



Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, October 2, 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
Kathy Kearney, Deputy City Clerk/Human Resources Manager
Chuck Hasty, Police Chief
Kelly Lasky, Planning & Development Director
Kelly Manning, Assistant Parks & Recreation Director
Larry Chalker, Public Works Director
Stacy Coggins, Fire Chief
Christina Caudle, Main Street Director

Absent: 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 Councilwoman Cowen, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda for October 2, 2018 as presented.

Special Recognitions

Police Department – Retirement of K-9 Pocock

Chief Hasty stated K-9 Pocock has been in service for five (5) years and has recently been retired. It is customary for retired service animals to be given to their handlers and we have done this in the past.

He stated it is appropriate for Council to declare Pocock surplus prior to awarding him to his handler Master Officer Daniel Jenkins. To accomplish this, the following resolution has been drafted for Council's consideration:

RESOLUTION NO. 2018.06

K-9 RETIREMENT RESOLUTION

WHEREAS, K-9 Pocock is owned by the City of Roanoke Rapids; and

WHEREAS, K-9 Pocock has faithfully served the City for five years, and has recently been retired; and

WHEREAS, retired canines cannot be adopted to private citizens because of their specialized training for police situations; and

WHEREAS, Master Officer Daniel Jenkins, K-9 Pocock's handler, wishes to keep him; and

WHEREAS, the Mayor and City Council, by this resolution, wish to express its great appreciation to K-9 Pocock for his service, loyalty, and dedication to the City of Roanoke Rapids;

NOW THEREFORE, BE IT RESOLVED that the Roanoke Rapids City Council in accordance with North Carolina General Statute 160A-266 declares K-9 Pocock to be surplus property upon retirement from service and authorizes his assigned handler, Master Officer Jenkins, to take ownership of K-9 Pocock upon his execution of a hold harmless agreement to provide proper care for the dog for the remainder of the life of the animal and a \$1 adoption fee. By executing that agreement, Master Officer Jenkins will assume all liability and responsibility for the dog.

ADOPTED this 2nd day of October, 2018.

Emery G. Doughtie, Mayor

ATTEST:

Traci V. Storey, City Clerk

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt Resolution No. 2018.06 declaring K-9 Pocock as surplus property and awarding him to Master Officer Jenkins.

Police Department – Officers of the Quarter

Chief Hasty recognized the following officers as Officers of the Quarter for the third quarter of this year and presented each with a Certificate of Appreciation: Investigator Jamie Hardy, Investigator Chris Babb, Officer Morgan Worrell, Officer Curtis Batchelor and Officer Elliott Johnson.

He said Investigators Hardy and Babb have taken on a lot of responsibility as narcotics agents working closely with U.S. Attorney's Office to get more of the violent and repeat offenders off the street.

He stated Officer Worrell is relatively new but has hit the ground running. She has led in drug arrests, felony arrests, serving papers but some things are not on paper or in statistics. She is always going out and preparing fingerprint kits, getting her own camera to take pictures of crimes scenes and following up. She is dedicated to her job and to the City and in protecting it and helping the citizens.

He said Officer Batchelor this quarter has seized a whole lot of narcotics off the streets being in the patrol division and being proactive. He led in this category as well as misdemeanor arrests and serving papers.

He said the City was lucky to get Officer Johnson from the Durham Police Department where he has come back home; he graduated from Roanoke Rapids High School. He is doing a fine job. Again, some things are not seen on the statistics but he was on there. This summer he received a call from a day care where some of the kids were not acting like they were supposed to so he had a talk with them. He made a promise to them if they were good and listened to their teachers he would provide them with a pizza party. He did it on his own and spent his own money. He went out there and made the connection with the kids and having that community involvement.

Chief Hasty stated he was a believer in President Obama's 21st Century Task Force Policing and that was going back to the roots of the community and making the impact on young lives before they can get into trouble. He said they are going to make those decisions when they get older, but if we can make that positive impact when they are young, that's what it's all about.

PAWS Program Completion

Leah Brewer (and Elle the Pit Bull) announced that Hero Dog Elle Day was October 1st. She said five years ago, she reached out with a hope to recognize Elle's efforts in the Roanoke Valley. A Proclamation by Mayor Doughtie marks October 1st as Hero Dog Elle Day because of her national top dog win as American Hero Dog. In honor of such a special recognition, they continue to follow the path through the PAWS therapy program volunteering in an educational program helping other pet families. She recognized and presented a certificate to Emily Aman (Honey) and Dawn Rossi (Tikka) for their completion of the program. The purpose of this initiative is to create a safe and responsible pet friendly community. The PAWS family part of the program stands for Pledge Animal Wellness and Safety and the PAWS education part of the program stands for Plan for Animal Welfare and Safety.

Approval of Council Minutes

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to approve the September 18, 2018 Regular Meeting minutes as written.

New Business

Halifax County Convention and Visitors Bureau Annual Report

Ms. Lori Medlin, President and CEO of the Halifax County Convention & Visitors Bureau gave a presentation on the Fiscal Year 2017-2018 Annual Report.

She highlighted the following in her report:

- Visitors spent \$96.95M in Halifax County.
- Highest percentage growth of any county on I-95 corridor in NC at 5.56%.
- Visit NC announced Halifax County had the 12th highest overall growth in the state.
- Occupancy tax collections were up 8.6% (these dollars fund the CVC).
- State tax revenue for Halifax County totaled \$6.01M.
- Approximately \$2.39M in local taxes were generated from sales & property taxes.
- Property tax value of accommodations in Halifax County is over \$44M which generates over \$340,000 in property taxes.
- The money received from state and local tax receipts saved Halifax County residents almost \$200 in taxes last year.

- Over 42,000 cars (100,000 people) pass the Exit 173 daily.
- Help identify properties poised for growth and fund feasibility studies and market those properties.
- Supports creation of new AMTRAK stop in Weldon.
- Funded expansion of local ball fields and supported Roanoke Rapids in building new concession stands/restrooms at Chockoyotte Park and Ledgerwood Field.
- Fund living history assets at Historic Halifax and on the Underground Railroad.
- Funding Wayfinding Signage Program in Roanoke Rapids.
- Contribute to the operations of the Canal Museum and maintenance of the Roanoke Canal Trail in Roanoke Rapids.
- Attraction Visitation: Medoc Mountain – 150,397; Roanoke Canal Museum & Trail – 25,039; Sylvan Heights Bird Park – 55,097; Historic Halifax – 20,253; Dog Park at Visitors Center – over 30,000.
- Facebook post reach – 1,328,757 last year.
- Instagram followers were up 65%.
- An average of 1052 users view Pinterest page each month.
- Tweet impressions were 35,755 last year.
- Generated over 86,900,632 billboard impressions last year.
- Reached 11,000,000 in print advertising last year and saved 31% on print publication placement by serving as own advertising agency.
- Fund and work with RetireNC program to let people know Roanoke Rapids is a wonderful place to retire.
- Partnering with Halifax County Sheriff's Department to provide additional security at Exits 171 & 173 to help with panhandling and vagrants. Hotel managers said this has helped.

Ms. Medlin recognized Executive Assistant, Susan Wilhelm and Rich Lithgow, the Director of Technology who were present.

Mayor Doughtie asked if she would explain the savings of \$200 in taxes. She replied if they did not have these dollars being left here by tourists for the services the county and the city have to provide, residents would have to pay \$200 more on their tax bill for those services. These numbers are compiled by the economic impact of travel on NC study done by the US Travel Association commissioned by VisitNC.

Mayor Doughtie asked if the property tax value figures referring to accommodations was just on hotels. Ms. Medlin replied that was correct.

Consideration of Resolution Approving BB&T Financing Terms

Finance Director Etheridge reported on September 10, 2018, the City Finance office received financing proposals on behalf of the formal bid process to acquire Council approved loan financing in the amount not to exceed \$810,000. This financing is for equipment purchases for the City per the budget. Branch Banking & Trust submitted a bid with the lowest interest rate, not to exceed 3.07% and a five (5) year repayment term.

She said bids were reviewed with the City Manager and they are recommending acceptance of the Branch Banking & Trust Governmental Financing proposal to accept equipment financing in the amount not to exceed \$810,000 and a 3.07% interest rate, at a five (5) year term; as stated in the following resolution for your approval:

RESOLUTION NO: 2018.07

Resolution Approving Financing Terms

WHEREAS: The City of Roanoke Rapids (the "City") has previously determined to undertake a project for the financing of vehicles and equipment, (the "Project"), the City Manager has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 10, 2018. The amount financed shall not exceed \$810,000 the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.07% and the financing term shall not exceed 5 years from closing.
2. All financing contacts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Document have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Documents' final form.

4. The City shall not take or omit any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purpose of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 2nd day of October, 2018.

By: _____

Traci V. Storey, City Clerk

By: _____

Emery G. Doughtie, Mayor

Councilman Smith asked if this was the amount of money Council approved in the budget. Finance Director Etheridge replied yes it was. He also asked if this would take care of the needs of the Police Department and other departments that requested it. She replied yes, that was correct.

Mayor Pro Tem Ferebee asked if she could refresh him on some of the equipment. City Manager Scherer presented him a list of the equipment.

Mayor Doughtie asked Finance Director Etheridge if she had what the payment amount would be. She said she did not have that yet, but the amortization schedule would follow and she would get it to them. He asked once they approve this, will the funds be available in a relatively short time. City Manager Scherer said they would get these funds upfront and draw down on their money. Finance Director Etheridge added that once the paperwork was sent to BB&T and they close on the loan, they will open the escrow account for funding.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt Resolution No. 2018.07 approving financing terms with BB&T Governmental Finance.

Public Hearings

Conditional Use Permit Request for Accessory Apartment (56 Strauther Drive)

Planning & Development Director Lasky reminded Council that the first two public hearings were quasi-judicial hearings. Attorney Chichester added in a quasi-judicial hearing, anyone who comes forward to offer any testimony must keep in mind that opinion about a matter is not evidence that the Council can take into consideration; it has to be based on expert testimony.

Mayor Doughtie stated that Council should be mindful when they listen to individuals wishing to speak to base their decision on factual information, not opinion.

Councilwoman Scarbrough made the following statement: With respect to public hearing item number 7 a) & 7 b), I would like to disclose that on Thursday, September 20, 2018, I attended the Planning Board meeting as a non-voting ex-officio member. I sat in the audience and did not participate in the planning board's discussion of the permit application. I am aware of the board's recommendation that will be presented at tonight's public hearing. I remain an impartial decision maker and intend to make a decision based upon competent material and substantial evidence presented during the public hearing.

Councilman Smith also made the following statement: With respect to public hearing item number 7 a) & 7 b), I would like to disclose that on Thursday, September 20, 2018, I attended the Planning Board meeting as a non-voting ex-officio member. I sat in the audience and did not participate in the planning board's discussion. I am aware of the board's recommendation that will be presented here tonight. I remain an impartial decision maker and intend to make a decision based upon competent material and substantial evidence presented during the public hearing.

Planning and Development Director Lasky, having been duly sworn by City Clerk Storey, presented the following Conditional Use Permit Application and Staff Report:

Conditional Use Permit Request

A Conditional Use Permit (CUP) request from James Walker (Contractor for current property owner B. Timothy Kirby) to establish a dwelling unit as accessory to a single-family residence at 56 Strauther Drive. This is a 1.3± acre parcel in a R-8, Residential District, identified as Halifax County Tax Parcel 0902182.

EXECUTIVE SUMMARY

Accessory apartments and duplexes are permitted with approval of a Conditional Use Permit from City Council. As such, the applicant is seeking CUP approval for the existing single-family residence of B. Timothy and Stephanie C. Kirby to permit establishment of a mother-in-law suite. The Kirbys seek to build a new structure behind their house for use as an accessory apartment. The proposed apartment is to be independent from the single-family dwelling and will consist of a kitchen, bedroom, bathroom, living room, utility room and garage. The property is to be heated and cooled with an electric heat pump. Shared driveway access is provided via an existing driveway.

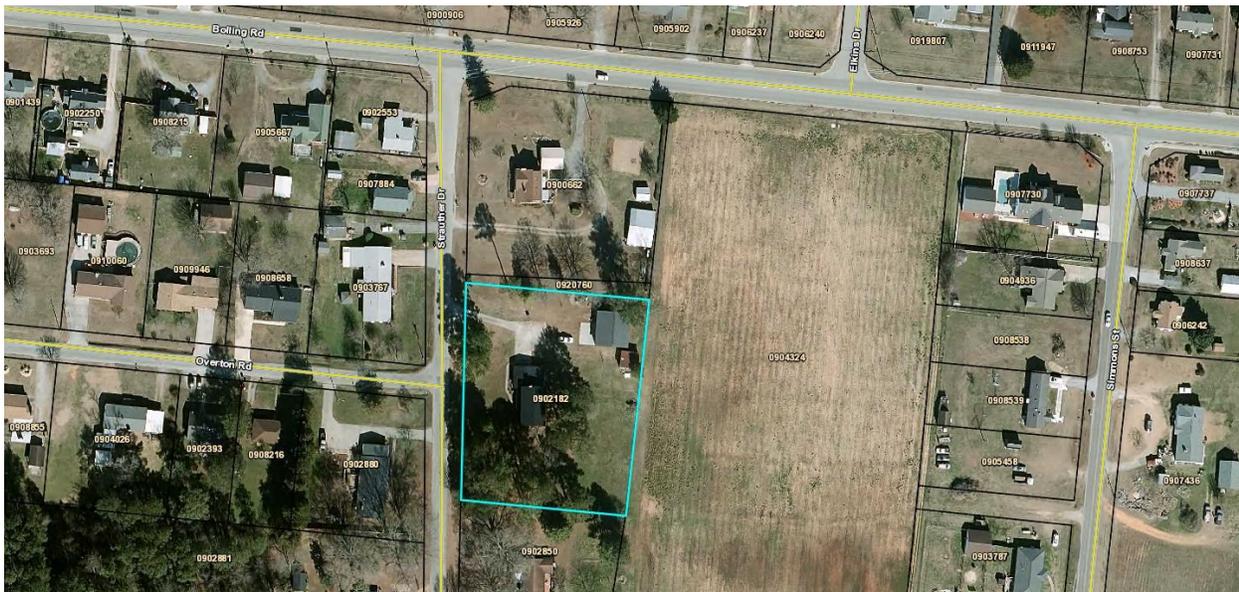
The Land Use Ordinance (LUO) defines a Single-Family Residence with Accessory Apartment as, “a residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25% of the gross floor area of neither the building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

The Land Use Ordinance defines a Duplex as, “A two-family residence other than a two-family conversion.”

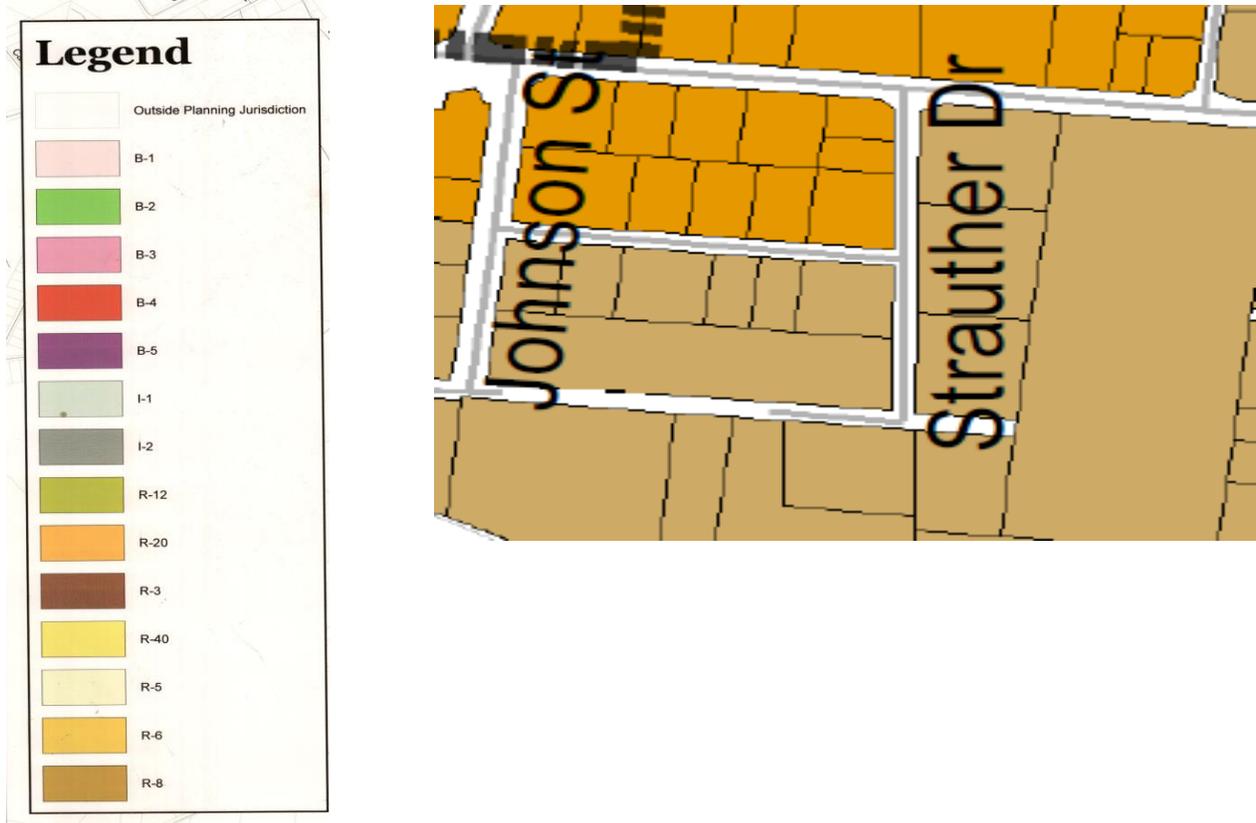
The subject parcel has a size of 1.3± acres located between two similarly sized parcels on a dead-end street. Behind (east) of these parcels is an undeveloped parcel of nearly 8 acres that is cultivated for farming.

SUBJECT PARCEL VICINITY MAP

James Walker has requested a Conditional Use Permit for an accessory apartment located at 56 Strauther Drive. This property is currently developed with a single-family dwelling, and the zoning designation is R-8, Residential District. **(Note: the application and supporting documents are attached to this memorandum)**



The subject property is currently zoned R-8, Residential District, which is designed to accommodate single-family dwelling units on lots of 8,000 square feet and larger as set forth in Section 151-181. See zoning map excerpt below.



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

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

The requested permit is within the Roanoke Rapids Extraterritorial Jurisdiction. Accessory apartments and duplexes are authorized in the R-8, Residential District, with a Conditional Use Permit. The request is for Single-family residence with accessory apartment, which is provided a use classification as 1.130 per LUO Section 151-149, Table of Permissible Uses. Duplexes are provided a use classification as 1.210.

2. The application is complete; or

The application is complete.

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

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

The following seven (7) items were considered and evaluated as follows:

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

Staff finds this to be true. This site has frontage on Strauther Drive, an improved street, with an existing driveway providing access to the accessory apartment. Strauther Drive is a one block dead-end street serving several houses, therefore, there is a minimal amount of street traffic. The proposed accessory apartment will have access independent of the primary residence.

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

Staff finds there is likely no negative impact on neighboring properties. The proposed use of the property is unlikely to cause any traffic generation issues. Any required parking of vehicles may be accommodated on the existing driveway.

3: refuse disposal effect on adjacent property with similar uses permitted in that zoning district; and,

Staff finds no likely negative effect should occupants utilize common practices in refuse disposal. Halifax County provides refuse collection.

4: utilities are available; and,

Staff believes this is probably true, with connections and extensions coordinated with appropriate entities.

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

Staff finds screening to be adequate for residential development. This parcel of land is zoned R-8 residential, and based on its construction blends in with adjoining properties and requires no additional screening or buffering.

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

Staff believes that exterior lighting is to be the norm for a residential property. There should be no signage for this additional residential use.

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

Staff believes this is probably true. This lot is currently developed and landscaped.

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

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

- (a) provide no material endangerment to the public health or safety; or

Staff believes this is probably true. The applicant shall be required to comply with all applicable federal, state and local codes and ordinances. An assessment of the previously referenced seven items used to evaluate areas of concern indicate no specific endangerment to the public health or safety.

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

Staff believes this is probably true. Staff finds no specific reasons for potential negative effects on the value of adjoining or abutting property.

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

Staff believes this is probably true. The proposed use will be residential in nature and in character with the existing surrounding residential land uses.

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

Staff finds this to be true. The plans as submitted will agree with the policies of the Comprehensive Development Plan, Thoroughfare Plan as well as the Land Use Ordinance and other officially adopted plans of the City. The Comprehensive Plan Future Land Use map designates this area as suitable for medium density residential. The property is located within the Planning Jurisdiction (ETJ) and staff believes it is in conformity with the following Comprehensive Development Plan policies:

Residential Land Use

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

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

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

THE APPLICANT HAS ADDRESSED THE REQUISITE QUESTIONS, WHICH MUST BE ANSWERED BY THE CITY COUNCIL IN HIS APPLICATION. IT IS YOUR OBLIGATION TO ENSURE EACH HAS BEEN ADEQUATELY ADDRESSED AFTER HEARING ALL PARTIES PRIOR TO RENDERING A FINAL DECISION.

Planning & Development Staff Review

After a complete review of the information submitted by the applicant, it is the Staff's opinion the request satisfactorily meets the requirements of Sections 151 - 49 and 151- 94 of the Land Use Ordinance.

Property owners within 100 feet of the subject property were notified of this public hearing by first class mail, sent September 10, 2018. This meeting was advertised in the Daily Herald on September 16 and September 30, 2018.

Roanoke Rapids Area Planning Board Review & Recommendation

The Planning Board reviewed the request on Thursday, September 20, 2018 and its recommendation will be presented during the scheduled October 2, 2018 regular City Council meeting.

Mayor Pro Tem Ferebee asked the percentage size of the structure versus the size of the original structure next to it. Planning & Development Director Lasky replied it was about 25-30% when including the garage. Staff found with the size of the property that it may go just above what the minimum requirement is but for a lot that could accommodate four or five single family lots, this is one single family lot with the accessory apartment. He asked if the other structures shown in one of the photos in the presentation were neighboring dwellings or outbuildings. She reported they were outbuildings, but when all the impervious coverage surfaces are calculated it falls well below the 25% rule.

Mayor Doughtie opened the public hearing. He asked for any individuals wishing to speak that have signed in with the City Clerk and been duly sworn to come forward.

Mr. James Walker, having been duly sworn by City Clerk Storey, stated he was the builder for the project. He explained it was a mother-in-law suite, who is approximately 80 years old. She wants the mother-in-law suite because the house is too cold for her. He said they applied for the permit because it will cost \$15,000 to construct the enclosed breezeway, which they do not need. He asked if they had any questions for him.

Mayor Doughtie asked if there was already a garage there and it looks like the siding is off of it in the photo. Mr. Walker replied the building is new construction and the siding was not on it because Council has not made their decision yet and in case he has to add the breezeway on to it.

With no one else wishing to speak, Mayor Doughtie closed the public hearing.

Planning & Development Director Lasky asked for Council to refer to the Evaluation Work Sheet and stated each question will need to be answered and a motion made and vote taken.

City Council Quasi-Judicial Forum and Conditional Use Permit Evaluation Work Sheet

SECTION I:

1. The requested permit is within its jurisdiction according to the table of permissible uses; or
2. The application is complete; or
3. Accessory Apartments are a use subject to Conditions in the Land Use Ordinance; or

SECTION II. *The following items are to be considered per Section 151-94(d)(5):*

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
5. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to all the applicable regulation of the district in which it is located.
8. Public access shall be provided in accordance with the recommendations of the city's land use plan and access plan or the present amount of public access and public parking as exists within the city now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

9. The proposed use shall be consistent with recommendation and policy statement as described in the adopted land use plan.

SECTION III. *Please refer to the Public Hearing Testimony, Staff Report and items 1-9 of Section II on previous pages when evaluating the following motions.*

Mayor Doughtie asked Council to answer the following questions and make a motion accordingly:

Is it the consensus of the City Council that the requested permit:

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

Mayor Pro Tem Ferebee stated he found this to be true and made a motion, seconded by Councilwoman Scarbrough and unanimously approved that based on the public hearing testimony and the foregoing staff report dated September 27, 2018, it is the consensus of the City Council that the requested permit will not materially endanger the public health or safety.

Is it the consensus of the City Council that the requested permit:

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

Councilman Smith stated he found this to be true and made a motion, seconded by Mayor Pro Tem Ferebee and unanimously approved that based on the public hearing testimony and the foregoing staff report dated September 27, 2018, it is the consensus of the City Council that the requested permit will not substantially injure the value of adjoining or abutting property.

Is it the consensus of the City Council that the requested permit:

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

Mayor Pro Tem Ferebee stated he found this to be true and made a motion, seconded by Councilman Bobbitt and unanimously approved that based on the public hearing testimony and the foregoing staff report dated September 27, 2018, it is the consensus of the City Council that the requested permit will be in harmony with the area in which it is to be located.

Is it the consensus of the City Council that the requested permit:

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

Mayor Pro Tem Ferebee stated he found this to be true and made a motion, seconded by Councilwoman Scarbrough and unanimously approved that based on the public hearing testimony and the foregoing staff report dated September 27, 2018, it is the consensus of the City Council that the requested permit will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

SECTION IV FINAL DECISION

Mayor Pro Tem Ferebee stated with all questions being true, he made a motion, seconded by Councilman Bobbitt and unanimously approved that based on the public hearing testimony and the foregoing staff report dated September 27, 2018 that the requested Conditional Use Permit be granted to Timothy Kirby (Property Owner) for an accessory dwelling located at 56 Strauther Drive with the conditions set forth by the Land Use Ordinance.

Conditional Use Permit Request for a Church Use at 839 Jackson Street

Planning and Development Director Lasky presented the following Conditional Use Permit Application and Staff Report:

Conditional Use Permit Request

A Conditional Use Permit (CUP) request from Beulah and William H. Deloatch (applicants) to establish a church at 839 Jackson Street (Halifax County Parcel 0900064). Parcel size is 0.39± acre, located in a B-2, Commercial District. Churches are authorized in B-2, Districts with the granting of conditional use permits by City Council after a quasi-judicial hearing. Quasi-judicial hearings are evidentiary hearings.

EXECUTIVE SUMMARY

Establishment of a church is permitted in a B-2, Commercial District, with approval of a Conditional Use Permit from City Council. As such, the applicants are seeking CUP approval for use of the property as a church in the building formerly occupied as Massey Funeral Home, at the northwest corner of Jackson and 9th Streets. This property is 16,800± square feet in size with a 9,981 square foot building and an asphalt parking area of 5,100 sq. ft. This parking area has 28 marked parking spaces. The building fronts on Jackson Street with a setback of nearly 20 feet from a sidewalk, within which there is a grass yard and a small amount of landscaped shrubbery. The south facing building wall along 9th Street is largely an unbroken brick wall adjacent to a sidewalk. Three trees located between that sidewalk and the street curb soften the wall's appearance. At the back corner of this building, facing 9th Street, are garage doors for access to an interior parking area for possibly four vehicles. Next to the garage doors is a regular door for ingress/egress. The rear of this building is adjacent to an alley that provides vehicular access to the parking lot on the north side of the building.

The Land Use Ordinance (LUO) states that the B-2 district is designed, "to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot width requirements that are more restrictive than those applicable to the B-1 zone. The B-2 zone thus may provide a transition

in some areas between a B-1 zone and a residential zone or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the city (as opposed to a regional shopping center).”

The Land Use Ordinance does not provide a definition of churches or religious uses except as catalogued within Section 151-149, Table of Permissible Uses, under category 5.000, Educational, Cultural, Religious, Philanthropic, Social & Fraternal Uses. Religious uses are listed as use category 5.200, “Churches, synagogues and temples – including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings.” This table provides that such uses are permitted by right in the B-3 and B-4 commercial districts, and with Conditional Permit approval in all residential districts and in B-2 commercial districts. Many uses requiring Conditional Permits are provided restrictions for such approvals under LUO Article XI; Supplementary Use Regulations, however, this Article does not list or provide restrictions for religious uses.

The only other regulatory guideline on religious uses is provided under parking requirements in Article XVII. Section 151-291(e) Table of Parking Requirements. Use 5.200, “1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross area designed to be used neither for services nor residential purposes.”

Applicant’s Request

The Deloatch’s, beginning about 2011, where offering religious services in a Roanoke Rapids building that was deteriorating, and from which they had to abandon use of that building after several years. Since that time they have offered a religious service at their home, but now seek to expand their ministry beyond that of operating out of their home. They believe that the former funeral home building provides them with a great opportunity and seek to purchase the property.

The Deloatch’s propose to provide Sunday morning service and Sunday School. They also seek to have activity two nights a week, possibly Tuesdays and Fridays.

SUBJECT PARCEL VICINITY MAP (Aerial Photo)



The subject property is currently zoned B-2, Commercial District, which is designed to accommodate commercial development on a scale less intensive than that permitted in a B-1 district. Section 151-181 establishes lot minimum widths of 70 feet, but with no minimum lot size. See zoning map excerpt.



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

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

The requested permit is within Roanoke Rapids Incorporated Limits. Religious uses are authorized in a B-2, Commercial District, with a Conditional Use Permit. The request is to operate a church, which is provided a use classification as 5.200 per LUO Section 151-149, Table of Permissible Uses.

2. The application is complete; or

The application is complete.

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

The development will comply with all of the requirements of the Land Use Ordinance if completed as proposed in the application, with the possible exception of that for on-site parking.

The following seven (7) items were considered and evaluated as follows:

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

Staff finds this to be true. This site has frontage on Jackson Street, an improved City street, along with frontage along an alley that is located at the opposite end of the parking lot from the Jackson Street entrance, that provides for good vehicular traffic flow through a parking lot. There are also sidewalks along both Jackson and 9th Streets for pedestrian use, along with street curb and guttering.

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

Staff finds limited potential for negative impact on neighboring properties. The proposed use of the property is unlikely to cause any traffic generation issues, street capacity is adequate. However, required parking of vehicles may not be accommodated on the existing on-site parking area should church attendance substantially expand. The existing parking may not meet the minimum requirements for a building of such size.

- 3: refuse disposal effect on adjacent property with similar uses permitted in that zoning district; and,

Staff finds no likely negative effect should occupants utilize common practices in refuse disposal. The City provides refuse collection, and the City of Roanoke Rapids regulations shall apply.

- 4: utilities are available; and,

Staff believes this is probably true, with connections and extensions coordinated with appropriate entities.

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

Staff finds screening to be adequate for residential development. This parcel of land is zoned B-2 commercial, and based on its construction blends in with adjoining properties and requires no additional screening or buffering.

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

Staff believes that exterior lighting is to be the norm for a similar property.

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

Staff believes this is probably true. This lot is currently developed and landscaped.

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

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

(a) provide no material endangerment to the public health or safety; or

Staff believes this is probably true. The applicant shall be required to comply with all applicable federal, state and local codes and ordinances. An assessment of the previously referenced seven items used to evaluate areas of concern indicate no specific endangerment to the public health or safety.

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

Staff believes this is probably true. Staff finds no specific reasons for potential negative effects on the value of adjoining or abutting property.

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

Staff believes this is probably true. The proposed use will be residential in nature and in character with the existing surrounding residential land uses.

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

Staff finds this to be true. The plans as submitted will agree with the policies of the Comprehensive Development Plan, Thoroughfare Plan as well as the Land Use Ordinance and other officially adopted plans of the City. The Comprehensive Plan Future Land Use map designates this area as suitable for medium density residential. The property is located within existing City Limits and the staff believes it is in conformity with the following Comprehensive Development Plan policies:

Section 6. Future Land Use

Mixed Use II Land Use

"The Mixed Use II land use category will allow a mixture of the following zoning districts: B-2, B-3, B-4, B-5, O&I*, PUD, R-12, R-8, R-6, and R-3 (without manufacturing home parks), and I-1. This category will allow a

mixture of uses which may have an impact on or produce some conflict with adjacent lower density districts. Buffering or separation should be encouraged; transportation impact should be a consideration. This land use serves an area extending beyond the immediate vicinity of the mixed use. Both vertical and horizontal mixed use will be permitted; however, vertical mixed use is preferred. Office and Institutional usage is recommended as a buffer/transition between lower and higher density land uses. The Mixed Use II category should generate higher traffic volumes than the Mixed Use I category.”

THE APPLICANT HAS ADDRESSED THE REQUISITE QUESTIONS, WHICH MUST BE ANSWERED BY THE CITY COUNCIL IN HIS APPLICATION. IT IS YOUR OBLIGATION TO ENSURE EACH HAS BEEN ADEQUATELY ADDRESSED AFTER HEARING ALL PARTIES PRIOR TO RENDERING YOUR FINAL DECISION.

Planning & Development Staff Review

After a complete review of the information submitted by the applicant, it is the Staff’s opinion the request satisfactorily meets the requirements of Sections 151 - 49 and 151- 94 of the Land Use Ordinance. Staff recommends a condition of approval relative to the parking spaces on-site.

Property owners within 100 feet of the subject property were notified of this public hearing by first class mail, sent September 10, 2018. This meeting was advertised in the Daily Herald on September 16 and September 30, 2018.

Roanoke Rapids Area Planning Board Review & Recommendation

The Planning Board reviewed the request on Thursday, September 20, 2018 and its recommendation will be presented during the scheduled October 2, 2018 Regular City Council meeting.

Planning & Development Director Lasky stated the department received several telephone calls, but they were more or less inquiries. Anyone who did inquire were encouraged to attend the public hearing. She said the department did receive one letter from Rosemary United Methodist Church.

She reported during the Planning Board meeting there was extensive discussion on parking. In regards to parking, churches in the land use code are required to have one parking space for every four seats in the sanctuary. Based on the existing sanctuary seating, the property currently has twenty-eight (28) off-street parking spaces available for a church and could have more if they include the parking spaces through the garage bays. They could have up to thirty-two (32) parking spaces on site right now. Staff has discussed with the applicant the potential to reconfigure or restripe the existing lot and believes they could accommodate up to thirty-seven (37) parking spaces. The applicant has been amicable to doing so, if needed. She said she understands the church is a growing church and right now they do not anticipate maxing out the parking as it is, but this is something staff reviews as part of the application process.

Planning & Development Director Lasky distributed the letter from Rosemary United Methodist Church and stated in accordance with quasi-judicial hearing

rules of procedure, she did encourage them to attend and present the letter themselves; she cannot answer any questions regarding their intent of the letter. In the letter it says they do not have any issue to the church locating at the former funeral home. They do state in the letter they were not willing to share their parking lot that is located on the other side of Jackson Street due to the conflicting uses at the same time. When a land use does not have exactly the number of parking spaces that are required, an option in the ordinance is to have a written agreement with a neighboring property for additional spaces. At this time, there is no agreement in place. Staff does feel there are probably ten (10) spaces that are short of the required parking, however, there is on-street parking available that is used by the general public and persons attending the surrounding churches. The City as far as zoning is not going to regulate parking on private property, meaning if you park in one lot and which church you go to as a result of that, is a private issue.

She said the Planning Board held a thorough discussion and debate trying to decide and come up with some consensus on approval subject to limiting the occupancy to the building to whatever off-street parking requirements they had available. One of her concerns with that was that it does not take into consideration as far as the occupancy being the number of persons allowed in the building at one time, it doesn't take into consideration any pedestrian attendees that would not require a car and it was going opposite of what the parking requirements are. She was more in favor of limiting the number of seats in the sanctuary to the number of off-street parking spaces. That could include the removal of a few of the pews within the chapel that currently exists.

Planning & Development Director stated typically the required number of parking spaces could affect the decision of a project, however with the twenty-eight (28) or up to thirty-two (32) parking spaces there now and plus the reconfiguration that could result in the addition of six (6) more spaces on the site, she wanted to mention the Congressional Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) treats churches as somewhat of a protected class to prevent discrimination. It is unlawful to treat one religious land use on a less than equal terms with another one. It protects minority religions and ensures they receive treatment that is equal to those that are of major religions. Some of the concerns for not having quite enough parking spaces, we consider a minor concern but as the church grows it could potentially constrain the growth of the church. However, with the RLUIPA they do believe this parking issue cannot be a pretext for any religious discrimination for the land use because they have met all other aspects of the ordinance. As part of the RLUIPA the City cannot impose a substantial burden on the religious assembly. She wanted to make mention of this for the record and for their consideration. Staff has reviewed this and feels the parking on the site or

that could potentially be on site is adequate and to move forward with caution in denying a request based on a lack of approximately ten (10) parking spaces. Should Council decide to approve the permit, the condition she recommended would be to have the seats in the sanctuary be in conformance to the amount of off-street parking that was available.

She said the Planning Board did make the recommendation concerning limiting seating based on parking and that did pass with a 5-0 vote to recommend approval of the permit.

Mayor Pro Tem Ferebee asked if the use was for a church only, not a funeral home and church. Planning & Development Director Lasky replied it was for a church only. He asked what the capacity of the church was. She said based on the pew seating, they determined an occupancy load of 130 people is what the parking lot could accommodate in seating. The capacity of the church now is about 200. He asked if this was discussed as a possibility with the Planning Board and if the applicants were willing. She replied yes, the applicant is present and she deferred them to address that question rather than she speaking for them. The Planning Board after extensive discussion on the parking issue recommended the condition to limit the occupancy based upon the available off-street parking spaces.

Mayor Doughtie asked Planning & Development Director Lasky to explain her answer to Mayor Pro Tem Ferebee's question about the occupancy of 130 people and what was she referring to about the 200. She explained the 200 was approximately the capacity of the sanctuary based upon the current seating. The ordinance does not prescribe occupancy or number of persons permissible within the building, that was based upon the fire code. They are going outside of what the land use ordinance would prescribe, but they can recommend the one space per approximately every four seats. If they limit the seating inside, it would address the off-street parking that is required. That was a recommendation of the Planning Board and they felt confident moving forward that the concern was addressed and the permit be approved.

Councilwoman Scarbrough stated currently the seating will accommodate about 200 people. Planning & Development Director Lasky replied that was correct. She explained that if you count the number of seats available it does not match the calculated off-street parking that was available. That is why the funeral home previously had a written agreement with the Methodist church for use of the parking lot for overflow parking. Councilwoman Scarbrough asked how many members did this church have currently. She replied she did not have that in writing from the applicant and she would allow the applicant to answer that question, but she understands it is a relatively small congregation and as with all

churches, they are always welcoming new members. Councilwoman Scarbrough asked if anyone had contacted Rosemary Baptist Church about the parking lot across the street from their church which is one block up from this site. Planning & Development Director Lasky said she had not had any personal contact and they have not reached out to her. Many of the churches in this area do not have all the required parking spaces which is why she bought up the RLUIPA. Councilwoman Scarbrough asked where their church was now. She replied they were operating out of a residential home, but would allow them to answer that question.

Councilwoman Cowen stated she did not quite understand all this because Rosemary Methodist Church owns that parking lot. They bought that and built the buildings. As long as the funeral home was there, they did not object to people at night. They use this parking lot for their congregation. Planning & Development Director Lasky said there was no request for that and they are not saying they were going to use those parking spaces. The letter from Rosemary United Methodist Church says they were not willing to give additional spaces for use by the requested church. The Methodist church parking lot remains the Methodist church parking lot for their use.

Councilman Smith stated he had concerns over the safety of this. He noticed that staff said there would not be any problem with safety. When he received his agenda book on Friday, he went by there on Sunday before he went to church to find out how much traffic comes up and down where the churches were. He asked if any staff had gone on Sunday and looked to see what kind of problems they have there. Planning & Development Director Lasky replied she had gone and looked up and down 9th Street and Jackson Street. She found cars will park and will remain parked for an hour up to two or three hours at a time depending on their arrival time for Sunday school or worship service. Once the services were over, vehicles leave and the areas remain relatively unencumbered of parking. That is evident at Jackson and 9th Street and Jackson and 7th Street. Councilman Smith stated that was going to create a problem there because all these churches are going to want to come in at one time. He sat there when people were going to church for the main purpose to see how many people stopped on Jackson Street to let people out to go into church. Traffic stops on Jackson Street for people to get out because people want to get as close to church as they can get and he was the same way because he did not want to walk. This may end up creating a problem for the Police Department and for the City. He stated they did not have anything to do with the private parking lots, but they did have something to do with the streets. There would be four churches where everybody would be trying to park on one of these streets at all times; even on Roanoke Avenue for the Christian church where people cross the street. He said he had a lot of concerns about it being a safety issue. He did not know how they were going to park in 9th Street because there was a church

right down from there. It would have to be first come first serve and you know what happens then. Planning & Development Director Lasky stated public parking is first come, first serve which is why their evaluation does not include the street parking as part of their analysis for the required parking spaces. Councilman Smith added it was going to end up requiring either the Methodist church or somebody to ask the City to have an officer there to direct traffic to keep somebody from getting hurt. Planning & Development Director Lasky said if it becomes problematic and becomes the opinion of the Police Department that an issue exists, then that is one alternative as far a mediation of a potential problem. She stated they were talking about primarily one day a week in the morning hours. Councilman Smith said that one day a week would be from 9 a.m. – 12 p.m. when there would be a problem.

Mayor Pro Tem Ferebee asked for clarification. He stated the building has its own parking so they were not talking about the street parking at this point, but rather if the church grows to a certain level; but right now the building has its own parking to accommodate 128-130 people and had a capacity of 200. He understood there was a condition that could limit the number of seats to parking it already has. Planning & Development Director Lasky replied that was correct.

Councilman Smith stated he knew parking was a big issue for everybody when it comes to church. If somebody does park in the Methodist church, it's a private issue. He asked what was the City going to get into then – that crosses his mind. Planning & Development Director Lasky stated that was a private parking matter. He added then somebody from the church would contact the Police Chief and expect the City to take care of it. She stated that could happen and the church has been made aware of it. He asked if there were going to be new driveways. She replied there were no new driveways, they would be using existing driveways. He also asked about the proposed church changing the parking. She said they could change the configuration potentially if they restripe the spaces on a diagonal; they could increase their capacity by 5-7 vehicles. He asked if the City had regulations on the specific dimensions the stripes have to be. She replied yes they did. He asked if there was a requirement on the number of handicap parking spaces. She said that was a building code issue and for every twenty-five (25) spaces there requires one (1) handicap parking space so for this site they would require two (2) handicap parking spaces that were van accessible.

Mayor Pro Tem Ferebee asked if those spaces were already there from the previous use. Planning & Development Director Lasky replied yes.

Councilman Smith stated he had a feeling that if City Council issues a Conditional Use permit and when the church grows to over the capacity, it was going to be back before the City Council to do away with the permit and they would have a lot of

conflict. He was afraid that may happen, it may not happen but these were things he had seen happen over the years. This Council needs to look from three years down the road to five years down the road. It may not be this Council sitting here, it may be another Council because the Conditional Use permit can be taken away at any time. Planning & Development Director Lasky said Conditional Use permits run with the land and any violations of the approval of it could be subject to fines, penalties and enforcement action that could include bringing it back to Council for revocation of the permit as well as judicial action beyond that.

Mayor Pro Tem Ferebee stated the church has its own parking and there was a condition he saw earlier that the seats could be limited to the capacity of church. He would like to hear from the petitioners on whether that would happen or not. Planning & Development Director said that would be appropriate at this time to open the public hearing and receive comments from the applicant.

Mayor Doughtie opened the public hearing.

He called upon William and Beulah Deloatch, both having been duly sworn by City Clerk Storey. Mr. Deloatch stated there had been a lot of discussion about parking spots with Rosemary United Methodist Church. He said they were not requesting to use their parking lot. At this time they were nowhere near capacity for the church or the parking lot. He said they were open to any stipulation the City Council puts on them and open to removing any seats. They were a very small congregation right now and they were also going to monitor their parking to make sure no one goes over to the Methodist or Baptist church. At this time, they do not even need the street parking. He said in reference to the safety issue, they live on Rapid Street not far from the property, and they have driven in the area on a Sunday morning and he did not feel there was any more traffic going through there than at Walmart on any day of the week. He did not see a safety issue there so he did not feel there would be a safety issue in that area with people going to church. They want to be a blessing to the community and a great asset. He said you have people going to this church and that church and you have people in a community not going to any church so they may be the ones who want to come to their church. He said as people and Christians, they should afford these people the opportunity to do this and that was all they were trying to do. They were trying to do what God had called them to do. They were not trying to make a big stink with any church or get in any big argument with a church. If there was a problem, he feels as churches they could come together and discuss these things. He wanted to let them know right now that they have no intentions of asking Rosemary United Methodist Church to use their parking lot nor do they have any desire to go to the Baptist church or desire to hog the parking spots on the street; they just want to be a good neighbor and serve the Lord to the best of their ability.

Mayor Pro Tem Ferebee stated he feels that will be so and asked Mr. Deloatch if they were willing to remove the seating to mirror the available parking spaces they currently have. Mr. and Mrs. Deloatch both answered yes.

Councilman Smith stated he did not have an issue with other churches coming in; it was not a church issue. He feels it is a safety issue.

Councilwoman Scarbrough asked when the building was a funeral home, did they not have to meet the same parking requirements. Planning & Development Director Lasky replied they were grandfathered. They had an agreement for overflow parking.

Mayor Pro Tem Ferebee asked if there was an inspection to look at the sanctuary once the seats were removed to see if they were in compliance. Planning & Development Lasky replied yes she would conduct that type of inspection and then the Fire Marshal's conduct business inspections on a routine basis to ensure compliance. She feels at any time they wanted to go in and verify that they would be welcomed to do so.

Councilman Smith asked if they were using the building now. Mr. Deloatch replied no. Mayor Doughtie said the information in their packets states they were using their home. Mr. and Mrs. Deloatch said that was correct.

Mayor Doughtie said the information states they were in a building at one time and asked where that building was located. Mrs. Deloatch replied it was located in Weldon at one time and the reason they were not in the building was they were leasing the building and it was deteriorating. They went from there to their home. Mayor Doughtie said moving from their home to a pretty substantial building to maintain was a pretty big undertaking. Mrs. Deloatch stated they have been an established church since 2010-2011 and they were aware of finances and maintained their finances in the previous building they were in with no problem. They maintained their bills and kept everything running like it was supposed to be. Also, in reference to being a church coming out of their home, they were not just beginning and coming out of their home, they have been a church since 2010-2011. Mr. Deloatch added that they had studied this, the cost of everything and they were equipped to handle this.

Councilman Bobbitt asked how many pews would need to be taken out for parking. Planning & Development Director Lasky said moving forward, as part of permitting the actual occupancy, they would look at the pew space and determine how many would need to be taken out in order to meet the parking space requirements that are currently available to the applicant on their own property. He said that could get into a lot of expense with tearing out and moving walls. She stated they were

not talking about putting up walls, they were just talking about taking out some of the benches.

Attorney Chichester stated there may be some confusion. He said what Planning & Development Director Lasky was talking about was not taking out pews to create more parking space but rather removing pews to limit the number of people that would actually be occupants of the building to make it consistent with the available parking space.

Councilman Bobbitt stated it was confusing. Planning & Development Director Lasky said it was because they usually look at it from the other side. They look at it and say they have this many pews so they need this many parking spaces. Right now they were effectively trying to reduce what is existing to achieve compliance.

With no one else wishing to speak, Mayor Doughtie declared the public hearing closed.

Mayor Doughtie stated as in the previous public hearing, Council is asked to refer to the following Evaluation Work Sheet and each question will need to be answered and a motion made and vote taken.

City Council Quasi-Judicial Forum and Conditional Use Permit Evaluation Work Sheet

SECTION I:

1. The requested permit is within its jurisdiction according to the table of permissible uses; or
2. The application is complete; or
3. Churches are a use subject to Conditions in the Land Use Ordinance; or

SECTION II. *The following items are to be considered per Section 151-94(d)(5):*

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood.

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
5. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to all the applicable regulation of the district in which it is located.
8. Public access shall be provided in accordance with the recommendations of the city's land use plan and access plan or the present amount of public access and public parking as exists within the city now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
9. The proposed use shall be consistent with recommendation and policy statement as described in the adopted land use plan.

SECTION III. *Please refer to the Public Hearing Testimony, Staff Report and items 1-9 of Section II on previous pages when evaluating the following motions.*

Mayor Doughtie asked Council to answer the following questions and make a motion accordingly:

Is it the consensus of the City Council that the requested permit:

a) Will not materially endanger the public health or safety; or

Mayor Pro Tem Ferebee stated he found this to be true and made a motion that based on the public hearing testimony and the foregoing staff report dated September 27, 2018, the requested permit will not materially endanger the public health or safety. Mayor Doughtie called for a second.

Attorney Chichester explained to City Council that they have the staff report which stated there would not be a safety issue and there was no testimony offered concerning a safety issue on this matter. He said when a motion is made, there

needs to be a second to it so that motion can be addressed, even if the person making the second does not vote for it in order to move the process through to the final conclusion.

Councilman Bobbitt seconded the motion. Council unanimously approved the motion.

Is it the consensus of the City Council that the requested permit:

b) Will not substantially injure the value of adjoining or abutting property; or

Councilwoman Scarbrough stated she found this to be true and made a motion, seconded by Mayor Pro Tem Ferebee and unanimously approved that based on the public hearing testimony and the foregoing staff report dated September 27, 2018, it is the consensus of the City Council that the requested permit will not substantially injure the value of adjoining or abutting property.

Is it the consensus of the City Council that the requested permit:

c) Will be in harmony with the area in which it is to be located; or

Mayor Pro Tem Ferebee stated he found this to be true and made a motion, seconded by Councilwoman Scarbrough and unanimously approved that based on the public hearing testimony and the foregoing staff report dated September 27, 2018, it is the consensus of the City Council that the requested permit will be in harmony with the area in which it is to be located.

Is it the consensus of the City Council that the requested permit:

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

Mayor Pro Tem Ferebee stated he found this to be true and made a motion, seconded by Councilwoman Scarbrough and unanimously approved that based on the public hearing testimony and the foregoing staff report dated September 27, 2018, it is the consensus of the City Council that the requested permit will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

SECTION IV FINAL DECISION – All motions above must be found TRUE to approve the requested permit.

Mayor Pro Tem Ferebee stated he found this to be true and made a motion, seconded by Councilwoman Scarbrough that based on the public hearing testimony and the foregoing staff report dated September 27, 2018 it is the

consensus of the City Council that the requested Conditional Use Permit be granted to Beulah and William H. Deloatch (Applicants) for a church located at 839 Jackson Street with the conditions set forth by the Land Use Ordinance and limiting occupancy based on the availability of off-street parking. Mayor Pro Tem Ferebee, Councilwoman Scarbrough, Councilman Bobbitt, Councilwoman Cowen voted in favor of the motion; Councilman Smith voted against. Motion carried with a 4-1 vote. The Conditional Use Permit was granted with the aforesaid condition.

CDBG Neighborhood Revitalization Program

Planning & Development Director Lasky reported the Community Development Block Grant (CDBG) has \$750,000 in grant funds available for Neighborhood Revitalization. The City is proposing to resubmit an application for the grant in the amount of \$650,000 that is similar to a project that was applied for back in 2012 but was not funded in the Rosemary Mill Village neighborhood. This piggy backs onto a previous CDBG project in the Henry Street program area several years ago. There is no matching funds requirement and the target area was the Mill Village area and part of Ledgerwood to increase the pedestrian accommodations to the Ledgerwood ball field and to some rehabilitation and possibility of some clearance of dilapidated housing. Funds could also potentially be used in acquisition of properties, rehabilitation and administration of the grant. The number of homes they would anticipate to possibly be able to rehabilitate would have to be owner occupied and meet the low to moderate income criteria. They anticipate to possibly be able to renovate four homes and look at potential clearance of dilapidated housing in the project area.

Mayor Doughtie opened the Public Hearing for comments.

Mayor Doughtie asked that for \$750,000, the City would only be able to refurbish 3-4 homes. Planning & Development Director Lasky replied that was correct because when you refurbish a home under this program, abatement of lead paint and asbestos is required and to meet the energy efficiency codes, so it is not a typical project. They were the added expenses that it involved. He asked if the funds could be used to take down houses. She replied yes. Mayor Doughtie stated if the City gets that amount of money he would like to see as big of a boost for our neighborhoods as possible. He said the Council has discussed in the past the possibility if an individual had property and were clearly not going to maintain it, and the City has to use taxpayer money to take it down, it may benefit that person to donate the property to a charity and the City may get it to take it down. This way someone would not move back into the dwelling with lead based paint and asbestos and something new could be built. They have seen in the last 30-40 years, when

you just cover up something that is not structurally sound, in a few years you end up where you started. Planning & Development Director Lasky said that was exactly right and that is what this program accomplishes. Because remediation of lead based paint and asbestos for most of the homeowners, especially those in the low to moderate income neighborhoods cannot afford to do those types of renovations, which is the purpose of this program. It increases pride and homeownership and usually results in a neighborhood effect that when one home is renovated, then others want to do the same.

Councilman Smith asked Attorney Chichester that if property was given to a non-profit organization, could they in turn give it to the City without the City actually paying anything for it. He replied real estate can be donated to the City if they wanted to accept it.

Planning & Development Director Lasky stated consistent with other programs similar to this one, the City has had written agreements with the Housing Authority to be responsible for the potential sale, tenants or people that may be interested in purchasing homes; that is how the City has accomplished this before by meeting residents with their housing needs.

Councilman Smith asked if this money has to go through the Housing Authority. Planning & Development Director Lasky replied no, it is through the City but the City is not in the business of providing public housing. The program itself is to create home ownership opportunities and not public housing.

With no further comments, Mayor Doughtie closed the Public Hearing.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously approved to support the CDBG grant program and seeking those funds.

City Manager's Report

City Manager Scherer reported Election Day falls on November 6th this year, which is when the first Council meeting for the month is scheduled. Since this facility is used as a voting location, he recommended to City Council the meeting be rescheduled to Wednesday, November 7, 2018.

He said he attended the monthly county Economic Development Council meeting last week. Highlights from the meeting include: Flambeau building is in the process

of being sold soon and the buyer should hire up to 50 people at a respectable salary; the Department of Commerce Secretary was here recently for a tour of the county; Ms. Cathy Scott continues to work with NCDEQ to get WestPoint Stevens/Sonrise mill site designated as "Ready for Reuse" and has coordinated with an environmental engineering firm to conduct EPA required vapor extrusion survey; as of July, county unemployment rate is 6.6%; more information coming this month on how to market our one Opportunity Zone designated area within the city.

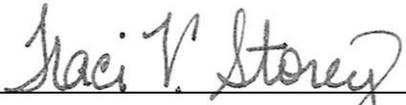
He stated his report outlined the activities from all the departments and highlighted some of the upcoming holiday events. The Parks & Recreation Department will be hosting a Haunted Canal Trail Walk on October 27th only. They will hold the Trunk or Treat on October 31st on Doyle Field as well as other activities at TJ Davis and Chaloner Recreation Center. He noted this will be the last event conducted at Chaloner; they intend to close the park shortly thereafter to begin the renovations which include demolition of the pool and installation of the new splash pad. The Christmas Tree Lighting will be held November 29th and the Christmas Parade will December 2nd.

He announced this month is Fire Prevention Month. The Fire Department has scheduled activities with all the local schools and businesses almost every day this month. Today they visited a preschool class along with visits to Belmont and Manning.

He recognized Christina Caudle in her efforts of collecting supplies and donations for the Disaster Relief for the Hurricane Florence victims. Her husband delivered all the donations to New Bern and Morehead City last week, but they are still collecting items. Right now New Bern is reporting over \$30M in commercial damage and Morehead City is reporting that 80% of commercial properties in their downtown were a total loss.

<p style="text-align: center;">Other Business</p>
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There being no further business, motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adjourn. The meeting adjourned at 7:10 p.m.



Traci V. Storey, City Clerk

Approved by Council Action on: October 16, 2018