



# 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 2, 2019 at 5:15 p.m.** in the First Floor Conference Room of the J. Reuben Daniel City Hall and Police Station.

**Present:** Emery G. Doughtie, Mayor  
 Carl Ferebee, Mayor Pro Tem  
 Ernest C. Bobbitt)  
 Suetta S. Scarbrough)  
 Wayne Smith)

## **Council Members**

Joseph Scherer, MPA, MS, City Manager  
 Gilbert Chichester, City Attorney  
 Kathy Kearney, Deputy City Clerk/Human Resources Manager  
 Leigh Etheridge, Finance Director  
 Bobby Martin, Interim Police Chief  
 Kelly Lasky, Planning & Development Director  
 John Simeon, Parks & Recreation Director  
 Doug Love, Assistant Public Works Director  
 Jason Patrick, Fire Chief  
 Christina Caudle, Main Street Director

**Absent:** Traci Storey, City Clerk  
 Larry Chalker, Public Works 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, a motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda with the addition of Item 5 c) – City Manager Business.

**Public Comment (Unscheduled)**

**Terry Buffaloe**

Mr. Buffaloe stated he wanted to speak about an issue he has been confronted with since April. It has to do with REAL ID, the federal mandate and how the information is being disseminated on the state level and here at our own DMV. He has gone down there and has been given the run around. He finally got the REAL ID about three weeks ago and it took him more than 60 days to get everything that they claim to need to get it done. He felt the bias immediately. According to the state information, they were supposed to ask if you want REAL ID. Nobody asked him that and when he found out he had a license that said not for federal identification, he went back down there to have it fixed. They told him he had to bring this, that and the other which they were supposed to have told him the first time. He said they told him they did ask him if he wanted REAL ID and that he replied he did not want REAL ID which was like asking if he wanted real money or fake money. That was how illogical that was to ask him that. He asked a number of other people he knew if they had one and they pulled out their licenses and they did not realize it said not for federal identification on it. The ramifications of that go a whole lot deeper than just a matter of what you show as ID to get in airports and federal office buildings. And then they want to put the question of citizenship on the census and they are arguing that in court, the Senate and Congress. Those things can trample on the rights of people who don't get it or understand. The people that are administering it are not doing it the way the book says they are supposed to do it. They are supposed to ask if you want REAL ID. He has asked both black and white people and white people have had different treatment. After a person went there to get a license changed from Pennsylvania to North Carolina and she said she did not have her birth certificate or passport, they said that was okay, all they needed was her license. But a black person has to have a certified birth certificate or a passport, social security card, every number and your addresses have to match. But when the white woman went in there they said for her to just give them a piece of mail with her address on it and Pennsylvania driver's license and that's all she needed. These things also impact voter suppression and hooks into the republican mandate of excluding as many people as they can from the roles of citizens of the United States. He stated he knows we are just a small town here in North Carolina, but he wanted to make this public because this is happening out there on Hwy. 125. Mr. Harrison is the main culprit and all ten people he talked to said he was the one who wouldn't ask those questions, but if you're a white person you don't need it.

Councilwoman Scarbrough stated they asked her every one of those questions when she went to get her REAL ID and she had to have her birth certificate. Mr. Buffaloe said she was the first. Councilman Smith added they asked him too.

## Approval of Council Minutes

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to approve the June 18, 2019 Regular City Council Meeting minutes as drafted.

## Public Hearings

### **CDBG Neighborhood Revitalization Program Public Hearing (Second Hearing)**

Mayor Doughtie declared the public hearing open and called upon Planning & Development Director Lasky to present.

Planning & Development Director Lasky stated this was the second of the two required meetings for a CDBG application for the Neighborhood Revitalization Program. The application is due July 16<sup>th</sup> in Raleigh. She has prepared a resolution that would set forth the budget that is provided in guidance from the State. The funds are for housing rehabilitation which would be homes needing improvements to them. They would have to be individuals that own their homes and meet certain income thresholds in order to qualify for that. In other grant opportunities before where they had the exact addresses and homes of people participating, this grant program is a little bit different this year. They do not have to set forth the exact houses right now but if the City is awarded the grant monies, a housing selection committee will be established. It would be more of a scattered site program that Halifax County is typically eligible to apply for. She stated they feel this is beneficial because it would be open to anyone within the city. There is approximately \$550,000 set aside for that housing rehabilitation program. 100% of the participants have to have low-to-moderate income based on the income levels of their household. A public facilities portion is permissible as part of the funding allocation. A proposed \$125,000 would be set aside for public facility improvements. She and Parks & Recreation Director Simeon have discussed the possibility of a bath house at the Chaloner Recreation Center to compliment the splash pad and playground. It would also include improvements of the pedestrian accessibility to Chaloner from the surrounding area specifically off of Virginia Avenue from Hwy. 158 creating safer ways for people to get to the park. There are other areas around town to improve access from low-to-moderate income neighborhoods to public facilities making those transportation options safer and in the public's interest.

She said program administration funds would be set aside for the grant administration to fund the consulting activities, reviewing contracts, supervision, housing inspections and so forth. The requested amount for the grant will be

\$750,000 which is the maximum the City can ask for in the application. The City will not have to put forth any matching funds or contributions.

Planning & Development Director Lasky stated after Council asks any questions they may have and receives comments from the public, she would request the public hearing be closed and a motion be made to adopt Resolution 2019.06 which states the City's desire to submit the application to the State for funding and that the Council supports the application.

Mayor Pro Tem Ferebee asked Planning & Development Director Lasky if she felt the City would meet the application deadline of July 16<sup>th</sup>. She replied yes she did. He asked the likelihood of receiving the grant. She said it was hard to tell but the program is in its second round of funding. There have been several municipalities that have been awarded funds and there is no reason why the City would not be considered. She added the City has had a good track record with CDBG grants and their capacity has improved in the management of those grants so she feels confident they will have strong, competitive application.

Mayor Pro Tem Ferebee confirmed the \$550,000 would be used directly for the rehabilitation of homes and asked if the selection committee had been formed yet and how would it be formed. Planning & Development Director Lasky replied it has not been formed yet and it would be something she would bring to Council for approval of membership. In the next few weeks, they will get a better idea on how to screen those applicants, create the bylaws and selection process. The State offers some guidance on how large to make it so it would comply with federal selection processes.

Mayor Pro Tem Ferebee asked if the housing selection committee would look at going out at this point earmarking some places or does the Planning Department have areas or places the grant funds would benefit. Planning & Development Director Lasky said the committee has not been created yet but there are some neighborhoods or areas identified that have that significant need. She reminded them it has to be an owner occupied home so it cannot be a renter occupied home. She has found a significant portion of homes in certain areas that would meet that criteria. She did not want to create any false sense with the homeowners that this was going to happen until they get further along in the process. A lot of the improvements would be new windows and doors to make the home more energy efficient. And removal of lead based paints, asbestos and things that would create a safer, healthier environment.

Councilman Smith asked if any of this money could be used to tear down some of the dilapidated houses. She replied it could if the funding was used to rebuild on

the site. In this program, you cannot demolish a home without a replacement plan. He stated the program administration funds seem like a lot to pay out and asked what benefit would come out of that. Planning & Development Director Lasky said it looks like a lot but it was going to be worth every penny. Although she can do some of the work, there is some of it that the City does not have the staff to help do and 10% of the grant amount is what the State allocates for it. It includes going to contractor meetings, doing bid preparations and handling contracts with the individual contractors. Typically they have had Holland Consulting Planners or other consulting firms handle some of this in the past. It helps the City have oversight and assistance in the grant administration and following the federal guidelines. City Manager Scherer stated years after the grant is completed it can be eligible for audit as well. She agreed, probably for at least eight years. It is worth it in the long run plus it could also be used toward salaries for staff time such as in grant preparation. She has put in over 40 hours in this application already so she could use that staff time towards reimbursement if the grant was funded.

Councilman Smith asked if she knew how much the consultant's fee would be. She replied she did know exactly but it would not exceed the amount of \$75,000. Funds would be used for their staff time including inspections. They must have a housing inspector that is certified by the State to conduct the walk through of the owner occupied homes. And this was for a period of 36 months so it is spread out over time.

Mayor Pro Tem Ferebee asked if the City was awarded the grant what was the time frame they would receive the funds. Planning & Development Director Lasky replied she believed they would hear a response by September or October.

Mayor Doughtie asked if the City was approved for the grant, would they have the opportunity to sit down with somebody from the organization that would be awarding the money and ask them some questions. She said yes. He stated they may have questions such as if a homeowner sells the homes before the required time limit, would the City or the homeowner be required to pay the money back. He said he had questions about if they demolished a home such as one of the mill houses whether the same style house would have to be built in its place or would they be allowed to offer a more modern or more useable housing than was there now. Planning & Development Director Lasky said it depends on the location because as in the Henry Street program, it is in the historic district and any time you use federal funds it has to go through the environmental process and be reviewed by the State Preservation Office as well as on the national level. But the City does have houses in need of repair outside of the historic district. For example, the Vine Street CDBG program from a few years before was not in the historic

district. Areas such as those would not have those specific requirements for the housing architecture.

Mayor Doughtie stated he knows the City's historic district is huge and that there has been some conversations about removing some areas from the historic district. He said he knows the City needs good, high quality housing to attract people to the community as well as better housing for those already here. He said if the City is fortunate enough to receive the money and he knows they will tell them what to do with the money, but every community's needs are different. He was wondering if there could be any negotiating with them about how to spend it. He would like the City to look at all the opportunities that may maximize the use for us. Planning & Development Director Lasky said she thinks this grant program sets itself apart from grant programs in the past where they had to define the project boundaries and only spend money in this block area. This program they can just say within the City limits then open up the application process with the committee to take applications, screen them and do the assessments to check if they meet the individual criteria and the timeframes that would be on any deed restrictions. The timeframe is dependent upon how much money is spent on each of those homes. Eight years is the maximum hold on that and two years is the shortest. She believes there are some exceptions or forgiveness options available.

Councilman Smith asked if the committee could go anywhere in the City limits to improve a house who is a homeowner. She replied that was correct as long as their income did not exceed 80% of the median income for Halifax County.

Councilman Smith asked in reference to the public facilities, has Parks & Recreation Director Simeon given a price on how much it would cost to build a bath house at Chaloner. Parks & Recreation Director Simeon replied they have talked general figures, somewhere around \$60,000 to build a changing room and restroom area. Planning & Development Director Lasky added it would have to be ADA compliant which is a need the Chaloner Recreation Center has. She said with the recreation center in the floodway, they cannot spend money on that structure due to risk of loss to that structure. Councilman Smith said as much work that is being done at Chaloner, he would like to see a bath house there. City Manager Scherer said he believed the neighborhood statistics help it qualify. Planning & Development Director Lasky replied that was correct. There were several homes in the neighborhood that are owner occupied and would likely meet the criteria for that. This funding opportunity is quite timely as far as the need for a bath house facility. It was her first choice when reading through the grant that they could spend that type of money on a recreation facility. They have also talked about sidewalks or a multi-use path that would connect Martin Luther King Park and

Chaloner. She stated this was the overall part of it and the details will be worked out in the next week or so as the application continues to be fully developed.

Mayor Doughtie asked if there were any questions or comments from the public.

Terry Buffaloe asked about the dissemination of information to the public of who could benefit from it and how would that be done. He suggested other mediums be considered such as radio to get the information out to the people in the community.

Planning & Development Director Lasky said media was one. She has done a lot of the preliminary research with the Census data and finding those areas that are owner occupied and that meet the particular demographic. In the past they would knock on the doors and talk to the residents as well. They will go through the different media outlets as wells as by word of mouth such as going to churches.

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

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to adopt the following Resolution 2019.06 authorizing submission of an application to the NC Department of Commerce for a Community Development Block Grant Neighborhood Revitalization funding program.

**CITY OF ROANOKE RAPIDS  
RESOLUTION 2019.06**

**RESOLUTION FOR THE CITY OF ROANOKE RAPIDS APPLICATION FOR COMMUNITY  
DEVELOPMENT BLOCK GRANT FUNDING FOR THE FY19 CDBG NC NEIGHBORHOOD  
REVITALIZATION PROJECT**

**WHEREAS**, the Roanoke Rapids' Council has previously indicated its desire to assist in community development efforts for housing within the City; and,

**WHEREAS**, the City Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit housing for low- to moderate-income persons; and,

**WHEREAS**, the City Council wishes the City to pursue a formal application for Community Development Block Grant funding to benefit the sustainability and redevelopment of the city's residential neighborhoods; and the City wishes to seek all possible sources of housing and community development assistance.

**WHEREAS**, the City Council certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program,

**NOW, THEREFORE BE IT RESOLVED**, by the City of Roanoke Rapids: that the Mayor is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant to benefit low- to moderate- income persons, and (2) that the City Manager is authorized to satisfy the administrative requirements to implement the grant when approved.

Adopted this the 2<sup>nd</sup> day of July 2019 in Roanoke Rapids, North Carolina.

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Emery G. Doughtie, Mayor

ATTEST:

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Traci V. Storey, City Clerk

**Consideration of Proposed Amendments to the Roanoke Rapids Land Use Ordinance**

Mayor Doughtie declared the public hearing open and called upon Planning & Development Director Lasky to present.

Planning & Development Director Lasky stated over the last couple of years they have had certain zoning uses or requests where they have made notes. Every time they want to make a change to the developmental regulations that are contained in the Land Use Ordinance it requires review by the Planning Board as well as a public hearing and adoption by the City Council. She reviewed the following information and revisions with Council:

MEMORANDUM

To: Joseph Scherer, City Manager

From: Kelly Lasky, Planning & Development Director

Re: **Proposed Amendment to Article X Permissible Uses, Section 151-149 Table of Permitted Uses to change the permitting process from Conditional Uses to Permissible Zoning Uses, expanding uses in zoning districts; Amendment to Section 151-150(g) Accessory Uses to clarify land use numerical category; and Amendment to Article XI: Supplementary Use Regulations to delete redundancy in Section 151-171, add Section 151-176 Short-Term Rentals, and 151-177 Kennels.**

Date: June 21, 2019

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**Background and Intent**



The Table of Permissible Uses sets forth the specific land uses that are allowed in various zoning districts. All Conditional Use Permit requests are reviewed by the Planning Board and the final decision is provided by City Council after a public hearing. All Permissible Zoning Uses “P” are approved after review by City Staff and various departments. Staff believes this will streamline the permitting process to make the permitting process more business friendly.

**Summary of Text Amendments – See attached Proposed Ordinance Amendments section**

**ARTICLE X: PERMISSIBLE USES**

**Section 151-149 Table of Permissible Uses.** Based on a history of inquiries, permitting processes and several planning studies, Staff has examined uses in various zoning districts and recommends changes to the permitting classification from Conditional Uses “C” (authorized by City Council) to Permissible Zoning Uses “P” (authorized by the Land Use Administrator) for the following uses and Zoning Districts.

- a) Land Use Code 1.130 Accessory Apartment; R-40, R-20, R-12, Residential Districts;
- b) Land Use Code 1.210 Duplex/Two-Family Residence; R-8, R-6;
- c) Land Use Code 1.520 Short-Term Rentals; B-1 and B-3 Districts;
- d) Land Use Code 1.530 Hotels, motels... Conditional in B-2;
- e) Land Use Code 5.110 Elementary and secondary schools – including associated grounds and athletic and other facilities; B-3 District;
- f) Land Use Code 5.130 Colleges, universities, community colleges- associated facilities such as office buildings, athletic facilities; B-1 and B-3 District;
- g) Land Use Code 8.200 Bars; B-1;
- h) Land Use Code 10.210 Storage of Goods within completely enclosed structure, including mini-storage; B-2, B-3;
- i) Land Use Code 12.00 Kennels, permissible in R-40, B-2

**Section 151-150 Accessory Uses.** Text amendment (revisions) are proposed to clarify the proper zoning district and land use category to allow electronic gaming as an accessory use.

**ARTICLE XI: SUPPLEMENTARY USE REGULATIONS**

**Section 151-171 Electronic Gaming Operations.** Text amendment (revisions-deletions) to eliminate duplicate text.

**Section 151-176 Short-Term Rental.** New section added to define and describe short-term lodging as a business requiring a zoning permit.

**Section 151-177 Kennels and Pet Boarding Facilities.** New section added to define and regulate the use of property as a pet boarding facility. The standards for indoor kennels require structural design for acoustics, screening of outdoor run facilities between it and adjacent residential land uses, and approved waste disposal.

**Staff Recommendation**

Planning Staff recommends that the Land Use Ordinance be revised as presented.

**Planning Board Recommendation**

On Thursday, June 20, 2019 the Roanoke Rapids Area Planning Board reviewed the proposed amendments to the Land Use Ordinance and unanimously voted to forward a **favorable** recommendation to City Council for the adoption of the proposed revisions with the exception of allowing land use code 1.210 Duplexes as permissible use (remain listed as a conditional use).

**Proposed Ordinance Amendments** excerpted from Land Use Ordinance, revised as of 01-17-17

Section 151-149 Table of Permissible Uses. (Amended 7/9/2013, 1/5/2016, 3/1/2016, 1/17/17)

The following Table of Permissible Uses should be read in close conjunction with the definitions of terms set forth in Section 151-15 and the other interpretative provisions set forth in this article. See general/miscellaneous notes 151-150 to 151-158.

Uses permitted in the Entertainment Overlay District are identified in Section 151-363 and are supplemental to this section, District B-4.

	R-40	R-20	R-12	R-8	R-6	R-5	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PUD	Reference
<b>1.000 RESIDENTIAL</b>																
1.100 Single family residences																
1.110 Other than mobile homes	P	P	P	P	P	P										
1.111 2nd floor dwelling above commercial use								P								
1.120 Mobile Homes																
1.121 Class A	P					P										
1.122 Class B	P															
1.123 Class BB	P					P										
1.130 Single-family residence with accessory apartment	<del>C</del> P	<del>EP</del>	<del>EP</del>	C	C	C										
1.200 Two-family residences																
1.210 Duplex				<del>EP</del>	<del>EP</del>		P			P						
1.220 Two-family conversion					C		P			P						
1.300 Multi-family residences																
1.310 Other than mobile home parks							P	C		P						







	R-40	R-20	R-12	R-8	R-6	R-5	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PUD	Reference
6.110 Bowling alley, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses								C	C	P	P					
6.120 Movie theaters								CP			P					
6.130 Coliseums, stadiums and all other facilities listed in the classification designed to seat or accommodate simultaneously more than 1,000 people											C		C	C		
6.140 Multi-use facility providing offices, counseling related activities, and non-profit related youth and/or senior citizen activities.																
								P	C	C	P					
6.200 Activity Conducted Primarily Outside Enclosed Buildings or Structures																
6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development	C	C														151-167
6.220 Publicly -owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	P	P	P	P	P	P	P	P	P	P	P	P	P	P		151-167
6.230 Golf driving ranges not accessory to golf courses, miniature golf skateboard parks, water slides and similar uses	C	C									C					
6.240 Horseback riding stables -not constructed pursuant to a permit authorizing residential development	C	C														
6.250 Automobile and motorcycle														C		

	R-40	R-20	R-12	R-8	R-6	R-5	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PUD	Reference
racing tracks																
6.260 Drive-in movie theaters											IC		C	C		
6.270 RV Parks											C					151-167
6.300 Electronic Gaming Operations											C		C			151-171
<b>8.000 RESTAURANTS, BARS, NIGHTCLUBS</b>																
8.100 Restaurants								P	C		P		P	P		
8.200 Bars								CP			P		P	P		
8.300 Nightclubs								C			P		P	P		151-165
<b>10.000 STORAGE AND PARKING</b>																
10.100 Automobile parking garages or parking lots not located on a lot on which there is located another principal use to which the parking is related								P			P	P	P	P		
10.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored																
10.210 All storage within completely enclosed structure, including mini-storage								C	CP	P	P		P	P		151-170
10.220 Storage inside or outside completely enclosed structure											P		P	P		

	R-40	R-20	R-12	R-8	R-6	R-5	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PUD	Reference
10.300 Parking of vehicles or storage of equipment outside enclosed structure where: i. vehicles or equipment are owned by the person making use of the lot, and ii. parking or storage is more than a minor and incidental part of the overall use made of the lot											C		P	P		
<b>12.000 SERVICES AND ENTERPRISES RELATED TO ANIMALS <u>kennels</u></b>	<u>P</u>								<u>P</u>		P		P	P		<u>151-177</u>

**Section 151-150 Accessory Uses.**

(g) Within the Entertainment Overlay District **and the B-4 Commercial District**, electronic gaming operations are allowed as an accessory use to **the following principal use classifications numerically keyed from the Table of Permissible Uses, Section 151-149, sub-category 6.000 RECREATIONAL, AMUSEMENT, ENTERTAINMENT: 6.110 or 6.130, a performing arts and music theater**, subject to the following conditions:

- (1) The electronic gaming operation shall not occupy more than 10% of the total gross enclosed floor area of the **recreational, amusement, entertainment performing arts and music theater** building in which the electronic gaming operation is conducted as an accessory use.
- (2) The accessory use electronic gaming operation must be separated from the **principal recreational-, amusement-, entertainment-use areas within the building auditorium areas of the performing arts and music theater.**

**ARTICLE XI: SUPPLEMENTARY USE REGULATIONS**

**Section 151-171 Electronic Gaming Operations.**

The following regulations will apply to electronic gaming operations in all zoning districts **as allowed by Section 151-149 Table of Permissible Uses, except the Entertainment Overlay District.**

- (a) Location. The operation shall not be located closer than:
  - (1) Five hundred (500) feet from any residence or residential zoning district;
  - (2) One-thousand (1,000) feet from any church or other religious institution, day care center, public or private elementary school or secondary educational school, public park or playground, public library, video arcade, or motion picture theater which shows G or PG-rated movies to the general public on a regular basis;
  - (3) One-thousand (1,000) feet from any existing Electronic Gaming Operation, Tattoo and Body Piercing Establishment, or Adult and Sexually Oriented Business.



- (4) Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the internet café/ sweepstakes business is located.

(b) The maximum number of machines permitted at an electronic gaming operation shall be determined by City Council during the conditional use permit application process utilizing criteria outlined in Section 151-60-94. In addition, the occupancy of each facility shall be determined using the regulations in the North Carolina Building Code as amended.

(c) The machines/terminals must not be prohibited by State or Federal law and must have all applicable permits and licenses.

(d) The issuance of a conditional use permit to operate an electronic gaming operation by City Council does not grant the owner or operator of such facility perpetual property rights to operate this facility. The operation shall at all times be in compliance with any State or Federal law or regulations.

**Within the Entertainment Overlay District, the following regulations will apply:**

~~(a) Location. The operation shall not be located closer than:~~

~~(1) Five hundred (500) feet from any residence or residential zoning district;~~

~~(2) One thousand (1,000) feet from any church or other religious institution, day care center, public or private elementary school or secondary educational school, public park or playground, public library, video arcade, or motion picture theater which shows G or PG-rated movies to the general public on a regular basis;~~

~~(3) One thousand (1,000) feet from any existing Electronic Gaming Operation, Tattoo and Body Piercing Establishment, or Adult and Sexually Oriented Business.~~

~~(4) Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the internet café/ sweepstakes business is located.~~

~~(b) The maximum number of machines permitted at an electronic gaming operation shall be determined by City Council during the conditional use permit application process utilizing criteria outlined in Section 151-60. In addition, the occupancy of each facility shall be determined using the regulations in the North Carolina Building Code as amended.~~

~~(c) The machines/terminals must not be prohibited by State or Federal law and must have all applicable permits and licenses.~~

~~(d) The operation shall at all times be in compliance with any State or Federal law or regulations.~~

**Section 151-176 Short-Term Rental.**

Short-Term Rental (STR) means either "homestay lodging" where the business engaged in the rental or lease of individual bedrooms within a dwelling unit that serves as the host's principal residence, or "whole-house lodging" where business engaged in the rental of an entire dwelling unit, that provides lodging for pay, for a maximum duration not to exceed thirty (30) consecutive days, that does not include serving of food. Short-Term Rentals is recognized as a land use requiring a zoning permit.

**Section 151-177 Kennels and Pet Boarding Facilities.**

(a) The purpose of these requirements is to regulate the establishment of animal boarding facilities in a safe and orderly manner and to ensure that adverse effects do not contribute to conditions detrimental to the health, safety or welfare and the peace and dignity of the community.

(b) Kennels (Indoor) shall comply with the following requirements when the proposed use is within 500 feet of any residential use or zone:

(1) The kennel must be within a completely enclosed building with no outside facilities for animals.

- (2) The kennel shall be designed so that sound emitted through the exterior walls, roofs, and enclosed areas where animals are treated or kept shall not exceed 45 decibels as certified by a North Carolina registered architect or acoustical engineer.
  - (3) An outdoor area for the supervised exercise of animals is permitted when such an area complies with all of the following requirements:
    - i. The area must meet the setback requirements for principal buildings along right-of-way property lines and any property lines shared with a residential use or zone. No setback required in other cases.
    - ii. The area must be enclosed by a fence not less than six (6) feet in height. The fence shall comply with Section 151-168 Fences and Walls.
    - iii. The outside run area shall be buffered from any adjoining residentially zoned property with a Type "A" Opaque Screen as described in Section 151-307 between it and adjacent residential property.
    - iv. The maximum size of such area shall be 1,200 square feet.
    - v. No more than four (4) animals shall be present in the area at one time.
    - vi. The area may be used only between the hours of 7:00 a.m. and 9:00 p.m. daily, except in cases of documented emergencies.
    - vii. Any animal present in the area shall be accompanied by a human supervisor in the area at all times.
- (c) Disposal of Waste.
- (1) All animal solid and liquid waste shall be disposed of daily in an approved septic tank or public sewerage system. All stalls, cages, and animal runs shall be cleaned daily.
  - (2) Animal wastes may not be stored within 100 feet of any property line or surface waters unless located indoors.

Mayor Pro Tem Ferebee asked for Planning & Development Director Lasky to explain the change for a bar from a "C" to "P" and how it relates to serving alcohol. She said the State has different designations such as if someone wanted to serve alcohol within their business, they have to come to the Planning Department to do an inspection for compliance on their ABC application to the State. For example, the dart room that came before Council a couple of months ago. It was a dart room but they wanted to have alcohol sales as well. Through interpretation of the City Code since they were not serving food as a restaurant, they just wanted to have a bar so they would have to have a conditional use permit. Since a lot of the downtown main street districts and the idea of breweries are becoming increasingly more popular as economic drivers, they felt alcohol sales under the definition of a bar would be appropriate as a permissible use. What is different about a night club is it typically has the dance floor and music areas and not associated with other activities. Mayor Pro Tem Ferebee asked with a permissible use would they have to come to the Planning Department for approval. She replied yes they would still have to come to the office and they still have inspections and approvals. It just takes out the steps of having to go before the Planning Board and City Council which adds about 60 more days to the timeline of the approval process.

Councilman Smith stated B1, B2, B3, B4 and B5 were all business districts correct. Planning & Development Director Lasky said that was correct and B3 typically is office/institutional type of use and B5 is the hospital area. He asked where B2 was located. She replied B2 was a transition between heavy commercial like a B4 or

industrial district and a residential area. It is geared toward neighborhood oriented goods/services that meet the needs of residents.

Mayor Pro Tem Ferebee said as far as process, permissible versus conditional, say an applicant comes to the office for a use that is permissible but staff does not feel it should go there - how does that work. Planning & Development Director Lasky replied it depends on what the use is and how specifically it is defined in the Table of Uses. Some are very specific, for instance "storage of goods inside of enclosed building" such as mini-storage. But there are some that are not, such as "multi-use facility" so they try to look at the definitions that are within the description of it and under the supplementary use regulations to see how the activity matches. They usually get a written description from the applicant and a floor plan. They have had instances in the past where they said they were going to just open a restaurant and before they know it they are not selling food and they are getting noise complaints at 2 a.m. They have to ask a lot of questions to screen those types of requests so they can do their job to fulfill what is intended in the ordinance.

Councilman Smith asked if for some reason the Planning Department turns down a permissible use can they appeal it to City Council. She replied any appeal would be through the Board of Adjustment.

Councilman Smith asked about Section 151-150 in reference to the gaming and the 10% of total gross floor area. Planning & Development Director Lasky said the proposed amendments were to clarify more specifically the zoning district and the entertainment district as well as the specific land use categories. It will not change anything at the Theatre.

Mayor Pro Tem Ferebee expressed his concern for changing a bar from a conditional use to a permissible use. He stated it creates other issues. Planning & Development Director said right now it remains a conditional use so if the City Council determines that they would rather keep it as a conditional use, that can just be part of a motion.

Councilman Smith asked if they were lucky enough to have a brewery want to locate across the street but left it a "C" then would they have to come before City Council to be approved. She replied yes that was correct and it would take 30-60 days. It is a timely process. The application cost \$350 and it has to go before the Planning Board and then City Council for the conditional use process which is quasi-judicial.

Mayor Pro Tem Ferebee asked what district is Roanoke Avenue. She replied primarily B1.

Councilman Smith stated in most of the small towns away from Roanoke Rapids, breweries are becoming a big thing and it brings a lot of stuff into a small town. Sometimes they are going to have to think outside of the box to get things done. Planning & Development Director Lasky agreed and said that was why she was presenting it as a permissible use. It will still have to go through the inspections and certain requirements. She said a lot of times entrepreneurs for that type of business may not have 60 days to wait for a decision to be made. This is to try to improve the process and create opportunity.

Mayor Pro Tem Ferebee stated for clarification he did not have a problem with alcohol or breweries. He recently visited one and saw the operation and in the city he was in it did bring a lot to the downtown. At the same time, he feels it needs a little more scrutiny. He also feels a brewery is not a bar per se. Planning & Development Director Lasky said that is why they kept nightclub separate as a conditional use permit and a bar as permissible. These are the proposed recommendations from staff and the Planning Board but it is the pleasure of the City Council. The Planning Board supports staff's proposal with the exception of keeping duplexes as a conditional use permit.

Planning & Development Director Lasky stated the action needed tonight is the adoption of a Statement of Consistency. It states the proposed changes to the ordinance are consistent with the Land Use Plan and the policies within that plan. To support expanding of new commercial uses, preservation of neighborhoods, supporting community and economic development and downtown revitalization. Then a motion and vote for the actual text amendment changes as recommended by staff or as recommended by the Planning Board or however the City Council determines to be appropriate. She said in a motion they could state which changes they would like to remain the same as they are currently.

Mayor Doughtie asked if this was time sensitive and whether or not Mayor Pro Tem Ferebee and Councilman Smith felt comfortable in making a motion tonight.

Councilman Smith said he felt comfortable with what the Planning Board has done and with staff. He stated his only question was on the duplex and that has already been corrected by the Planning Board. He was satisfied.

Mayor Pro Tem Ferebee stated he was somewhat satisfied but not totally. He has visited other towns with breweries and he was okay with it but did not think it should be a use by right. He asked if the Police Department was involved when an application comes in.

Planning & Development Director Lasky said when the Planning Department receives an application for an ABC permit, they have to have an inspection for zoning, building and fire. The Police Department reviews the background on the applicant and they have to say yes or no to applicant and yes or no to the location. They have had instances where the applicant received a yes, but a no to the location because of nuisance history. Then they have to go to Raleigh for a final decision.

Councilwoman Scarbrough agreed with what Councilman Smith said about looking outside the box. She believes one of their jobs is to be visionaries and she is aware that Weldon was opening a distillery and a brewery. She has been in a brewery on Main Street in Wake Forest and it is acceptable.

Mayor Pro Tem Ferebee said he fully agreed with that and that use is on the rise. A lot of cities have it. It does a lot of good things for those towns and areas. He said the use by right it what he has a problem with.

Planning & Development Director Lasky said City Council can make a motion to either accept the Planning Board's recommendation with bars remaining as a conditional use or they can revisit this in the future if they think it was going to cause a problem. She noted many of these changes have been needed in order to bring about compliance with some uses.

Councilman Smith said this gives Main Street Director Caudle something to work on. He believes they should make it permissible so it doesn't take 90 days and somebody walks away if they have a chance to do it. He believes they should think outside the box to get something going in the City of Roanoke Rapids.

Mayor Pro Tem Ferebee agreed with that as well and thinks they may need to look at speeding the process up a little bit.

Mayor Doughtie stated some of these comments may be related to a building that was the subject of conversations amongst the community recently and whether it needed to be constructed or not. He understands Councilman Smith's comments and when people come to our community we need to do whatever we can. He reminded Council that the City of Roanoke Rapids was one of the last cities in the state to allow liquor by the drink. He said that worked out good and there were no problems that came about from it. He stated the breweries will have more impact on younger people coming to the community. He can understand both Councilman Smith's and Mayor Pro Tem Ferebee's comments. He added they really needed to speed the process up because if they don't come here, they will just go somewhere else. Of word gets out that it takes too long or Roanoke Rapids doesn't want them, they won't even come here.

Planning & Development Director Lasky said making this type of use a permissible use rather than a conditional use would significantly speed it up. It would take out the extra steps. First they have to go before the Planning Board and then City Council and depending on those calendar dates, advertising timelines and notification of property owners plus expert testimony and witnesses that are involved in that process can take some additional time.

Mayor Doughtie asked if anyone from the public wished to make any comments. No comments were given by the public.

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

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to adopt the following Statement of Consistency.

**Statement of Consistency with Plans to Amend the Land Use Ordinance**

**Proposed Amendment to Article X Permissible Uses, Section 151-149 Table of Permitted Uses to change the permitting process from Conditional Uses to Permissible Zoning Uses, expanding uses in zoning districts; Amendment to Section 151-150(g) Accessory Uses to clarify land use numerical category; and Amendment to Article XI: Supplementary Use Regulations to delete redundancy in Section 151-171, add Section 151-176 Short-Term Rentals, and 151-177 Kennels.**

The Roanoke Rapids City Council met and conducted a public hearing on Tuesday, July 2, 2019 at 5:15 p.m. and determined that the above mentioned request is consistent with the Roanoke Rapids Comprehensive Plan, adopted by City Council June 17, 2014, and with the Roanoke Rapids Land Use Ordinance. Comprehensive Development Plan Policies:

*I.3 Conduct an overall review of the City's Land Use Ordinance, in concert with "stakeholders," to identify possible changes to "streamline" the permitting process and other potential revisions to make the ordinance more business-friendly.*

*I.8 Prohibit encroachment by new or expanded commercial uses into viable existing or planned residential areas.*

*I.17 Review and revise the city's Land Use Ordinance to accommodate/encourage mixed use development.*

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

*I.29 Consider expanding opportunities (both public and private) for employment and procurement by using local vendors when state and federal procurement procedures permit such selection.*

*I.30 Support economic and community development initiatives that capitalize upon, maintain, and enhance the city's Town Center areas, including 10<sup>th</sup> Street and Julian Allsbrook Highway.*

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

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

*I.35 Public policies and actions shall support the maintenance and revitalization of the downtown and adjoining neighborhoods as an historic and cultural center of the community.*

*I.36 Residential development and redevelopment opportunities shall be encouraged in the downtown area as a viable and productive living environment and to support downtown commercial area retail businesses.*

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

ADOPTED BY THE ROANOKE RAPIDS CITY COUNCIL ON THE 2ND DAY OF JULY 2019.

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Mayor Emery G. Doughtie

### **Final Decision**

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough to adopt the text amendments to the Land Use Ordinance as recommended by the Planning Board. Councilman Smith, Councilman Bobbitt and Councilwoman Scarbrough voted in favor, Mayor Pro Tem Ferebee voted against. Motion carried.

### **Item 5 c) - City Manager Business (Theatre Contract Extension)**

City Manager Scherer stated it is proposed to grant G&T Holdings a six month extension on their current purchase contract with a new due date of January 23, 2020. In return of this extension, G&T Holdings agreed to increase the monthly reimbursement to the City by \$10,000 per month beginning August 23, 2019 to be applied to the purchase price. G&T Holdings is still committed to meeting their obligations for the purchase of the property. He and Attorney Chichester will review and execute a new amendment to the contract with G&T Holdings for these considerations. He requested City Council vote to approve this change to the basic contract with G&T Holdings.

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to extend the contract with G&T Holdings to January 23, 2020 and give Attorney Chichester and City Manager Scherer the option to sign the agreement.

## City Manager's Report

City Manager Scherer requested everyone keep Police Sergeant Mike Mosely in their prayers, as his father passed away last week.

He reported the repairs to the Lloyd Andrews building continue and they are hopeful that they will be able to hold the next Council meeting there on the 16<sup>th</sup>. The City Administration offices will be closed this Friday, July 5<sup>th</sup>. Refuse pickup will still be conducted that day, along with fire and police protection being provided at all times.

He said the construction at Chaloner Park continues, with picnic/shelter concrete pad being poured today along with sod emplacement. The splash pad and playground will be open weekends beginning next Saturday, July 13<sup>th</sup> while work continues on the remaining features. The contractor plans on having everything being completed by August 5<sup>th</sup>, weather permitting.

City Manager Scherer announced the Parks and Recreation Department is coordinating a regional Babe Ruth baseball tournament to be held at Ledgerwood Field beginning on Tuesday, July 16<sup>th</sup>. Team meeting and entertainment will be held on Tuesday at the Theatre with games beginning on Wednesday the 17<sup>th</sup>. The tournament will run through Friday the 19<sup>th</sup>.

He said the Hardee's restaurant on Julian R. Allsbrook has submitted plans to the Planning & Development Department for its demolition and rebuild. No time frame has been established for these actions to occur. The Planning Board will meet this month to consider a property rezoning request from residential to business. The Department is in the process of reviewing plans for several new or remodeling commercial projects.

He reported the NCDOT construction company has begun work on the mid-block crosswalk in the 1000 block of Roanoke Avenue. They are constructing the concrete features in Phase 1; Phase 2, the high visibility crossing lines and landscaping, will be accomplished after the Avenue is repaved.

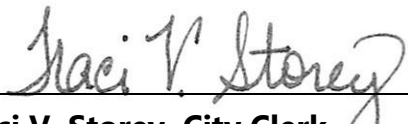
He stated Public Works continues their normal activities to include mowing of public lands and rights-of-way and evening spraying for mosquitoes. The vehicle maintenance section has a heavy workload, with dump truck and knuckle boom vehicles being dead-lined for major work. Work has begun in Cedarwood Cemetery in raising up those footstone markers that have sunk over time.



City Manager Scherer said the Police Department has increased its random traffic enforcement and checkpoint efforts, which has led to arrests for a variety of violations, especially for illegal drug and firearm possession. Our K-9 animals have been instrumental in the patrol shifts being able to act on drug arrests during traffic stops. The department's PACE team continues their drug enforcement activities at reported and suspected drug distribution sites. The public has begun to be compliant at the new 4-way stop at the intersection of 5<sup>th</sup> and Hamilton, with very few citations being issued now, which are down from over 15-20 per day for speeding and stop sign violations, which was our goal in the emplacement of the 4-way stop signage.

<b>Other Business</b>
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There being no further business, motion was made by Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to adjourn. The meeting adjourned at 6:25 p.m.

  
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**Traci V. Storey, City Clerk**

**Approved by Council Action on: July 16, 2019**