and adopted the Roanoke Avenue Streetscape Master Plan on June 6, 2017; and

WHEREAS, the Roanoke Avenue Streetscape Master Plan provides a vision for improved pedestrian function, safety, and physical appearance of Roanoke Avenue while establishing a character which is reflective of the community, inviting to visitors, and a catalyst for economic reinvestment; and

WHEREAS, the Department of Transportation, Highway Division 4 has previously committed to the NC-48 Roanoke Avenue Resurfacing Project with a completion date of no later than Fall 2019; and

WHEREAS, the Department of Transportation, Highway Division 4 has reviewed and supports the implementation of several Roanoke Avenue streetscape improvements including but not limited to high-visibility and/or enhanced pedestrian crosswalks at intersections and a mid-block pedestrian crossing in the 1000 block Roanoke Avenue; and

WHEREAS, the Department of Transportation, Highway Division 4 seeks approval from the North Carolina Board of Transportation to allocate an additional \$50,000 in FY17-18 to assist in implementation of aforementioned Roanoke Avenue Streetscape Improvements with support and matching funds of \$50,000 for these improvements from the City; and

WHEREAS, the Department of Transportation, Highway Division 4 and the City will coordinate Roanoke Avenue Streetscape Improvements with the NC-48 Roanoke Avenue Resurfacing Project and implement Streetscape improvements in priority order based on available project funding.

NOW THEREFORE BE IT RESOLVED that the Roanoke Rapids City Council does hereby declare its support for the North Carolina Department of Transportation Resurfacing and Streetscape Improvement Project along NC-48 Roanoke Avenue, and commits to providing \$50,000 in local matching funds in the event the Streetscape Improvement Project is approved for additional North Carolina Department of Transportation, Highway Division 4 FY17-18 funding in the amount of \$50,000 by the North Carolina Board of Transportation.

Duly adopted this 1st day of May, 2018.

Emery G. Doughtie, Mayor

ATTEST:

Traci V. Storey, City Clerk

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to adopt the aforementioned Resolution No. 2018.04 supporting the NCDOT resurfacing and streetscape improvement project along NC-48 Roanoke Avenue and commitment to provide local matching funds.

Consideration of Amendment to the City Purchasing Policy

Finance Director Etheridge presented and summarized the following amendment to the City's Purchasing Policy.

To amend the City of Roanoke Rapids Purchasing Policy dated July 9, 2013, Section III – Purchasing Procedures, (A) The Purchasing Process to include the following language:

Credit Card Purchases

The purpose of Credit Card Purchases is to allow City Department Heads access to efficient and alternative means of payment for approved expenses.

A. General

1. Credit cards will be issued to department heads upon approval of the City Manager.
2. Credit cards will be used for business purposes only.
3. Personal purchases of any type and cash advances are not allowed.
4. Credit cards should not be used with vendors that already have a blanket purchase order agreement with the City.
5. Credit card purchases should be turned into the Finance Department in a timely manner with the proper designated requisition form including all relevant receipts and backup data.
6. Credit cards should not circumvent the City Purchasing Policy. Any purchase in excess of \$400 requires prior purchase order requisition and purchase order number from the Purchasing Agent.
7. Cardholders must be mindful not to exceed the monthly credit limit.
8. Individuals who do not adhere to this policy will risk revocation of their credit card privileges and/or disciplinary action.

She reported this was not a new request to begin using and utilizing credit cards for the City, it is an extension of allowing department heads to have credit cards. The justification of this amendment is for the ease of purchasing with vendors who do not accept purchase orders, scheduling travel training for conferences, for emergencies, contingencies and in inclement weather situations where purchases are needed to be made very quickly.

Mayor Pro Tem Ferebee asked if there would be a limit on these credit cards. Finance Director Etheridge replied yes, it is \$1,000 maximum limit per card, which is the same amount the City Manager and Purchasing Agent currently have.

Mayor Pro Tem Ferebee stated he knows all the department managers know the stipulations in relation to purchase orders because there may be stipulations, not

just the \$400. He asked if the cards would be issued to all department heads. City Manager Scherer replied yes that was correct. Finance Director Etheridge added that was why number six was included in the policy because this is in no way intended to circumvent the current purchasing policy.

Councilman Smith clarified that the credit limit was \$1,000 and if a purchase is over \$400, they have to get prior approval. Finance Director Etheridge replied that was correct.

Mayor Doughtie asked how departments purchase items now for say \$200. Finance Director Etheridge explained if it is a blanket purchase order vendor, they can go request/charge it; they do not have to pay for it at that time nor have prior approval. Mayor Doughtie asked about the credit card purchase procedures. She replied they have a list of bullet points on what the finance department would need on a credit card authorization requisition form because they need to make sure they receive that timely and coded appropriately in order to pay the bills on time.

Mayor Pro Tem Ferebee asked if a card holder would be allowed to make a purchase from a vendor who accepts purchase orders for the sake of being faster. Both City Manager Scherer and Finance Director Etheridge replied no, they would not be allowed to do that. She said this is to help in instances where there is better pricing or ease of purchasing. City Manager Scherer added such as for online purchases.

Councilman Smith asked what was considered in a timely manner to the finance department. Finance Director Etheridge replied as soon as practical for the operational staff; it must be received before the statement can be paid; so a month. She said staff was good with turning in their receipts to the finance department; they typically turn in their receipts on a weekly basis.

Mayor Pro Tem Ferebee stated it may sound like they are asking crazy questions and they know they have reliable department heads, but when you get into credit cards sometimes just a hair can get things out of line. Mayor Doughtie agreed and stated he has confidence in the City staff and did not want their comments to be in any way misconstrued. City Manager Scherer stated he appreciated the Council's scrutiny in this matter and fully expects current and future staff to follow these same rules.

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve the aforementioned amendment to the City Purchasing Policy to add credit card purchases to Section III – Purchasing Procedures.

Consideration of Amendment to the Theatre Purchase and Sale Agreement

City Manager Scherer stated they were recently approached by the Theatre bidders regarding a request to amend the contract and completing the process to purchase the property. The due diligence process was completed by them on April 30, 2018 deadline with no issues on their part regarding the building or the grounds. The bidders have indicated they have a need to negotiate and finalize the best possible terms with their participating bank for the financing of the purchase while retaining possible access to their earnest deposit before completing the purchase of the property. At this point, he feels it to be in our best interest to support the efforts of the bidders, who have to date, exhibited good faith efforts to complete the purchase of the property. We are satisfied the buyers have a sound business plan for the long-term professional management of the facility and anticipate the buyers commitment to the region will lead to additional economic development in the entertainment district. City Manager Scherer recommended City Council approve a motion for the City to sign the second amendment to the purchase and sale agreement for the Roanoke Rapids Theatre.

Mayor Pro Tem Ferebee asked if this was an amendment to the current contract. City Manager Scherer stated it was only the one change to the basic contract. Although they have completed the due diligence period, they are requesting to be given until 5:00 p.m. on May 14, 2018 to continue to obtain financing satisfactory to the buyer regarding their financing of the purchase of the Theatre. By doing so, they still retain access to the earnest deposit if they decide to not move forward with the purchase. He added Attorney Chichester may be able to explain it further legally. Mayor Pro Tem agreed that would be a good because he had a different understanding about that.

Attorney Chichester reminded Council that there was an offer made to purchase the Theatre dated November 1, 2017. Even before that happened, the City Manager had been working to try locate people and purchasers for many months. Thomas and Evon McLean came forward and made the offer on November 1, 2017. After that, the City Manager brought it before City Council and sought a resolution authorizing the City to accept the offer. That resolution was voted on and passed November 21, 2017, so that contract was in place. He stated there were many contingencies in the contract: due diligence about the environmental aspect of the property, stability of the building, title to the property, etc. And of course getting Bank of America to agree to release the Theatre from the debt and to accept the money and how that would be paid to Bank of America. All these things which were fairly complicated financially had to be done. Then the purchasers came to us with a request for a first amendment to the contract to extend the due diligence period

to April 30, 2018, which was yesterday. He said that amendment was agreed upon. At this point, he and City Manager Scherer have met with the representative for the purchasers numerous times and they have now said they are completely satisfied with all the due diligence relative to the building and the property. He said there was a financial contingency in the due diligence aspect and that is they secure financing at reasonable rates and so forth. They said they have not completed that aspect of it. He added they have been very candid with them as far as what bank they are dealing with and the negotiations. He said the Mayor and City Manager have helped as far as possible local financing to push this through. Now they have asked for the financial contingency aspect to be extended until May 14, 2018. He reported as late as yesterday, he and City Manager Scherer were on the telephone with the purchasers' representative and there is a possibility they may ask for an additional one week. He said they did ask for the week and he told them no at this time because the City Manager had already put the package together and he had been in conversation with their attorney and had agreed to May 14, 2018. He said he told them in good conscience the Council's package said May 14, 2018 and he was not going to stand before them tonight and talk about May 21, 2018. He stated that although it says May 14, 2018, there was a real possibility they may need one more week and that was to secure the local financing. He said the agreement says May 14, 2018 and that is what they were asking City Council to consider approving or authorizing tonight. He said the contract originally had a 120 days due diligence period and what that means is if they are not satisfied within that 120 day period they get the \$150,000 deposit back and they walk away. Again, he said the purchasers have been very forthcoming with the City talking about the development plan. Their plan for development is not just for that building, it is for a large portion of the area out there. He was not at liberty to discuss that with them, he wished he could because he thought it would be more encouraging to them. He said they have come a long way and he knows it has been frustrating to many of them because of the slow pace and different reports they have given them. He stated he was cautiously optimistic they were going down the right path and it will be a done deal. But he cannot tell them whether they do this or if they don't, that it was going to be sold to these people. He stated the City needs for the Theatre to be sold and they are the only game in town.

Mayor Pro Tem Ferebee said he fully understands they are the only game in town and he has no problem with extending the time. His misunderstanding was that after April 30, 2018, whether it went or didn't go, the earnest money was the City's. He asked why the earnest money was put up if they didn't need any. Attorney Chichester replied they did, the law in North Carolina requires it. Anytime up until and on the date of April 30, 2018 they could ask for the money back. Mayor Pro Tem said he understood that and agreed to that part up to April 30th and it is May

1st. He said he also understood the \$150,000 would go toward the purchase price and he has no problem with that. The part he does not understand is after April 30th, past the date, we've held the money until that timeframe. He feels confident that they will go forward, but if they don't he feels the money should belong to the City. That was his thought and it is a misunderstanding on his part if that is not the case.

Attorney Chichester reported yesterday, April 30, 2018, he received an email and today he was delivered a hard copy of that email by Fed Ex. The email said since they had not gotten the extension and today is April 30, 2018, the cut-off date, they are cancelling the contract, but it will be reinstated immediately May 2, 2018 so long as Council approves the extension to May 14, 2018 before 5:00 p.m. on May 2, 2018. He told Mayor Pro Tem Ferebee he was not mistaken, but they have covered their bases like he was trying to cover for the City. Mayor Pro Tem Ferebee said that was his misunderstanding of the \$150,000, but he guessed he could go back and look at the minutes.

Councilman Smith stated they were looking at extending the contract for fourteen days, but they are actually wanting an extension of twenty-one days. He said so it was a good possibility that at the end of fourteen days they would come back and ask for another seven days. Attorney Chichester replied that was correct, but he was not saying they would because they are going to try to make it work within the fourteen day period. Councilman Smith said he did not have any problem with this and probably would not have had any problem with them coming back to ask for twenty-one days. He has a problem with the City keeping extending it again and again. He asked to go on the record that he did not think he would agree to another extension after this one. He stated he was only one vote but that was how he felt about it now. He stated instead of extending the contract again if they were going to request it, he thought they should change the date to May 21, 2018 and not take any more extensions after that date. Attorney Chichester said he would appreciate if Council would consider that and he and the City Manager would push very hard to make sure it is within the fourteen days. He said since the City Manager and City Clerk had already given Council the package he could not in good faith ask them to change it. He stated if the motion was going to be made for it to be May 21st, he promised he and City Manager Scherer will try to hold them to the fourteen days. Councilman Smith said he wanted it to go through and he understood what the people want to do out there, but he did not want them to keep coming back to Council requesting additional time when the City has given them a sufficient amount of time. He said if they come to ask for another extension after the 21st then in his opinion Council should say no and put it back on the market again.

Mayor Pro Tem Ferebee stated he agreed with that, but he was not fully understanding the earnest money. Attorney Chichester said they could ask more questions so he could clarify it. Mayor Pro Tem Ferebee said maybe he just needed to look at the past minutes and view what they agreed upon and then ask those questions. He said right now they could walk away at the end of the 21st day without anything and we've held that and have done our due diligence by not trying to go out and find anyone in that timeframe. He stated he has no problem with the extension, but he has a problem with the earnest money. Attorney Chichester said he understands that, but that was a condition in the contract. He said we've done our due diligence and have covered all the things we were supposed to do in the contract, but the City Manager has continued to look for other purchasers.

Mayor Doughtie asked if a contract was not executed and one party felt like the other party had not fulfilled their part of the contract, they cannot just demand a check be issued back if it is contested. Attorney Chichester replied now we have to talk about contracts. In a traditional real estate contract, whether it is commercial or residential, that contract addresses how the earnest money is treated in the event there is a default in the contract. In the standard real estate contracts in North Carolina, if the seller breaches the contract it generally says the purchaser get their earnest money back. If the purchaser breaches the contract, the seller cannot just keep the earnest money. If they have expenses, they are entitled to get their expenses back out of the earnest money. This contract that was drafted was for City property which is different from North Carolina real estate (residential or business) and it had to cover many other things. The earnest money aspect of how it would be treated in the event that the purchaser, during the due diligence period decided to walk away, was addressed. The way it was addressed was they had the right to get their earnest money back if they cancelled the contract during the due diligence period.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt to approve the amendment to the Theatre Purchase and Sale Agreement with the addition to change the date of the extension from May 14, 2018 to May 21, 2018. Councilwoman Scarbrough, Councilman Bobbitt, Councilwoman Cowen and Councilman Smith voted in favor of the motion; Mayor Pro Tem Ferebee opposed. Motion carried with a vote 4-1.

City Manager's Report

City Manager Scherer stated the last three months of the fiscal year were typically the leanest months with regard to revenue income so he has asked all departments

to put a hold on their spending and keep it to those things only that require them to continue operations. Otherwise, they need to hold off on purchasing anything else.

He said the Fire Department continues construction on their training site off of Hinson Street. They are cutting windows and doors in the containers along with other activities to improve things there to make it as safe as possible. They are looking at burning two houses for training purposes as well as doing away with some of the eyesores around the city. They have also completed the hydrant testing. He said a few months ago there was a fire where a gentleman was severely injured with burned lungs. He is still in the burn center at Chapel Hill and has requested that the two firefighters that helped him go there next week so he can meet them. He reported the gentleman is improving and believes this was a good gesture on everyone's part to meet the guys that rescued him.

City Manager Scherer reported Parks & Recreation Director Simeon delivered the PARTF grant application last week to the State. He said they should hear back from that grant sometime in August. He said they had received word today that they will not hear from the Kate B. Reynolds grant the City submitted for the Chaloner Park improvement project until around May 24th. They still anticipate receiving favorable word on that grant. Initially, they thought they would hear word today, but they contacted the City today and said it would be May 24th.

He said Public Works continues to work on grass and nuisance issues. They tagged forty-five properties yesterday for grass, nuisance and unmaintained pools. He added people leave pools unattended which becomes a haven for mosquito breeding so they are trying to get people to drain their pools if they do not plan to use them. Public Works is also enforcing the ordinance requiring houses to have numbers on them. There are a lot of houses in the city that do not have house numbers on them. It is mainly a safety issue because if a fire department or ambulance/rescue agency needs to come to a location and they cannot find the house number, it makes it very difficult to find it.

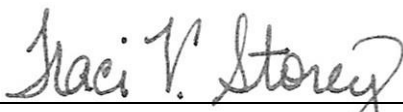
City Manager Scherer said Main Street is finalizing the work at 1026 Roanoke Avenue. Public Works has finished the concrete work and subcontractors will be installing the stone faces on Wednesday or Thursday this week. The work will take about seven days to complete. They continue to move forward and hope to have the site open for the May 24th Arts on the Avenue event.

Councilman Smith asked if all the money being used at that site was from the State. City Manager Scherer replied that was correct, it is part of a \$90,000 grant that the City received.

Mayor Doughtie asked City Manager Scherer if he would look into how they could do things differently or in a better way to get more income from all the grass cutting Public Works is doing. He said they cut a lot of grass, but did not think they get much back from that until the property was sold. He stated he was not interested in taking peoples' property away from them, but it would help a lot if they could get some revenue from it. Taxpayers were having to pay for cutting grass for those people not responsible for their yards. Maybe the City could adjust the ordinance in some way or look at what somebody else was doing.

<p style="text-align: center;">Other Business</p>
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There being no further business, motion was made by Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to adjourn. The meeting adjourned at 6:40 p.m.



Traci V. Storey, City Clerk

Approved by Council Action on: May 15, 2018