***Minute Book Page 18104***

**Minutes of the Roanoke Rapids City Council**

A regular meeting of the City Council of the City of Roanoke Rapids was held on Tuesday, February 16, 2016 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)

**Council Members**

Carol H. Cowen)

Wayne Smith)

Joseph Scherer, MPA, MS, City Manager

Gilbert Chichester, City Attorney

Lisa B. Vincent, MMC, NCCMC, City Clerk

Kathy Kearney, Deputy City Clerk/Human Resources Manager

Leigh Etheridge, Finance Director

John Simeon, Parks & Recreation Director

Kelly Lasky, Planning & Development Director

Stacy Coggins, Fire Chief

Chuck Hasty, Police Chief

Christina Caudle, Main Street Director

**Absent:** Larry Chalker, Public Works Director

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

**Adoption of Business Agenda**

There being no conflict of interest with any of the items on the agenda, motion was made by Councilwoman Cowen, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda for February 16, 2016 as presented.

**Special Recognitions**

***Police Department Recognitions***

Police Chief Hasty recognized CID Captain Bobby Martin for successful completion of the Criminal Investigation Specialist training program at Coastal Plain Law Enforcement Training Center at Wilson Community College. He stated this is a very intense class (399 hours) covering a variety of topics.

***Minute Book Page 18105***

Police Chief Hasty indicated that Sergeant Daniel Jenkins is sick and unable to attend tonight. He stated he will be recognized at a later meeting.

Mayor Doughtie congratulated Captain Martin on his accomplishment and thanked him and the rest of the department for what they do every day for this community.

**Public Comment (Unscheduled)**

***Kathleen Robinson***

Ms. Kathleen Robinson of 812 Vance Street, Roanoke Rapids, NC stated she has two topics to present. She stated the first topic is the number of hungry people we have in this county and a place that should be feeding them but are not. She stated she will not name the place. Ms. Robinson stated she has been feeding over 20 families since Thanksgiving. She stated the food is not purchased with food stamps but provided by the blessings she has received from God. She stated anyone is invited to come to lunch or dinner at her house, and it is free. She stated people are also welcome to take food home unlike some of the other organizations here that charge people.

Ms. Robinson stated the second topic is the free summer camp she will be running at her home. She stated the purpose of this camp is to guide our young children (ages 5 to 12) so they will not end up being influenced by drug dealers and gang members. She stated the only thing she asks is that anyone with ideas for the camp to please let her know. Ms. Robinson stated she will not run her camp during the Police Department’s free camp as her granddaughter attended last year and said it was excellent. She stated her granddaughter would rather be at the Police Department’s camp.

Ms. Robinson stated she does not want anyone to go hungry because she has been there. She stated when children are not in school, they do not eat. She also mentioned that the teenage pregnancy rates are high in this area.

Mayor Doughtie asked Ms. Robinson to share how things went with the free meals she served during Thanksgiving.

Ms. Robinson stated she fed around 200 people. She stated some came from other places to volunteer. She stated City officials and staff were also very helpful. She stated God was very good to them. She stated the weather was very nice and they were able to set up her yard as a café. Ms. Robinson stated she has been where some of these people are, and God brought her here at her worst time. She stated she has met so many Christian people here. She stated she goes into neighborhoods where other people are afraid to go because she knows that God will protect her.

**Approval of Council Minutes**

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to approve the February 2, 2016 Council Minutes.

***Minute Book Page 18106***

**New Business**

***Consideration of Amendments to the Traffic Code***

Police Chief Hasty presented a PowerPoint presentation *(on file in the Clerk’s Office)* of the proposed amendments to the Traffic Code. He highlighted the following:

* **Franklin Street between 3rd & 1st Streets**
* ¼ mile straight and level roadway with no stop sign between the two points, in a primarily residential area.
* Our proposal is to install a 4-way stop sign at 2nd & Franklin Streets to cause traffic to have to stop thereby slowing vehicle speeds and making the area safer for both motorists and residents.
* **Gregory Drive**
* To prohibit parking on the roadway due to safety concerns for pedestrians and the motoring public.
* Business owners we spoke with were on board with the idea of prohibiting parking in the roadway.
* We will later recommend a crosswalk on Gregory Drive at Old Farm Road, from the New Day Fitness Gym to the New Day Studio building.
* This is a unique area of the City due to a wide variety of roadway variables.
* .65 mile long with a 29-foot wide travel surface
* 5 curves
* hills
* High traffic volume due to cut through traffic and business traffic.
* Emergency vehicle operation is affected.
* **Signature Healthcare (Jefferson Street/14th Street between Jefferson & Charlotte Streets)**

**Jefferson Street**

* Signature Healthcare has installed a newly paved parking area. This will assist in helping to reduce the need for vehicles to park on the streets around the facility.
* Vehicles parked along the street make it dangerous for trucks to enter the property on Jefferson Street.
* Proposal is to prohibit roadside parking to ensure safe movement of vehicles to the facility and other properties.
* This will allow delivery trucks for Signature Healthcare and trucks to enter the old Pine State Dairy property without hitting vehicles parked on Jefferson Street.
* This will also allow emergency vehicles better access to the rear of the building in case of an emergency situation.

**14th Street between Jefferson & Charlotte Streets**

* Vehicles parked along the roadway make it dangerous for pedestrians and motorists.
* Proposal is to prohibit roadside parking to ensure safety of staff and visitors to the facility.
* This proposal will allow for the vehicles to have a better view of traffic on E. 14th Street when leaving the circle driveway at Signature Healthcare and the new parking lot.
* The circle driveway is used by ambulances and other transport services and by prohibiting parking on the street, they can have better access to the facility.
* We will later recommend a crosswalk from the new parking lot to the entrance of Signature Healthcare.

Police Chief Hasty pointed out that several of the neighbors from these areas are present as well as the new owner of the old Pine State Dairy property and Reverend Danny Jones from Signature Healthcare.

Mayor Doughtie asked if the businesses to be affected will have adequate parking.

***Minute Book Page 18107***

Police Chief Hasty stated he is a member of New Day Fitness and knows that they have adequate parking. He pointed out that the owner, Ms. Tammy Crowley-DeLoatch is on board. He stated Key Fitness is working on buying property to expand their parking lot.

Mayor Pro Tem Ferebee asked if all of the businesses affected are on board.

Police Chief Hasty stated yes.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt the following ordinance:

**TRAFFIC CODE AMENDMENT**

**Ordinance No. 2016.04**

**AN ORDINANCE TO AMEND THE TRAFFIC CODE OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA that:**

**SECTION 1.** The Roanoke Rapids Traffic Code is amended to install “No Parking” Signs on both sides of Jefferson Street from the intersection at E. 14th Street south to its terminus.

**SECTION 2.** The Roanoke Rapids Traffic Code is amended to install “No Parking” Signs on both sides of E. 14th Street from Jefferson Street to Charlotte Street.

**SECTION 3.** The Roanoke Rapids Traffic Code is amended to install “No Parking” Signs on both sides of Gregory Drive from Smith Church Road to Old Farm Road.

**SECTION 4.** The Roanoke Rapids Traffic Code is amended to install “4-Way Stop” Signs at the intersection of 2nd and Franklin Streets.

**SECTION 5.** This ordinance shall become effective upon the installation of the appropriate signage.

***Consideration of Updated Substance Abuse Policy***

Human Resources Manager Kearney reviewed the updated Substance Abuse Policy. She indicated that the current policy was adopted in 1996 and many laws have changed since then. She stated as you know, there is an illegal drug problem in our country that is affecting many people and also working its way into the workplace.

Human Resources Manager Kearney stated the purpose of this policy is to seek to protect employees and the public and to provide employees with a drug-free, healthy, safe, and secure work environment. She stated the City is committed to developing and administering a fair and consistent policy to promote and maintain a drug-free work environment. She stated the employees who abuse alcohol and/or controlled substances are encouraged and may be required to use the City’s Employee Assistance Program. She stated conscientious efforts to seek and use such help will not jeopardize an employee’s job; however, failure to seek and use such help may subject the employee to disciplinary procedure including, but not limited to, termination.

***Minute Book Page 18108***

Human Resources Manager Kearney stated we do not have a big use for this policy but we need to have an updated policy in place.

Motion was made by Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to adopt the following Substance Abuse Policy:

**CITY OF ROANOKE RAPIDS**

**Substance Abuse Policy**

1. **Purpose**

The City of Roanoke Rapids seeks to protect its employees and the public and to provide employees with a drug-free, healthy, safe, and secure work environment. The City is committed to developing and administering a fair and consistent policy to promote and maintain a drug-free work environment. Employees who abuse alcohol and/or controlled substances are encouraged and may be required to use the City’s Employee Assistance Program. Conscientious efforts to seek and use such help will not jeopardize an employee’s job. However, failure to seek and use such help may subject the employee to disciplinary procedure including, but not limited to, termination.

1. **Definitions**
2. ***Reasonable Suspicion*** means an expressible belief on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of alcohol or improper use of drugs while at work. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
3. Direct observation of drug use or alcohol use and/or the physical symptoms of being under the influence of a drug or alcohol;
4. A pattern of absenteeism, tardiness, or deterioration of work performance and abnormal conduct or erratic behavior while at work;
5. A pattern of accidents and/or information that an employee has caused or contributed to an accident at work while under the influence of drugs or alcohol;
6. Evidence that an employee is involved in the unauthorized possession, sale, solicitation, or transfer of drugs or alcohol while working, or while on the City’s premises or while operating a City vehicle, machinery or equipment.
7. ***Approved Laboratory*** means a laboratory approved and certified to conduct employee and applicant drug testing by Halifax Works, Fast Med and verified by LabCorp or the equivalent.
8. ***Controlled Substance*** means any substance regulated by state or federal law which has been determined to have a potential for abuse and that may lead to physical or psychological dependence. This includes all forms of marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), phencyclidine (PCP), barbiturates and benzodiazepine.
9. ***Positive Drug Test*** means a chemical test on one’s urine or blood sample performed by a certified laboratory which confirms the presence of a controlled substance. A test shall be declared positive after the test has confirmed the presence of drugs in the sample.
10. ***Positive Alcohol Test*** means a Breathalyzer or blood test which confirms the presence of alcohol at a level 0.02 or greater. To ensure maximum validity, the test shall be conducted under the generally accepted test procedures accepted under Department of Transportation (Federal Highway Administration) and North Carolina General Statutes.
11. ***Medical Review Officer (MRO)*** means a medical official that is employed at the laboratory contracted by the drug testing facility to verify drug screens sent due to positive test

***Minute Book Page 18109***

results. The MRO reviews the drug screen to ensure test is accurate. The MRO makes contact with employee with any questions that may affect testing such as medications prescribed to them by a physician.

1. **Workplace Use of Prescription or Ability-altering Drugs**

The employee is responsible for ascertaining from a health care professional the effects of any prescribed drug or over-the-counter medication. Any employee with knowledge that the use of a prescribed or over-the-counter medication could alter the employee’s ability to perform the duties of the position must notify the appropriate supervisor before undertaking his or her job duties. Failure to obtain or communicate such information may result in disciplinary action.

1. **Applicability**
2. Applicants who have been offered employment must undergo a drug screen test as part of the hiring process.
3. All employees are covered under this *Substance Abuse Policy* and are subject to post-accident or post-incident testing.
4. Employees serving in positions determined to be safety sensitive are subject to random and “follow-up” testing, when applicable.
5. Employees who must hold a Commercial Driver’s License (CDL) as a requirement for the job are subject to random and “follow-up” testing as required by the U.S. Department of Transportation.
6. **Prohibited Conduct for All City Applicants and Employees**

The following conduct is expressly prohibited and violations will result in disciplinary action up to and including termination:

1. Possession, consumption, manufacturing, distribution, dispensation or being under the influence of an unauthorized controlled substance, an illegal drug, drug paraphernalia or alcohol **while on duty, on City premises,** in City-supplied vehicles, or in any City work area. Law enforcement officials shall be notified, as appropriate, where criminal activity is suspected.
2. Sale, use, or possession of illegal drugs; or possession with intent to sell illegal drugs.
3. Off-premises abuse of alcohol or controlled substances when these activities adversely affect job performance, job safety, or the public’s confidence in an employee’s ability to perform their duties in an adequate and effective manner.
4. **Drug Screening Criteria**

The City of Roanoke Rapids will consider an employee for a drug screening test under the following circumstances:

1. **PRE-EMPLOYMENT.** Applicants who have been offered employment with the City of Roanoke Rapids will be required to undergo a drug screening test as part of the hiring process. The City will withdraw an offer of employment made to any applicant whose drug screen test reveals the presence of illegal drugs or prescription drugs without a valid prescription.
2. **POST-ACCIDENT or INCIDENT.** All full-time and part-time employees will be tested for the presence of controlled substances and/or alcohol following an on-the-job accident/incident that involves the following:
   1. A fatality;
   2. Bodily injury requiring immediate medical attention or professional medical treatment away from the scene of the accident. The employee is tested only if circumstances indicate that such bodily injury (whether to an employee or citizen or both) may have been caused, at least in part, by the employee; or
   3. Any property damage that involves an employee and a City Vehicle or Property.

***Minute Book Page 18110***

A post-accident drug and/or alcohol test will be administered as soon as possible, but not more than eight (8) hours following the time of the accident. Refusal to test could result in disciplinary action including termination.

1. **REASONABLE SUSPICION TESTING.** When there is reasonable suspicion that any employee on duty has alcohol or drugs in his/her system, the employee will be tested. Reasonable suspicion must be based on specific, objective facts or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol.

Facts supporting a reasonable suspicion determination include, but are not limited to, any one or more of the following:

* 1. Direct observation of prohibited drug or alcohol use;
  2. Slurred speech;
  3. Odor of marijuana or alcohol about the person;
  4. Inability to walk a straight line;
  5. Physical or verbal altercation;
  6. Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes; irrational behavior);
  7. Possession of drugs or alcohol;
  8. A report of prohibited drug or alcohol use provided by a reliable and credible source; or
  9. Arrests, citations, and deferred prosecutions associated with drugs or alcohol.

1. **FEDERAL OR STATE MANDATED SUBSTANCE ABUSE TESTING.** City employees who are subject to federal or state mandated substance abuse testing, including but not limited to Department of Transportation regulations, will be tested pursuant to such testing requirements notwithstanding this *Substance Abuse Policy*.
2. **RANDOM TESTING.** An employee that is entrusted with preserving the public health/safety or the safety of other employees has a special responsibility to maintain physical and mental fitness for duty at all times while on the job.Testing may be conducted on a random basis on employees that hold safety-sensitive positions, chosen by a method that provides an equal probability that any employee from a group of employees will be selected. Safety-sensitive positions within the City of Roanoke Rapids are defined as:
   1. All sworn law enforcement personnel;
   2. Positions (full-time, part-time, or contract) requiring the consistent and frequent operation of heavy equipment or motor vehicles as a primary task;
   3. Positions working around large equipment or with potential for hazards;
   4. Positions working with youth and/or those required to drive citizens or clients;
   5. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace; and
   6. Other positions as required by law, or as designated by the Human Resources Officer, due to the specific safety-sensitivity of individual jobs.
3. **RETURN-TO-DUTY and FOLLOW-UP TESTING.** Testing is conducted when an employee has violated alcohol or drug testing standards and returns to performing duties following evaluation by substance abuse professionals and, if necessary, treatment. Testing is conducted prior to the return to work and on an unannounced/random basis for up to two (2) years.
4. **Relief from Duty**

An employee may be placed on administrative leave for the balance of the work shift when

***Minute Book Page 18111***

tested under *Section (2) Post Accident or Incident*. An employee may be placed on administrative leave pending the outcome of the test results when tested under *Section (3) Reasonable Suspicion.*

Employees will normally be placed on annual leave or leave-without-pay while awaiting results of a post-accident/incident or reasonable suspicion drug test (since the employee is considered to be awaiting disciplinary action if the test is positive, use of sick leave is not authorized during this period). If the test is negative, employees may choose to utilize annual leave or take the lost work time as leave-without-pay.

1. **Testing Procedures**
2. **CONSENT.** Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know. The consent form shall provide space for employees to acknowledge that they have been notified of the City’s *Substance Abuse Policy* and to indicate current or recent use of prescription or over-the-counter medication (see attachment).
3. **REFUSAL TO CONSENT.** Any employee who refuses to consent to a drug and/or alcohol test is subject to disciplinary action up to and including termination. Any final applicant who refuses to consent to a drug and/or alcohol test will have the offer of employment withdrawn.
4. **CONFIDENTIALITY.** All information from an employee or applicant’s drug and alcohol test is confidential and only those with a need to know are informed of the test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed.
5. **SPECIMEN COLLECTION.**
   1. ***Pre-Employment.*** Applicants who refuse to take the tests will not be hired. The applicant will be required to provide proof of identification (such as photo ID/driver’s license) for inspection by the testing site.
   2. ***Post-Accident or Incident* and *Reasonable Suspicion.*** Testing will be scheduled by the Human Resources Officer or designee. The employee shall be escorted to the testing location by a supervisor or other City official who will carefully watch the employee to insure that he/she does not eat or ingest anything or that he/she does not acquire “clean” urine from another person.

Once at the testing facility, the medical staff is responsible for collection and chain of custody procedures, not the supervisor. To assure the privacy of the employee, the supervisor should not be a witness to the urine collection. The employee will be required to provide proof of identification (such as a photo ID/driver’s license) for inspection by the testing site.

After the sample is obtained, the City official shall either escort the employee home (or to some other requested destination) or obtain transportation for the employee upon the completion of the collection process. The supervisor will use every reasonable means to insure that the employee reaches his or her destination safely.

* 1. ***Follow-up* and *Random.*** Testing will be scheduled by Human Resources. Employees in positions or situations designated for follow-up and random testing will be notified by their supervisor that a specimen will need to be collected and/or that breath alcohol will be tested; a supervisor or other City official should escort the employee to the testing site and carefully watch the employee to insure that

***Minute Book Page 18112***

he/she does not eat or ingest anything or that he/she does not acquire “clean” urine from another person.

1. **TESTING REQUIREMENTS.** All drug and/or alcohol testing of employees and applicants shall be conducted in compliance with the Controlled Substance Examination Act, Article 20 of Chapter 95 of the North Carolina General Statutes. Such testing shall be conducted at medical facilities or laboratories selected by the City. To be considered a testing site, a medical facility or lab should have the following factors:
2. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
3. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;
4. Chain of custody procedures which ensure proper identification, labeling, and handling of test samples;
5. Retention and storage procedures which ensure reliable results on confirmatory test of original samples; and
6. Alcohol testing of employees **will be administered by a Breath Alcohol Technician (BAT) following procedures accepted by the Department of Transportation. Consequences of a Positive Alcohol Test:**
7. **0.02 or greater, but less than 0.04** – An employee testing positive in this range may be subject to disciplinary action up to and including dismissal. Arrangements for safe transportation to the employee’s home shall be made. If the employee refuses transportation, this shall be documented.
8. **0.04 or greater** – An employee testing positive in this range will be subject to disciplinary action up to and including dismissal. Arrangements for safe transportation to the employee’s home shall be made. If the employee refuses transportation, this shall be documented and the City of Roanoke Rapids Police Department notified.

**Pursuant to NC General Statutes § 20-37.19(c), the City will notify the North Carolina Division of Motor Vehicles in writing within five (5) business days following the positive alcohol test of an employee who operates commercial motor vehicles for the City and who is required as a condition of his or her job to have, hold or maintain a commercial driver’s license. The City shall provide the Department of Motor Vehicles with the employee’s name, address, driver’s license number, social security number and the results of the alcohol test.**

1. **POSITIVE TEST RESULTS.** An employee whose drug test yields a positive result shall be given a second or “confirmation” test using a gas chromatography/mass spectrometry test. The second test shall use a portion of the same test sample obtained from the employee or applicant for use in the first test. If the confirmation test results are positive, then the employee will be notified of the positive test results and will have an opportunity to rebut verbally or explain in writing the test results. The City may, in its discretion, take this explanation into account in making any employment decision.

An employee may request yet a third retest of the original urine sample *at his or her expense* after notice of a confirmed positive test. Testing must be done at a certified laboratory. Within five (5) working days after the receipt of the confirmed positive test results, the employee shall notify the City in writing of his or her intention to obtain such a retest. The retest shall be conducted of the **original sample** and the same criteria as used in the

***Minute Book Page 18113***

original test shall be used in this retest. If the retest does not confirm the original positive test result, no adverse personnel action based upon the original test will be taken.

1. **Communication of Test Results**
2. **NEGATIVE TEST RESULTS.** If the drug screening test result is negative, the laboratory will so advise the designated City official who will inform the employee or job applicant.
3. **POSITIVE TEST RESULTS.** If the drug screening test result is positive, the laboratory will so advise the designated City official and the following action shall be taken:
4. A job applicant shall be informed of the positive test results verbally by the Human Resources Manager (or his/her designee) followed by a written notice of the test results and notice that the *Conditional Offer of Employment* has been withdrawn.
5. The employee shall be informed of the positive test results verbally by the Human Resources Manager (or his/her designee) followed by a written notice of the test results; and
6. **The Department Head will schedule a meeting between the employee and the Human Resources Manager.** At this meeting, the positive test result will be discussed and a decision will be rendered as to whether the employee could benefit from the Employee Assistance Program (EAP) in order to continue employment, or whether suspension from work and/or termination from employment would be appropriate. The City encourages the use of the EAP whenever possible (see separate *Employee Assistance Program Policy* for details).
7. **An employee who has a positive drug test will be subject to disciplinary action up to and including dismissal. The employee may request continued employment and assistance under the Employee Assistance Program. When making recommendations for disciplinary action, supervisors and department heads shall consider factors which include the following: (1) the employee’s work history; (2) the job assignment; (3) the length of employment; (4) the current job performance; (5) the existence of past disciplinary action; and (6) the danger or potential danger to other employees and the public at large due to employee’s job duties.**
8. **Pursuant to NC General Statutes § 20-37.19(c), the City will notify the North Carolina Division of Motor Vehicles in writing within five (5) business days following the positive drug test of an employee who operates commercial motor vehicles for the City and who is required as a condition of his or her job to have, hold or maintain a commercial driver’s license. The City shall provide the Department of Motor Vehicles with the employee’s name, address, driver’s license number, social security number and the results of the drug test.**
9. If suspension or termination from employment is recommended by the Department Head and approved by the City Manager, the employee shall be notified in writing. The employee has a right to appeal the decision per the *Personnel Policy, Article X.*
10. **Failure of an Employee to Cooperate**

Employee compliance with the City of Roanoke Rapids’ *Substance Abuse Policy* is mandatory. Failure or refusal of any employee to fully cooperate and participate in the program, sign any required document or submit to a drug and/or alcohol screening test will be grounds for termination of employment, unless a compelling, satisfactory reason is provided.

Employees who continue employment while undergoing counseling or rehabilitation will be required to meet all established standards of conduct and job performance. Employees who have been referred for counseling or rehabilitation under this policy shall be required to fully

***Minute Book Page 18114***

cooperate and participate in their rehabilitation program and adhere to the recommendations of the City Manager. Employees who have been referred to counseling or rehabilitation as a result of a positive drug or alcohol test may be required to undergo drug screening tests at any time for a period of up to two (2) years. If an employee receives a subsequent positive drug test after counseling and/or rehabilitation, they are subject to immediate termination.

1. **Mandatory Participation in Employee Assistance Program**

**An employee permitted to continue employment after a positive alcohol or drug test or after voluntarily identifying himself/herself as a drug user or alcohol abuser will be required to participate and cooperate fully with the provisions of a recommended rehabilitation program as prescribed by the Employee Assistance Program, or comply with any long-term treatment programs which are recommended either through the Employee Assistance Program or another counseling program. Disciplinary action is not automatically suspended by an employee’s participation in the program and may be taken against employees for performance issues or conduct violations, but the employee’s participation in the program will be considered in any decision regarding disciplinary action.**

**Those employees participating in the program will be subject during that participation to unannounced and random alcohol and drug tests. Upon a positive test result, the employee will be subject to dismissal. Those employees who satisfactorily complete the rehabilitation program prescribed by the Employee Assistance Program will be subject to unannounced and random drug and alcohol tests for a period of two (2) years after completion. Satisfactory completion of the rehabilitation program shall be determined by the City with the guidance of staff of the program. Failure to enter or complete the prescribed program shall be considered by the City as voluntary termination of employment by the employee.**

**The City will pay for the first visit of an employee to the Employee Assistance Program during the calendar year. The cost of all other visits, be they voluntary or mandatory, will be the responsibility of the employee.**

1. **Notification of Charge**

**An employee charged with or convicted of an alcohol-related crime or charged with or convicted of a drug-related crime shall notify his/her Department Head no later than twenty-four (24) hours after such charge or conviction. Failure to notify one’s Department Head of such charge or conviction shall be grounds for dismissal.**

1. **Summary**

Employees are encouraged to voluntarily request counseling or rehabilitation before their substance abuse leads to disciplinary or other work-related problems. No employee will have their job security jeopardized by such a good faith request.

No part of this policy, nor any of its procedures, is intended nor shall be considered to affect the City of Roanoke Rapids’ right to manage its workplace, to discipline its employees or to change the “at will” nature of employment with the City. Since it is impossible to anticipate every situation which may arise under this policy, the City Manager shall be contacted to resolve any situation not addressed herein. This contact should be made before action is initiated, if at all practical.

1. **Effective Date**

This policy shall become effective upon adoption.

**This policy is adopted by the Roanoke Rapids City Council on the day of , 2016 and shall become effective upon adoption.**

***Minute Book Page 18115***

**Emery G. Doughtie, Mayor**

***Consideration of Resolution Regarding the Carolina Connector (CCX) Intermodal Terminal Project***

City Manager Scherer stated recently CSX looked at Johnston County as a potential site for the Carolina Connector (CCX) Intermodal Terminal Project but since then, Governor McCrory has announced that the site does not appear to be a viable option and that North Carolina will continue to work with CSX to explore alternative sites.

City Manager Scherer stated on February 1, the Halifax County Board of Commissioners adopted a resolution directing the Halifax County Economic Development Commission to begin the process of identifying potentially viable sites and to also work with property owners to help identify those sites. He stated he feels this would be an economic boon for the City.

City Manager Scherer stated we have prepared for Council’s consideration a resolution to support the efforts of the Halifax County Economic Development Commission in this endeavor.

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

**Resolution No. 2016.03**

**RESOLUTION OF THE ROANOKE RAPIDS CITY COUNCIL REGARDING THE CAROLINA CONNECTOR (CCX) INTERMODAL TERMINAL PROJECT**

**WHEREAS,** CSX Transportation, Inc. is planning an intermodal hub in the Southeast US referred to as Carolina Connector (CCX) intermodal terminal; and

**WHEREAS,** the Carolina Connector is expected to stimulate economic development in eastern North Carolina by enhancing transportation infrastructure, creating jobs, and encouraging economic growth; and

**WHEREAS,** CSX has identified a 450 acre site in Johnston County near Selma as the location of this intermodal hub; and

**WHEREAS,** Johnston County officials have publicly announced their opposition to the proposed site selected by CSX and have withdrawn their support for the project; and

**WHEREAS,** Governor Pat McCrory has announced that the proposed site for the Carolina Connector in Johnston County does not appear to be a viable option and that North Carolina will continue to work with CSX to explore alternative sites; and

**WHEREAS,** CSX Transportation operates a Class I rail line that traverses along NC Highway 125 and US Highway 301 in Halifax County; and

**WHEREAS**, Halifax County is a tier one economic distressed area that can benefit from the economic opportunities that the development of this intermodal hub can have for our citizens and communities; and

***Minute Book Page 18116***

**WHEREAS,** the Halifax County Board of Commissioners believes that, working with area property owners, a competitive site can be configured to support the Carolina Connector (CCX) intermodal terminal; and

**WHEREAS,** the Roanoke Rapids City Council feels the Carolina Connector (CCX) intermodal terminal project would have a significant positive impact on the economic situation in Roanoke Rapids;

**NOW, THEREFORE BE IT RESOLVED THAT:**

* The Roanoke Rapids City Council supports the efforts of the Halifax County Economic Development Commission to begin the process of identifying potentially viable sites for the Carolina Connector intermodal terminal.
* The Roanoke Rapids City Council requests that the Halifax County Economic Development Commission involve local residents and property owners in identifying potentially viable sites that may be recommended to CSX for this project.

**ADOPTED** this 16th day of February, 2016.

Emery G. Doughtie, Mayor

ATTEST:

Lisa B. Vincent, City Clerk

***Consideration of Request from NCDOT for Traffic Code Amendments Relating to Speed Limit Signage on NC 125***

Police Chief Hasty referred to the following letter received from NCDOT:

February 8, 2016

Ms. Lisa Vincent

City Clerk

City of Roanoke Rapids

1040 Roanoke Avenue

Roanoke Rapids, NC 27870

Dear Ms. Vincent:

The North Carolina Department of Transportation has recently reviewed the existing speed limit ordinances on NC 125 between US 158 southward to SR 1686 (Smith Church Road). This section is posted at 45 MPH. It has been brought to our attention that there is a gap in this section that is not covered by a speed limit ordinance. We are requesting that the City of Roanoke Rapids assist us in this effort by repealing ordinance 1020971. We are also requesting that the City concur with enacting municipal ordinance 1070284. Executing the above actions on these ordinances will not change the current speed limit signing.

Please find enclosed the Municipal Ordinance forms which the City of Roanoke Rapids will need to execute in order for us to repeal the existing ordinance and enact its replacement. Please have the Municipal Certificate completed by the proper town officials and return the **originals** to us for further processing. I have enclosed a map showing the subject gap.

Thank you in advance for your help with this matter and if you need additional information, please advise.

Sincerely,

***Minute Book Page 18117***

Todd Lewis, PE/s/

Asst. Division Traffic Engineer

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt the following ordinance:

**Traffic Code Amendment**

**Ordinance No. 2016.05**

**AN ORDINANCE TO AMEND THE TRAFFIC CODE OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA that:**

**SECTION 1.** The Roanoke Rapids Traffic Code is amended to repeal the 45 MPH speed limit on NC 125 from a point 0.05 mile south of Vine Street, northward to US 158 (concurring State Ordinance Number 1020971).

**SECTION 2.** The Roanoke Rapids Traffic Code is amended to enact the 45 MPH speed limit on NC 125 between SR 1686 (Smith Church Road) and US 158 (concurring State Ordinance Number 1070284).

**SECTION 3.** This ordinance shall become effective upon the installation of the appropriate signage.

**City Manager’s Report**

City Manager Scherer reported that he has sent the flyer on the Theatre prepared by SL Nusbaum to the City Managers of Raleigh, Charlotte, Greensboro, Greenville, Wilmington, Fayetteville and Durham, asking them to keep it and us in mind when they are involved with people who may have an interest in such a facility. He reported that he has also sent it to every regional Councils of Government in the state who have economic development offices in their responsibilities, asking them to do the same.

City Manager Scherer reported that we are still working on getting the electronic sign in front of the Theatre along I-95 working so that promoters can use it for show advertisements, along with utilizing it for advertising the Theatre for sale. He indicated that SL Nusbaum is prepared to install a banner on the sign in case we are unsuccessful in getting it to function. He reported that Tourism has agreed to fund part of the electric bill in support of the Theatre’s activities.

City Manager Scherer reported that representatives of the commercial real estate company have approached many outlet developers and continue to do as much. He indicated that a round of letters has gone to promoters and the same for amusement/entertainment businesses. He stated they gave it full court press at the NY ICSC (International Council of Shopping Centers) and will again in Charlotte this month and at the Mid-Atlantic in March. He stated that they did point out that the theatre business is not healthy right now and therefore, they are trying different users that could use the theatre as a catalyst for a greater development altogether.

***Minute Book Page 18118***

City Manager Scherer reported that he has had discussions with the State Deputy Treasurer, who is head of the Local Government Commission, and who is working with tax and bond counsels to develop a new proposal for discussion with Bank of America representatives regarding refinancing options. He stated he will contact us when their proposal’s details and calculations are finalized, for review by us before moving forward with Bank of America negotiations.

**Finance Director’s Report**

Finance Director Etheridge reported that during the month of January, the Finance Department issued 90 purchase orders, wrote 75 payroll checks, 307 direct deposit vouchers and 286 accounts payable checks. She stated when looking at the operating statement, she would like to point out that we are very pleased to report an increase in the Ad Valorem taxes collected by the County.

Finance Director Etheridge reported that the Sales & Use Tax receipts for the month of January totaled $176,774.01 and our adopted budget for this category is $2,174,214.00. She stated the percentage of actual money collected of adopted budgeted figures stands at 44.6% which is a 2.3% increase over this time last year.

Finance Director Etheridge stated she is pleased to report that our final installment payment for the 13 Police Crown Victoria vehicles was paid in full last week in the amount of $62,224.02. She stated this completes the Note Payable for the City with BB&T Governmental Finance.

Finance Director Etheridge reported that the annual State and Federal reporting has been done.

Mayor Pro Tem Ferebee asked if we are ahead 2.3% from last year on our sales tax revenue.

Finance Director Etheridge stated yes.

Mayor Doughtie asked if the $195,000.00 in expenditures that exceeded revenues is normal for this time of the year.

Finance Director Etheridge stated yes. She stated this was mostly due to timing of our revenue receipts in relation to our required financial obligations.

City Manager Scherer pointed out that we were also short $375,000.00 in privilege license fees.

Councilman Smith asked what month is this for sales tax. He asked if it is behind.

Finance Director Etheridge indicated that we begin receiving sales tax each year in September so this is the fifth month year to date.

***Minute Book Page 18119***

Mayor Pro Tem Ferebee asked Finance Director Etheridge if she felt the $195,000.00 that we are off would be caught up.

Finance Director Etheridge stated yes. She stated this was mostly timing due to certain obligations that had to be paid.

Mayor Doughtie asked if it would be possible in the reports to compare last year’s sales tax percentages to this year’s percentage in order for us to see if it is up or down.

City Manager Scherer pointed out that Finance Director Etheridge mentioned that earlier.

Finance Director Etheridge stated it has increased 2.3% from last year.

**Departmental Reports**

***Human Resources***

Human Resources Manager Kearney reported that we received 26 applications during the month of January. She stated at the present time, we are not advertising for any positions. She stated we hired one Part-Time Library Assistant; one Firefighter; three Sanitation Workers and one Police Officer. She pointed out that these are not new positions.

Human Resources Manager Kearney reported that she has been busy completing the required forms for all employees, retirees and inactive employees from the year 2015 to comply with the Affordable Care Act. She stated she has also been busy working on the updated Substance Abuse Policy.

Human Resources Manager Kearney reported that she is currently working on RFPs for our property and liability insurance to see if we can save some money.

Mayor Pro Tem Ferebee stated he has seen in the news about the increases in Blue Cross Blue Shield rates.

Human Resources Manager Kearney stated from what she understands all of the big increases are going to the people that have individual policies. She stated she has been told that the increases for group rates will be in the single digits.

***Police***

Police Chief Hasty indicated that Council has a copy of his written report. He highlighted that the department answered 2,275 calls during the month of January and participated in four community projects.

Police Chief Hasty reported on the following upcoming events:

* *Thursday, February 18 – Gospel Sing at Kirkwood Adams Community Center sponsored by the Halifax County Law Enforcement Association*

***Minute Book Page 18120***

* *Thursday, February 25 – Police Department Community Forum at Kirkwood Adams Community Center*
* *Saturday, February 27 – Stew Sale by Calvary & Victory Baptist Churches to benefit Jonathan & Angie Benthall at Calvary Baptist Church*
* *Thursday, March 17 – DIRT Fundraiser for Police Officers Memorial*
* *Friday, April 1 – Relay for Life Womanless Beauty Pageant*

Chief Hasty reported that he will be competing in the pageant. He also indicated that we are continuing to pick up canned food every Friday in this month.

***Planning & Development***

Planning & Development Director Lasky reported that she begins training tomorrow at ECU with the funding from the CDBG Commerce Fellows Program. She stated she will continue to update Council on this program.

Planning & Development Director Lasky reported that the Planning Board will meet this Thursday evening at 5:30 p.m. to review changes to the Land Use Ordinance with particular attention paid to the industrial district zones. She indicated that the Board of Adjustment will meet at 6:00 p.m. following the Planning Board meeting to consider an appeal to a permitting decision.

Planning & Development Director Lasky reported that we have scheduled a public hearing for the March 1 City Council meeting for a new grant opportunity that the City is eligible for under the Small Cities Community Development Block Grant Program. She explained that this program is designed to return vacant or underutilized commercial buildings to economic use for new and/or expanding businesses located in the Main Street District. She stated the program provides $300,000 - $500,000 per unit of government for eligible activities such as infrastructure upgrades, compliance with ADA, rodent and pest elimination, and façade improvements. Planning & Development Director Lasky pointed out that there are no matching funds required and after four years, the grant monies are forgiven. She indicated that she and Main Street Director Caudle will be working together to discuss this with business and property owners in the business district.

Planning & Development Director Lasky reported that the site plans for the new Manning School arrived this afternoon. She indicated that the construction plans are currently under review by the NC Department of Insurance.

***Parks & Recreation***

Parks & Recreation Director Simeon stated he is pleased to report that all of the concrete has been poured for the skate park. He stated they will start the process of caulking and sealing, and then installation of the fencing and sidewalk replacement. He stated we are also working on signs regarding rules and regulations. He indicated that

***Minute Book Page 18121***

they plan to open on Saturday, March 5 at 10:00 a.m. He stated they will be set up to go over the rules and regulations with children and parents, and will be placing a decal on helmets. He stated a lot of time and effort has gone into this project.

Parks & Recreation Director Simeon reported that unfortunately the weather has not cooperated and we have not made a lot of progress at Ledgerwood.

Parks & Recreation Director Simeon reported that the *Takin’ the Country Back Tour* will be held on Saturday, February 27 at the Roanoke Rapids Theatre. He indicated that on Sunday, March 6, First Media will hold the *Happily Ever After Wedding Experience* at the Theatre. He stated they expect to have approximately 60 vendors for this event. He also indicated that *Marty Stuart & Connie Smith* will perform on Saturday, March 19 and *Clint Black* will perform on Saturday, April 9. He stated the Theatre will also be busy with the Progressions Dance Recital on April 30 and with several weddings and family reunions.

Parks & Recreation Director Simeon reported that the canned food drive is going very well.

Parks & Recreation Director Simeon reported that he met with the new Athletic Director at the High School regarding a number of items. He indicated that the Athletic Director requested that we wait until the latter part of the summer to have a discussion about the swim team.

Mayor Doughtie asked when swim season is held.

Parks & Recreation Director Simeon stated mid-October through February.

Mayor Doughtie asked if waiting to meet the latter part of summer will give them enough time to arrive at a solution for the parties asking for changes in the agreement.

Parks & Recreation Director Simeon stated yes.

***Fire***

Fire Chief Coggins reported that during the month of January, his department answered 207 calls; firefighters engaged in 457.50 man-hours of training and fire prevention staff conducted 23 inspections and/or re-inspections and completed two plan reviews. He reported that C shift attended the monthly safety meeting at the Public Works Department, and he and several firefighters attended a leadership class.

Fire Chief Coggins reported that annual physicals have been completed and all employees in the Fire Department are fit for duty.

Fire Chief Coggins reported that they have 11 candidates in the applicant pool that passed the agility test. He also reported that a local businessman has donated $13,000.00 to purchase needed equipment for the Fire Department.

***Minute Book Page 18122***

***Main Street/Development***

Main Street Director Caudle indicated that Planning & Development Director Lasky covered in her report the downtown redevelopment grant available through the Small

Cities CDBG Program, but she wanted to reiterate that this is a fantastic grant opportunity. She indicated that the City would apply for the grant but we need a for-profit business.

Main Street Director Caudle reported on the following business district activities:

* ***New Businesses***
  + Golden Gate Human Services – 1028 Roanoke Avenue – opened late January 2016
  + Wise Old Owls Tutoring – 20 E. 10th Street – re-opened late January 2016
  + Joy J’s Women’s Clothing Store – 938 Roanoke Avenue – Active Building Permit – opening early Spring 2016
  + Laundromat – corner of 2nd Street & Roanoke Avenue – Building Permit Issued – opening TBD

Main Street Director Caudle reported that the NC Main Street Conference is scheduled for March 16 – 18 in Goldsboro. She stated she, along with a few Main Street Board Members, plan to attend.

Main Street Director Caudle reported that the Arts on the Avenue will be held on Thursday, April 7 from 5:00 – 8:00 p.m. She indicated that the Art Crawl event to take place in the 1000 block is free to the public. She stated several shops will be open featuring a local artist and The Gallery (Halifax County Arts Council) will host their popular “Student Show.” She stated David’s Restaurant will be offering specials that evening.

Main Street Director Caudle stated City Manager Scherer reported at the last meeting that the Sheriff will be hosting a seafood and shag festival several weeks before our planned event. She stated we have elected to reschedule our festival for August 12 from 6:00 to 10:00 p.m. at Kirkwood Adams Community Center. She stated this is the first available date for both the Community Center and Band of Oz. She stated they feel this event will still be successful.

Councilman Smith asked where we are at with the walk-thru (1028 Roanoke Avenue).

Main Street Director Caudle reported that we have finished with the service of certified letters and she needs to set up a meeting with the Finance Director and City Attorney to discuss the next step.

***Minute Book Page 18123***

Councilman Smith asked when she planned to set up the meeting.

Main Street Director Caudle stated this week.

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



**Lisa B. Vincent, MMC, NCCMC City Clerk**

March 1, 2016

**Approved by Council Action on:**