



Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on Tuesday, June 6, 2017 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)
Suetta S. Scarbrough)
Carol H. Cowen)
Wayne Smith)
Joseph Scherer, MPA, MS, City Manager
Gilbert Chichester, City Attorney
Traci Storey, City Clerk
Kathy Kearney, Deputy City Clerk/Human Resources Manager
Leigh Etheridge, Finance Director
Chuck Hasty, Police Chief
Kelly Lasky, Planning & Development Director
John Simeon, Parks & Recreation Director
Larry Chalker, Public Works Director
Christina Caudle, Main Street Director

Council Members

Absent: Stacy Coggins, Fire Chief

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 Councilwoman Scarbrough and unanimously carried to adopt the business agenda for June 6, 2017 as presented.

Special Recognitions

Police Department

Police Chief Hasty recognized Officer James Hardy and Officer Obert Wiltsie for their efforts that saved a man's life during a drug overdose incident that occurred on April 22, 2017. He presented both officers with the Life-Saving Award.

Recognition of 2017 BARC Scholarship Awards

Human Resources Manager Kearney (BARC Treasurer) recognized the following BARC members: Chris Bass, Donald Tart, Teresa Medlin and Helen Reed.

She explained that BARC affects City employees by reaching out to one another. She stated that in one time or another, we are all touched by unforeseen occurrences whether they are medical situations, the birth of a child or death of a family member. She said BARC reaches out to employees during these times. She said BARC was totally funded by employee donations and BARC fundraisers. She said all donations are very much appreciated and all donations go back to City employees; it is not funded by the City of Roanoke Rapids taxpayer dollars. She said BARC pays for the annual employee Christmas luncheon and funds a scholarship each year. She stated no amount is too small and there would be no BARC without the employees.

Human Resources Manager Kearney stated every year BARC takes applications from City employees who have children that are graduating and going to college. She reported this year they had two applicants. She asked for the two applicants and their City employee parent to come forward. She said the applicants were Will Harris and Naiser Jones. She announced Will was the son of William (BJ) Harris of the Fire Department and Naiser was the son of Lakeshia Jones of the Public Works Department.

Human Resources Manager Kearney read the following excerpts from each applicant's application:

Naiser Jones (son of Lakeshia Jones of the Public Works Department) is a 2017 graduate of KIPP Gaston Preparatory College. He is a member of the KIPP LEO Club and BETA Club. He has been involved in community service projects from neighborhood clean-ups, SmartStart, Families Supporting Families and Habitat for Humanity. In addition to school and community involvement, he also holds a part-time job. Naiser plans to attend East Carolina University and becoming an accountant. She said he stated his favorite subject in school was math and because of his love of math, accounting would prevail over any other major. Naiser also plans to take as many extra courses as possible, to travel to conferences and to continue his path to an accountant degree. He would like to perfect his craft in accounting to better himself

and help his family financially. She read a quote from his application: *"I will be studying accounting because I am passionate about numbers, finances and logic."*

William I. Harris III (son of Emily & BJ Harris of the Fire Department) is a 2017 graduate of Roanoke Rapids High School. Will has been taking fire service related classes since January 2016 sponsored by Halifax Community College. He has almost completed his 1403 Fire Fighter certification which would be recognized by the State of North Carolina after his 18th birthday. He belongs to Davie Volunteer Fire Department where he tries to make a contribution as an active junior member. He also plans to work part-time this summer. Will plans to attend Halifax Community College for one year to complete his general education and prerequisite classes needed for an Associate in Science degree in Fire Protection Technology. Once completed, he plans to apply to Wilson Community College or Wake Technical Community College to complete the Associate degree in Fire Technology. His goal is to obtain a Bachelor of Science in Fire Protection Technology. A quote from Will: *"I have visited the local fire department since I was old enough to remember. The fire service has been a part of my family and family traditions. After my 18th birthday, I plan to apply for a full time position as an entry level fire fighter. I would like to enter the fire service with the idea that I will grow in rank in the profession and someday retire from the fire department."*

Human Resources Manager Kearney stated that is what we need, to grow our own and she feels by BARC supporting the employees and by supporting their children, we ensure they can pursue whatever degree they would like to. She asked BARC President, Donald Tart to present the scholarships. She announced Will Harris and Naiser Jones both received \$500 scholarships.

She thanked everybody that participates in the BARC fundraisers because this is how they can do what they do. She said they started out just giving one scholarship in the amount of \$500. She said then they gave two scholarships in the amount of \$250 each. She stated because the fundraising was more recognized and more people know about BARC and contribute, they have been able to build their balance so when they do have more employees that are graduating, they can give more than one scholarship.

Scheduled Public Comment

Dr. Michael Elam – Halifax Community College President

Dr. Elam thanked Council for allowing him to come this evening. He also recognized the Halifax Community College Board Chairman, Michael Felt and thanked him for his help in his transition. He stated he had been in the education business for almost 40 years; this was what God put him on this earth to do. He said he was delighted with the transition he has had into this community. He said he and his wife stay in the Stoney Brook area of Roanoke Rapids. He stated it gives him great pleasure to be here tonight to get more acquainted with Council and what's going on in the community. He said he wanted to introduce Will

Harris to his grandson because on his grandson's 3rd birthday, they visited the Roanoke Rapids Fire Department and they rolled out the red carpet for him and his 2 year old sister. He said all he can remember is him finding on the internet all these fire engines and police cars. He puts on his fire hat and coat and plays fireman. He stated he believed he knows what his grandson was going to be when he grows up. He said he was glad the college is able to offer the appropriate training for our community. It is all about putting people to work, training them, getting them jobs, helping economic development in this area so we can be the best town on the planet earth. He stated he was delighted to be a part of that. He presented Council with a synopsis of some of the programs offered at Halifax Community College where their motto is "Learning Comes to Life in the Pursuit of Excellence." He said they want to serve you and your needs; they have something for everyone. He stated there was not one of you that could not find a class at Halifax Community College, your community college. If they did not have it, come by and see him and talk about it and he will try to get it there for you. He said he was delighted to be here and be your President of Halifax Community College and he is here at your service.

Mayor Doughtie said there was probably not anyone in this community that has been here for any extended period of time that has not benefited from the college; he had numerous times. He stated sometimes there was just a small group of people that need to get some continuing education or may just have an interest in something and they just come speak with him and he finds someone to teach the course and it just happens. He said the great thing about it was it did not cost anybody a whole lot of money to get that kind of thing done like if they had to go spend the night in a hotel and that type of thing. He said Halifax Community College like a lot of other things such as the police, fire or the hospital, people are quick to criticize but try to get along without a police department, a fire department or a hospital. He said try to get along without a community college; it would be very difficult. He thanked Dr. Elam for his efforts to the community.

Unscheduled Public Comment

Kathleen Robinson

Ms. Robinson said thanks to the Parks & Recreation Department, her number of camp applicants has doubled from last year. She said she did not come tonight to ask for money, she wanted to ask for donations of any kind they may have or that she would need in a camp. She also asked for volunteers to come out on their day off to have some fun with some kids so they would know what it was like to be a citizen of Roanoke Rapids. She stated this was a nice town. When

she first came here, this was not her piece of cake or ice cream, but now that she has been here for three years, she calls it home. She went home and she didn't feel comfortable home. She stated when God sends you somewhere to do a mission, he sends you there with all heart and soul in it. She said her whole heart and soul was in this free summer camp she does for Roanoke Rapids every summer. She said this was her second year and evidently it was a good thing because now other towns and cities in the area are giving free summer camps. She said she did not have a tax ID number; Jesus went into the temple and kicked those tables over, but she did have a heart. She said she would be in Emry Park on June 12th at 8 a.m. if anyone wanted to make a donation. If anyone wants to come spend time with the kids, she will be there Monday – Thursday, 9 a.m. to 4 p.m. and Fridays 9 a.m. to 1:00 p.m. She said this was your city and your community and if you want see little ones grow up to be big ones and better citizens, that's the place to be.

Approval of Council Minutes

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to approve the May 16, 2017 Regular Council Meeting Minutes and the May 31, 2017 Special Meeting Minutes as written.

Public Hearings

Dangerous Dog Appeal Hearing

Police Chief Hasty having been duly sworn by City Clerk Storey reported an incident occurred on May 3, 2017 in which Mr. Christopher Coley's dog bit a juvenile at 104 Lynnwood Road. After consulting with Animal Control Officer Pete Wilson, the Police Department deemed Mr. Coley's dog a Potentially Dangerous or Dangerous Dog as defined in Chapter 91 of the City Ordinance and also issued a City Ordinance Citation for an animal running at large.

As allowed in Chapter 91 of the City Ordinance, Mr. Coley has filed an appeal for the decision to deem his dog as a Potentially Dangerous or Dangerous Dog.

Please find enclosed the information concerning the case and a copy of the City Ordinance.

Mayor Doughtie declared the public hearing open.

Police Chief Hasty read the excerpts from Chapter 91 of the City Ordinance.

§ 91.01 DEFINITIONS.

Attack By Dog. Any assault or battery by a dog upon a person or domestic animal, to include biting, felling or toppling, tearing of clothing, provoking flight to escape attack, or any other act which could reasonably cause fear, physical pain and/or injury to a person or domestic animal.

Bite By Dog. Any seizing, gripping or grasping by a dog with its jaws, no matter how slight or momentary, any part of the human anatomy or that of a domestic animal, so as to cause fear, physical injury and/or pain to such person or animal.

Dangerous Dog.

(1) A dog that:

(a) Without provocation has killed or inflicted severe injury on a person; or

(b) Is determined by the Animal Control Officer or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed under the definition of ***Potentially Dangerous Dog.***

(2) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

Potentially Dangerous Dog. A dog that the Animal Control Officer or municipal authority responsible for animal control determines to have:

(1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or in any manner causing abrasions or cuts on the skin or one which habitually or repeatedly attacks humans or other animals; or

(2) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

(3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or

(4) Is classified as a ***Pit Bull Terrier*** as defined by the American Kennel Club or United Kennel Club as any American Pitt Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or Bull Terrier; and any mixed breed dog containing sufficient elements of the above breeds as identified by a veterinarian; or any dog whose owner registers, defines, admits or otherwise identifies such dog as being a ***Pit Bull***; or any dog that is of a breed commonly referred to as a ***Pit Bull*** and commonly recognizable as such.

§ 91.13 DANGEROUS DOG OR POTENTIALLY DANGEROUS DOG PROCEDURE.

(A) *Generally.* The determination whether or not such dog is dangerous or potentially dangerous, as herein defined, shall be made by the Chief of Police or such alternate hearing official as the Chief of Police may from time to time designate.

(B) *Investigation and preliminary findings.* Upon receipt of a report or complaint that some person owns, keeps or harbors a dangerous or potentially dangerous dog, as defined herein, or upon independent

investigation of an Animal Control Officer, the Chief of Police shall make or cause to make an investigation and on the results of such investigation make a written determination stating that the suspect dog is or is not a dangerous or potentially dangerous dog. If it is determined by the Chief of Police that the suspect dog is dangerous or potentially dangerous, as defined herein, the owner shall be notified in writing by personal service upon the owner by the Chief of Police or his designee, or if personal service is not obtained within a reasonable time, by certified mail, return receipt requested, and the written determination shall order compliance with the appropriate provisions of this chapter.

(C) *Appeals.* The owner, keeper or harbinger of a dog determined hereby to be dangerous or potentially dangerous or any person bitten or attacked by a dog determined hereby not to be dangerous or the owner of a domestic animal injured by such dog, may appeal such determination by providing written notice of appeal to the Chief of Police within three days of the determination. Such appeal shall be calendared for hearing by City Council at their next regular meeting or to be heard by such appeals board as the City Council may, by resolution, appoint to hear such appeals. The rulings by the City Council, or duly appointed appeals board, shall be final, subject only to the right of appeal for a hearing de novo taken to the Halifax County Superior Court, to be filed with the Halifax County Clerk of Superior Court within ten days of the date of the final determination by the City Council or appeals board.

Police Chief Hasty stated on May 3, 2017 at approximately 5:00 p.m., Mr. Coley's dog jumps fence and bites Brantley Harris. Brantley was seen at Halifax Regional Medical Center ER on May 3, 2017. After consulting with Animal Control Officer Pete Wilson and Captain B. Martin, we deemed Mr. Coley's dog dangerous or potentially dangerous. A letter of this determination was hand delivered to Mr. Coley on May 5, 2017 at 10:59 am by Animal Control Officer Pete Wilson. Mr. Coley was issued a City Ordinance for allowing a dog to run loose by Animal Control. Mr. Coley filed an appeal about the decision to deem his dog dangerous or potential dangerous. Mr. Coley was told that the appeal would be taken up on the June 6, 2017 at 5:15 p.m. during the City Council meeting (via cell phone on May 16). Mr. Coley and Mr. Harris were sent letters about the appeal on June 6, 2017 at 5:15 p.m. during the City Council Meeting at Lloyd Andrews Building.

Mayor Pro Tem Ferebee asked if there was any question in relation to the incident report; the appeal was not about the report. Chief Hasty replied no, it was not.

Councilman Smith asked if the Police Department had any problems with this dog before. Chief Hasty replied no.

Mayor Pro Tem Ferebee said he understood from the report that the dog jumped a fence. Chief Hasty replied that was correct and there was a witness who wrote a statement to confirm the dog jumped the fence after a ball that went over it.

Councilman Smith asked if the dog climbed or jumped the fence. Chief Hasty replied he was not sure exactly, but the dog got over the fence.

Councilwoman Scarbrough said from reading the report, the dog was not aggressive – it was sort of playful. Chief Hasty replied that it bit the child and according to ordinance, it caused injury to the child.

Mayor Pro Tem Ferebee said he read that the dog jumped the fence and charged at the child. Chief Hasty read the following statement written by witness Carol Hollowell:

“Kids playing ball and ball went over fence. Small child went to get the ball. The dog boxer brown and white climbed over fence and charged the child. The child fell on the ground screaming. The dog came back to owner’s property. The child was unsupervised and did not need to be alone on this property.”

Mayor Pro Tem Ferebee asked Chief Hasty to define “this.” Chief Hasty replied he guessed it meant the child was over near Mr. Coley’s property. He said the child lives at 911 Stoney Brook Drive.

Chief Hasty asked Council to refer to the GIS map in their packet which shows the 104 Lynnwood Drive, which is Mr. Coley’s property highlighted in red. He stated Officer Pete Wilson took some measurements and it appears it was about 200 feet from the property line of 911 Stoney Brook Drive to Mr. Coley’s property.

Mayor Doughtie called upon the appellant, Mr. Coley.

Christopher Scott Coley of 104 Lynnwood Drive having been duly sworn by City Clerk Storey reported he had lived at this address for a little over a year. He stated he was present to appeal that his dog Dallas is not a dangerous dog. He stated his dog was not aggressive and like crimes, before you label something certain criteria has to be met. He said with a dangerous dog, the definition was without provocation and severe injury; they were the two criteria that had to be met. He said the provocation goes out the window because the little boy picked up the ball and was waving his arms over his head, running towards his fence. He said his dog saw him and went to play; he did not attack him to hurt him. When the boy fell down yelling, his dog left him alone. He was simply playing. He said the severe injury part, if you look at the definition of severe injury in the Roanoke Rapids definitions it says, broken bones, disfiguring lacerations, requires plastic surgery or was hospitalized. He said the boy’s bones weren’t broken, he did not get any disfiguring lacerations; he did get a puncture on the back of his arm. He said when Officer Spragins was at the house for the report, he told him that Dallas did nip the back of the boys arm. He said he has not seen the injuries himself. He continued to say the boy did not require cosmetic

surgery and he was not hospitalized. He said the boy did not get any stitches or anything like that.

Mr. Coley said if you look up the boxer breed, their temperament is devoted, playful, fearless, loyal, intelligent, friendly, energetic, cheerful, bright, confident, calm and brave. He stated being aggressive is not in their nature. He said to label Dallas as a dangerous dog would require him to be confined and muzzled while outside. Being a boxer, Dallas is energetic and his exercise is being able to run outside to release that energy. Based on a ruling of not deeming him dangerous, he would invest in an electronic collar, keeping him limited to the yard so this will not happen again. He said as for confining him to a fence where he is no longer able run, exercise and enjoy himself, he thought that would be wrong. He said his neighbor Carol Hollowell did come to the meeting tonight on behalf of Dallas. He said she walks her dog up and down the fence line, she has been seeing Dallas for over a year. She sees kids playing in his yard all the time. He said he has Hispanics that live next to him and their kids go outside and play all the time. He said never has Dallas acted aggressive towards anyone. He said it is unfortunate that this happened. He said he went to Mr. Harris' house the day after it happened to check on his son and offer to take care of any medical expenses. He said Mr. Harris wanted to get upset with him so contact with him has been depleted; he is unable to talk with him. He stated Dallas was not an aggressive dog. He said he spoke with Officer Wilson the day he got the letter about Dallas being deemed a dangerous dog and he told him he could not see his dog being deemed a dangerous dog over this incident. He said Officer Wilson told him he spoke with the shelter and they advised the dog was not aggressive; didn't bark at them and didn't growl at them. There were no aggressive tendencies at all. He said forty-five minutes later, Officer Harris pulled back up to his house and said he had spoken with the Police Chief and based on the City Ordinance, he received a dangerous dog letter. He said he of course wanted to appeal it. He stated he had four kids at the house, prior to his separation, and they have friends over constantly and Dallas has never been aggressive towards anyone.

Mayor Pro Tem Ferebee asked if the photos he was looking at was a result of the dog bite. Chief Hasty replied he was not sure what photos he was looking at. Mrs. Harris said she submitted the photos.

Councilman Smith asked how tall was the fence. Mr. Coley replied waist high – 3-1/2 to 4 feet. Councilman Smith asked how tall was the dog. Mr. Coley replied approximately 2 feet tall. He said he was a boxer and was very energetic and liked to play. He added he would be willing to invest in an electric collar which

will keep him from getting near the fence based on deeming him not dangerous. He stated it was an unfortunate event, it did happen but he has never been aggressive towards anyone before. He asked Council to not deem Dallas as a dangerous dog.

Councilman Smith asked how far from the house was the dog when he bit the child. Mr. Coley replied he was standing at the light pole which was about ten feet from his fence line. He said he picked the ball up at the light pole. He stated the only reason he knew this was because his neighbor Carol was sitting on her porch. He said her back porch faces his back yard and she can see all the way across the field. She witnessed the whole thing and that was how he knows what happened that day.

Mayor Pro Tem Ferebee asked if the fence was supposed to be able to keep the dog out of the yard next to it. Mr. Coley replied it was an enclosed fence that was there when he bought the house; he did not put in the fence.

Councilwoman Scarbrough asked if this collar he was suggesting would keep the dog confined in the yard now. Mr. Coley replied yes it would; it is a buried electric fence and he would be sure to get it taken care of to keep him from going over the fence; he will not even get near the fence. Councilwoman Scarbrough asked if he had the fence in place now. Mr. Coley replied he did not. She asked him when he planned on getting it in place. He replied based on the results of tonight's hearing, he planned on getting one immediately.

Mayor Doughtie called upon the victim's parents: Mr. and Mrs. Harris.

Carrie Harris, 911 Stoney Brook, having been duly sworn by City Clerk Storey, said she was Brantley's mother. She said Mr. Coley stated he was standing at the fence or closer to the fence waving his hands, throwing the ball. She stated Brantley threw the ball. She continued to say her husband and Brantley were in the front yard planting flowers and Brantley said he saw a bunny rabbit in the back yard so he walked to the back yard. The kids were throwing the ball in their fenced in back yard, the ball went over the fence so they asked Brantley to throw the ball back. Brantley picked up the ball and threw it back over the fence. She said Brantley told them the dog jumped over the fence after he had thrown the ball. She said he did not have the ball. If the dog was after the ball, he would have gone to his right hand because Brantley was right handed. The dog did not, he bit him on his left upper shoulder. She stated in the pictures she presented to Council, there are two bites instead of one. If you notice the top of his arm, there is a bite where the skin is broke but not enough to bleed but it broke it and then there is the puncture wound, the second bite. She said the second picture

is where the puncture wound was cleaned and you can actually see where the tooth went in and came out. She said Brantley also has scratch scars down his right arm from where the dog jumped on him and knocked him down. She said the dog has gotten out before back in January. She said they did not receive any problem with him at that time; we didn't even know the dog had gotten out. She said Mr. Coley does state specifically where he had posted that the dog had gotten out, that the dog was not vicious. She said normally you wouldn't state that a dog was not vicious if you are not worried about someone thinking that it is. She said Brantley was not unsupervised, her husband was in the front yard. She said Brantley walked away and in a matter of seconds it happened. Everybody sees the dog bit her son, but they don't see what happened two weeks prior to that. They don't see them cleaning his arm twice a day and him screaming and crying because his arm hurts. They don't see his arm being raw because of the bandages underneath his arm. They don't see him coming home from school sick because of the medication that he was put on to keep from getting an infection. He missed two days of school because his stomach was upset from it and that was two days of work she had to miss. They don't see that every time he sees a dog he is scared to death and asks if that is a boxer. She said they have more kids in their neighborhood that walk through these yards getting off the bus. The neighbor just beside of them, their kids play ball in that back yard everyday almost. They have not been playing ball in the backyard since they heard about the incident; they are scared to go out and play. She said her kids are not allowed in their backyard without their supervision without them directly beside them, which is not normal. What kids do not go in their own backyard or their neighbor's backyard to play without a parent standing right beside them? She said put yourself in their shoes and how would you feel if it was your child that was attacked. It would be different if Brantley provoked it but he merely threw a ball. She had never seen a dog attack somebody because they were throwing a ball. She asked if the shoe was on the other foot and it had been their dog that attacked Mr. Coley's kids would it be different. How would he feel, would he expect justice to be done for our dog because one of his children were hurt. She said it has been over a month and nothing has been done to prevent this from happening again. She said the dog goes out in the backyard; they have seen it in the back yard. She said they had seen Mr. Coley go out with the dog, but as far as building a taller fence, putting a shock collar on the dog, putting in an electric fence, nothing has been done. She said it has been plenty of time to fix the wrong and it hasn't been done yet.

Justin Harris having been duly sworn by City Clerk Storey, said he was Brantley's dad. Brantley plays quite a bit; he plays baseball. Logan is Mr. Coley's girlfriend's child and he knows Logan's father; we all hang out. Sometimes he

likes to go visit Logan and I go with him most times. He said he and Brantley were planting flowers (Mr. Harris was upset and left the podium).

Mrs. Harris added it was said earlier that Brantley did not have stitches and there were no lacerations. She said you can see there were lacerations and it did need stitches but they do not stitch a bite like that because it can cause infection so they allow it to heal from the inside out. (Mr. Harris returned to the podium).

Mr. Harris stated he was always doing something with Brantley. He said he and Brantley plant flowers all the time. If they are doing something at school he was doing it at home. He said Brantley saw a rabbit and he got out of his site for two seconds; he was watching his child. He went into the back yard to look at a rabbit and his kid told my kid to throw a ball; what small child is not going to go play with another child that's asking him to throw a ball back. He said Brantley picked the ball up and took the ball over to the fence being a nice child because that what he is and threw the ball over the fence and got attacked by a dog. It is common sense if a dog attacks a child and puts holes in a child's arm, it's vicious. He said it clearly states in the City Ordinance about a dog being vicious and lacerations on a child's arm and having scaring. My child's arm is scarred; it's going to affect him. He is going to be mentally affected, physically affected and he could be picked on at school. He said he did not handle his composure very well, he gets real angry, real quick. He was trying do this the just way.

Carol Hollowell, 615 Georgia Avenue, having been duly sworn by City Clerk Storey stated she saw the whole thing when it happened. She said the dog jumped over the fence and charged at the little boy knocking him over and his dad came and picked him up and starting yelling at the kids about the dog jumping over the fence and how he was going to kill the dog. He wasn't going to let the dog live if it stayed loose. She said she had been living there at Georgia Avenue for twelve years and Mr. Coley just moved in last year. She said we have not had any problem with that dog whatsoever. She said she carries her two small Shih Tzu dogs and a Rat Terrier and walks them up to the fence and the dog is nice and calm. She stated she cannot see this dog being deemed dangerous.

Mayor Doughtie asked Attorney Chichester if he had anything he needed to add.

Attorney Chichester stated Chief Hasty has referenced the City Ordinance that pertains to having a dog deemed dangerous and he has correctly set forth what the statute does and what is required. He added that Council has heard the facts from the different witnesses and from the appellant and the victim.

Mayor Doughtie asked Chief Hasty where the dog was now. Chief Hasty replied the dog was at Mr. Coley's house. It was quarantined with Animal Control in Halifax for ten days.

Mayor Doughtie asked Officer Wilson how safe is an electric fence; will it stop a dog from crossing through it. Officer Wilson replied yes it would and it has been very effective in keeping dogs in their fence and away from their fence line.

Mayor Doughtie asked Officer Wilson if he was convinced with the report concerning the behavior of the dog while it was being quarantined. Officer Wilson replied that he spoke with Officer Turner of the Halifax County Animal Shelter, he was the one that actually picked up the dog, and he said the dog was showing no signs of aggression when he picked him up for quarantine.

Mayor Pro Tem Ferebee stated the Council's duty was whether to affirm or overrule the findings of fact. He asked if the facts that have been presented tonight were in line with what our ordinance says as to what is considered a vicious and dangerous dog. Chief Hasty replied it was in line with what is considered being deemed a potentially dangerous or dangerous dog. It attacked a human and caused the injury while it wasn't on its property.

Mayor Pro Tem Ferebee asked if the dog was ruled a dangerous dog, what would happen to the dog at that point. Chief Hasty replied Mr. Coley would be required to have it on his property confined or in a secured enclosure. He read 91.14 of the City Ordinance:

§ 91.14 PRECAUTIONS AGAINST ATTACKS BY DANGEROUS OR POTENTIALLY DANGEROUS DOGS.

(A) It shall be unlawful for an owner of a dangerous or potentially dangerous dog as defined in § 91.01 and designated pursuant to this chapter to:

(1) Leave a dangerous or potentially dangerous dog unattended on the owner's real property unless the dog is confined indoors or in a secure enclosure which is locked. A *Secure Enclosure* means an enclosure that meets all of the following criteria:

(a) A structure which is suitable to prevent the entry of young children and to prevent the dog from escaping;

(b) A structure with secure sides and a secure top, or secure sides which are of sufficient height to prevent the dog from escaping over the sides;

(c) A structure whose sides are constructed at the bottom so as to prevent the dog's escape by digging under the sides;

(d) A structure which provides appropriate protection for the dog from the elements.

(2) Permit a dangerous or potentially dangerous dog to go beyond owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

(B) If the owner of a dangerous or potentially dangerous dog transfers ownership or possession of the dog to another owner, the transferring owner shall provide written notice to:

(1) The Chief of Police, or his designee, stating the name and address of the new owner or possessor of the dog; and

(2) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior or breed and the authority's determination of dangerous or potentially dangerous dog.

(C) Any owner of a duly declared dangerous or potentially dangerous dog shall erect a sign (two feet by two feet) which shall be clearly visible from the public right-of-way on the enclosure housing said dog which shall read:

**BEWARE!
DANGEROUS DOG**

(D) The owner of a dangerous or potentially dangerous dog is required to maintain in full force and effect a liability insurance policy of \$100,000 for personal injury or death of any person resulting from an attack by such dangerous dog or potentially dangerous dog.

(E) If the owner of a dangerous or potentially dangerous dog does not own the property where the dog is being kept, then the owner of the dangerous or potentially dangerous dog must have written permission from the property owner where the dog is to be kept before such dog may be kept on the property owner's premises. This specifically includes, but is not limited to, dogs kept on the property of friends or relatives, and dogs kept on rental property.

Councilman Bobbitt asked Chief Hasty if the boy was running away when the dog jumped over the fence or was he running away when the dog actually bit him. Chief Hasty replied that would be a question for Ms. Hollowell.

Ms. Hollowell reported the boy was going towards the fence and was about ten feet from the fence when the dog jumped the fence. The dog charged at him and knocked him over and the dog ran around him and they called the dog back to house.

Councilman Bobbitt asked how the dog bit the boy; the bite was at the lower back side of the arm. Ms. Hollowell replied she was not sure about that.

Councilman Smith asked Chief Hasty the figure required on the insurance. Chief Hasty replied \$100,000 liability which would be on the homeowners' policy.

With no additional questions, Mayor Doughtie closed the appeal hearing.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to affirm the factual findings and order of a Potentially Dangerous or Dangerous Dog declaration.

Mayor Doughtie stated this was a very difficult situation, this was the second one that has come before Council in just a few weeks. He recalled his comments to the audience that as the City Council they were charged to do the best they possibly could to try to keep the citizens safe. He said they wanted to take that responsibility very seriously and it does not mean they do not take all comments that come before them seriously. He said they were working with families and children and they did not want to look back over their shoulder and regret the decision they made; they want to try and make the best one they can based on the information given to them.

Mayor Doughtie called for a five minutes recess.

Mayor Doughtie called the meeting back to order.

Conditional Use Permit Request for Electronic Gaming Operation

Planning & Development Director Lasky, having been duly sworn by City Clerk Storey, stated this hearing was a Quasi-Judicial hearing therefore if anyone who wished to speak and give testimony needed to see the City Clerk if they had not done so to be given an oath.

Councilman Smith stated he attended the Planning Board meeting when this application was discussed but he has not made a decision on it and he made no comment on the matter at the meeting. He asked Attorney Chichester if he would need to be excused from voting.

Attorney Chichester asked Councilman Smith if he participated in the hearing or made any statements. Councilman Smith replied he did not. Attorney Chichester asked him if attending the hearing caused him to form an opinion. Councilman Smith replied it did not. Attorney Chichester stated he did not need to step aside.

A public hearing having been advertised and proper notices having been given according to law, Mayor Doughtie opened the public hearing.

Planning & Development Director Lasky gave any overview of the request. She stated the request is a Conditional Use Permit for an Electronic Gaming Operation (aka

Internet Café or Sweepstakes) to be located in Suite 145 in Becker Village Mall located at 1620 E. 10th Street, Roanoke Rapids. The property has a B-4 Commercial Zoning District designation. She said the use is listed in the Table of Uses in the B-4 District as a permissible use with a Conditional Use Permit that can only be obtained from City Council following Planning Board review and a Public Hearing prior to City Council's final decision. The applicant is Michelle Newsome Taylor and the present use is commercial retail. She stated the proposed use has business hours as 8 a.m. to 2 a.m. daily.

She reported the notice of request and quasi-judicial public hearing was advertised in the *Daily Herald* on May 21 and June 4, 2017. Written notice of the public hearing was sent by First Class Mail to property owners within 100-feet of the subject property boundaries on May 12, 2017.

Planning & Development Director Lasky explained the Conditional Use Permit Process:

- SUBMIT APPLICATION
- STAFF REVIEW & SCHEDULE MEETINGS
- PLANNING BOARD REVIEW & RECOMMENDATION
- CITY COUNCIL REVIEW & FINAL DECISION
 1. HOLD PUBLIC HEARING AND RECEIVE SWORN TESTIMONY
 2. Evaluation Worksheet: Make Findings of Fact (4)
 3. Final Decision: Consider Motion to Approve or Deny the requested CUP

She presented the following staff report:



CITY OF ROANOKE RAPIDS
PLANNING & DEVELOPMENT DEPARTMENT

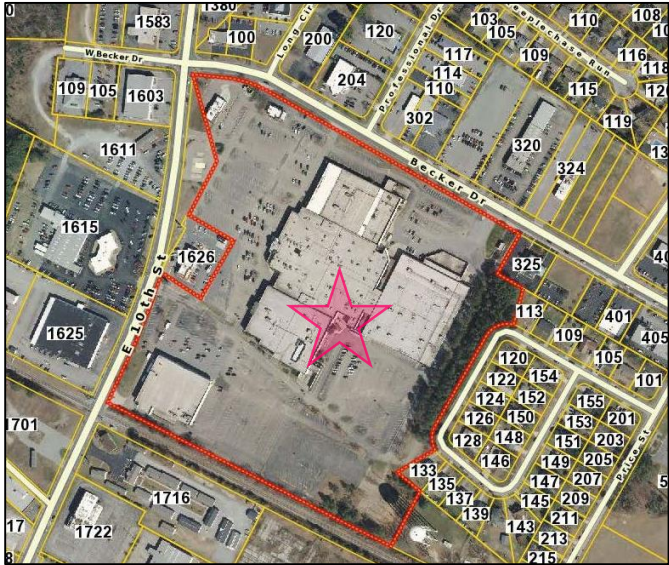
1040 Roanoke Avenue, PO Box 38
Roanoke Rapids, NC 27870
Phone: 252-533-2844 Fax: 252-533-2870

MEMORANDUM

To: Joseph Scherer, City Manager
From: Kelly Lasky, Planning & Development Director
Re: **Conditional Use Permit Application for Electronic Gaming Sweepstakes at 1620 E. Tenth Street, Suite 145 (Becker Village Mall)**
Date: May 31, 2017

Michele Newsome Taylor has submitted an Application for a Conditional Use Permit to operate an Electronic Gaming Operation (Internet Café) in Suite 145 at Becker Village Mall, 1620 East 10th Street. The subject property's zoning designation is B-4, Commercial District. The use of the property as an Electronic Gaming business is a use that is permitted with the approval of a Conditional Use Permit. **The applicant proposes business hours from 8:00 a.m. to 2:00 a.m. for the operation of an electronic gaming/internet sweepstakes business with 30 computer stations, up to 15 stand-up gaming machines, and two Fishing Arcade Tables.**

Location Map



LEGEND
 Location of Suite 145 for Electronic Gaming Operations Request

ZONING MAP EXCERPT

Legend

- Outside Planning & Zoning Jurisdiction
- City Limit
- Roanoke Rapids Zoning District**
 - B-1 Commercial District
 - B-2 Commercial District
 - B-3 Commercial District
 - B-4 Commercial District
 - B-5 Commercial District
 - I-1 Industrial District (light)
 - I-2 Industrial District (heavy)
 - R-3 Residential District
 - R-6 Residential District
 - R-5 Residential District
 - R-8 Residential District
 - R-12 Residential District
 - R-20 Residential District
 - R-40 Residential District

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

SECTION I:

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

Staff finds the requested permit is within its zoning jurisdiction with approval of a Conditional Use Permit by City Council.

2. **The application is complete; or**

Staff finds the application is complete.

3. **Electronic Gaming Operations are a use subject to article XI: Supplementary Use Regulations in the Land Use Ordinance; or**

Staff finds the Development will comply with the requirements of the Land Use Ordinance if in compliance with the requirements of Land Use Ordinance Section 151-171 Electronic Gaming Operations; as follows:

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 show 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. The machines/terminals must not be prohibited by State or Federal law and must have all applicable permits and licenses.
5. 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.

Prior to occupancy approvals, a floor plan will be reviewed and inspections conducted by Code Enforcement Officers for compliance with all NC State Codes and local ordinances.

SECTION II.

The following items are to be considered when evaluating a Conditional Use Permit Application as per Land Use Ordinance Section 151-94(d)(5) as follows:

1. **The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.**

Staff has determined that the proposed business, in general, offers no expectation that such business would create a detrimental environment. There is little documentation finding that electronic gaming businesses endanger 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.**

Staff believes it to be true, that no negative affect on neighboring uses is expected, nor a diminishment of property values expected as a result of this business activity at this location.

- 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.**

According to Staff, no negative affect is expected that an electronic gaming business would alter mall development or impede any potential facility improvements. However, it should be noted that the applicant proposes hours of business until 2:00 A.M. there is a concern about hours of business outside the general mall hours of business. The configuration of the mall with the proposed business location inside mall lead to possible issues resulting from customers having access to the mall interior when no other businesses are open.

- 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.**

Staff finds the requested use is within an existing building and no changes are proposed for review at this time.

- 5. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.**

Staff finds that existing site improvements are more than adequate for the proposed business use, with all utilities currently available in the mall. Any utility expansion for additional service would be coordinated with appropriate providers.

- 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.**

Staff finds that the mall site is located at the intersection of East Tenth Street, a primary thoroughfare, and Becker Drive. The site's primary vehicular access is a traffic signal controlled driveway off Tenth Street and a non-controlled entrance/exit driveway off Becker Drive. Parking needs are met with extensive surface parking within 150 feet of the proposed business location.

- 7. The conditional use shall, in all other respects, conform to all the applicable regulation of the district in which it is located.**

Staff finds in accordance with Land Use Ordinance Section 151-136(e) The B-4 district is designed to accommodate the widest range of commercial activities. Article X: Permissible Uses, establishes Electronic Gaming Operations as 6.300 with approval as a Conditional Use in a B-4 District.

- 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.**

Staff does not find any public access/parking conflict.

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

Staff references the following policies to support the requested use:

As per the Comprehensive Plan, Section 7, Goals and Implementing Actions: Goal #3, Support infill development as an action essential to the continued development of Roanoke Rapids.

Implementing Strategies – Commercial, I.4, Encourage commercial development to occur in clusters or planned shopping centers at the intersection of major thoroughfares to minimize “strip” development and to maintain the proper function of the arterial street system.

SECTION III:

The applicant has addressed the requisite questions, which must be answered by the City Council in the application. ***It is your obligation to ensure each has been adequately addressed after hearing all parties prior to rendering your final decision.***

Planning & Development Department Review

After a complete review of the information submitted to date by the applicant, it is the Planning Staff's opinion that the request satisfactorily meets the requirements of Section 151 – 94 of the Land Use Ordinance.

Roanoke Rapids Area Planning Board Review & Recommendation

The Planning Board reviewed the request on Thursday, May 18, 2017 and its recommendation will be presented during the scheduled June 6, 2017 regular City Council meeting.

Requested Action

The City Council has several options regarding this Conditional Use Permit application.

- (1) Approval of the request as submitted; or
- (2) Approval of the request, subject to certain stated conditions; or
- (3) Denial of the request, state reason for non-compliance (denial).

The Roanoke Rapids Area Planning Board conducted a public meeting on May 18, 2017 to review the request for rezoning. Following staff presentation and public comment, a motion was made to recommend **approval of the requested permit, which passed with a 5-2 vote.**

Mayor Pro Tem Ferebee asked Planning & Development Director Lasky to go over the hours of operation again. She replied that staff made a note that the hours of operation are proposed to be 8 a.m. until 2 a.m. for the requested use and the general mall hours are advertised from 10 a.m. until 9 p.m. Monday through Saturday and Sunday, 11 a.m. to 6 p.m. She said therefore the hours from 9 p.m. until 2 a.m. were hours the other businesses in the mall were closed.

Mayor Pro Tem Ferebee asked if there had been any comments from the other businesses or the mall owner. Planning & Development Director Lasky replied she had not received any comments. She stated the mall manager was present tonight and he can address that question. She added one thing that was mentioned at the Planning Board meeting that was not included in the written application was there was an issue with the restrooms. It was indicated the restrooms would in the general mall area and would be closed off to their patrons after general business hours of the mall. Based upon the inspections, all patrons to the business have to have access to the mall's restrooms during all business hours of the sweepstakes location. Also, people cannot be locked in with one way out via the exterior door from that specific tenant space. She said this information was reported from the Inspections Department and we have requested a letter from the mall management and the applicant stating that they would have access to the restrooms. She said that would be part of the next step of this process. It was just a note because they cannot use the one facility that is located within the tenant space because it is not ADA compliant. It would be part of the occupancy process once the application was approved.

Councilman Smith asked if that was an issue the Council did not need to be concerned with tonight, that would be a following step the Planning Department will take care of. Planning & Development Director Lasky replied she brings this up to assure that restrooms would be available based upon some statements made at the Planning Board meeting; that would be part of the final approval process from the Inspections Department.

City Manager Scherer asked Planning & Development Director Lasky if that was something the Council needed to place on the Conditional Use Permit. She replied that would be a condition that would be blanket covered, therefore the Council would not have to specifically say that.

Councilwoman Scarbrough referred to one of the photos in the presentation and asked if the door behind the power box or the door to the right was an access to the sweepstakes business. Planning & Development Director Lasky replied she was not sure which door goes to the specific tenant space.

The applicant, Michelle Newsome Taylor having been duly sworn by City Clerk Storey, said she could answer the question. She replied the door on the right was the emergency exit to the building.

Planning & Development Director Lasky said the code would not preclude them from using that door, but their concern would be that it be adequately lit and to ensure compliance. She said they would expect most of the patrons would use the mall's primary entrances and exits.

Mayor Doughtie called on the Applicant.

Mr. James Walker, Attorney at Law, having been duly sworn by City Clerk Storey, stated he had been practicing law in the area since 1992. He thanked Council for allowing him to attend and he also thanked Planning & Development Director Lasky for providing the package to him in advance. He said it was very helpful and well organized in order to make a determination. He stated he was here on behalf of the applicant, Ms. Michelle Newsome Taylor. He said he did not appear on her behalf at the Planning Board; she appeared with her daughter, Melinda King and the mall manager. He said they felt this was a little more than what they wanted to bite off and chew so he agreed to help them. He submitted copies of the lease to the Council and a letter from Mr. Chrish Medicharla, the Mall General Manager. He reported the letter addresses some of the concerns Ms. Lasky had mentioned. He said one of the concerns was the access to the rest of the mall because the intention of this business is to operate after hours. He said based upon the letter and the statements it is the intention of the general manager to allow access to the general mall area after it closes. The individual businesses have security doors they pull down over their businesses and there is also mall security. The proposal was the mall employs at least one and sometimes two security guards at all times when in operation. The agreement between Ms. Taylor and the General Manager of the mall is that they'll provide security after the regular mall hours. He said Ms. Taylor has already made contact with some representative of the Roanoke Rapids Police Department and they have agreed to provide off duty police officers who would provide security for the business at such times it deemed appropriate. He said there would be at least one security person working even during hours when there would be mall security. He believed the mall would provide some security as they always do for the mall property during regular mall hours and the Goldmine Café would provide a security person that would be on duty and working inside of the Café during regular business hours and they would employ a second person that would need to augment the security that the mall would provide after it is closed. He referred to one of the slides that was shown concerning the doors and said they are just emergency doors; there is no intention of Ms. Taylor to use those for anything other than what they are intended for, which is to be emergency doors in case of an emergency in order to be compliant with City Fire Codes. Mr. Walker said the business would have the ability to allow patrons to park on either side of the mall. He said for those that have been in Roanoke Rapids for some time and were familiar with the layout of the mall and where the Kmart used to be located, you can gain access to the mall on both sides. He stated that would be the intention during regular business hours and until their proposed closing hours which would be 2 a.m. based on their agreement with the mall manager.

He said on the issue with the restroom within the property itself, it is not ADA compliant and the mall manager and the ownership have agreed that the patrons who would come to the Goldmine Café would have access to the restrooms in the mall during mall operating hours and after the mall closes which is indicated in the letter from the mall manager; the mall manager can speak to that as well. He said the goal here was to provide adequate security for the patrons that would come to the café and make others within the mall also feel like they were safe and secure to come to this location. Mr. Walker stated there were three other internet cafés that are located in Roanoke Rapids: Klix Internet Café located at 1213 Julian Allsbrook Hwy. and that particular location is open 7 days a week from various times 10 a.m. to as late as 2-3 a.m.; I-95 Sweepstakes located on Premier Blvd. in front of Walmart and that location is open 24 hours a day, 7 days a week, it never closes; the Roanoke Rapids Business Center located 1166 Julian Allsbrook Hwy. next to Big Lots and it is open 24 hours a day, 7 days a week.

Mr. Walker said Ms. Taylor has obtained an insurance binder to satisfy the mall manager and its ownership. The mall manager and ownership are satisfied that this would be a viable business for the mall and Ms. Taylor would like to open this business.

Mr. Walker said his family moved to the area in 1980 and remembers as a child going to the Goldmine where they had video games. He stated he had photos his client took of the space and it looks nothing like he remembered; it looks a lot bigger. He stated the total square footage of the space is little over 3,000 sq. ft. He believes it has expanded from its original location to the business that was beside it. He said it was an open floor plan and has tile flooring so there was very little that would have to be done to open and operate the business. With J.C. Penney closing and now the announcement last week that *JustSave* was closing, he believed with approval of the permit, there was the potential the mall would not fall into disrepair. He reported there will be no alcohol sold and they will only serve coffee and snacks and admission was for patrons 18 and up. Mr. Walker said Ms. Taylor and her daughter were local entrepreneurs and just want the opportunity to expand their business potential.

Councilman Smith asked if the entrances on both sides of Kmart would be open after hours. Chief Hasty suggested there be only one access after mall hours for security reasons. He said the goal was to provide adequate security.

Ms. Taylor stated she and her daughter had never opened one of these before; this was their first. She said they were okay with a 10 a.m. opening time, but if

they could not have the 2 a.m. option, it would hurt their business. She asked City Council to please consider allowing the hours of 10 a.m. to 2 a.m.

Councilman Smith asked Chief Hasty if he had any problem with those hours. Chief Hasty replied he had no problems with the hours of operation because the other cafés in the city were open 24 hours a day; he did not see any issues.

Councilman Smith asked if the door to the rear of the building next to the power supply would be used for an emergency exit. Mr. Walker replied yes it would.

Planning & Development Director asked City Council to refer to the following Evaluation Work Sheet and stated as a result of their review, a motion was needed for each Findings of Fact provided in Section III. She stated all four findings of fact would need to be found true for the permit to be approved.

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. Electronic Gaming Operations are a use subject to Article XI: Supplementary Use Regulations 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.*

It is the consensus of the City Council that the requested permit:

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

Council believes this is TRUE, the following Motion was given:

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried that based on the public hearing testimony and the foregoing staff report dated May 31, 2017, it is the consensus of the City Council that the requested permit will not materially endanger the public health or safety.

It is the consensus of the City Council that the requested permit:

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

Council believes this is TRUE, the following Motion was given:

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried that Based on the public hearing testimony and the foregoing staff report dated May 31, 2017, it is the consensus of the City Council that the requested permit will not substantially injure the value of adjoining or abutting property; and

It is 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**
-

Council believes this is TRUE, the following Motion was given:

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried that based on the public hearing testimony and the foregoing staff report dated May 31, 2017, 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; and

It is 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.**
-

Council believes this is TRUE, the following Motion was given:

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried that based on the public hearing testimony and the foregoing staff report dated May 31, 2017, 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 have been found TRUE.

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried that based on the public hearing testimony and the foregoing staff report dated May 31, 2017, it is the consensus of the City Council that the requested Conditional Use Permit be granted to Michelle Newsome Taylor (Applicant) and Becker Village Mall LLC (property owner) for an Electronic Gaming Operation/Internet Sweepstakes located at 1620 E. 10th Street, Suite 145 with the conditions set forth by the Land Use Ordinance.

Mayor Doughtie closed the public hearing.

Proposed FY 2017-2018 Budget Hearing

City Manager Scherer stated the Proposed FY 2017 – 2018 Budget was presented to City Council in a Special Meeting held on May 31, 2017. In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a copy of the Proposed FY 2017-2018 Budget has been on display for public inspection at the Clerk's Office and on the City's website since June 1, 2017. He said a public hearing has been scheduled for this evening to seek citizen input.

Mayor Doughtie opened the public hearing for public comment.

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

Mayor Pro Tem Ferebee asked if the public could view the proposed budget online. City Manager Scherer replied that was correct, it could be viewed on the City's website and in the City Clerk's office.

New Business

Consideration of Streetscape Master Plan Adoption

Main Street Director Caudle reported at the May 16th City Council meeting, Sharon Rhue with Rivers & Associates presented a final set of design concepts for the Roanoke Avenue Streetscape Master Plan. The Master Plan yields a cohesive set of design recommendations which identifies proposed improvements and provides direction for long-term implementation. Additionally, a design concept plan for 1026 Roanoke Avenue was developed as part of the planning effort.

She reported the development of the Streetscape Master Plan has been a public process with meeting information advertised and design concepts available for public review throughout the course of plan development.

Main Street Director Caudle said the final designs presented on May 16th reflect a vision for improved pedestrian function, safety and physical appearance of Roanoke Avenue. The plan also establishes a character which is reflective of our community, inviting to our visitors, and a catalyst for economic reinvestment in Historic Roanoke Rapids. She respectfully requested City Council adopt the Roanoke Avenue Streetscape Master Plan.

Motion was made by Councilwoman Scarbrough, seconded by Mayor Pro Tem Ferebee and unanimously carried to adopt the Streetscape Master Plan.

City Manager's Report

City Manager Scherer stated in regard to the People's Theater, they had recently noticed the marquee had become a safety hazard, so he directed the Public Works Department to remove the marquee today. He said the front of the structure was still solid and the marquee will be stored and maintained at the Public Works Department location. He stated they did not intend to destroy the marquee in case someone would have any interest in it because he understands there is some community sentiment for the marquee and the People's Theater.

He informed the City Council that they had not received any estimates for the Chaloner Pool demolition and replacement. He said he understands that Jim Miller has been out of town, but he is back now and plans to reach out to the companies to try to obtain that information from them.

City Manager Scherer reported City Departments continue to do what they are supposed to be doing. He did not have anything outstanding to report on them.

In conclusion, he announced today was the 73rd Anniversary of D-Day from 1944.

Mayor Pro Tem Ferebee stated he thought there may have been one unofficial estimate. Parks & Recreation Director Simeon said nothing was official at this time. He said Mr. Miller was still gathering information; he has some information but did not have the full RFPs back at this time. Mayor Pro Tem Ferebee asked if they had any thoughts or plans of when that may happen. Parks & Recreation Director Simeon replied Jim Miller had been out of town and he plans to give it his full attention this week and next week. Unfortunately, Mr. Miller was travelling so he only spoke briefly to him so he could answer some questions tonight.

Councilman Smith stated the tour of the City's facilities was good and he appreciates the way all the department heads keep the buildings up; they were all neat and clean. He said it means a whole lot to City Council that they do that.

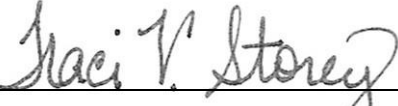
City Manager Scherer said he hoped everyone that was able to go on the tour appreciated that they try to maintain their facilities and also implement efficiencies when they can and try not to waste the funds Council gives them.

Councilwoman Scarbrough agreed with Councilman Smith concerning the City facilities tour and thanked City Manager Scherer for planning it. She said she thought they should do it more than every four years. City Manager Scherer stated he would put it on the calendar for next year.

Mayor Doughtie said it was unfortunate that he was sick and Mayor Pro Tem Ferebee had a family emergency and could not go on the tour. He thanked him for showing City Council so they can talk to people about what their tax money goes for and hopefully with some things that were taking place lately, they could spend more time doing what they should be doing.

Other Business/Comments by Council Members

There being no further business, motion was made by Councilman Smith, seconded by Councilwoman Cowen and unanimously carried to adjourn at 7:20 p.m.



Traci V. Storey, City Clerk

Approved by Council Action on: June 20, 2017