



Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, June 19, 2018 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)
Carol H. Cowen)
Suetta S. Scarbrough)
Wayne Smith)

Council Members

Joseph Scherer, MPA, MS, City Manager
Gilbert Chichester, City Attorney
Traci Storey, City Clerk
Kathy Kearney, Deputy City Clerk/Human Resources Manager
Leigh Etheridge, Finance Director
Chuck Hasty, Police Chief
Kelly Lasky, Planning & Development Director
John Simeon, Parks & Recreation Director
Larry Chalker, Public Works Director
Stacy Coggins, Fire Chief
Christina Caudle, Main Street Director

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

Adoption of Business Agenda

Mayor Doughtie asked Council members if there were any changes or any known conflicts of interest with respect to the matters before them this evening.

Mayor Doughtie stated Item 6 b) - Economic Development Update needed to be removed and tabled until the July 10th City Council meeting. There being no conflicts, a motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda for June 19, 2018 with the removal of Item 6 b) to be postponed until the July 10th meeting.

Special Recognitions

Police Department

Police Chief Hasty recognized and presented **Officer Joey Spragins** with his Advanced Law Enforcement Certificate. He stated it is the highest certificate that can be awarded to a Law Enforcement Officer.

Police Chief Hasty recognized **Officer Daniel Hundley** for going above and beyond the call of duty for his assistance in locating and apprehending the suspects of an armed robbery that occurred on May 8, 2018 in Northampton County. He presented Officer Hundley with a Certificate of Merit.

Police Chief Hasty recognized **Sergeant Mike Moseley** and **Halifax County Central Communication Dispatchers, Jaclyn McElwee** and **Salaurie Lee** for going above and beyond the call of duty for recognizing a 911 call was fake in order to divert officers to a different location from an armed robbery that occurred on May 22, 2018. He presented each of them with a Certificate of Merit.

Fire Department

Fire Chief Coggins recognized **Deputy Chief Mike Clements** who will retire on June 30, 2018 after serving the City of Roanoke Rapids and its citizens for 28 years. He requested a motion from City Council to award Deputy Chief Clements with his helmet and badge for the sum of \$1.00 which he had already paid to Finance Director Etheridge.

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt to award Deputy Chief Clements his helmet and badge for and in consideration of the sum of \$1.00 received as required by NCGS 160A-294.1.

Fire Chief Coggins presented Deputy Chief Clements with his helmet and badge. Deputy Chief Clements said it had been a pleasure and a privilege to have served the City of Roanoke Rapids and its citizens. He stated he had worked under two fire chiefs and five city managers and countless council members while serving with the Fire Department. Chief Coggins also presented him with a plaque from the Mayor and City Council.

Fire Chief Coggins introduced newly hired **Firefighter Ben Clements**. He stated Firefighter Clements was the son of Deputy Chief Clements and would be following his father's footsteps. Deputy Chief Clements pinned his son's badge.

Planning & Development Department

Planning & Development Director Lasky recognized **Code Enforcement Officer Donald Tart** who will retire on June 30, 2018 after serving the City of Roanoke Rapids and its citizens for almost 34 years. He started off in the Public Works Department and came to the Planning Department as the Minimum Housing Inspector in 2003. She thanked him for 34 years of service and presented him with a plaque. She noted Mr. Tart will be coming back to work part-time and to help train a future new hire to fill his shoes. Mr. Tart said it had been an honor and a privilege to serve the City of Roanoke Rapids. He thanked all departments within the City.

Approval of Council Minutes

Motion was made by Councilwoman Cowen, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve the June 12, 2018 Regular Council Meeting Minutes as written.

New Business

Consideration of Fiscal Year 2018 – 2019 Budget Ordinance

City Manager Scherer stated the proposed FY 2018-2019 budget was presented to Council at a Special Council meeting held on May 30, 2018 and has been on display for public inspection at the City Clerk's office and on the City's website since Jun 1, 2018. A public hearing was held at the June 12, 2018 Council meeting. He reported they have not received any changes or comments since then. He said a budget ordinance, Ordinance No. 2018.03, has been prepared in order to adopt the FY 2018-2019 budget and asked for Council to consider its adoption.

Mayor Doughtie asked if this budget leaves the City at a 21% fund balance. City Manager Scherer replied that was correct. Mayor Doughtie said although it is on the low end it was still within the range they try to keep it. As the last few years have been, he was sure this would be another year they would need to be mindful of the dollars that they spend. He was glad of what the management, department heads and everybody had done to try to keep the City in as good of a financial position as they have been. Because if they look back at the last ten years, they had paid \$16M back on the debt that they had been laboring under. They had a ways to go but applauded all of them for what they had done to help the City be in as good of shape as they were in now.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt Budget Ordinance No. 2018.03.

Consideration of Demolition Order (1000 Cedar Street)

Planning & Development Director gave the following staff report and presented Council with a demolition ordinance for their consideration for 1000 Cedar Street:

MEMORANDUM

To: Joseph Scherer, City Manager

From: Kelly Lasky, Planning & Development Director

Re: **Order to Demolish and Remove Dwelling at 1000 Cedar Street (Halifax Co. Parcel 0907462) by Ordinance 2018.04**

Date: June 13, 2018

Code Enforcement Officials are requesting City Council's adoption of Ordinance 2018.04 to Order the **demolition and removal of the substantially dilapidated single-family dwelling located at 1000 Cedar Street**, Roanoke Rapids. Code Enforcement Staff has given the property owner reasonable opportunity to bring the dwelling up to standards, pursuant to the April 6, 2018 lawful Order of the Code Enforcement Official to repair or demolish the property. This request is the Final Action in the formal process timeline for compliance with the provisions of the City Code. A detailed timeline of events, correspondence, and actions is attached. The Planning & Development Department's demolition line item within the FY 2018-2019 budget will be used to fund the demolition and clearance activities.

Ordinance 2018.04 includes the following:

- City Council finds that the dwelling is dilapidated and unfit for human habitation under the provisions of the Housing Code and that all procedures have been complied with; and
- The dwelling should be demolished; and
- The owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code; and
- North Carolina General Statute 160A-443(5) and Chapter 152 of the Roanoke Rapids City Code of Ordinances empowers the City to demolish a dwelling when the Order for repair has not been complied with; and
- Directs the Code Enforcement Officer to demolish and remove the property as unfit for human habitation; and
- All costs incurred by the City to demolish and remove the dwelling shall constitute a lien against the real property; and
- If the owner should either demolish and remove the dwelling or make the required repairs prior to the time of scheduled demolition, then the City Manager is authorized to rescind this demolition order without further action; and
- The Ordinance shall become effective immediately after its adoption.

Requested Action

Consider a motion to adopt Ordinance No. 2018.04 Ordering the Code Enforcement Officer to demolish and remove the substantially dilapidated dwelling at 1000 Cedar Street, Roanoke

Rapids, NC with a lien to be placed against the real property upon which the costs of removal are incurred.

Timeline of Code Enforcement Actions

The following provides a chronological order of events concerning the property owned by Timothy Shearin located at 1000 Cedar Street, Roanoke Rapids, NC:

- **August 19, 2013** – Minimum Housing Code Enforcement Officer; Donald Tart performed an exterior only inspection of the dwelling. The dwelling was noticed to have several Minimum Housing Code violations on the exterior of the dwelling.
- **August 20, 2013** – An informal letter was sent to the owners to find out their intentions of maintaining the dwelling without further action from our office.
- **September 3, 2013** – Timothy Shearin contacted Minimum Housing Code Officer Donald Tart by phone and advised that he had been out of work since 5-30-13 with two (2) ruptured disk in his back and that he would make repairs the best that he could. He stated that living on Workers Comp was barely paying the bills and that money was a problem.
- **February 14, 2018** – An Electrical Service Inspection was requested by Parties of Interest; William and Gina Lilley. The Electrical Service was not released due to a faulty Electrical Service Mass. Also at that time it was noticed that owner Timothy Shearin had vacated the dwelling without repairing the previous recorded Minimum Housing Code violations.
- **February 16, 2018** – A meeting was held in the City Hall Conference Room. Attending the meeting were Minimum Housing Code Officer; Donald Tart, Planning Director; Kelly Lasky, Owner; Timothy Shearin and Parties of Interest; Gina Lilley and her son Charles Hux. It was discussed at that time that a Formal Process was beginning to ensure that the vacant dwelling will be brought into compliance with the City of Roanoke Rapids Minimum Housing Code due to no repairs had not been made to correct violations noticed and recorded from previous inspections.
- **February 20, 2018** – A Formal letter was mailed to the owner to give notice that a Formal Process was moving forward and that a Notice of Hearing will be sent in approximately ten (10) days. A Notice of Lis Pendens was filed with The Clerk of Superior Court in Halifax at a cost of \$8.00. **Formal research began at the Halifax County Register of Deeds and Clerk of Court's Office.**
- **March 2, 2018** – Formal research was completed at the Halifax County Register of Deeds and Clerk of Court's Office. Timothy Roger Shearin and Catherine Parker was found to be the listed owners by a North Carolina General Warranty Deed dated November 3, 2004 and recorded in Book 2055, page 71-73 Halifax Public Registry.
- **March 5, 2018** – The Hearing Notice was posted on dwelling and mailed via certified and regular mail to owner(s), **(parties of interest)**. Hearing was scheduled to be held on **4-4-18 at 10:30 a.m.**
- **March 15, 2018** – **Hearing Notice mailed to the owner(s), (parties of interest) by Certified and Regular Mail is recorded as delivered.**
- **April 4, 2018** – The Hearing was held at 10:30 a.m. with Minimum Housing Code Enforcement Officer; Donald Tart, Code Enforcement Officer; Kris Jordan, Planning Dept. Director; Kelly Lasky and City of Roanoke Rapids Police Lieutenant; Perry Parks. An Administrative warrant was obtained to enter the dwelling since the owner did not attend. Entry to the dwelling was gained through the unsecured front door. At this time a detailed visual inspection of the exterior and interior was made. A list of all observed Minimum Housing violations is made. After the inspection it was determined that the cost of the repairs to bring the dwelling up to Minimum Housing Code would be greater than 50% of the current tax value of the dwelling. The current tax value of the dwelling is **\$16,300** with the repairs estimated at **\$29,500**.
- **April 6, 2018** – The Findings of Fact was sent with an Order that the owner shall bring the dwelling into compliance with the Minimum Housing Code by demolishing and removing the dwelling from the property or by repairing, altering or by improving the structure to correct all of the conditions and deficiencies noted in the attached Exhibit A by a date not later than the **5th day of June 2018**. Mailing is by Certified and Regular mail to the owner. The notice was posted to the dwelling.
- **May 18, 2018** – A letter was sent reminding owner of the upcoming deadline of **June 5, 2018** to have the dwelling repaired or demolished and removed.

- **June 5, 2018** – Mr. and Mrs. Mabrey met with the Code Enforcement Officer to discuss that they were purchasing the property from Mr. Shearin and that the property should be repaired to be in compliance with the Minimum Housing Code by 6-19-18. **A notarized letter was provided stating that they were renting to own.**
- **June 6, 2018** – Re-Inspection was performed, and repairs had not been made to bring the dwelling up to code nor had the dwelling been demolished and removed. A letter was sent to the owners and parties of interest to give notice of the scheduled City Council meeting on **June 19, 2018** to consider a request for City Council to adopt an Ordinance directing the Code Enforcement Officer to demolish and remove the dwelling located **1000 Cedar Street** Roanoke Rapids, N. C.
- **June 8, 2018** – Justin Mabrey contacted the Code Enforcement Officer to advise that he has decided not to move forward with purchasing the property and requested to be removed from being a party of interest. He also requested that the notarized letter be removed from file. The Code Enforcement Officer advised that the notarized letter was now on public record and to submit a notarized statement requesting the rescission of the previous letter.
- **June 13, 2018** – Request is made to the City Manager for review and action by the City Council. (It has been **70 days** since the Hearing was conducted at the dwelling).
- The 2018 assessed tax value for this dwelling is **\$16,300.**
- **\$2,466.00** is owed for lot cutting for years of **2017-2018.**
- Taxes in the amount of **\$1142.10** are owed for the tax years of **2015 and 2017.**

Planning & Development Department Recommendation

Code Enforcement Officials have determined the dwelling at 1000 Cedar Street to be in a **dilapidated** condition as defined by the Minimum Housing Code of the City of Roanoke Rapids. Staff has properly accomplished the required procedures and the owner has failed to comply with Official's Order; therefore, demolition is requested to remove the uninhabitable conditions.

Photos of Dwelling





CITY OF ROANOKE RAPIDS
Planning and Development Department

1040 Roanoke Avenue, PO Box 38
Roanoke Rapids, NC 27870
Telephone: 252/533-2843 Fax: 252/533-2870

ORDER

TO: Timothy Roger Shearin and Catherine Parker Shearin and parties in interest

RE: Dwelling located at **1000 Cedar St.** Roanoke Rapids, N.C.

This matter being heard before the undersigned Code Enforcement Officer of the City of Roanoke Rapids at a hearing held the **4th day of April 2018**. Upon consideration of the Answer, if any filed, contentions and evidence of the owners and parties of interest, inspections and examinations of the dwelling, and other evidence offered, the undersigned Code Enforcement Officer does hereby make and enter the following:

FINDINGS OF FACT

1. A City Code Enforcement Officer conducted an inspection of the dwelling on **August 19, 2013** and observed violations of the City's Minimum Housing Code.
2. Based upon the inspection, a written Complaint and Notice of Hearing was issued complaining that the dwelling located at said location was unfit for human habitation and in violation of the Minimum Housing Code and providing notice of a fixed time and place for a hearing upon the Complaint as provided by law.
3. The Complaint and Notice of Hearing was duly served as required by law upon the following owners and parties in interest:
 - A. Timothy Roger Shearin
 - B. Catherine Parker Shearin
 - C. William and Gina Lilley
4. A hearing was conducted on the **4th day of April, 2018 at 10:30 a.m. at 1000 Cedar St.**, Roanoke Rapids, N.C. with the following person in attendance and participating therein:
 - a. Donald B. Tart; (Minimum Housing Code Enforcement Officer)
 - b. Kelly Lasky; (Planning and Development Director)
 - c. Kristopher Jordan; (Code Enforcement Officer)
 - d. Perry Parks; (Police Lieutenant, RRPD)
5. The dwelling located at **1000 Cedar Street**, Roanoke Rapids, N.C. violates the Minimum Housing Code by reason of the conditions and deficiencies found to be present and to exist in and about the dwelling as set out in Exhibit A, which is attached hereto and incorporated herein by reference as if set out in full.

6. The current tax value of the described dwelling is **\$16,300.**
7. In its current condition, the dwelling is unfit for human habitation.
8. Due to the estimated cost of **\$29,500** required to bring the described dwelling into compliance with the Minimum Housing Code, the dwelling is determined to be in a **dilapidated** condition as defined by the Minimum Housing Code.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED:

The owner of the dwelling described above shall bring said dwelling into compliance with the Minimum Housing Code. **This by demolishing and removing the dwelling from the property or by repairing, altering or by improving the structure to correct all of the conditions and deficiencies noted in Exhibit A attached hereto** by a date not later than the **5th** day of **June, 2018.** A copy of this Order is being served upon all owners and parties in interest identified herein.

This is the 6th day of April 2018.

Signature on file

Code Enforcement Officer

NOTICE

RIGHT OF APPEAL: Appeal of this Order may be made to the Roanoke Rapids City Council by filing with the Code Enforcement Officer and the Roanoke Rapids City Clerk, a written notice of appeal specifying the grounds on which the appeal is based within ten (10) days of service of this Order.

If a question exists with respect to the requirements of the Minimum Housing Standards Ordinance, a copy is available upon request at City Hall.

No alteration to the dwelling is to occur prior to obtaining the requisite building and trade permits (which may require the use of contractors licensed by the State of North Carolina) from the office of the Roanoke Rapids Department of Planning and Development.

EXHIBIT A Hearing Date: 4-4-18

CHECK LIST OF VIOLATIONS FOUND DURING INSPECTION OF: 1000 Cedar St.

1. Make sure interior and exterior of dwelling is constructed in accordance with the 2012 NC Residential Code and 2012 NC Energy Code.
2. All Insulation installations should be made in accordance with the NC Residential Code and 2012 NC Energy Code. **Inspection must be made by the building inspector before ceiling and wall coverings can be installed.**

3. All Mechanical alterations or new installations should be made in accordance to the 2012 NC State Mechanical and Fuel Gas Code.
4. All Electrical alterations or new installations should be made in accordance with the NEC 2014 Electrical Code. **Inspection must be made by the electrical inspector before ceiling and wall covering can be installed.**
5. Make sure Electrical Mast is properly secured.
6. All Plumbing alterations or new installations should be made in accordance to the 2012 NC State Plumbing Code.
7. Install approved (UL 217) Smoke Detectors and CO2 Detectors in proper locations as required for upper and lower levels of the dwelling.
8. Replace missing interior light fixture(s) making sure they are secure and without exposed electrical wiring.
9. Make sure there is no exposed electrical wiring on the interior/exterior of the dwelling.
10. All dwellings must be supplied with a permanent source of heat that heats dwelling to a temperature of (68 degrees) at a level at least 3 feet above the floor under minimal winter conditions.
11. Have chimney inspected making sure there is no obstructions and being in good working condition.
12. Make sure all interior floors, walls, and ceilings are free from holes, deterioration and are structurally sound.
13. Replace/repair all damaged ceiling covering/molding as needed.
14. Replace damaged/missing floor coverings.
15. All floor coverings must be cleaned and sanitized as needed including hardwood floors.
16. Replace/repair any missing or faulty water fixtures/faucets.
17. Make sure every plumbing fixture and water and waste pipe are properly installed and maintained in good sanitary working condition free from defects, leaks, obstruction and rodent proof.
18. All interior doors shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended.
19. Interior doors must be provided with proper hardware.
20. Bathrooms must be provided with an interior door with privacy hardware.
21. Make sure windows are weathertight, watertight and rodent proof and capable of being easily opened and secured in position by window hardware.
22. Provide a freestanding or permanently installed cookstove that is in good working order.
23. Provide mechanical refrigeration equipment for the storage of perishable foodstuffs.
24. Provide a food preparation surface impervious to water and free of defects which can trap food or liquid.
25. Provide (GFCI) electrical outlet(s) as required.
26. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, obstruction.
27. Install a hotwater heater that is properly installed, (properly wired with no exposed wiring and the plumbing connections with no leaks).
28. Make sure stairways have lighting controlled by wall switches at the upper and lower level of the stairway.
29. Scrape and paint interior of dwelling as needed and make sure it is clean and sanitized.
30. Repair or replace all damaged/deteriorated roof components: (ceiling joist, roof rafters, sheathing and roof shingles) making sure the roof is without leaks.

31. Make sure chimney is in good repair.
32. Replace missing or deteriorated fascia, soffit or boxing.
33. Replace/repair all missing/deteriorated/loose exterior siding.
34. Replace all broken/missing windowpanes, window frames and replace any missing or damaged glazing.
35. **Dwellings without central air conditioning must provide screens on all openable windows and doors stretched and fitted without open rips or tears.**
36. Replace/repair deteriorated window sills.
37. Replace any deteriorated door sills.
38. Replace damaged exterior door(s) and make sure all exterior doors are weathertight, watertight, and rodent proof and are kept in sound working condition and good repair.
39. Every exterior door shall be provided with properly installed hardware that is maintained to insure reasonable ease of operation to open, close and secure in an open or closed position.
40. Exterior door frames must be properly maintained and affixed with weather stripping and thresholds as required in order to be (weathertight, watertight, and rodent and insect resistant when the door is in a closed position.
41. Make sure front porch roof, rafters, sheathing, shingles and boxing are in good repair.
42. Replace all deteriorated foundation sills.
43. Make sure foundation wall is without openings making sure it is rodent proof.
44. Provide a foundation access door that is secure and rodent proof.
45. Scrape all peeling paint on the exterior of the dwelling and repaint as needed.
46. Repair or demolish and remove outbuilding.
47. Keep grass cut, (remove volunteer overgrowth, construction debris and trash to avoid Municipal Code Violations Fines).

NOTE

No alteration to the dwelling is to occur prior to obtaining the requisite building and trade permits (which may require the use of contractors licensed by the State of North Carolina) from the office of the Roanoke Rapids Department of Planning and Development

Planning & Development Director Lasky requested City Council consider the adoption of Ordinance 2018.04 and asked if they had any questions.

Mayor Pro Tem Ferebee asked if there was a way for the owner to deed over the property to the City prior to this process. In the past, the City has put a lien against it and if it was ever sold the City would get the money back. But he was thinking about if there were several properties like this side by side or close in proximity maybe something else could be put there.

City Manager Scherer asked Mayor Pro Tem Ferebee if it was his intent for the City to have title to that property and then turn around and sell it or do something with it. Mayor Pro Tem Ferebee replied that was correct. City Manager Scherer said they could take a look at that.

Mayor Pro Tem Ferebee stated the City places liens on a lot of the things they do, but then something may not happen so the City has spent that money to demolish it.

Planning & Development Director Lasky said what they end up finding is that once the lien has been placed against the property and depending on what other liens have been placed on it, in this case thousands of dollars are owed in lot cutting and clean up, Halifax County would be contacted for a foreclosure sale. There are several surrounding properties nearby this one that have been removed as a result of code enforcement actions. This one was significantly in disrepair so she would not think the City would want to own it. Mayor Pro Tem agreed this particular property needed to be taken down. He said once that was done, the City usually has a lien and spent quite a few dollars. They have dollars spent throughout the City and wondered how that process would work.

Attorney Chichester said there were liens already against it because of grass cutting and other fees. Mayor Doughtie added that \$3,500 was owed for taxes and grass cutting. Attorney Chichester stated if the owners wanted to voluntarily deed it to the City and the City wanted to accept it, he was not sure he would recommend that to the City because of the liability factor of a house in this condition. The City would be the owner of it and would be responsible for any liability issues associated with the property. He said the City would be in a best position to recoup some of the financial dollars that was owed if it was torn down, the lien put against it and then the City could foreclose on it, in conjunction with the County. He said the City has an agreement with Halifax County to do those things together when there were tax monies owed on the property. He stated although it was a possibility that if the owners wanted to voluntarily deed it to the City and the City wanted to accept it, but it seems it would add additional liability to the City that they would not otherwise need.

Mayor Pro Tem Ferebee said he was good with that, but he was just thinking about the other properties the City has spent monies on tearing down and it were still out there.

City Manager Scherer reported there was a bill pending in the state legislature he was going to mention tonight that would address these same type of situations and may offer a different solution to the problem.

Councilwoman Scarbrough asked if the owner lived in Roanoke Rapids. Planning & Development Director Lasky replied yes, the address they have was in Roanoke Rapids and they had been notified during the entire process. There were two different parties of interest that looked at buying the property and both of those backed out

and rescinded their interest in the property based on the significant repairs that would be required.

Mayor Doughtie stated as a taxpayer it was sad this process had been going on for five years and that the Planning & Development Department had to spend a huge amount of time to get to this point. He said if there was some way to limit the liability and if the owners did not want it and gave up title to it, then the City would be where they were now three years earlier. It would save the people that have to go out to these inspections time and they could be working on new things that were coming to the community instead of something they know from the get-go that would not be brought back to a producing property.

Planning & Development Director Lasky said with properties such as this one, the problems did not begin in August of 2013, that was probably when it first came under their radar. It was contributed due to years of neglect. The department works with property owners on a daily basis and this one was owner occupied for a long time. The other option to do something earlier would have been to have them evicted. That was why they try to work with property owners as much as they can to allow them to stay in their homes and encourage them to achieve compliance. The owners moved out which gave the department the opportunity to prevent another family that did not own the property from living in the unfit conditions.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to adopt the following Ordinance No. 2018.04 ordering the Code Enforcement Officer to demolish and remove the substantially dilapidated dwelling at 1000 Cedar Street, Roanoke Rapids, NC with a lien to be placed against the real property upon which the costs of removal are incurred.

ORDINANCE 2018.04

ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO DEMOLISH AND REMOVE PROPERTY AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED:

1000 Cedar Street, Roanoke Rapids, NC Halifax County PIN: 0907147

WHEREAS, the City Council of the City of Roanoke Rapids finds that the dwelling described herein is dilapidated and unfit for human habitation under the provisions of the Housing Code, and that all of the procedures of the Code of the City of Roanoke Rapids, North Carolina, have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Code Enforcement Official, and should be placarded by placing thereon a notice prohibiting the use for human habitation, in that the costs of repairs needed to bring it into compliance with the minimum housing code exceeds **50%** of the current value of the dwelling; and

WHEREAS, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code pursuant to an Order issued by the Code Enforcement Official and the owner has failed to comply with the lawful Order of the Code Enforcement Official to repair or demolish the property within the time therein described; and

WHEREAS, G. S. 160A-443 (5) and Chapter 152 of the Code of the City of Roanoke Rapids, North Carolina, empowers the City of Roanoke Rapids to have its Code Enforcement Official to remove or demolish a dwelling when an Order of the Code Enforcement Official has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Roanoke

Rapids that:

Section 1. The Code Enforcement Official is hereby authorized and directed to place a placard containing the legend:

“This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.”

on the building located at **1000 Cedar Street**, in the City of Roanoke Rapids, North Carolina.

Section 2. The Code Enforcement Official is hereby authorized and directed to vacate the dwelling of all occupants and to remove or demolish the dwelling, said dwelling being located at **1000 Cedar Street** in the City of Roanoke Rapids North Carolina, and owned by **Timothy Roger Shearin and Catherine Parker**. In accordance with the Order of the Code Enforcement Official issued pursuant to the Minimum Housing Ordinance contained in Chapter 152 of the Code of the City of Roanoke Rapids, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G. S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Code Enforcement Official shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Official shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G. S. 160A-443 (6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. If the owner of the property should either demolish the dwelling at his own expense, or if, in the opinion of the code enforcement officer, the owner has rehabilitated the dwelling to the extent that it meets or exceeds the requirements of the minimum housing code prior to the time scheduled or demolition under this ordinance, then the City Manager is authorized to rescind this demolition order without further action by the City Council.

Section 6. This Ordinance shall become effective **immediately** after its adoption.

City of Roanoke Rapids

Emery G. Doughtie, Mayor

City Manager's Report

City Manager Scherer reported the General Assembly was sending Governor Cooper legislation to sign in flurries. Bills that landed on the governor's desk last week included the Build NC Bond Act, which would greenlight a new program of transportation bonds. The bill would authorize the issuance of state "Build NC" transportation bonds. The proposal would allow the state to borrow money for local transportation priorities and repay the bonds using future state transportation dollars allocated to the Highway Trust Fund. Build NC bond proceeds would fund transportation projects prioritized at the regional and division levels of the state's transportation funding system. Governor Cooper is expected to sign that bill, which received support from the N.C. Department of Transportation. He said he spoke with the regional transportation director about this and they do not have guidance yet on exactly how that money would be used for the projects, but it looks like they will be able to move some of the projects forward.

Additionally, on Governor Cooper's desk is HB 379 Recodification Working Group, which would direct all units of local government to create a list of ordinances enforced as a criminal offense, with a description of that conduct, and submit the list to two legislative oversight committees by a tight timetable of December 1.

Also, the legislature last week sent the governor HB 948 Building Code Regulatory Reform, a bill which includes extensive detail about how the state Department of Insurance would implement a program that offered building inspections services from a pool of inspectors maintained by the department. Contractors and local governments alike could utilize the pool inspection option under the circumstances described in the bill.

The House floor calendar includes what's poised to be a great win for cities and towns. That's in HB573, which would set up a new process called "vacant building receivership" as a tool for local governments to address blight and clean up vacant properties. If the measure becomes law, cities and counties would be able to take advantage of a newly created process by which a superior court judge oversees

improvements to vacant commercial, industrial, and residential properties. Called “vacant building receivership” and modeled after similar programs elsewhere in the country, the process first requires the local government to undertake rigorous code enforcement actions under existing law. If those enforcement actions are unsuccessful, then the local government may petition the court to appoint a receiver to take over management of the property and make improvements. The process respects private property rights by maintaining the original property ownership throughout the process and by giving owners multiple opportunities to comply with the law and improve their properties.

HB563, Commerce to Assign County Distress Factors, was unveiled late Thursday directly addresses a need to revise the tier method of measuring levels of economic distress. The bill takes meaningful steps to focus on the way the state measures economic distress by more effectively targeting symptoms, and it separates the measurements into two factors. The first factor evaluates a local government’s ability to provide necessary services, while the second factor assesses individuals’ ability to provide for themselves. Rather than implement a new system at once, the bill instead directs the NC Department of Commerce to rank counties by these two measurements and provide that data to legislators. It also directs all state agencies that rely on the current economic tier system for various funding programs to submit reports to the legislature that justify use of the current tier system in making funding and other programmatic decisions.

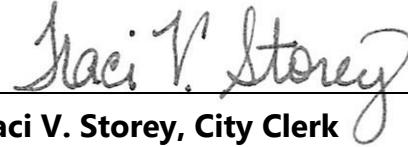
HB 284, a 25 year LEO Retirement Option, a bill that would provide an additional retirement option for law enforcement officers, awaits the governor’s signature after final legislative approval last week. Under the bill, law enforcement officers could retire after 25 years of service, regardless of age, but would receive a reduced retirement benefit. The proposal also allows the employer to offer and negotiate a separation buyout to an officer who chooses to retire prior to reaching eligibility for the special separation allowance.

City Manager Scherer reminded City Council that next month, they were moving the July 3rd Council meeting to July 10th, therefore they would meet on July 10th and July 17th next month.

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to forego hearing the Departmental Reports for this month.

Other Business

There being no further business, motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adjourn. The meeting adjourned at 6:00 p.m.



Traci V. Storey, City Clerk

Approved by Council Action on: July 10, 2018