



# Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, April 18, 2023, at 5:30 p.m.** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor  
Carl Ferebee, Mayor Pro Tem  
Sandra W. Bryant)  
Tommy Daughtry)  
Wayne Smith)  
Rex Stainback)

**Council Members**

Kelly Traynham, City Manager  
Geoffrey Davis, City Attorney  
Traci Storey, City Clerk  
Carmen Johnson, Finance Director  
Gorton Williams, Acting Police Chief  
Christina Caudle, Human Resources Director  
Jason Patrick, Fire Chief  
David Wise, Planning & Development Director  
Larry Chalker, Public Works Director  
John Simeon, Parks & Recreation Director  
Tony Hall, Main Street Development Director

Mayor Doughtie called the meeting to order and opened with an invocation.

**Adoption of Business Agenda**

Mayor Doughtie stated the agenda needed to be amended to add a Special Recognition for a proclamation and a Closed Session to discuss a personnel matter. He asked Council members if there were any known conflicts of interest with respect to the matters before them this evening and called for a motion to adopt the agenda with the additional items.

There being no conflicts, motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Bryant, and unanimously carried to amend the business agenda with the addition of a Special Recognition for a proclamation and a Closed Session under Other Business to discuss a personnel matter as allowed by NCGS143-318.11(a)(6).

**Special Recognitions**

Mayor Doughtie read and presented the following Proclamation to Ms. Florine Bell:

*City of Roanoke Rapids*  
**PROCLAMATION**  
*John A. Chaloner Day*  
**IN THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA**

*WHEREAS*, John Armstrong Chanler (later, Chaloner), an attorney of great wealth and prominence from the state of New York, lived in North Carolina, From 1893 to 1897; and

*WHEREAS*, Chaloner, a founding member of the Roanoke River's Old Town, renamed it Roanoke Rapids, achieving the title of "God Father" of the town; and

*WHEREAS*, in 1893, Chaloner and brother Winthrop Chanler contributed to the completion of the Roanoke Canal's Water Power Manufacturing and Improvement Company to build the town's first electric power-generating station; and

*WHEREAS*, Chaloner's United Industrial Company of New York built Roanoke Rapids' first manufacturing knitting mill in 1895, employing 100 people; and

*WHEREAS*, Chaloner built a hotel, a stable, and homes for his mill workers, creating a pattern for other future industrialists who would follow his lead; and

*WHEREAS*, Chaloner contributed to forming and building the Methodist, Baptist and Episcopalian churches; and

*WHEREAS*, Chaloner, a believer in education, established night schools for adults and contributed ten acres of land in 1912 to build the first school in Roanoke Rapids for African American children; and

*WHEREAS*, the new school named John A. Chaloner opened in 1924 and was transformed in 1970 to the existing Chaloner Middle School; and

*NOW, THEREFORE*, I, Emery Doughtie, by virtue of the authority vested in me as Mayor of the City of Roanoke Rapids, North Carolina do hereby proclaim, April 14<sup>th</sup>, as

***John A. Chaloner Day***

in the City of Roanoke Rapids and encourage all citizens to recognize the contributions and impact he made in our community.

*IN WITNESS WHEREOF*, I have hereby set my hand and caused the Seal of the City of Roanoke Rapids, North Carolina, to be affixed this **18<sup>th</sup> day of April 2023**.

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Emery G. Doughtie, Mayor

Ms. Bell gave the following comments:

Honorable Mayor, Mayor Pro Tem, and members of the City Council, thank you for allowing me to speak two minutes and forty-eight seconds on behalf of Attorney John Armstrong Chaloner, a New York attorney and industrialist who came to invest in what was known then as the "New town," development at the Roanoke River. Chaloner lived from 1862 to 1935.

Last Friday, Chaloner's relatives, great-nephew and great-great nephew, were present for the first time in one hundred years. We paid tribute to the Chaloners by unveiling the historical marker for the former John Armstrong Chaloner School, founded by Chaloner and rightly named in his honor.

From 1893 to 1898, Chaloner heavily invested in the "New Town's" undeveloped infrastructure, the first industrial mill, houses, churches, its first cemetery, and schools. These investments became the predecessor and bedrock of the Rosemary Mills, Dominion Power, and the Kapstone Paper Mill operation.

I found a slight difference between the Biblical prodigal son and Chaloner. Whereas the prodigal son decided to frivolously spend his inheritance, Chaloner, a young man too, chose to go south, spending millions of dollars building communities for the welfare of all and mainly the destitute. During the 1800s, the sidewalks were made of planks, and it's said that Chaloner usually carried a hammer to take care of loose nails that tended to snag the lady's long dresses.

Once Chaloner named the developing town in recognition of the Roanoke River, citizens entitled him as the "God Father" of the town we know as Roanoke Rapids. The proven new city was incorporated between 1897 and 1898 with the booming Rosemary "New Town" mill district of Roanoke Rapids.

Thank you, Mayor Doughtie, for you and the town of Roanoke Rapids making history by becoming the first of Roanoke Rapids city officials to officially recognize Chaloner's presence in the Roanoke Valley and the contributions he made to improving the quality of our lives during a time of awful uncertainty.

### **Approval of City Council Minutes**

Motion was made by Councilman Smith, seconded by Councilwoman Bryant, and unanimously carried to approve the April 4, 2023, City Council Regular Meeting minutes as drafted.

## Committee Appointments

### **Halifax-Northampton Regional Airport Authority**

City Clerk Storey said as she mentioned in the last meeting, Calvin Potter recently resigned as one the City's representatives on the Halifax-Northampton Regional Airport Authority. The term for this vacancy expires January 31, 2024. Since that time, Dr. Patrena Benton Elliott expressed interest in serving and has submitted a volunteer application for your review and consideration. She asked City Council to consider a motion to appoint Dr. Patrena Elliott.

Motion was made by Councilwoman Bryant, seconded by Mayor Pro Tem Ferebee, and unanimously carried to appoint Patrena Elliott to the Halifax-Northampton Regional Airport Authority.

## New Business

### **Consideration of Budget Ordinance for Storm Drain Repair at 1<sup>st</sup> & Jackson Street**

Public Works Director Chalker stated this is a resubmittal of Budget Ordinance No. 2022.08 for the 1<sup>st</sup> and Jackson Street storm drain system where a sink hole in the street was discovered last year. The storm drainpipe was ordered in 2022, but due to the supply chain it has taken a year for it to be delivered. Since the City could not get the pipe, no funds were spent on this project in FY 2021-2022 and the funds allocated rolled back into fund balance at the end of the year. He stated he talked to the contractor and there is no increase in the cost.

He requested City Council reapprove this project for FY 2022-2023 now that the pipe has arrived by adopting Budget Ordinance No. 2023.04.

**Ordinance No. 2023.04  
CITY OF ROANOKE RAPIDS  
BUDGET AMENDMENT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS:**

**SECTION 1.** The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023, according to the following schedule:

**SCHEDULE A – PROJECT FUND REVENUES**

Fund Balance – Public Works – Storm Drain System @ 1<sup>st</sup> and Jackson Street (not budgeted)

<b>Project Revenues – To Fund Storm Drain @ 1<sup>st</sup> and Jackson Street</b>	<b>\$75,000</b>
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<b>FUND PROJECT TOTAL</b>	<b>\$75,000</b>
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**SECTION 2.** The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2022 and ending June 30, 2023, in order to meet the foregoing appropriations, according to the following schedule:

**SCHEDULE B – PROJECT FUND EXPENDITURES**

Funding to General Fund – Public Works – Storm Drain System at 1<sup>st</sup> and Jackson Street

<b>Project Expenditures - To Fund Storm Drain at 1<sup>st</sup> and Jackson Street</b>	<b>\$75,000</b>
	_____
<b>FUND PROJECT TOTAL</b>	<b>\$75,000</b>

**SECTION 3.** This ordinance shall become effective upon adoption.

\_\_\_\_\_  
Emery G. Doughtie, Mayor

Motion was made by Councilman Stainback, seconded by Councilman Smith, and unanimously carried to adopt Budget Ordinance No. 2023.04 in the amount of \$75,000 to repair the storm drain system at 1<sup>st</sup> and Jackson Streets.

**Consideration of Resolution Authorizing Advertising of Electronic Auction by Electronic Means (Real Property)**

City Manager Traynham stated there were two items for their consideration. She explained they were together, but they need to be treated separately. The first item is a resolution which authorizes advertising of electronic auctions by electronic means. This could be for any real property that is owned by the City. Currently they use GovDeals.com for personal property. When they sell real property like they have done with the Theatre, they declare the Theater property surplus and then go through the sealed bid process where they must run advertisements in the newspaper. The few times that they have done the sealed bid process within the last nine months, they have spent thousands of dollars on advertising to do that. City Council has the authority to approve electronic advertisement, but it must be done so by a resolution. The resolution being presented, Resolution No. 2023.03 is not property specific. They currently have a resolution in place for personal property, but if they were to sell any real property this would allow those advertisements of auctions by electronic means to be posted to the website and so forth instead of running them in the newspaper. Adoption of Resolution No. 2023.03 would accomplish that ability for the City to be able to do electronic advertising for real property sales if they are by electronic auction.

Councilman Smith stated he did not have a problem with resolution, but at the last meeting they requested she find out about the person who submitted a proposal to lease the building. He asked what she found out about that. City Manager Traynham

replied she did not have any additional information on that. After the last meeting, she emailed City Council the information that had been sent to her. She has not had any communication with the person who was the author of the proposal. She restated this resolution is just for the advertising portion of it. As far as any action on the Theater, it is going to be in the next agenda item. This specific resolution is only about advertising electronically to help save the City some money.

Councilman Smith asked why they haven't reached out to that person and try to negotiate with them too. City Manager Traynham replied she had a name and mailing address and quite frankly, she has not had an opportunity yet to reach out to the person by mail.

Mayor Doughtie asked if she would let them know when she hears something back from them. She replied yes.

Councilman Smith asked what would happen if they delayed this action until the next meeting. City Manager Traynham said there was no issue with delaying either of the actions. Resolution No. 2023.03 basically establishes the ability to advertise electronically. The next action on the agenda is specifically about the Theatre property.

Attorney Davis added he had two individuals reach out to him today. He would be speaking with them tomorrow and later in the week. One of the individuals had previously reached out, but one of the main business associates had been out of the country and just gotten back. With respect to the agenda item before them, the first resolution is to save the City money they are spending on advertising to comply with the state statute by advertising in the newspaper. That is kind of a legacy of the kind of notice statutes that have been in place for hundreds of years now for noticing people. It is not just for the sale of property by municipalities, but with various other circumstances. As they have transitioned to electronic means of disseminating information and it is easier to get now than a physical newspaper. He believes a lot of municipalities have gone to this and is the reason the Legislature amended the statutes to allow this procedure. It does save a lot of money. It could be for the Theatre property or any real property such as the old Fire Station they were trying to sell a few years ago. They would follow the same process as they do with personal property which is done by electronic means. He believes it would be a wise thing for the City to consider.

Councilman Smith asked if they adopted this resolution, they would not have to go through the same process each time. Attorney Davis replied they would still have to offer a piece of property for sale and comply with the state statute in that respect.

This allows the City to save cost for advertising in the newspaper. This is a one-time thing to allow electronic advertising for real property.

City Manager Traynham stated they already have a resolution in place for the sale of personal property. The law states for personal property, they must advertise electronically at least 10 days before the auction. For real property it must be for at least 30 days ahead of time. They could meet advertising deadlines sooner by being able to publish the notice to the City website. She noted they could still do print notice if they wanted to as well.

Mayor Pro Tem Ferebee asked if he was a citizen and didn't have a computer, who would be able to see this.

City Manager Traynham stated this resolution gives the City the authority to publish online and meet the statute requirement for the timelines. They can still advertise in many other ways.

Councilwoman Bryant confirmed that once they put the advertisement on the City's website and whomever would be able to see it; it would not be marketed to a specific group. Attorney Davis replied this just replaces the notice that is put in the newspaper. It is not exclusive to anything. In the past, for instance, with the Theatre property where they solicited bids, there have been other notices that have gone out in addition to just the print notice that goes in the newspaper. This just replaces that requirement to advertise in the newspaper.

City Manager Traynham said when they advertise in the newspaper, they also put the ad on the City's website as well. They were already doing the electronic advertising, but they want this to count towards their statutory requirement.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith, and unanimously carried to adopt Resolution No. 2023.03 authorizing advertising of electronic auction by electronic means.

#### **RESOLUTION 2023.03**

##### **Resolution Authorizing Advertising of Electronic Auction by Electronic Means Only**

Whereas, G.S. 160-270(c) authorizes the City of Roanoke Rapids to conduct public auctions of real or personal property by electronic auctions procedures and to advertise electronic auctions by electronic means only; and

Whereas, the Roanoke Rapids City Council finds that advertising electronic auction sales of real and personal property by electronic means only increases the efficiency of property disposal by this method and saves tax payer's dollars;

Now therefore, be it resolved that the Roanoke Rapids City Council approves the following:

1. All sales of real and personal property by electronic public auction may be advertised by electronic means only.
2. Electronic advertisements of the sale of personal property shall be posted at least 10 calendar days prior to the date on which bidding for the property opens.
3. Electronic advertisements of the sale of real property shall be posted at least 30 calendar days prior to the date on which bidding for the property opens.
4. Electronic advertisements shall be posted on the [name of unit of government] website and, where feasible, by any other electronic means through which notice of the electronic auction may be broadly advertised.
5. Electronic advertisements shall identify and provide a general description of the property to be sold, the date and time at which electronic bidding opens, the electronic address where information about the property to be sold can be found, the electronic address where electronic bids may be posted, a reference to the resolution authorizing the sale where applicable, and any other relevant terms and conditions of sale.

Adopted on this 18<sup>th</sup> day of April, 2023.

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Emery G. Doughtie, Mayor

ATTEST:

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Traci V. Storey, City Clerk

**Consideration of Resolution Authorizing Sale of the Roanoke Rapids Theatre Real Property by Electronic Public Auction**

City Manager Traynham stated in response to the question earlier, this action may be delayed. The resolution prepared in their packets, No. 2023.04 was lacking some information as far as date and times for bid opening and bid ending. Public Works Director Chalker has been helping by speaking with GovDeals in reference to the electronic auction of the Theater. He has been assisting with the actual process that would be underway since his department handles the personal property.

She said this resolution would effectively declare the Theatre property surplus and authorize the sale of the real property by electronic auction. She recommended City Council authorize the electronic auction on GovDeals beginning May 25, 2023 at 9:00 am with an ending date approximately 30 days after that for the property that is described in the attachment being the Theater property. It states that the property be sold as is and these are standard terms as far as the resolution for electronic public auction. Once the auction is concluded, City Council will be presented with the bid information, and then City Council would make that final decision. They could also incorporate the upset bid process. If they were to approve a resolution tonight, they can cancel it anytime or withdraw it any time before the actual auction opens. She was trying to keep the sale of the Theatre process moving so it is possible if they want to postpone the action until more information is available. She asked Public Works Director Chalker if there was anything he wanted to add.

Public Works Director Chalker said he had a few items he would like to highlight about GovDeals. In preparation for this he had several conversations with two key people with GovDeals.com that handle the real property sales for municipalities. They shared some information with him. Going back to the beginning, it was staff's feeling that City Council wanted to get the Theatre in a more national audience to seek bids from a broader base. Since the City has used GovDeals for personal property by selling vehicles and used, old, outdated City equipment, they have already seen the exposure that GovDeals gives them and it is on a national stage. He just looked before he came up here and currently there are 35 real properties listed across the United States right now on GovDeals. The highest bid out there on all of those properties is \$737,000, that's up to date. The closest one to Roanoke Rapids is a middle school in Henderson NC. It was built in 1949 and its current bid is \$250,000. This is not something that's miles away, it's pretty close to them and there are some that are miles away so it's across the country. That's just a little idea of some GovDeals exposure.

He also reported that in the last five years GovDeals for over 1600 auctions for real property have brought in over \$37 million. They have the experience and if the City Council was to decide to use GovDeals, it is quite an in-depth process. They have the people that are going to couple with the City to where they can have virtual meetings with them on the computer. They have full MLS listings just like real estate agents. He hasn't had a chance to talk to the City Attorney yet, but they even have attorneys that are adept to closing properties of this type or even providing assistance in doing so. The process is pretty simple, City Council would have to give staff a resolution authorizing them to sell real property online. The last one was to advertise it online, this would allow them to sell real property online. This particular resolution is geared up for the Roanoke Rapids Theatre. If they decided to sell a lot over in the mill village that didn't have a house on it, maybe the house burned down years ago, staff could come back to City Council asking for permission to sell another property and use the same vehicle or the same format.

Public Works Director Chalker stated they have already created a separate account with GovDeals just in case the City decides to place any real property on this auction site. If they decide to put this property up, the typical exposure would be for 30 days which would also serve as an advertisement legally, based on your last resolution, in addition to other places that they could put online. Then they could pick a time period, a week or even longer to start accepting bids. To streamline the process, one action could be to authorize the City Manager to continue the bidding with a 10-day upset so you don't have to come back and meet every time. City Council can authorize someone based on North Carolina law to accept those bids and to reset the 10-day upset clock. Their entire goal is to streamline this process and to get the Theatre in front of a better audience if they are going to decide to sell it. If they do that and then something else comes up or if somebody does put a good offer on the table to lease it,

they could pause this auction, they can cancel this auction or when the 10 day upset period comes without an additional bid or if they don't like the last offer, they can refuse. It is just like the other auctions they've had; it is just an online presence with a whole lot more of an audience and more investors who have the money to bid on it.

Councilwoman Bryant asked if it's an auction can they establish a minimum bid. Public Works Director Chalker replied yes, absolutely. They really don't have to post that minimum bid, they could put it in the form of a reserve. If someone was bidding on it, it would say the reserve had not been met. It would be whatever the pleasure of the Council. He has been talking to two gentlemen that this is all they do, they sell small, medium and big properties for municipalities across the country.

Mayor Pro Tem Ferebee asked what type of fee that would end up being. Public Works Director Chalker said he just had that conversation earlier with GovDeals a few hours before the meeting. The maximum fee that the buyer would pay would be 5%. They may negotiate and try to get that a little bit lower, but that's the maximum. Whatever the final bid is, the buyer would have to pay that fee to GovDeals. The City pays no fee at all. In addition, that fee also covers their MLS listing, any signage that their experts may think the City may need, any banners on websites, flyers and things such as that. GovDeals has pretty good full service for something like this and he has been really impressed with what he has seen so far.

Mayor Pro Tem Ferebee asked if they could do a resolution with an authorization of general real property by electronic public auction and not specifically identify the Theatre. That way if they had some other real properties, it would already be on the books where you could do that and then come back later with specific properties like the Theatre. Attorney Davis said he did not think that City Council could authorize something blanket like that. He believes it would have to be specific to each individual property. That is probably the way that it should work if they were disposing of City real property. Each piece of real property is different and unique so it probably needs to come before City Council just from a broader principles of government kind of sense. From a legal standpoint, he did not think they could do a blanket authorization like that.

Councilman Smith asked Attorney Davis about him saying earlier that he had a conference with the people tomorrow. He replied he had a phone number and they were going to try to work something out where they can talk this week.

Councilman Smith stated personally he was not interested in leasing the Theatre, he wants it sold. In the negotiations, they could tell them the City wants the building sold. He thought the City Manager said that if they could come to an agreement on the amount of money they paid, they could cancel this auction at any time. City

Manager Traynham replied, yes they could cancel an auction at any time. City Council can only approve what the City can lawfully go through a process and approve. If someone wants to lease, purchase or something like that, they have to make sure that the proper procedures by statute are followed to make that decision. While a property would be on GovDeals being advertised with an auction, they could make a decision on a lease or purchase and cancel the auction.

Attorney Davis stated at this point it may be worthwhile to still have that discussion but let any potential interested lessee know that the City really would like to sell the property. If an offer comes in to sell it and City Council accepts then that is going to be what Council's preference is probably going to be. Regardless of whether it is a lease or a sale, at the end of the day City Council has to accept or reject it. The way that he sees the auction process is that this is another tool in the City Council's arsenal to be able to try to dispose of this piece of property. They can pursue that right now while we pursue other things and while we leave the door open. There is nothing that is going to tie your hands to any kind of result. At the end of the day when all the procedure is done with respect to the auction, if there's a bidder and whatever that final bid is comes back to City Council and they can still reject it.

Councilman Smith stated he did not see why they could not approve this tonight.

Mayor Pro Tem Ferebee asked about the 30-day timeframe and if nothing happened, would they put it back out there. Public Works Director Chalker replied GovDeals recommends putting it on their site from 30 to 45 days. The preference is 30-days; it is the most popular. Once it's been up and visible on the site for 30 days, they start taking bids. The 30 days can serve as a visibility, advertisement situation just like with the resolution they just voted on. Then they can set the timing up so the auction can come to an end at five to seven days and go into the 10-day upset period. Automatically they can start taking the 10 day upset bids immediately afterwards. Once a successful bid is received then the 10-day process can start over again automatically. At the end of any 10-day period where they don't receive another certifiable bid, the auction would come to an end and they would have come back to City Council to review with them what they received at auction. It would be up to City Council to accept or reject it. It is also important to note, before they list this building on any electronic auction site for a building of this magnitude, they would expect the City Attorney and the City Manager both to review it. They would ask them to review the listing to make sure that it's entirely legal according to North Carolina statutes.

Mayor Pro Tem Ferebee asked about having a policy/procedure to sell real property by electronic auction. Then they would come back to City Council with specific properties such as the Theatre, piece of land or building. Otherwise, they would have

to come back to City Council after the 10 days.

Attorney Davis stated this process is authorized by the general statutes. For a specific sale such as the Theatre they could add in under paragraph 3 where there is some language in red including any other terms. He thinks they could plug in that kind of language he was talking about so that it would give that authorization to allow that to happen for this piece of property. The resolution in their packet was adapted from the School of Government.

Mayor Pro Tem Ferebee said he was just trying to cut down on some time of having to come back with that same thing after the 10-day process. Whereas if they had a policy out there saying they were authorizing the sale of real property electronically then they would not have to continue coming back to City Council to put that piece of property up again.

City Manager Traynham stated procedurally the resolution must have specific dates. They could look into something, but right now they do not even know what the outcome will end up being. For all real property they have to go through a competitive sales process even if it is a 25-foot by 100-foot lot that someone says they will give the City \$500 for it. They must have a competitive process no matter what. It doesn't matter the size or the nature of the track, they have to go through the resolution and say how you're going to dispose of it, but in this case, they are saying the method of disposal is electronic auction following the general statutes. They have to name the specific parcel and property identifying information. If down the road they wanted to readvertise again they would just basically go through the resolution approval process for the new dates of it. It would be a lot faster to get the listing up and going because they would not have to create it the second time around. She reiterated that the law requires a 30 day timeline before the auction opens.

City Manager Traynham stated they had a couple of amendments to Resolution No. 2023.04 that is in their packet to include the dates. She stated in item number one: May 25, 2023 at 9:00 a.m. for the auction to begin and then ending on June 26, 2023 at 9:00 a.m.

Councilman Smith asked if those dates needed to be in the motion. City Manager Traynham replied yes.

Councilwoman Bryant asked if number 3 was where they would put what they expect the minimum bid to be. City Manager Traynham replied for electronic auction, they would want to set a reserve amount.

Public Works Director Chalker recommended they set a reserve amount. GovDeals told him they do not want to start on your minimum bid for an electronic auction. They want to allow them to start lower and let the auction work its way up. It has been their experience that auctions are more successful with more bids. The reserve would protect them to make sure they get the minimum bid that they want, but it would allow the auction to continue through its normal process. Let's say they started the first bid at \$500,000, that doesn't mean the City would take that, but that's what the reserve does, it protects them in the end.

**RESOLUTION 2023.04**  
**Resolution Authorizing Sale of Real Property by Electronic Public Auction**  
**Pursuant to G.S. 160A-270**

Whereas, G.S. 160A-270 authorizes the Roanoke Rapids City Council ("Council") to sell real property at public auction, including electronic public auction, upon adoption of a resolution authorizing the appropriate official to dispose of the property at public auction subject to Council's acceptance of the highest bid;

Whereas, the City Manager has recommended that the property listed on the attached Exhibit A should be sold at public auction as surplus property;

Now therefore, be it resolved, by the Roanoke Rapids City Council that:

1. The City Manager or her designee is authorized to sell by electronic auction at [www.govdeals.com](http://www.govdeals.com), beginning on **May 25, 2023 at 9:00 a.m.** and ending on **June 26, 2023 at 9:00 a.m.**, the surplus property described in Exhibit A.
2. The real property described herein is being sold "as is" and subject to any and all exceptions of record;
3. The terms of the sale shall be net cash.
4. After the auction is concluded, the high bids for all properties shall be reported to the Council who shall accept or reject each bid within thirty (30) days after the bid is reported to the Council.
5. The City of Roanoke Rapids reserves the right to reject any and all bids;
6. The City of Roanoke Rapids reserves the right to withdraw any listed parcel from the auction at any time before the bidding opens; and,
7. The City Manager or her designee is directed to have published a notice of the sale at least once and not less than 30 days before the date on which bidding opens. The notice shall contain a general description of the land sufficient to identify it, the terms of the sale, and a reference to this authorizing resolution as required by G.S. 160A-270(a).

**Adopted** on this 18<sup>th</sup> day of April, 2023.

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Emery G. Doughtie, Mayor

ATTEST:

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Traci V. Storey, City Clerk

**Exhibit A**

The following described property is hereby declared to be surplus to the needs of the City:

**Roanoke Rapids Theatre**

**Located at 500 Carolina Crossroads Pkwy, Roanoke Rapids, said property described more completely  
as:**

All that certain lot, tract or parcel of land, and all improvements thereon, lying and being situate in the City of Roanoke Rapids, Weldon Township, Halifax County, North Carolina, being shown and designated as Lot 1, containing 8.822 acres, according to the map or plate entitled "Plat Showing Revision of Lot #1, Carolina Crossroads Music and Entertainment District, Phase One:", dated April 26, 2006, prepared by Jonathan C. Waters, Professional Land Surveyor, recorded in Plat Cabinet 6, Slide 143-O, Halifax Public Registry; and being the identical property conveyed to B & C Roanoke, LLC, by deed of Roanoke Rapids Entertainment, LLC, dated June 21, 2006, and recorded in Book 2138, Page 464, Halifax Public Registry. Reference to said plat and deed is hereby made for greater certainty of description.

*This description also includes all fixtures, appurtenances, related equipment and items of personal property, which are located at the Roanoke Rapids Theatre.*

Motion was made by Councilman Stainback, seconded by Councilman Smith, to adopt Resolution No. 2023.04 authorizing the sale of the Roanoke Rapids Theatre real property by electronic public auction beginning on May 25, 2023, at 9:00 a.m. and ending on June 26, 2023, at 9:30 a.m.

Mayor Pro Tem Ferebee questioned that the reserve numbers were not going to be included.

Councilman Smith asked why did they need a reserve when the Council can reject any bid. City Manager Traynham said they did not need to have a reserve; they could set a reserve.

Public Works Director Chalker said GovDeals allows the option to set a reserve. They prefer a reserve if you choose to do that as opposed to a posted minimum bid. He explained if they post a reserve, they can start the bids wherever. If they post a minimum bid, the first bid must be whatever that amount is. It is more difficult to get a high minimum bid than it is to post a reserve in the background and let the bidding start wherever it may start.

Mayor Pro Tem Ferebee asked if they could set the reserve at whatever amount. Public Works Chalker replied yes, whatever the City Council's pleasure is.

Mayor Pro Tem Ferebee requested an addition to the motion to set a reserve.

Councilman Stainback stated his motion did not include a reserve because his understanding was they could set a reserve but did not need to let everyone know what it was.

Attorney Davis stated as Councilman Smith said, whether they set a reserve or not, City Council can reject whatever comes in for any acceptable reason.

Mayor Pro Tem Ferebee expressed his concern about letting potential bidders know the City would like bids in a certain ballpark so they would not have to keep going through the same process over and over again.

Councilman Stainback said he thought if they set a reserve amount publicly tonight they might as well announce it when they start the auction. He understood the reserve amount would remain hidden and to bidders it would say the reserve had not been met yet. GovDeals suggested to do it this way in order to generate more interest in it.

Public Works Director Chalker replied it was public knowledge that when they were taking sealed bids, the City Council said they would not take less than \$1.5M. Setting up an auction such as this, it is no secret, but the reserve would not be advertised on the site. Bidders would only see that the reserve had not been met. The reserve could be publicly known. Whatever bids they receive, City Council will have to discuss it and decide to accept or deny it.

Councilman Stainback said if they do it this way, they would not be taking GovDeals recommendation to start the bidding low. If they publicly say they are not going to take less than \$1.5M, that is where they might as well start the auction. It would not generate that momentum.

Public Works Director Chalker said except there may be some exposure nationally that may not hear this meeting. But if they did some research, they could look at this footage and discussion online. It was just a matter of how City Council wants staff to set the auction up.

Councilman Stainback asked if they had to publicly say what their reserve was. Attorney Davis replied if they decided to have one then yes, it would need to be part of the motion.

Councilman Smith said since City Council has the option to reject it, he believes they should leave the motion as is.

Mayor Doughtie stated they had a motion on the floor. Councilman Stainback stated he was not going to amend the motion and keep it as is. Mayor Doughtie called for a vote. Councilman Stainback, Councilman Smith and Councilman Daughtry voted in favor. Mayor Pro Tem Ferebee and Councilwoman Bryant voted against. Motion carried 3-2.

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

City Manager Traynham stated they were moving along in the budget planning processes for the upcoming fiscal year. They will be discussing more in their next meeting.

She updated City Council on the following activities:

- Southgate flood abatement project along Chockoyotte Creek – A contractor bid opening process was conducted. One bid was received. By state statute they have to get more than one bid to be competitive so that will be readvertised in order to get a contractor for that particular project which is funded through a grant.
- Chaloner Recreation Park – They are soliciting bids for general contractors to complete the site work that needs to be done in advance of the modular. The Parks and Recreation department is reaching out to contractors to get those quotes for the work.
- The Fire department continues to do hydrant testing. As they move across the city, if anyone ends up with discolored water coming out of the tap, make sure you flush the lines for several minutes until it runs clear.

### **Finance Director's Report**

Finance Director Johnson reported for the period ending March 31, 2023, the General Fund year-to-date revenues totaled \$14,425,552.62 which accounts for 70.9% of the adopted budget. Prior year it was at 79.6%. The General Fund year-to-date expenditures totaled \$13,704,420.85 which is 67.4% of the adopted budget. For the prior year it was at \$11.8M.

She stated the City is in good financial standing for March 2023 with revenues exceeding expenditures by \$721,131.77. Even with the YTD surplus, the City still has the May Theatre payment, administrative, and operational requirements for the upcoming quarter. They must be mindful of our expenditures in order to end the year with a favorable revenue to expenditure variance; therefore, not incurring a loss on operations at June 30.

Councilman Smith asked about the Sales Tax Collections being down \$1M. He was concerned whether they would collect that amount in the next few months. City Manager Traynham reminded City Council that Sales Tax Collections were two months behind. This report only reflects collections through February. She added she learned in a recent economic development meeting that in January of this year, it has been record-breaking numbers as far as sales tax collected in the community.

Councilman Smith stated he noticed the grant funds were down too.

Mayor Pro Tem Ferebee asked about Finance Director Johnson's note concerning the ad valorem taxes were slightly below in comparison to the prior year and why that was the case. She replied it was due to collections.

Councilman Smith complimented Finance Director Johnson for doing an excellent job on the interest earnings this year.

<p style="text-align: center;"><b>Closed Session</b></p>
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Motion was made by Councilman Stainback, seconded by Councilwoman Bryant and unanimously carried to go into Closed Session to discuss a Personnel Matter as allowed by NCGS 143-318.11 (a)(6).

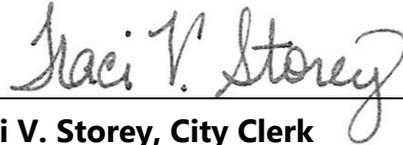
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*Minute Book Pages 21220 - 21222 contain Minutes and General Account of a Closed Session which have been sealed until such time as public inspection of those minutes would not frustrate the purpose of the Closed Session.*

**Open Session/Adjournment**

City Council returned to Open Session. No action was taken.

There being no further business, motion was made by Councilman Smith, seconded by Councilman Stainback, and unanimously carried to adjourn. The meeting was adjourned at 7:23 p.m.



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**Traci V. Storey, City Clerk**

**Approved by Council Action on: May 2, 2023**