***17900***

***Roanoke Rapids City Council***

***August 4, 2015***

The regular meeting of the City Council of the City of Roanoke Rapids was held on the above date at 5:15 p.m. at the Lloyd Andrews City Meeting Hall.

Emery G. Doughtie, Mayor

Carl Ferebee, Mayor Pro Tem

Suetta S. Scarbrough)

Carol H. Cowen)

Wayne Smith)

Joseph Scherer, MPA, MS, City Manager

Gilbert Chichester, City Attorney

Lisa B. Vincent, MMC, NCCMC, City Clerk

Kathy Kearney, Deputy City Clerk/Human Resources Manager

Leigh Etheridge, Finance Director

Chuck Hasty, Police Chief

Kelly Lasky, Planning & Development Director

Larry Chalker, Public Works Director

John Simeon, Parks & Recreation Director

Stacy Coggins, Fire Chief

Christina Caudle, Main Street Director

Ernest C. Bobbitt, Council Member

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

There being no conflict of interest with any of the items on the agenda, motion was made by Councilwoman Cowen, seconded by Councilman Smith and unanimously carried to adopt the business agenda for August 4, 2015 as presented.

Ms. Beth-Ellan Burch of 1310 Chase Avenue, Roanoke Rapids, NC read the following document that she had provided to Council before the meeting:

*My name is Beth-Ellan Burch and I reside at 1310 Chase Avenue. I own my own home, I am permanently disabled, and I live on a very meager and fixed income--so meager that I have been told*

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*I probably qualify for food stamps. However, I choose not to apply as it is my desire to be self-sufficient. In doing so, I keep a garden in which I harvest my own leafy green vegetables, along with onions, garlic, white/sweet potatoes along with other root vegetables, to help me in stretching my money. I can, I freeze and I dehydrate these foods from my garden, thus saving me money. I also do what is commonly referred to as “batch cooking”, then sorting it into single servings and into the freezer it goes.*

*In my effort to be self-sufficient, I want to be able to keep backyard chickens to supplement my diet. I am, therefore, asking the City Council to revise the Animal Control Ordinance to allow me to keep such chickens for my own consumption or give me permission to have such backyard chickens. There has been a surging population both nationally and statewide in wanting to keep backyard chickens. For various reasons, people often speak of the pros and cons of such. I personally find the pros outweigh the cons by a far greater proportion and any cons could be addressed in ordinance rules.*

***PROS: Chickens provide for families***

*Locally sourced food*

*Provide learning and responsibility lessons to children in families*

*Eat bugs, mosquitoes, and ticks, etc., reducing the chance of catching diseases from such bugs, i.e. Lyme Disease/West Nile Virus*

*Healthier eggs with greater nutrition*

*Better tasting eggs*

*Costs saving as eggs are ever increasing in price at market*

*Sharing extra eggs with neighbors*

*Chicken poo created is used in composting, making excellent fertilizer for the garden*

*Reduces trash as chickens can eat scraps of veggies, etc. thus reducing garbage pick up*

*When chickens have passed their prime for egg laying, they can be used for chicken on the*

*dinner table*

***CONS:***

*Neighbors complaining about noise*

*Can be dirty if coop is not properly maintained*

*Need daily feeding/water*

*We have several, if not many, cities in our state that allow backyard chickens. All the cities I list are considerably larger than Roanoke Rapids, and are considered more metropolitan than our small city, yet they have been able to incorporate into their ordinances rules that would allow for such chickens. Naturally their requirements vary but they have been able to accommodate this surging population that wishes to have more control over their own food sources. Some of the cities allowing for backyard chickens include but are not limited to the following:*

***Municipalities/Cities Allowing Backyard Chickens***

***NAME, POP as of 2013, # of CHICKENS/ROOSTERS***

*Charlotte…………………………….792,862………………….20 per acre/yes*

*Raleigh………………………………431,746………………….no max/no max listed*

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*Greensboro…………………………279,639…………………..up to 20 on 12,000 sq. ft. lot*

*Winston-Salem…………………….236,441………………….5/0*

*Durham…………………………….245,475………………….10/0*

*Fayetteville………………………..203,945…………………..10/0*

*Cary………………………………..151,088…………………..5/0*

*Wilmington……………………….112,067…………………...no max/no max listed*

*Greenville………………………….89,130……………………4/0*

*Wilson……………………………...49,628……………………10/0*

*Apex………………………………..42,214…………………….no max listed/0*

*Monroe…………………………….37,797…………………….no max/no max listed*

*Goldsboro…………………………36,303…………………….10/0*

*Garner…………………………….26,772…………………….4*

*Morrisville……………………….20,932……………………..no max/no max listed*

*ROANOKE RAPIDS…………...15,623……………………..chickens are banned*

*I believe that with a permit process, and specific rules put into place that families, including myself, can work with the City to make this venture a positive one. Letting people make responsible choices for their own food, for their own families seems to me to be a simple, fair, and reasonable request.*

*I am hoping that with Roanoke Rapids being in what is considered a rural county area, surrounded by a great deal of agriculture, that the City can make accommodations for this interested group of people wanting to take care of themselves, just as the cities I have listed have been able to make accommodations for their citizens.*

*I would like to take this opportunity to say thank you to the members of the Roanoke Rapids City Council for your time, effort, and consideration in this matter.*

*Sincerely,*

*Beth-Ellan A. Burch*

Mayor Doughtie stated our policy on public comment is to listen and take all comments under consideration.

Mr. Gary Danek of 709 Raleigh Drive, Roanoke Rapids, NC stated he has two issues to discuss. He stated the first is the crosswalk in front of the Senior Center. He stated it has been painted and it is nice but when he was at church at 9th and Hamilton Streets, he noticed the crosswalk for the school. He stated it was a big black area with “SCHOOL” in the middle. He stated you can see it, and it really hits you.

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Mr. Danek stated it was mentioned at an earlier meeting that the Public Works Department had thought about bolstering up the crosswalk in front of the Senior Center. He stated if you can do it for children, you can do it for seniors. He suggested having the word “caution” in the middle of the crosswalk.

Mr. Danek stated his second issue is the asphalt patching in the streets and even in this very parking lot. He stated the grey gravel is all over the place. He stated the weather is great and now is the time to pour asphalt. Mr. Danek stated he has been told that the City has to wait for a contractor. He asked why the City does not have an asphalt plant so when you need asphalt, it is there. He stated the little Town of Weldon has one.

Mayor Doughtie tried to explain the general process of patching potholes at which point Mr. Danek interrupted and said he knows the process.

City Manager Scherer stated we have a contractor coming in to work on this.

Mr. Danek asked if that is on a consistent basis.

City Manager Scherer explained that it is on a contractual basis when we have the money. He explained further that the vast majority of the street cuts are made by the Roanoke Rapids Sanitary District and they are responsible for repairing those.

Mr. Danek stated it is pathetic. He stated he has grey gravel in his yard from these situations.

City Manager Scherer explained that we try to work with the Sanitary District to get these street cuts repaired.

Mr. Danek stated something needs to be done.

City Manager Scherer stated we have no control over the Sanitary District.

Motion was made by Councilwoman Scarbrough, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve the July 21, 2015 Council Minutes.

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City Attorney Chichester stated on January 6, 2015, a public hearing was held on an application for a Conditional Use Permit for an amendment to the Villages at Cross Creek Planned Unit Development (PUD) Map. He stated evidence was presented at the hearing and the hearing was continued until February 3, 2015. He stated at that time, the City Council continued to receive evidence and then closed the public hearing. City Attorney Chichester pointed out that we are not here tonight to re-open the public hearing. He stated at the conclusion of the public hearing on February 3, City Council voted to deny the Conditional Use Permit and the applicant filed a civil action appealing the decision, which he had a right to do, and asked that the Judge review this matter. City Attorney Chichester explained that as part of Judge Hinton’s signed order dated June 30, 2015, she sent part of this back to City Council directing that we enter a written Findings of Fact.

City Attorney Chichester stated what Council has before them is the Findings of Fact set forth based upon evidence presented at the hearing. He stated at the last meeting, City Council directed the Planning & Development Director and himself to prepare the written Findings of Fact. He stated the action requested tonight is for City Council to vote on the Findings of Fact as written or amended if Council has any modifications. City Attorney Chichester stated the City Clerk will certify the Findings of Fact and he will forward them to the Judge with a copy given to the applicant’s attorney Mr. Franklin Jones.

Motion was made by Councilman Smith, seconded by Councilwoman Cowen and unanimously carried to approve the following Findings of Fact as presented by City Attorney Chichester:

*NORTH CAROLINA*

*HALIFAX COUNTY*

*The City of Roanoke Rapids, North Carolina, by and through the City Council conducted a Quasi-Judicial hearing on January 6, 2015, and on February 3, 2015, for the purpose of receiving testimony and evidence regarding the issuance of a Conditional Use Permit for an amendment to the Villages at Cross Creek Planned Unit Development (PUD) Map, said Conditional Use Permit having been applied for by MaSuki, Inc. The Roanoke Rapids City Council now enters the following Findings of Fact based upon evidence and testimony received:*

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*1. MaSuki, Inc. as the property owner and applicant filed an application for a Conditional Use Permit seeking an amendment to the Villages of Cross Creek Planned Unit Development (PUD) Map; this application was to change approximately 20 acres of land from PUD R-12 to PUD R-3 to permit a Multi-Family Apartment Development with Amenities;*

*2. The application was complete and the requested permit is within the jurisdiction of the City Council;*

*3. That proper notice of the application and of the public hearing was given to the affected property owners and the public;*

*4. That on January 6, 2015, the Roanoke Rapids City Council opened a public hearing for the purpose of receiving evidence and testimony regarding the aforesaid application; after a number of individuals had testified and evidence was presented, the public hearing was continued to February 3, 2015 for City Council to continue receiving evidence and testimony;*

*5. During the aforesaid hearing, evidence was introduced on behalf of the applicant and evidence was introduced by individuals that opposed the issuance of the permit;*

*6. From a review of all the evidence, City Council finds that allowing the permit to be issued and the resulting three (3) story apartments that consist of two hundred (200) rental units to be built will substantially injure the value of adjoining or abutting property that consists of single family residences that are privately owned;*

*7. Further, from a review of all the evidence presented, City Council finds that allowing the permit to be issued would result in the construction of three (3) story structures consisting of two hundred (200) rental units and would not be in harmony with the original PUD and that the current property owners of single family dwellings relied upon the original PUD when purchasing property and building their homes.*

*BASED upon the foregoing Findings of Fact from evidence received at the January 6, 2015, and February 3, 2015 public hearings, the Roanoke Rapids City Council unanimously voted to approve motions that:*

*(i) the proposed development will substantially injure the value of adjoining or abutting property; and*

*(ii) the proposed development will not be in harmony with the area in which it is to be located.*

*As a result of the above motions being approved, the City Council on February 3, 2015, unanimously voted to approve a motion to deny a Conditional Use Permit to MaSuki, Inc. for an Amendment to the Villages of Cross Creek Planned Unit Development (PUD) Map.*

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*The foregoing was brought before the City Council at the August 4, 2015 meeting pursuant to an Order entered by the Honorable Alma L. Hinton on June 30, 2015. City Council voted unanimously to approve same.*

*IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of Roanoke Rapids, North Carolina, on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015.*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Lisa B. Vincent, City Clerk*

Mayor Pro Tem Ferebee asked about the next step.

City Attorney Chichester explained that he will forward the Clerk’s certified copy of the Findings of Fact to Judge Hinton and provide a copy to Mr. Franklin Jones, the applicant’s attorney. He stated then Judge Hinton will continue her review and make a decision. City Attorney Chichester stated she could either send this back to Council directing that the permit be issued or she could deny the petition filed by the applicant.

Planning & Development Director Lasky stated as many of you know, the Roanoke Rapids Graded School District plans to rebuild Manning Elementary School. She stated a few years ago, the School District purchased property from Winn-Dixie and is now at a point in the process of requesting that the street between the school and that property be closed.

Planning & Development Director Lasky reviewed the following staff report with Council:

***MEMORANDUM***

*To: Joseph Scherer, City Manager*

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

*Re:* ***Street Closing Petition by Roanoke Rapids Graded School District for Closure of Barrett Street Extending 710 Feet from Park Avenue to Virginia Avenue***

*Date: July 16, 2015*

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***Roanoke Rapids City Council***

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*The Roanoke Rapids Graded School District is requesting the formal closure of the Barrett Street 60-foot wide right-of-way that extends 710 feet from Park Avenue to Virginia Avenue.* ***A map of the right-of-way is attached.*** *Currently, the right-of-way is paved and generally used as primary street frontage access to Manning Elementary School.*

*City staff has determined that no individual property owner abutting the right-of-way will be deprived of ingress and egress to his property as a result of the closing of the Barrett Street right-of-way. There are three (3) properties abutting the Barrett Street right-of-way. The largest parcel is developed as Manning Elementary School. The second largest parcel is vacant, but previously developed as a shopping center, including Winn-Dixie grocery store. The third parcel is developed as Hale Plumbing located at the intersection of Park Avenue and Barrett Street. Any proposed future development of these sites would be subject to compliance with the City of Roanoke Rapids Land Use Ordinance.*

*If the Resolution of Intent to consider the street closing is adopted by City Council, the Resolution with notice of a public hearing must be published once a week for four (4) consecutive weeks in the local newspaper. After the public hearing is held, the City Council may consider a Street Closing Order. After a street is closed, title to the street vests in the persons owning parcels adjacent to the street and their lot lines will be extended to the center line of the street. A city may reserve its right, title and interest in any utility improvement or easement within a street closed. Such reservation must be stated in the order of closing and extends to utility improvements or easements owned by private utilities that have a utility agreement or franchise with the City.*

***Requested Action***

***Consider a motion to adopt Resolution No. 2015.03 concerning the intent to close the 60-foot wide right-of-way of Barrett Street extending 710 feet from Park Avenue to Virginia Avenue. A public hearing will be conducted on Tuesday, September 1, 2015 at 5:15 p.m. at the Lloyd Andrews City Meeting Hall at 700 Jackson Street, Roanoke Rapids, NC.***

Councilwoman Cowen stated she served for many years as Principal of Manning Elementary School. She asked about the parking plans for the teachers that will be returning to school in a few weeks. She asked what accommodations have been made for this street closure.

Planning & Development Director Lasky explained that while the students are there, the street will remain open and used as it has been in the past. She stated this closing will simply change the street from a public to a private street. She stated she anticipates the next phase will be review of the construction plans and the school will have to be relocated during construction.

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

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***Resolution No. 2015.03***

***Resolution of Intent***

***A Resolution Declaring the Intention of the Roanoke Rapids City Council to***

***Consider Closing the 60-Foot Wide Right-of-Way of Barrett Street***

***Extending 710 Feet from Park Avenue to Virginia Avenue***

***Whereas,*** *G.S. 160A-299 authorizes the Roanoke Rapids City Council to close public streets and alleys; and*

***Whereas,*** *the Roanoke Rapids City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of the 60-foot wide right-of-way of Barrett Street extending 710 feet from Park Avenue to Virginia Avenue;*

***Now, Therefore, Be It Resolved*** *by the Roanoke Rapids City Council that:*

***(1)*** *A meeting will be held at 5:15 p.m. on the 1st day of September, 2015 in the Lloyd Andrews City Meeting Hall to consider a resolution closing the 60-foot wide right-of-way of Barrett Street extending 710 feet from Park Avenue to Virginia Avenue.*

***(2)*** *The City Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks in the Roanoke Rapids Daily Herald, or other newspaper of general circulation in the area.*

***(3)*** *The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said right-of-way a copy of this Resolution of Intent.*

***(4)*** *The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.*

*Upon motion duly made by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, seconded by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the above resolution was duly adopted by the Roanoke Rapids City Council at the meeting held on the 4th day of August 4, 2015.*

*Upon call for a vote, the following Council Members voted in the affirmative:*

*and the following Council Members voted in the negative:*

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***Adopted*** *this the 4th day of August, 2015.*

*Emery G. Doughtie, Mayor*

*ATTEST:*

*Lisa B. Vincent, City Clerk*

City Manager Scherer stated before beginning his report, he would like to call on Police Chief Hasty to give recognition to his officers.

Chief Hasty stated we have recently experienced a lot of vehicle break-ins. He stated as a result of modifying some shifts, officers working overtime and cooperation with the City-County Drug Task Force, we were able to catch the individuals breaking into cars. He stated they are now following leads to tie them to other break-ins.

Mayor Doughtie, on behalf of the City, thanked the officers for their good work. He stated it was almost an epidemic for several days. He stated he appreciates the manpower devoted to making these arrests.

City Manager Scherer reported that the Police Department will be participating in the “National Night Out” event tonight at The Centre at HCC beginning at 6:00 p.m., along with the Sheriff’s Department and other local law enforcement agencies. He stated everyone is encouraged to attend and meet their local officers. He stated entertainment and live music will be provided.

City Manager Scherer also reported that the Police Department has four new officers coming on board in the next two to three weeks.

City Manager Scherer reported that the Parks & Recreation Department has received increased activity with regard to the rental of the Theatre. He indicated

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that the Theatre has been rented for three events and several promoters or conference coordinators have inquired about it. City Manager Scherer also reported that he has received two proposals from commercial marketing firms and has followed up with Bank of America for confirmation on the sale of the Theatre and its effect on loan renegotiation.

City Manager Scherer reported that the annual external audit of our FY 2014-2015 financial records will be held the week of August 17. He stated he does not anticipate anything other than an unqualified report again this year.

City Manager Scherer reported that the Fire Department is holding its first annual Fire Safety Fair for the public on Saturday, August 29 from 9:00 a.m. until 2:00 p.m. at Fire Station No. 1. He stated they will have information on several fire safety topics such as smoke/CO2 detectors, fire extinguishers and CPR/First Aid, along with child safety seat inspections. He stated the Police Department will be there doing child fingerprinting and ID cards. City Manager Scherer stated several entertainment events are scheduled such as face painting, music and dance, and the Prevention Clown. He stated that Elle the Pit Bull will also be there.

City Manager Scherer reported that Planning & Development Director Lasky is heading the City’s efforts to participate in the Halifax-Northampton Regional Hazard Mitigation Plan. He explained that we are currently part of Halifax County’s certified plan. He explained further that being a part of an approved and certified plan by the State Emergency Management Agency will allow us to be eligible for FEMA preparedness grants and assistance following any natural disasters.

City Manager Scherer reported that the Parks & Recreation Department is progressing with the skate park project. He stated the designer should have the design concept to Parks & Recreation Director Simeon in two to three weeks, and soil boring tests have come back positive to accommodate the concrete base.

City Manager Scherer reported that there is nothing new to report on the investigation into the theft of lawn maintenance equipment from the T. J. Davis Center. He stated the Parks & Recreation Department has increased the sensitivity of the security camera system and is installing high-security hardware on the storage building, along with installing gates to prevent vehicle traffic through the area. He reported that the insurance adjuster was there last week to

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review the claim information and the department is in the process of replacing the stolen equipment.

City Manager Scherer reported that the Parks & Recreation Department is installing a storage building at the Canal Museum to be used as the facility to store bicycles that will be able to be rented free of charge for use on the Canal Trail. He stated the bicycles were provided by a grant from the Kate B. Reynolds Foundation. He indicated that the bicycles will also be available in Weldon.

City Manager Scherer reported that the demolition work on 1026 Roanoke Avenue is completed except for some minor material removal. He stated the Public Works Department is working with our engineering firm to finalize the stabilization plan for the façade at the front of the building. He stated they are also working with Main Street Director Caudle and the Main Street Roanoke Rapids group for historical accuracy of replacement panels and hardware on the front façade.

City Manager Scherer reported that Main Street Roanoke Rapids and Main Street Director Caudle have noted that there are several new businesses coming or potentially coming to the Avenue in the near future. He stated one example is a pet grooming store at 1016 Roanoke Avenue.

Councilman Smith asked City Manager Scherer if he has heard anything from Raleigh regarding the 911 legislation.

City Manager Scherer stated that legislation is still hung up in the pipeline.

Councilman Smith asked about the final numbers of our debt for this past fiscal year.

City Manager Scherer indicated that the Finance Department is still compiling that information but would definitely have it available at the next Council meeting.

There being no further business, motion was made by Councilwoman Scarbrough, seconded by Mayor Pro Tem Ferebee and unanimously carried to adjourn.

