



# Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, July 10, 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  
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

**Absent:** Kathy Kearney, Deputy City Clerk/Human Resources Manager

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 Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to adopt the business agenda for July 10, 2018 as presented.

## Approval of Council Minutes

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to approve the June 19, 2018 Regular Meeting and June 28, 2018 Special Meeting minutes as written.

## New Business

### Economic Development Update

Halifax County Economic Development Commission Executive Director Cathy Scott presented a PowerPoint presentation on statistical information and economic development activities in the City and Halifax County (*a copy of which is on file in the Clerk's Office*).

Mayor Doughtie asked Ms. Scott to explain the purpose of Halifax Horizons and what they do. She replied they were a private non-profit group that raises money to support economic development. Some of the major projects they have been involved in the 20 years are the shell building that was built for PCB Piezotronics, they support the Main Street program and help with feasibility studies among all types of projects. Most of the business leaders in the community are members and they have their own board of directors. They have been a big support to economic development in Roanoke Rapids and towns in Halifax County for project that help create jobs.

## Public Hearings

### Consideration of Rezoning Request from Tavlowe, Inc. DBA Crestview Memorial Cemetery to rezone five (5) parcels located primarily along Anna Louise Lane at Smith Church Road from B-3, Commercial to R-40, Residential

Planning & Development Director Lasky stated Tavlowe, Inc. DBA Crestview Memorial Cemetery on Smith Church approached the Planning & Development Department concerning an expansion to the existing cemetery. A year or two ago, a similar request was made for an adjacent property just south of the cemetery, but it turns out that the property was not appropriate to use for a cemetery due to a significant portion being wetlands. Being a business here in the city looking to expand and the properties on the opposite side of Smith Church Road have been for sale for quite some time. Those five (5) parcels are the subject of the request before Council tonight. The five (5) parcels summed together is approximately 8

acres and the parcel numbers are listed in the report and in the image they are outlined in yellow while the existing cemetery is outlined in blue. She said they can see the proximity to the proposed request to the existing. This situation is a little different as the process in order for Crestview to expand the cemetery would first require that a rezoning request because a cemetery is only allowed in an R-40 or R-20 zoning district. If the rezoning is approved then a conditional use permit would be necessary to have a cemetery as the authorized land use. Conditional Use Permits are subject to review by the Planning Board and approval by City Council. Those are considered decisions that need to be made based on evidence. When they go through the process tonight of the rezoning and conditional use permit, they are going to hear comments and need to remember when the rezoning decision is made that they consider what is allowable and under the conditional use permit to consider testimony that is factual or expert testimony.

Planning & Development Director Lasky presented and reviewed the following staff report to City Council:

**MEMORANDUM**

To: Joseph Scherer, City Manager

From: Kelly Lasky, Planning & Development Director

Re: **Rezoning Request (map attached) – Tavlowe, Inc., is requesting an amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcels 0919538, 0919539, 0919540, 0919541 and 0919542 from B-3, Commercial District to R-40, Residential District. The subject lots are a combined 8± acres, located on the west side of Anna Louise Lane. This property is an undeveloped portion of the Chockoyotte Professional Park.**

Date: July 2, 2018

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**Summary Overview**

<i>Subject Property</i>	<i>The above five parcels (lots) are in the Chockoyotte Professional Park subdivision. This subdivision, on the west side of Smith Church Road, was created about the year 2000, with its primary feature being a cul-de-sac street of 520 feet named Anna Louise Lane. This rezoning request includes all the lots in this subdivision that have not been developed, consisting of all the property on the south and west side of Anna Louise Lane.</i>
<i>Proposal</i>	<i>Rezone from B-3, Commercial District to R-40 Residential District.</i>
<i>Applicant</i>	<i>TAVLOWE, Inc., DBA Crestview Memorial Cemetery, 489 Smith Church Road</i>
<i>Property Owners</i>	<i>Rajeshree Tulloo and Okechukwu Dimkpa</i>
<i>Present Use</i>	<i>Undeveloped Urban Forest</i>
<i>Proposed Use</i>	<i>Cemetery</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.

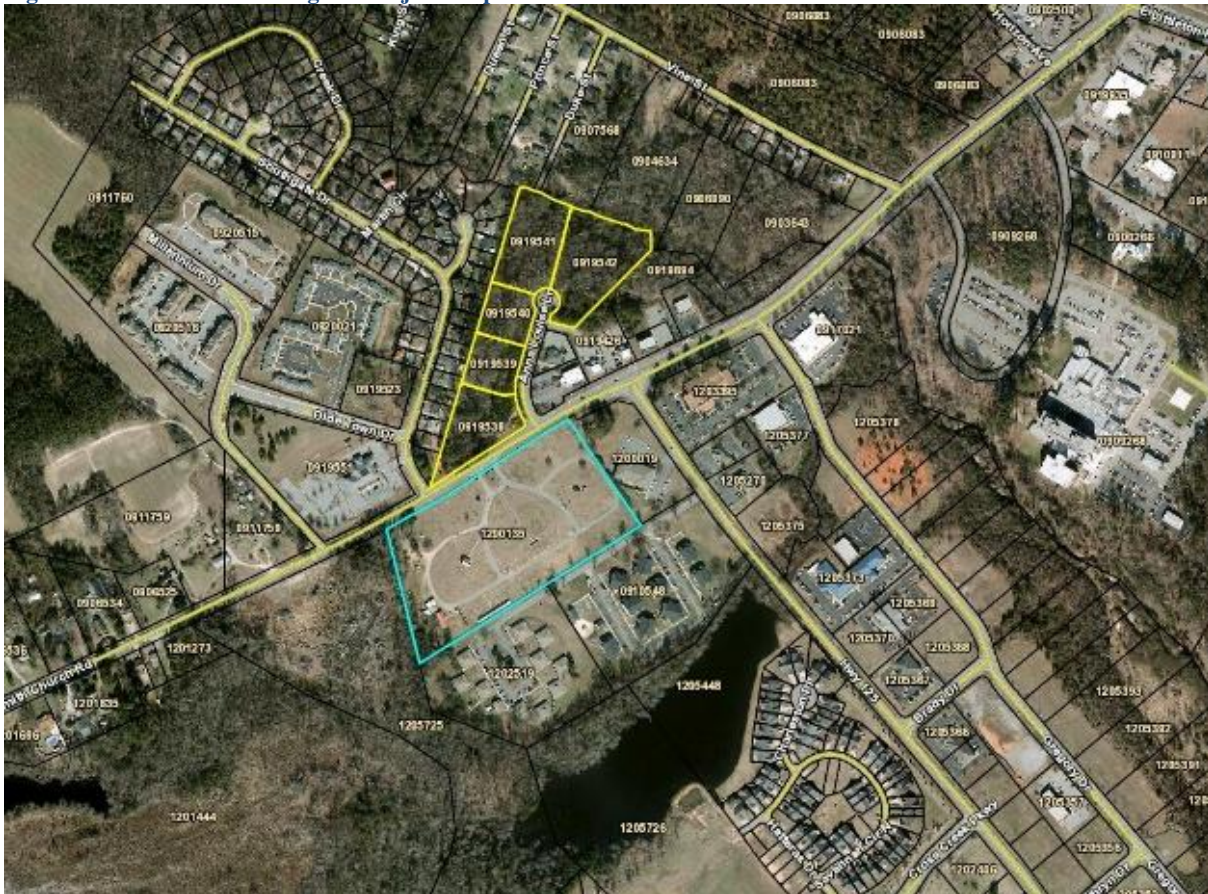
CONSIDER IMPACT ON/FROM:

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

OMIT FROM CONSIDERATION:

- ETHNICITY
- RELIGION
- INCOME
- RENT OR OWN

Figure 1 Aerial Image of Subject Properties



Analysis and Detail:

1. Applicant and Property Owner

The applicant is TAVLOWE, Inc., Crestview Memorial Cemetery, 489 Smith Church Road, Roanoke Rapids, NC 27870; (252) 537-4914. The property owner according to the Halifax County tax listing is Rajeshree Tulloo and Okechukwu Dimkpa.

## 2. Location/Area Description

The subject parcels contain 8± acres extending northward along the west side of Anna Louise Lane from the southwest corner of Smith Chapel Road and Anna Louise Lane to the end of Anna Louise Lane, approximately 520 feet. The northern most two parcels wrap around the turn around area that ends Anna Louise Lane. These properties are within City Limits and Planning and Zoning jurisdiction. (*See Figure 1, p. 2*) Of these parcels the one that has Smith Church Road frontage is directly across Smith Church Road from the current Crestview Memorial Cemetery.

On the west side of these parcels they back up to lots containing single-family homes that front on Southgate Drive and Charles Circle. Charles Circle being a short cul-de-sac off Southgate Drive. The two parcels at the end of Anna Louise Lane have Chockoyotte Creek as a northern property boundary. The Chockoyotte Professional Park has five developed lots with three accessed off Anna Louise Lane and two sharing a driveway off Smith Chapel Road.

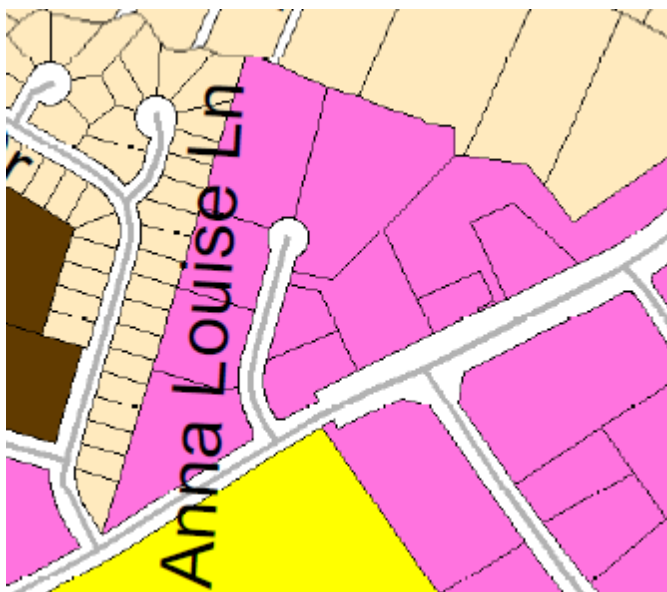
## 3. Existing and Proposed Zoning

The Roanoke Rapids Zoning Map identifies the existing zoning classification of the area being considered for rezoning as B-3, Commercial District. The B-3 District being suitable for office uses. The proposed R-40 Residential zoning is the same as that of the Cemetery property across the road. The nearby parcels west and north of the properties proposed for this zoning change are designated as R-6, Residential District.

The existing Chockoyotte Professional Park lots with office buildings will remain designated as B-3 Commercial, which is also the zoning designation for the property adjacent to, and north of the cemetery, and across Smith Church Road from the existing office development in the Chockoyotte Professional Park. (*See Figure 2, below*)

**The rezoning request is a change from B-3, Commercial District to R-40 Residential District.**

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-3, Commercial District:**

**B-3:** *The B-3 district is designed to accommodate a mixture of residential uses and uses that fall primarily within the 3.000 classification in the Table of Permissible Uses (office, clerical, research, services etc.). This district will also generally constitute transition or buffer zones between major arterials or more intensively developed commercial areas and residential districts.*

**The subject property is proposed to be R-40, Residential District:**

**R-40:** *The R-40 district is designed to protect agricultural lands and woodlands within the city's planning jurisdiction. For this reason, larger minimum lot sizes are required. This district is intended to accommodate some types of uses that would be appropriate in more sparsely populated areas but would not be appropriate in the more intensely developed residential zones. Single-family dwelling units and some types of mobile homes uses as single-family residences are permitted.*

As per Land Use Ordinance Article X: Permissible Uses, Section 151-149, Cemetery and Crematorium uses are only permitted in R-40 and R-20 Residential districts.

**ANY PROPOSED CONSTRUCTION AND SITE PLANS ARE EVALUATED BY CITY STAFF AND THE DEVELOPMENT REVIEW COMMITTEE (DRC) TO ENSURE A PROPER DESIGN. THE DRC INCLUDES THE SANITARY DISTRICT, NCDOT, PUBLIC WORKS, DOMINION ENERGY 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. Smith Church Road 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 Smith Church Rd. Anna Louise Lane 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 as a cemetery. 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.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 June 15, 2018. The notice of request and Planning Board review meeting was advertised in the *Daily Herald* on June 24 and July 8, 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.

Courts have established the following factors to determine the reasonableness of zoning changes and provide guidance to avoid problematic spot zoning:

1. ***The size and nature of the tract.*** Planning Staff has determined that the size and characteristics, along with the development potential, of the site make it reasonable to implement the proposed zoning change. The site is suitably located to provide burial sites as an expansion of an existing neighboring use. The site has access to utilities and a relatively flat topography.
2. ***The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community.*** The degree of change from B-3 to R-40 represents a decrease in potential land use intensity.
3. ***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 office/institutional uses for the Chockoyotte Professional Park development, along with the Crestview Memorial Cemetery property. Buffering or separation between uses is encouraged if desirable to minimize impact and provide a transition between lower and higher density land uses.
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-3 and R-40 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 Review & Recommendation**

The Roanoke Rapids Area Planning Board met on Thursday, June 21, 2018 to review the application and provide a recommendation to City Council. After receiving public comment, the Board deferred action to City Council with a motion for "no recommendation," which passed with a 5-0 vote.

#### 11. **City Council Action**

The City Council is expected to conduct a public hearing and receive comments from interested persons. After receiving all citizen comments, the Council is required to take action on the requested rezoning, involving two motions: 1) Statement of Consistency and 2) Final Decision.

- 1) **Motion & Vote:** The City Council has several options regarding the Statement of Consistency:
  - a. approval of the Statement of Consistency;
  - b. denial of the Statement of Consistency;
- 2) **Motion & Vote:** Following the previously detailed actions, the City Council has several options regarding the rezoning request:
  - a. Approval of the request as submitted to Rezone the subject property to R-40, Residential District; or
  - b. Denial of the request.



Planning & Development Director Lasky reported as part of the rezoning, they did receive one written comment which is enclosed in Council's packet with their concerns. She reminded Council that any statements that are made, they need to consider the rezoning and the uses only. The Conditional Use aspect would be fact and evidence based.

Councilwoman Scarbrough asked if the entrance to the proposed cemetery would be on a new road cut in or would it be the existing road Anna Louise Lane. Planning & Development Director Lasky replied they did not have a site specific development plan so if Council wanted to restrict access they could, but the applicant has a right to use Anna Louise Lane. They have stated they did not want any parking on it and the proposed cemetery paths within the cemetery would need to accommodate the funeral traffic and attendees and not have to back-ups into the streets. She added there was already a deceleration lane on Anna Louise Lane that would help with back-ups as well. Access is possible in and out off of Smith Church Road directly.

Mayor Pro Tem Ferebee asked what type of businesses were currently located on Anna Louise Lane. Planning & Development Director Lasky replied there was a dental, optometric and a pediatrician office that were accessible by that road and the five undeveloped sites could be similar developments. He said further to Councilwoman Scarbrough's question, the applicant has the right to use Anna Louise Lane and asked if the physicians from those offices use that same road. She replied yes they do.

Mayor Pro Tem Ferebee said there was no recommendation from the Planning Board which they usually get one and asked what some of their comments were. Planning & Development Director Lasky said she really could not say, at the time to make a motion, they got quiet but when they moved on to the next agenda item they said if Council approves it then they would like to see this. They could have said no and they could have said yes or they could have offered anything, but providing no recommendation was also an option. That was the decision, no recommendation. Mayor Pro Tem Ferebee asked if Council did approve it, there were comments about some conditions. Planning & Development Director Lasky replied yes, that was part of the conditional use permit to ensure that if the rezoning was approved adequate and appropriate required screening between land uses; it is required in the City's Land Use Ordinance. It would require an eight foot tall opaque fence, wall or berm so there would be complete visual separation between the residential properties and the proposed cemetery. Someone living along Southgate Drive in this area, standing in their backyard would not be able to see through into the cemetery. Mayor Pro Tem Ferebee asked how close the properties

located at 101 – 109 Charles Circle were to the proposed cemetery. Planning & Development Director Lasky said they did not have a specific development plan on how they would lay it out and she knows there is a flood plain in the northwest part of the property next to Chockoyotte Creek, but there would have to be a visual separation up to eight feet between the two uses.

Mayor Doughtie asked if they were getting off course a little bit with the questions they were asking about what they were trying to do right now which is the rezoning because they did not have a site plan right now. Planning & Development Director Lasky replied no and any development would have to go under a site plan review to ensure compliance with the ordinance. Since a cemetery, a school or residential uses are permissible uses they can talk about those requirements would be between the areas and the subject properties. There is a screening requirement between residential for most commercial or uses that are not residential. It would have to meet the intent of the City's Ordinance as well. A conditional use permit runs with the land so it would be recorded with those properties for its existence. For some of the properties there are wooded backyards, but the actual choice of screening is up to the applicant to submit at the time of site plan submittal. Mayor Pro Tem Ferebee stated his question was the distance between the proposed and the homes, but since there is no site plan, they do not know at this point. Planning & Development Director Lasky said perhaps the applicant can speak to that; she did not know how close they planned to develop up to those properties.

Councilman Smith asked since he attended the Planning Board meeting, he had a statement to read so should he read it now or wait until the conditional use public hearing. Planning & Development Director Lasky said he could wait until the next hearing but was welcome to state it for this one; it was not required.

Mayor Doughtie declared the public hearing to be open and ask for those wishing to speak to come forward.

Terry Buffaloe said as a Planning Board member he wanted to respond to the board's no recommendation. He said he felt it was the safest way to go for him because he could not look those people in the face and say he was going to put a cemetery in their backyard.

Agnes Moody of 101 Southgate Drive, stated as a child growing up she said she would never live beside a cemetery or funeral home. But now if she walks out her front door she was looking at H.D. Pope Funeral Home and if she looks over to her left she is looking at Crestview. She said if they rezone and let them put a cemetery at Anna Louise Lane, she would have a cemetery in her backyard. She would then be literally living in death valley which she is not happy to do. If the cemetery is

placed there, it was not going to bring down my property value but if a similar building where it was zoned for already put there, if she decided to move or rent her home, it may not be a problem. But a cemetery is permanent and they weren't going to move those bodies. Not too many people want to live in a graveyard. If she put two cars with one touching the back of her house and the other one in front of that, the front car was going to be in the cemetery; that's how close that line was. She hoped they voted not to put the cemetery there.

Patty Elford of 119 Southgate Drive, asked if Council would give them permission if one of their family members died, would they allow them to get a permit to bury them at their back door in their backyard. Time she walks out her back door, she was going to be adjacent to the cemetery.

Jenger Adams of 134 Crosswind Drive, said she was a realtor with Coldwell Banker Advantage who was helping Sandy Showalter with this transaction. She stated she appreciated that the meeting started with prayer because that doesn't happen that much today so it was nice. One of the things she wanted to say about the property is that in Halifax County, and it was nice Ms. Scott was able to touch base on some of the big commercial properties that had transferred in the county, but in her MLS going back twelve (12) months only showed four (4) properties closed in the Roanoke Rapids area. The highest price transaction was \$80,000 and that was on Smith Church Road. She did not have the information Ms. Scott has but they could look further into that. These lots they were talking about have been on the market twice in her MLS as far back as she can go. The first time they were on the market for 843 days listed for \$70,000 - \$80,000 each lot; of course no one purchased the properties at that price. The first/front lot was listed much higher. This time the properties have been on the market for 2,335 days so a total of 3,178 days these lots have been publicly listed, active on the market with no offer whatsoever. Today when she looked she found one commercial building in this subdivision that was currently listed at 40 Anna Louise Lane for \$324,900 which was a very good price. It would be hard for a buyer to buy that lot and build that building so it would be better for them to buy the building already in place. In her opinion as a realtor, it would be best to change the use so somebody could use the land since it has sat vacant for a long time. She said she was not afraid of the cemetery or it being in her backyard, she has spent many a day in that cemetery because she had family members buried there. She understands they were running out of lots in Crestview and Cedarwood so at this point it was going to come down to having very limited places to put somebody to rest in the community. She understands they don't feel like it's a nice place in their backyard, but she did not feel like it was a bad place. When she looks at the values of the property in Roanoke Rapids, it doesn't seem to affect the property. When she looks at the property values at Southgate, they are

lower than at the Roanoke Rapids cemetery area. She would hope with the cemetery there, it would improve the values of their property and give the people of the community a nice safe place that was well lit a nice, safe place to walk and enjoy the outside. That's what she sees for the project.

Trudy Jones of 710 Davie School Road, said she had been employed by Crestview Cemetery for 26 years. They have been good neighbors. This cemetery has been in existence for 58 years. She said they were running out of space and it is something that was not going to happen overnight if it is approved; it was going to take time to develop the site. They were trying to be good neighbors and build the fence so nobody has to look out their backyard at a cemetery. There was already a funeral home there that they see and the cemetery has been there a long time. Nobody was going to be buried in somebody's back yard because it was separate land and it would be blocked off where they don't see it. They have a lot of families that use this cemetery and they want give them extra space to buy lots to be buried on. They have studied this extensively. Before when they were trying to buy the other land, they spent a lot of money to see if it was suitable for what they needed. In order to use that property for what they wanted, they would have had to replace those wetlands at \$125,000 per acre to the State so they could relocate those wetlands and fill in. With this property, they have been told 75% of it was usable which was good for a project of this size. She stated she hoped they would consider this. This was her employment, they have people that cut grass and it was very important to the community. She said a lot of churches have their own cemeteries now, but they don't always offer it to non-members. What are those people going to do? She said they have helped the church cemeteries; they have asked for their advice on how to set up records and lay it off. She thinks they are doing a good service to the public and they have tried to be good neighbors. They were doing everything they could to accommodate the neighbors as far as them not seeing it in their backyard.

Sandra Showalter said she was the owner of Crestview Cemetery. She and her husband came here in 1977 and the cemetery actually started in 1960. The cemetery was there before Southgate was there. They need to expand. She and her husband took over the cemetery and have put a lot of heart and soul into it and maintained it. It was a perpetual care cemetery which means every time they sell a grave space they have to send money to the State to put in a trust fund. That trust fund was set up so that if she dropped dead tomorrow and nobody took over the cemetery, the trust fund and cemetery would be turned over to the State for regulation so the cemetery would always be maintained. If they want to widen Smith Church Road, they can widen it on the other side, but not onto cemetery property. She said in the newspaper the other day there was an article about a cemetery being moved in Pinetops because they want to put a road in; she thinks

it was Highway 42. They are digging those people up and don't even know who they were, she believes one grave that was identified. They were being moved for the betterment of the city. She was not saying that was going to happen here, but it was an example of progress. She said their cemetery was protected, they could not do that to their cemetery. They had done a lot of work there, they were responsible for a lot of people's families that were buried there. Their goal was not to disrupt the neighborhood, their goal was to continue to have places for the people in town to be buried. They were having children of the families that bought with them years ago that have grown up and come back to town and want to be buried with them. If they close, that heritage will stop. She was not sure how much more property the City has, but people in Roanoke Rapids need a decent place to be buried and put their loved ones in a place they know they will be taken care of. When they got here in July of 1977, they went around and took Christmas arrangements off of the graves. Those people can't get up and take their flowers off, they do that and they keep the grass cut. They want a barrier there too. They were talking about having to come in off of Anna Louise Lane but they found out today that they can mirror the entrance across from the existing cemetery across Smith Church Road and not have to use Anna Louise Lane. Even though they have a right to use it, they do not want to tie people up from going to the doctor or getting their teeth done. She said she has been asked what if an ambulance comes by, well what if they come by now. She stated they were in such a wonderful area because when a funeral goes by people pull over for respect and wait for the funeral to pass. If there was an emergency where an ambulance or fire truck needed to go by, there would be room because people stop and pull over. They want to put a barrier up, they do not want their kids coming to play in the cemetery. This was a place for people to come visit with their loved ones that have passed. The first 90 days when someone has passed is when it is visited the most than any other time. They take care of the families that were buried with them. She stated she literally lives at the cemetery and she looked after it. She said Trudy has been with her 26 years and her brother was now doing the maintenance because her husband died. There was so much more in taking care of a cemetery than people realize. They take care of the people out there. If they do not get the expansion, she estimates in about five (5) years they would not have any more property to sell. The cemetery will be closed and turned over to the State. They will still bury people, but they will not be able to sell anything. They want to be good neighbors, they want to do what is right and they have always done what was right. She asked to please let this go through so they continue to bury their families.

Betty Shaw of 406 Frank Road said her husband was buried in the cemetery and she would like to know there was going to be somewhere for her children to be

buried. The cemetery was quiet, there weren't going to be parties or whatever. She knows her husband was being looked after every day and knows his grave was being cleaned. She hoped her children would have somewhere to go close to their daddy and mama. They really need this land to move forward and to have room for other people to be buried. She asked pretty soon what were they going to do. It was not the dead people they had to worry about, they were very quiet and good. It was wonderful for her to go visit her husband at least once a week.

Takisha Lewis of 107 Southgate Drive stated the hospital already has a bad name and what would it look like to have an extension of a graveyard so close to the hospital. They won't rezone for schooling, but they would rezone for a cemetery.

Sandeep Tiwari, MD said he was a pediatrician at 52 Anna Louise Lane. The property there was designed as a medical park to take care of the sick people. There was an optometrist office, surgeon office, dental office and pediatrician office there. It was very busy practice and lots of traffic going in and out of there. He said they take care of the sick children and sometimes they get elderly people there and something happens during the procedure and they crash and they have to call 9-1-1. Imagine if they were in that situation, seconds or minutes make the difference between life and death. He asked what if you need access quickly to the hospital and there was a funeral going on, it could affect the ambulance traffic because there were a lot of cars there. He said the property value was going to go down. Consider if you take care of sick children and the elderly across from a cemetery and what message that may give to those people. They want to make them happy so they can recover from their illness. He understands there is a senior center so you do not want to a build senior living center across from cemetery because you want to build medical facilities surrounded with lush greenery and a nice view so that people who live there remain happy. His concerns were traffic that could affect emergency services and that it would bring the property value down. The purpose was to develop a medical park there because it was close to hospital. If they put a cemetery there, who would come to open any medical specialty practices there? He said he hoped they declined the rezoning for the purpose of building a cemetery there.

Councilman Smith asked Dr. Tiwari how long he had an office there. Dr. Tiwari replied the building was owned by Dr. Bhagwandass and joined her practice 10 years ago. Councilman Smith asked how many times in that 10 year period has a funeral interfered with rescue coming into his office. Dr. Tiwari stated they do ask the rescue personnel whether if it was interfered or not, but there was the potential for it to interfere if since the cemetery size would double. Councilman Smith asked if funeral processions go by his business now. Dr. Tiwari replied no, it goes on

Smith Church Road, patients have to come down Anna Louise Lane to get to the offices. Councilman Smith asked if he had any issues with an ambulances getting to his office in the last 10 years. Dr. Tiwari replied he did not have that information so he did not know.

Thelma Mason of 105 Charles Circle said she had been here for 47 years and hopes to continue to stay here for a long time. She stated she was scared of graveyards and she was scared of the woods too. She hopes and prays it will work out for each and every one of them. She said she did not want it in her backyard. She lives in the bottom and there was a drop and not a lot of people come down to the area she lives at unless they were riding and looking.

Evelyn Walker said she currently lives in Georgia but owns property at 611 Vine Street. She stated she was not a stranger to death and she also lost a son. As she thinks about it even though they have perpetual care, she still would not want it in her neighborhood. She offered another recommendation because there was not going to be any more land on this earth so you make use of the land you already have. She said they were all striving to be good citizens and work together. She just recently returned from a trip to Bermuda and is only 22 square miles. She asked herself what do they do to preserve graves; they were in layers. So this may be something they would think about in the future. Graves were usually six feet and large families were buried on top of each other. Going forward, that may be something this community would look at.

Planning & Development Director Lasky suggested leaving the public hearing open until the last motion. She said the next step would be to move forward with the motion for the following Statement of Consistency:

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

**Reference: Rezoning Request by TAVLOWE, Inc, to amend the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcels 0919538 (1.5± acres), 0919539 (0.92± acre), 0919540 (0.92±), 0919541 (1.95 acres) and 0919542 (2.79 acres) located on the southwest corner of Anna Louise Lane and Smith Church Road from B-3, Commercial District to R-40, Residential District. Current parcel usage is as undeveloped land.**

The Roanoke Rapids City Council met on Tuesday, July 10, 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 July 10, 2018, and with the Roanoke Rapids Land Use Ordinance. Comprehensive Development Plan Policies:

**I.1** *Support infill development.*

**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 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.*

*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 City Council's determination that the above described 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 10th DAY OF JULY 2018.

Adopted: July 10, 2018

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Mayor

Mayor Pro Tem Ferebee asked for a definition of the Statement of Consistency. Planning & Development Director Lasky replied was required by NC General Statutes as part of any rezoning consideration or ordinance amendment where they would change the Land Use Ordinance or Zoning Ordinance. The Statement of Consistency states the reasons why the policies the City has adopted was part of the future land use growth and the request was found to be consistent with the proposed request. The written policies listed in the statement are consistent with the zoning district or requested change in the ordinances that regulate the properties within the City.

### **Statement of Consistency**

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough to approve the Statement of Consistency. By a show of hands, Councilman Smith and Councilwoman Scarbrough voted in favor; Councilwoman Cowen, Councilman Bobbitt and Mayor Pro Tem Ferebee opposed. Motion failed.



### **Rezoning Decision**

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough to approve the request as submitted to rezone the subject property to R-40. By a show of hands, Councilman Smith and Councilwoman Scarbrough voted in favor of the motion; Councilwoman Cowen, Councilman Bobbitt and Mayor Pro Tem Ferebee opposed. Motion failed.

Planning & Development Director Lasky stated as a result of the rezoning not being approved, there was no need to conduct the Conditional Use Permit application because cemeteries were not an authorized use of property in the B-3, Commercial zoning district.

Mayor Doughtie closed the public hearing.

Mayor Pro Tem Ferebee stated he fully respected life and death. All the other in between is an earned thing with him. He fully understands and knows that Crestview Cemetery was a good cemetery. He knows it was kept but he personally does not feel that it fits where it was trying to go. He knows it was not the first choice, he had been on the board for a long time, and the first choice was a monetary thing. He feels that the people living in the Southgate area and those who have property off Anna Louise Lane deserve a right and the cemetery was not a good fit that close. The property lines were right on it and it was not clarified that it wasn't going to go through Anna Louise Lane for the ingress/egress. He stated again he believes Crestview was a wonderful cemetery but he felt it was not a good fit.

Councilman Smith asked if since the rezoning was denied, did a reason need to be stated for the record. Attorney Chichester replied a he did not believe a reason had to be stated. There was not a motion for the denial of the request, there was a motion for the rezoning to R-40 and that motion did not pass.

### **CDBG Neighborhood Revitalization Program**

Planning & Development Director Lasky reported the NC Division of Community Assistance has historically handled the Community Development Block Grant program (CDBG). Recently the state received funding from the federal government for a neighborhood revitalization program. This was the first time in many years that housing has been an option for funding. It was not like many other programs they have had in the past, there were some additional stipulations. The grant program has opened up \$750,000 per grantee to develop an application and consider a different housing project or public project that would benefit low to moderate income areas and promote affordable housing and add value to

communities and existing neighborhoods. Right now, City staff were considering potential projects. The purpose of the public hearing tonight was to receive comments on any needs that needed to be addressed in a public format relative economic development or housing needs. Prior to an applications, two public hearings were required and this would be the first one. The second public hearing would be held when a specific project had been developed and details would be presented for comments. She stated the NC Neighborhood program itself has a lot of different opportunities and \$750,000 could make some improvements. Similar programs have funded projects such as the Vine Street development approximately seven (7) years ago and the Henry Street project that occurred a few years after that. They have seen what can happen as with blight removal and improvement of housing conditions and public utilities in neighborhood areas that were underserved who have low to moderate income households.

Mayor Doughtie asked if this money was award to the City, could it be used for demolition of vacant properties they had deemed inhabitable. Planning & Development Director Lasky replied clearance of properties was an allowable use depending on the location. What they had learned during the Henry Street program was if it was within the National Historic District, it does have to go through federal review and there could be some push back from the Historic Preservation Office and Advisory Council on the federal level. This did not mean it was not possible, but there could be additional requirements as a result of that.

Mayor Doughtie declared the public hearing open for any comments. There being no one wishing to make comments, he closed the public hearing.

Mayor Doughtie thanked Planning & Development Director Lasky and all those people involved. During his time here they have received a lot of money when it was out there and they do a good job in being ready to seek out and get it. They have had very good response from the people they get monies from and that comes from the fact that they had never had any problems with how the money was spent. They have gotten some good results from the monies that have been given.

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

City Manager Scherer reported the City Administration is proceeding with the transition process to transfer Theatre operations to the proposed buyers. The buyers are planning a media event tomorrow at their marketing company office in Raleigh to provide an overview of the marketing campaign that will be kicked off to

promote the destination, as well as a timeline for some of the events on the Theatre calendar. We have met with their representatives to discuss providing information on systems such as security, phone, internet, and sound and lighting, along with other building information.

He recognized the Police Department in general and in particular Captain Martin and his CID department for their outstanding work in the case against the alleged suspect of attacks against older women living alone. Once the suspect was arrested after being shot by his latest victim, Captain Martin and his detectives were able to develop evidence that potentially links him to the other attacks. He said he was sure citizens feel a bit safer with the alleged suspect behind bars.

City Manager Scherer announced that the Police Department, in conjunction with other area law enforcement agencies, will hold their Annual Night Out on Tuesday, August 7<sup>th</sup> at Halifax Community College beginning at 6:00 p.m.

He and Mr. Chalker met with representatives from Dominion Energy today to discuss having them install LED streetlights throughout the city. We anticipate having them mounted will reduce our annual costs for approximately 1,800 streetlights. They provided them technical and rate information to review before coordinating with them for installation. They do not have any lights in stock now, but anticipate having them in 2-3 months. We will be the first city in NC for Dominion to do this project.

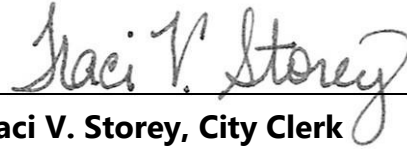
City Manager Scherer said last weekend, the City hosted a Babe Ruth regional U-10 and U-11 baseball tournament. All City departments and represented County agencies cooperated to help make it a successful tournament. We again received numerous compliments on both our hospitality and the condition of the facilities at Ledgerwood Field.

He stated on behalf of all our valued employees, he wanted to say "Thank You" for the generous bonus you authorized them this year. They are very appreciative of it and wanted to ensure that you knew of their gratitude.

Mayor Pro Tem Ferebee asked if there would be any cost to the City associated with the streetlights. City Manager Scherer replied there would be an associated cost but some will be installed for free. That was what they had to look at was costs versus the period for pay back, but they would anticipate a savings once LED streetlights were installed.

**Other Business**

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 7:00 p.m.

A handwritten signature in cursive script that reads "Traci V. Storey". The signature is written in black ink and is positioned above a horizontal line.

**Traci V. Storey, City Clerk**

**Approved by Council Action on: July 17, 2018**