



# **Minutes of the Roanoke Rapids City Council**

A Special Meeting of the City Council of the City of Roanoke Rapids was held on **Monday, September 23, 2019 at 3:00 p.m.** in the First Floor Conference Room of the J. Reuben Daniel City Hall and Police Station.

**Present:** Emery G. Doughtie, Mayor  
Ernest C. Bobbitt)  
Suetta S. Scarbrough)  
Wayne Smith)

## **Council Members**

Joseph Scherer, MPA, MS, City Manager  
Gilbert Chichester, City Attorney  
Traci Storey, City Clerk  
Bobby Martin, Police Chief

**Absent:** Carl Ferebee, Mayor Pro Tem

Mayor Doughtie called the meeting to order.

### **Correction to Duplicate Resolution Number**

Mayor Doughtie stated City Clerk Storey discovered an error in the numbering sequence of the resolution adopted by City Council in the September 17, 2019 Regular Meeting. He called for a motion to correct the number of the resolution.

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to correct the number of Resolution No. 2019.07 adopted by City Council in the September 17, 2019 Regular Meeting to Resolution No. 2019.08.

### **Consideration of Revisions to the Roanoke Rapids Code of Ordinances**

As part of the codification process American Legal Publishing created a Legal and Editorial Research and Report that included editorial decisions and provided a list of questions which needed to be addressed by the City. Further to a meeting with the City Manager, various department heads and the City Attorney, the following list of proposed revisions was presented for City Council's review.

Mayor Doughtie suggested City Council review and discuss each item.

**Proposed Amendments  
City of Roanoke Rapids Code of Ordinances**

**§30.02 Filing Fee for Elections**

**Revise to read:** The filing fee for the offices of Mayor and Council member shall be \$9 is dictated by the Halifax County Board of Elections.

**Airport Advisory Board (Sections §31.045 – §31.049)**

**Omit Section**

City Manager Scherer reported this section indicates that the City has its own board which is no longer in place. There is a Halifax-Northampton Airport Authority Board where the City appoints a representative to serve on that board.

Mayor Doughtie asked who currently serves on that Board. City Clerk Storey replied she did not believe the City has someone serving on that Board at this time. He asked the City Clerk to get the description of what the representative's responsibilities and requirements would be and report back to City Council so they can work on getting someone appointed.

**§50.05 Residential Construction Site Requirements**

Increase violation fine from \$250 to **\$500**

**Motor Vehicle Registration**

§70.35 Yearly Registration Required; Fees \*

§70.36 Issuance; Display\*

§70.37 Failure to Comply\*

§70.38 Display Number Required for Vehicles Stored in City\*

§70.39 Lost Display Number\*

\* **Omit all above; No longer needed nor enforced.**

Mayor Doughtie stated motor vehicle registration is handled by Halifax County now.

**§70.99 Penalty**

(Civil- Increase from \$40 to **\$80 for Loitering**; Civil- Increase from \$50 to **\$100 for speeding, stop sign & stoplight, muffler, parking violations**; Civil – Increase from \$150 - **\$250 for Obstruct passage, truck/tractor parking in residential areas, fire hydrant, fire lane etc.**)

Mayor Doughtie stated City Council had asked the City Manager and City Attorney to look into increasing these. He asked the City Manager or Attorney Chichester if the City received any or all of this money. City Manager Scherer stated that some of this money goes to the school system.

Police Chief Martin said when the officers write a city ordinance ticket, all the money from city ordinance when it is paid comes to the City. Where it falls in the area of when it goes to the school system is if they have to go take out a criminal summons for them not paying the city ordinance ticket. Once they take out the criminal summons and it goes through the court system that is when a portion of money is taken out and goes to the school system.

Attorney Chichester explained if a police officer writes a city ordinance violation, all that person is required to do is come in and pay it to the City. If they do that, all the money goes to the City. Some offenses they cannot write a City Ordinance ticket. He said if the person does not pay the ticket, the Police Department can then have a charge brought against them that requires them to make a court appearance. If it is dealt with in court, the Constitution of North Carolina requires that all the fines go to the school board. The fine goes to the school board while the court costs is divided up by the Clerk's Office; part of it goes to the officers funds and clerks funds etc. He stated once it gets to that level, the City does not get any money.

Chief Martin stated that the prior Police Chief had it changed to where they have opted out of doing the criminal summons.

Councilman Smith asked how much does it cost to take out a criminal summons. Attorney Chichester replied in criminal cases it does not cost law enforcement any money to take out a criminal summons. He stated the thinking behind opting out of taking out a criminal summons was it would add an additional layer of protection to the City so somebody could not come back and claim it was a city ordinance and all the money that goes to city ordinances ought to be refunded because it takes away any possibility of criminal punishment. That is why in an ordinance, the City can keep all the money because there is no possibility of criminal punishment.

Mayor Doughtie asked Chief Martin if someone does not pay the city ordinance ticket within the ten days, do they reach out to the individual to request payment. Chief Martin said the Administrative Clerk will pull the city ordinances that have not been paid in a timely manner and they have a letter they mail out to them. They have had good success with this. In some cases, it just slipped their mind while others may have moved. The cost is just the envelope and the stamp.

Councilman Smith asked if the money collected stays within the Police Department or does it go into the General Fund. City Manager Scherer replied it goes into the

General Fund. He said the only revenue that stays within the department is the asset forfeiture money which is used to purchase equipment.

Councilman Smith asked how much money is put in the budget for this revenue. City Manager Scherer said it is not by specific category because the amounts are not significant enough for them to budget large amounts against these incomes. Councilman Smith asked if they should put this income in a different category for the police so they can buy their guns and bullets rather than asking for it out of the General Fund. City Manager Scherer stated they would take a look at that.

**§72.03 Manner of Parking Vehicles**

Remove C) in reference to parking on left side of curb.

After some discussion on the matter, City Council decided to keep this ordinance in place.

**§72.06 Standing or Parking Prohibited for Certain Purposes**

Remove D) in reference to detached trailers being prohibited.

**§72.10 Parking in Designated Places Prohibited at all times**

Increase \$5 Penalty to \$25

**§90.16 Towing Rotation List**

Chief Martin explained the department has a rotation list where if there is a wreck within the City Limits, the Police Department calls for the rotation wrecker. Right now they have eight (8) towing companies they use at a regular time. Every time they come out to a wreck, they are bumped down to the bottom of the list and the next wrecker company comes up. They do use specific towing companies when they have forensic tows which are vehicles being towed that could be involved in major crimes. They know specifically how to handle the vehicle without disturbing evidence.

He said with Mike Moseley being promoted to Lieutenant this will be one of his tasks to keep these towing companies up to par with what is required for them to stay on the rotation list.

City Council agreed not to delete; keep this section in place.

**§90.17 Towing Business; Qualifications**

**Revise B) 8 to read:**

Maintain a liability insurance policy covering the operation of the business, equipment, tow truck and other vehicles for any bodily injury or property damage. ~~with minimum liability of \$100,000 for any~~

~~one person injured or killed and a minimum of \$300,000 for more than one person killed or injured in any accident and an additional \$50,000 for property damage.~~ The policy must contain an endorsement by carriers providing ten days notice to the city in the event of any change in coverage under the policy;

**§90.19 Towing Business; Fees**

Omit this Section

**§91.34 Bite Investigation Procedures**

(A) (1) A vaccinated dog or cat belonging to an owner shall be inspected by a Rabies Control Officer (the City's Animal Control Officer is also the City's Rabies Control Officer). It shall be confined either at the county animal shelter, veterinary hospital or in an adequate place of confinement acceptable to the Rabies Control Officer. The dog or cat shall be confined for a ten-day period. The Rabies Control Officer shall inspect the dog or cat two or three times within the period, or more often if needed. If the dog or cat is normal after the ten-day period, it may be released to the owner at the owner's expense of not less than ~~\$5~~ \$10 per day.

**§94.99 Penalty (Fire Prevention & Protection)**

(B) (1) Increase fine from \$50 to **\$100**

**§95.99 Penalty (Littering)**

Increase fine from \$50-\$100 to \$250 per G.S. 14-399 for Littering.

Attorney Chichester stated \$250 was the State maximum for littering.

**Nuisances**

**§96.02 Certain Condition Deemed Nuisance**

(A) It shall be the duty and responsibility of every such owner or responsible party to keep the premises of such residential and commercial property clean. **ADD:** *It shall be the duty of every person occupying, owning or having control of property abutting a street or alley to maintain said property to the edge of the street where water is carried by a ditch, or to the edge of the gutter where the street is curb and guttered, or to the edge of the travel portion of the alley.*

City Manager Scherer said this revision is where the City would like people to start maintaining the right-of-ways in front of their houses and businesses. People seem to think it is the City's responsibility, but this will formally require them to maintain the property to the curb. The City still has an easement for utilities. He added that many people think the strip from the sidewalk to the curb is the City's responsibility.

Councilwoman Scarbrough asked what if they have junk all in their front yard. City Manager Scherer said this was not talking about the appearance of the front yard, this was just referring to the strip of grass to the curb or up to the street.

Attorney Chichester said there is separate ordinance that addresses junk.

**§96.20 Throwing or Depositing Leaves, Shrubs and the like into Catch Basins or Manholes**

Increase fine from \$50 to \$250 per G.S. 14-399

**§96.99 Penalty**

Increase fine for loud noise and music from \$50 to \$150

**Parks and Recreation**

**§97.05 / §97.99 Penalty**

Increase fine from \$50 or \$25/ day to \$250 per G.S. 14-399 for dumping or depositing garbage or refuse.

Councilman Smith stated this would be difficult to enforce at the Little League games. City Manager Scherer said this was up to the officer in regards to someone leaving a water bottle versus dumping large amounts of trash.

**Streets and Sidewalks**

**§98.03 Use by Merchants Regulated**

Sidewalk Café

Delete references in #6 regulating dollar amounts of insurance.

**§98.56 Picketing; Additional Regulations**

**Revise (C) to read:** Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done. ~~provided, the words used are not derogatory or defamatory in nature.~~

Councilman Smith said his question was if you delete derogatory or defamatory words, did that mean they could put anything they wanted on a sign.

Attorney Chichester said he did some work for the City and obtained a packet of information from the UNC School of Government specifically on signs and what can and cannot be put on signs. With the most recent US Supreme Court case Reed v. Town of Gilbert, in his professional opinion, the City cannot put very much in the ordinance about that. It goes to the First Amendment. He said as City Council, they have the right to regulate any business, but you cannot prohibit it. If it is an illegal business they can prohibit it. As for words on signs, the US Supreme Court has limited what they can do to outlaw wording on signs and billboards.

Councilman Smith asked if anything could be added to this one to say yard signs cannot be more than two feet in height and width. Attorney Chichester replied that City Council can regulate any legal activity and outlaw any illegal activity. Councilman Smith said he would like to see something done to help with a sign

situation happening in town now. Attorney Chichester said they were working on it, but permanent signs are different from temporary signs.

**Alarm Systems**

**99.03 Registration Required**

(C) Increase fine from \$25 to \$50

City Manager Scherer said this ordinance refers to people that have alarm systems and they do not keep their registration/contact information up to date so when the alarm goes off it causes issues for officers trying to find the owner or point of contact.

**§110.11 Schedule of license taxes.**

**Omit Table:**

**ADD:** All businesses are required to pay \$20 Business Registry Fee

And add the following schedule:

City Beer & Wine Retail Licenses	
On-premises malt beverage	\$15.00
Off-premises malt beverage	\$ 5.00
On-premises unfortified wine, on-premises fortified wine, or both	\$15.00
Off-premises unfortified wine, off-premises fortified wine, or both	\$10.00
City Beer & Wine Wholesaler License	\$37.50

City Clerk Storey stated the current ordinance has a table listing the types of businesses and amounts of privilege license taxes. Several years ago the State eliminated most of the privilege license fees so the table needed to be removed since the City cannot charge these fees any longer. There is no changes in the amounts of the fees that are allowed.

**Amusements**

**§111.33 Application Contents**

Increase public dance fee from \$10 to \$25

**§111.35 Action by City Council**

(B)(1) Increase permit payment from \$2.50 to \$25

**§113.1 Soliciting alms**

**ADD:** ( F ) that would state as follows:

( F ) This ordinance is enacted by the City to help prevent fraud and financial crimes and for general public safety. It is not aimed at preventing or limiting solicitation of money for political purposes nor limiting freedom of speech or religion.

## **Taxicabs**

### **§114.065 Bond or Insurance Policy Required**

Every owner operating in the city shall file with the City Clerk a policy of insurance with some insurance company duly licensed by the State Insurance Commission to do business in the state or provide a surety bond approved by the board with solvent surety, conditioned on such owner's responding in damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of any taxicab operated by him. ~~in the following amounts: \$50,000 for death or injury of any one person, \$100,000 for death or injury of persons in any one accident and \$50,000 for property damage in any one accident.~~

Chief Martin reported there were no taxicabs operating in the City at this time.

Mayor Doughtie said City Council had previously discussed requiring a bond for someone taking on a large brick and mortar business so if they leave, the City is not left with a dilapidated building. City Manager Scherer stated like a performance bond.

City Manager Scherer excused himself to participate in a conference call.

Attorney Chichester said that part (bond) in this particular ordinance is a little misleading because it was talking about insurance policies. A bond is required through the hearing process in zoning where they can require developers to post a bond. A bond is entirely different from an insurance policy, it is established by an insurance company. With a bond, the money is there while an insurance policy only pays if a loss is incurred. He said again, the City can regulate any business it wishes so if they would like to require a taxicab business to put up a bond they could, but by State law they must have liability insurance.

Councilman Smith asked if City Council would have been able to make the people that were tearing the building down at Rosemary put up a bond to make sure they cleaned it up. Attorney Chichester replied said they could have done that. He added that in most cases when someone says they will tear a building down, the City may be reluctant to add on more disincentive to do it, but looking into the future it is probably a good idea. A bond does not cost very much so requiring a bond would probably not cause them to change their mind and it could add a lot of benefit to the City.

### **§114.100 Schedule for Services Rendered**

#### **Omit**

Councilman Smith said he did not have 114.100 in his Code of Ordinances Book. City Clerk Storey noted that the numbering has changed in the draft book.



Attorney Chichester explained to City Council this section talks about the fares, waiting time, service charges and handling of parcels and luggage. He said they felt it was not needed, but again City Council has the choice to regulate it if they chose to do so. If it becomes a problem, it can always be put in.

**Yard or Garage Sales; Rummage Sales**  
**§115.99 Penalty**

Increase civil penalty from \$50 to \$100

Chief Martin said they enforce only if they receive complaints. They had complaints about one where the lady was holding a 3-4 day yard sale and left the items covered up. They had to explain to her she could not continuously have a yard sale day after day without being permitted.

Councilwoman Scarbrough said she has complained about a house on the 800 block of Vance Street. Chief Martin said he should be getting it cleaned up; they had cleaned everything off the front porch as one time. Councilwoman Scarbrough stated she went by there yesterday and it is still there. Chief Martin said he must have piled it back in again; he will go by there to issue him another ticket. He has been over there with Public Works Director Chalker and had a sign posted in his yard giving him a certain amount of days to have the stuff removed. He will follow up on that.

**Chapter 117: Cable Television**  
**Omit Chapter**

Councilman Smith asked if this was being omitted because the State has taken over the franchise on the cable television. Attorney Chichester said the City does not have that franchise anymore. Councilman Smith asked was it because the State took it over or did the City give it up. Attorney Chichester said he did not know.

Mayor Doughtie asked if the City was getting any revenue from them and if we were, are we not getting it now or getting it from somewhere else. Councilman Smith said he knows we were getting revenue from it at one time because there was a franchise tax, but he believes the State took it over.

Attorney Chichester stated he would check with the City Manager and let them know.

**§130.99 Penalty**  
**Offenses Against Public Property**

Increase violation for urinating in public from \$50 to \$100

**§131.99 Penalty**

**Offenses Against Public Peace & Safety**

Increase fine for possession & consumption of alcohol in public (misdemeanor) from \$50 to \$100

**Chapter 132: Minors; Curfew**

**§132.04 Exceptions**

**Omit:**

A juvenile shall not be in violation of this ordinance if the juvenile is:

- ~~\_\_\_\_\_ (A) Accompanied by a parent, guardian or adult 21 years of age, or older, authorized by the parent or guardian to supervise such juvenile.~~
- ~~\_\_\_\_\_ (B) Using a direct route to or from a place of employment.~~
- ~~\_\_\_\_\_ (C) Engaged in religious or civic activities.~~
- ~~\_\_\_\_\_ (D) Reacting or responding to an emergency.~~
- ~~\_\_\_\_\_ (E) Attending or traveling to or from, by direct route, any school, religious or recreational activity or other organized activity which is supervised by adults that accept responsibility for the juvenile. If during restricted hours, the parent or guardian must have knowledge of the organized activity which the juvenile is involved and the juvenile shall carry a written communication, signed by the juvenile and countersigned, if practicable, by a parent of the juvenile with their home address and telephone number and specifying when, where and in what manner the juvenile will be in a public place.~~

Chief Martin stated this chapter is something specifically for the City's juvenile population. The proposed wording will assist the Police Department in keeping them out of the "wrong areas" with the "wrong people" and committing crimes. It not only gets the child back home but it puts the parent(s) in direct line of responsibility that they have for these juveniles. It is necessary and they enforce it on a regular basis, almost weekly. Sometimes with the same juvenile, sometimes with new ones that move into the area.

Mayor Doughtie stated he was glad the City had this in place.

Attorney Chichester said this curfew is in effect all the time for juveniles and minors. Again, there has been a recent case come out of the Fifth Circuit of the United States that says some of the language in the City's current ordinance would be unconstitutional because of the limitations. He suggested revising the exceptions as follows:

**Replace with the following language:**

*This Chapter does not apply to minor who is:*

- a) Accompanied by the minor's parent or guardian;*
- b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;*

- c) *In a motor vehicle involved in interstate travel;*
- d) *Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;*
- e) *Involved in an emergency;*
- f) *On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor id not complain to the police department about the minor's presence;*
- g) *Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;*
- h) *Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or*
- i) *Married or had been married or had disabilities of minority removed in accordance with state law.*

Attorney Chichester added that state, federal and case law changes and from time to time we need to update.

Mayor Doughtie said the City has many businesses on Roanoke Avenue that have simple things that detract a lot from the businesses such as broken windows and junk. He would like to see an ordinance like other towns have in special districts so that everyone is pulling the same weight. We have some property owners spending a lot of money fixing up buildings and across the street there will be a building just sitting there. That owner will probably not do anything to the building until they are forced to do something.

Attorney Chichester agreed and said probably the reason people are not fixing the buildings was not because they don't want to, but it is because of the finances to do that. He stated he was a believer in the broken glass theory where in a residential neighborhood or business neighborhood if there is one building that has broken windows out of it, two doors down it is an incentive for them not to spend any more fixing theirs. But by the same token, if those people are made to keep it up, then the next people will keep theirs up not necessarily because you make them do it but because they want to. He said the City has a Land Use Ordinance that probably cannot require owners to spend money to fix a broken window but it can require

them to board it up so it is not a public health nuisance. In some cities if the building is in the historic district they can be required to keep it up to a certain standard or it can be condemned. He said he would take that up with the City Manager and report back to them.

**§150.078 Duty of Inspection Department Regarding Housing**

**Revise to read:** The Planning and Development Department shall be responsible for the enforcement of any ordinances or codes adopted by the City Council relating to the repair, closing and demolition of dwellings unfit for human habitation pursuant to ~~G.S. Ch. 160A, Article 19, Part 6~~ *G. S. 160 D, Article 19 as amended by the General Assembly.*

**Table of Special Ordinances**

**Omit:**

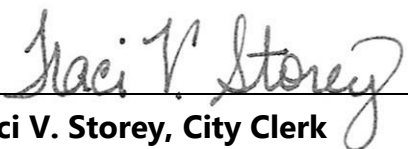
- I. Agreements and Contracts
- II. Franchises
- III. Plat Approvals

Councilman Smith stated he did not have the Table of Special Ordinances in his book. City Clerk Storey said she was not sure what these ordinances meant or why they were included in the Code of Ordinances book. She added files of this nature are stored in the City Clerk's Office. Attorney Chichester agreed and said he did not know what they would have to do in the City's ordinance book.

Councilman Smith asked if the City Council needed to vote on these revisions today. City Clerk Storey replied she understood that City Council would give a consensus on the revisions, which most were recommended by the publishing company. She has until the end of this month to submit the revisions to the publishing company and once the new book was issued, City Council would then officially vote to adopt the new Code of Ordinance book.

The consensus of City Council approved the aforementioned revisions as discussed.

There being no further business, motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adjourn. The meeting adjourned at 4:40 p.m.

  
\_\_\_\_\_  
**Traci V. Storey, City Clerk**

**Approved by Council Action on: October 1, 2019**