



# Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, December 3, 2019** 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)  
Sandra W. Bryant)  
Suetta S. Scarbrough)  
Wayne Smith)

## **Council Members**

Joseph Scherer, MPA, MS, City Manager  
Gilbert Chichester, City Attorney  
Traci Storey, City Clerk  
Leigh Etheridge, Finance Director  
Kathy Kearney, Deputy City Clerk/Human Resources Manager  
Bobby Martin, Police Chief  
Kelly Lasky, Planning & Development Director  
John Simeon, Parks & Recreation Director  
Larry Chalker, Public Works Director  
Jason Patrick, 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 about any known conflicts of interest with respect to the matters before them this evening.

There being no conflicts, motion was made by Councilwoman Scarbrough, seconded by Mayor Pro Tem Ferebee and unanimously carried to adopt the business agenda for December 3, 2019 as presented.

## **Installation of Newly Elected & Re-Elected Council Members**

Mayor Doughtie called upon Judge Alma Hinton to administer the Oaths of Office for the newly elected and re-elected City Council members.

Senior Resident Superior Court Judge Alma L. Hinton administered the Oaths of Office to Councilwoman Sandra W. Bryant, Councilman Ernest Bobbitt and Councilman Carl Ferebee.

## **Election of Mayor Pro Tempore**

Mayor Doughtie opened the floor for nominations for Mayor Pro Tempore.

Councilman Smith nominated Councilman Ferebee and made the motion to elect Councilman Ferebee as Mayor Pro Tem for another two year term. Councilman Bobbitt seconded the motion which carried unanimously.

Mayor Pro Tem Ferebee thanked the Council for their support and confidence in him being Mayor Pro Tem and he will try to uphold the duties when the Mayor is not here. He also welcomed Councilwoman Bryant onboard.

## **Public Comment (Unscheduled)**

Mayor Doughtie stated that they did not have anyone who signed up for Unscheduled Public Comment but he did have a document he wanted to present to a family and he also wanted to wish Dianne Norton a happy birthday.

Mayor Doughtie called upon the Cash family: Tanya, Andy and Hayden. He said the City suffered the loss of one of its firefighters, Kevin Hawkins, back in October. He was told by one of the Council members that there was a young man that stood in a salute position for practically the entire funeral procession. He was asked to recognize and honor him for what he did. He read the following letter:

*Dear Hayden,*

*On behalf of the City of Roanoke Rapids and the surrounding community, we are upmost grateful with the salute you displayed during Battalion Chief Kevin Hawkins' funeral procession. It is truly moving to see someone as young as you to*

*demonstrate such a high regard for our First Responders. So many of the activities of the firemen can go overlooked and unrecognized. I am confident that you have caring adults who care about you and the things in life that are very important. One of these things is certainly the respect for those who put their own safety in danger to save the lives of others. Hopefully this act of appreciation demonstrated by Chief Patrick will help you in the years to come to remember how simple acts of kindness are very powerful. As you move forward through the journey of life I am confident that many opportunities will present themselves to you. From what I have heard and seen about Hayden Cash you will act in a responsible manner. Those around Hayden will be proud to call him one of their own.*

*/Mayor Emery Doughtie*

He presented Hayden with the letter and a City lapel pin.

Mayor Doughtie recognized and thanked Halifax County Commissioner Rives “Judge” Manning, Chairman Vernon Bryant and Commissioner Linda Brewer for attending the meeting.

### **Approval of Council Minutes**

Motion was made by Councilman Smith, seconded by Councilwoman Bryant and unanimously carried to approve the November 19, 2019 Regular Council Meeting Minutes as drafted.

### **City Council Appointments**

#### **Senior Center Advisory Committee**

City Clerk Storey stated the Senior Center Advisory Committee currently has two vacancies. Maggie Anthony has submitted a volunteer application requesting to serve on this committee. She is eligible for appointment and her term would expire on August 2, 2022.

She reported City Council took a ballot vote earlier and Ms. Anthony received a unanimous vote to be appointed and requested City Council consider a motion to appoint Maggie Anthony to the Senior Center Advisory Committee.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to appoint Maggie Anthony to the Senior Center Advisory Committee.

## Public Hearing

### **Consideration of a Conditional Use Permit application from Ciro and Ofelia Tapia requesting "church" use of property located at 939 Jackson Street.**

Planning & Development Director Lasky reminded anyone wishing to speak during the public hearing need to be sworn by the City Clerk.

Councilman Smith reported that he attended the Planning Board meeting when the application was brought before them but he did not speak at that meeting. He stated he did not feel he was in jeopardy of making a decision.

Councilwoman Scarbrough stated she also attended the Planning Board meeting and she is neutral.

Planning & Development Director Lasky reviewed the following report:

#### **Conditional Use Permit Request**

*A Conditional Use Permit (CUP) request from Ciro and Ofelia Tapia (applicants) to establish a church at 939 Jackson Street (Halifax County Parcel 0900585). Parcel size is 0.131± acre, located in a B-2, Commercial District. Churches are authorized in B-2, Districts with the granting of conditional use permits by City Council after a quasi-judicial hearing. Quasi-judicial hearings are evidentiary hearings.*

#### **EXECUTIVE SUMMARY**

Establishment of a church is permitted in a B-2, Commercial District, with approval of a Conditional Use Permit from City Council. As such, the applicant is seeking CUP approval to convert into a church a building at the northwest corner of Jackson and 10<sup>th</sup> Streets. Halifax County records indicate that this building has been used for offices. It, apparently, has been vacant for a number of years, as Planning Department records do not show a business at this location.

This lot is 5,700± square feet in size with a 2,085 square foot building and an asphalt parking area of about 3,000 sq. ft. The building is built adjacent to the sidewalk along 10<sup>th</sup> Street and set back from Jackson Street, with the area between the building and Jackson Street covered in asphalt. This building is L shaped with a width of 26 feet along the 10<sup>th</sup> Street sidewalk and a depth of 59 feet. At the rear or north end of that rectangle is a wing that extends toward Jackson Street with a dimension of 23 by 24 feet. The building's main entrance faces Jackson Street, with a secondary entrance into the wind facing 10<sup>th</sup> Street.

This parking area has no clearly marked parking spaces, but there is room for about 9 vehicles. North of this property is a parking lot owned by Rosemary Baptist Church with 16 vehicle spaces. This parking lot extends from Jackson Street to an alley between 10<sup>th</sup> Street to 9<sup>th</sup> Street. Rosemary Baptist Church is located on the east side of Jackson Street.

The Land Use Ordinance (LUO) states that the B-2 district is designed, “to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot width requirements that are more restrictive than those applicable to the B-1 zone. The B-2 zone thus may provide a transition in some areas between a B-1 zone and a residential zone or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the city (as opposed to a regional shopping center).”

The Land Use Ordinance does not provide a definition of churches or religious uses except as catalogued within Section 151-149, Table of Permissible Uses, under category 5.000, Educational, Cultural, Religious, Philanthropic, Social & Fraternal Uses. Religious uses are listed as use category 5.200, “Churches, synagogues and temples – including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings.” This table provides that such uses are permitted by right in the B-3 and B-4 commercial districts, and with Conditional Permit approval in all residential districts and in B-2 commercial districts. Many uses requiring Conditional Permits are provided restrictions for such approvals under LUO Article XI; Supplementary Use Regulations, however, this Article does not list or provide restrictions for religious uses.

The only other regulatory guideline on religious uses is provided under parking requirements in Article XVII. Section 151-291(e) Table of Parking Requirements. Use 5.200, “1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross area designed to be used neither for services nor residential purposes.”

### **Applicant’s Request**

The Tapia’s came to Henderson, NC, in 1999, and soon, thereafter, established the Iglesia Centro Penetcostes Monte De Sion church. Out of that they have managed to become a center for the Spanish speaking population in the Henderson area.

Recently they have determined that Roanoke Rapids has a Spanish speaking population without the service they provide in Henderson and believe that they can offer a faith-based foundation for this community. They expect to initially begin with 10 to 15 people attending services, and are proposing to hold church services on Sunday afternoons at 3 PM, and on Monday’s and Thursday’s at 7 PM. The Sunday afternoon service is timed to avoid conflict with Sunday morning service at the Baptist Church across Jackson Street.

***(Note: the application and supporting documents are attached to this memorandum)***

### **SUBJECT PARCEL VICINITY MAP (Aerial Photo)**



**The subject property is currently zoned B-2, Commercial District, which is designed to accommodate commercial development on a scale less intensive than that permitted in a B-1 district. Section 151-181 establishes lot minimum widths of 70 feet, but with no minimum lot size. See zoning map excerpt.**



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

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

The requested permit is within Roanoke Rapids Incorporated Limits. Religious uses are authorized in a B-2, Commercial District, with a Conditional Use Permit. The request is to operate a church, which is provided a use classification as 5.200 per LUO Section 151-149, Table of Permissible Uses.

2. The application is complete; or

The application is complete.

3. If completed as proposed in the application, the development will comply with all of the requirements of The Land Use Ordinance; or

The development will comply with all of the requirements of the Land Use Ordinance if completed as proposed in the application.

**The following seven (7) items were considered and evaluated as follows:**

1: ingress and egress to the lot and proposed structures, especially by pedestrians and automobiles, is safe and convenient in terms of access and traffic flow; and,

Staff finds this to be true. This site has frontage on Jackson and 10th Streets, improved City streets that provides for vehicular traffic flow with 2 driveway providing ingress/egress for their parking lot. There are also sidewalks along both Jackson and 10<sup>th</sup> Streets for pedestrian use, along with street curb and guttering.

2: off-street parking and loading effect on adjacent property (in terms of traffic generation, economic impact, noise, glare and odor) similar to uses permitted in that zoning district; and,

Staff finds there to be little impact on neighboring properties. The proposed use of the property is unlikely to cause any traffic generation issues as street capacity is adequate. However, required parking of vehicles may not be accommodated on the existing on-site parking area should church attendance substantially expand. There is existing public parking nearby to meet the demand for parking should attendance grow.

3: refuse disposal effect on adjacent property with similar uses permitted in that zoning district; and,

Staff finds no likely negative effect should occupants utilize common practices in refuse disposal. The City provides refuse collection, and the City of Roanoke Rapids regulations shall apply.

4: utilities are available; and,

Staff believes this is probably true, with connections and extensions coordinated with appropriate entities.

5: the type, dimensions and character of screening and buffering satisfactorily screens adjacent property; and,

Staff finds there to be no screening with site improvements occupying the entirety of the subject lot. This parcel of land is zoned B-2 commercial, and the design of its physical form blends in with adjoining properties and requires no additional screening or buffering. However, years of vacancy have left the property looking neglected and in need of sprucing up.

6: signs and lighting affect adjacent property similar to uses permitted in that zoning district; and,

Staff believes that exterior lighting is to be the norm for a similar property.

7: required yards, open space and existing trees and other attractive and natural features of the land are preserved.

*This lot was developed prior to zoning regulations and is nonconforming in that it does not meet the current B-2 district requirement for a 20 feet setback from the street right-of-way on 10<sup>th</sup> St.*

Given the preceding, Staff has made the following findings concerning this request:

**If completed as proposed, the development, more probably than not:**

(a) provide no material endangerment to the public health or safety; or

*Staff believes this is probably true. The applicant shall be required to comply with all applicable federal, state and local codes (as a nonconforming structure) and ordinances. An assessment of the previously referenced seven items used to evaluate areas of concern indicate no specific endangerment to the public health or safety.*

(b) the use will not substantially injure the value of the adjoining or abutting property; or

*Staff believes this is probably true. Staff finds no specific reasons for potential negative effects on the value of adjoining or abutting property.*

(c) the use will be in harmony with the area in which it is to be located; or

*Staff believes this is probably true. The proposed use will be residential in nature and in character with the existing surrounding commercial land uses.*

(d) the use will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.

*Staff finds this to be true. The plans as submitted will agree with the policies of the Comprehensive Development Plan, Thoroughfare Plan as well as the Land Use Ordinance and other officially adopted plans of the City. The Comprehensive Plan Future Land Use map designates this area as suitable for Mixed Use Town Center. The property is located within existing City Limits and the staff believes it is in conformity with the following Comprehensive Development Plan policies:*

**Section 6. Future Land Use  
Mixed Use – Town Center**

“The Town Center should provide a concentration of commercial, service, and residential uses that will serve Roanoke Rapids and the region. The district should encourage a mix of high intensity, pedestrian-oriented uses compatibly designed and arranged around the existing compact core. The district is intended to safeguard the unique architectural character, social activity and cultural value of the Town Center while promoting its continued success and redevelopment. Vertical mixed use is preferred. There is no minimum lot size.”



THE APPLICANT HAS ADDRESSED THE REQUISITE QUESTIONS, WHICH MUST BE ANSWERED BY THE CITY COUNCIL IN HIS APPLICATION. IT IS YOUR OBLIGATION TO ENSURE EACH HAS BEEN ADEQUATELY ADDRESSED AFTER HEARING ALL PARTIES PRIOR TO RENDERING YOUR FINAL DECISION.

### **Planning & Development Staff Review**

After a complete review of the information submitted by the applicant, it is the Staff's opinion the request satisfactorily meets the requirements of Sections 151 - 49 and 151- 94 of the Land Use Ordinance. Staff recommends approval.

Property owners within 100 feet of the subject property were notified of this public hearing by first class mail, sent November 12, 2019. This meeting was advertised in the Daily Herald on November 24 and December 1, 2019.

### **Roanoke Rapids Area Planning Board Review & Recommendation**

The Planning Board reviewed the request on Thursday, November 21, 2019. After hearing from staff and the applicant, they made a motion to recommend approval of the conditional use permit as requested which passed with a 4-1 vote.

### **Requested Action**

Please refer to the attached Conditional Use Permit (CUP) worksheet to evaluate the application.

1. Open the public hearing to receive testimony and evidence;
2. Review the CUP worksheet and four (4) ***Findings of Fact***
3. **Action:** Provide a motion, second, and vote for each ***Finding of Fact***
4. **Action:** Provide a motion, second, and vote concerning a **FINAL DECISION** in the permit request.
  - a. **Approval:** *State any specific conditions to be attached to the Permit to achieve compliance with Ordinances*
  - b. **Denial:** *State specific reasons for denial*

Mayor Doughtie opened the public hearing to receive comments.

Mayor Pro Tem Ferebee said in regards to the church that located down the street, there were questions about the number of pews and the capacity for the building. He asked Planning & Development Director Lasky did they know how

many people would be in the congregation at this church. She replied right now there are no pews or seating in place since parking is determined by the seating. They do have a sketch that was enclosed in their packets. The inspection by code enforcement officials for building and fire determined that based on calculations for occupant load, the building could hold up to 100 people. The applicants at this time are expecting no more than 15-20 people. Staff feels the parking itself would be addressed through the availability of the public parking across the street.

Mayor Pro Tem Ferebee asked if it would accommodate up to 100 people if it grew to that. She replied it depends on the next stage in the application process. This is a zoning matter so it will depend on how they end up rearranging the building. When they start adding furniture and pews, they will get a better idea of how many people the building could hold. Their jobs are to ensure that it is safe and adequate for ingress and egress.

Councilman Smith said he believed at one time this property was a service station and asked if that was correct. Planning & Development Director Lasky replied she could not confirm that; their files show it was a computer store or computer service at one point. Councilman Scarbrough added it was called The 3<sup>rd</sup> Door. He asked since it was a service station at one time, has the soil been tested to make sure it does not put the public or the applicant's health in danger. She could not confirm nor deny. The State regulates underground storage tanks and things of that nature. Once those are tested they would receive information for their files and she did not see anything in their files that would indicate it had been tested. Again, she cannot confirm nor deny.

Councilman Smith asked Attorney Chichester if the permit was approved and if they find out the soil is contaminated, is the City Council liable. Attorney Chichester replied in his opinion, they would not be liable. Their function this afternoon is related to the matter Planning & Development Director Lasky has brought before them. His recollection was that sometime in the past it probably was a service station there but again contamination of the soil would not expose City Council if they sought to approve the application for the function it was brought here this evening. Again, in his opinion, it would not expose the City or City Council to any liability.

### **Ciro Tapia**

Through translator Isaias Serna for **Ciro Tapia**, Mr. Tapia, being duly sworn said, "Good afternoon, thank you very much for your attention today to this proposed situation. To me it is very important because the only purpose to this is to bring Jesus Christ to the people. We do not have any other intent or purpose, just to

inform to the Hispanic community of salvation in their heart. I thank you very much for all your attention from everyone on the committee. I'm very thankful and this is all I am asking for from the committee. God bless you all."

**Isaias Serna**

Isaias Serna who was duly sworn stated he was working with his pastor, Mr. Tapia. He has known him for a very long time. They have preached the word to the community and the Hispanic community as well. His heritage is mostly Hispanic Latino, his mother and father are Mexican so of course his first language was Spanish most of the time at home growing up. He said his pastor has guided him through some tough times in his life. Among them was when he enlisted into the service in 2008. He deployed to Afghanistan and stayed in contact with him most of the time. Most everyone here has somebody in the service and know they go through a very tough time. He can say the work they have done has touched a lot of hearts in the Hispanic Latino community. From his point of view, what they are bringing down here to Roanoke Rapids and touching all these young folks here and keep them off the streets is a good thing for everybody.

Mayor Doughtie asked Mr. Serna if he lived here. Mr. Serna said he lives in Henderson right by them. He wants to stay close to them all the time. They are coming to Roanoke Rapids and they are looking forward to expanding the youth counsel to them. It is very hard to go through deployments without that fear to God and when you have that support from somebody who has the main line up there; it really helps out. Thank you.

With nobody else wishing to speak and no further questions, Mayor Doughtie closed the public hearing.

City Council used the following worksheet to determine the Findings of Fact for the Conditional Use Permit application:

**City Council Quasi-Judicial Forum and Conditional Use Permit Evaluation Work Sheet**

**SECTION I:**

1. The requested permit is within its jurisdiction according to the table of permissible uses; or
2. The application is complete; or
3. Churches are a use subject to Conditions in the Land Use Ordinance; or

**SECTION II.** *The following items are to be considered per Section 151-94(d)(5):*

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
5. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to all the applicable regulation of the district in which it is located.
8. Public access shall be provided in accordance with the recommendations of the city's land use plan and access plan or the present amount of public access and public parking as exists within the city now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
9. The proposed use shall be consistent with recommendation and policy statement as described in the adopted land use plan.

**SECTION III** *Please refer to the Public Hearing Testimony, Staff Report and items 1-9 of Section II on previous pages when evaluating the following motions.*

Is it the consensus of the City Council that the requested permit:

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

Mayor Pro Tem Ferebee stated he finds this to be true and made a motion that based on the public hearing testimony and the foregoing staff report dated November 26, 2019, it is the consensus of the City Council that the requested permit will not materially endanger the public health or safety; seconded by Councilman Smith and unanimously carried.

Is it the consensus of the City Council that the requested permit:

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

Mayor Pro Tem Ferebee stated he finds this to be true and made a motion that based on the public hearing testimony and the foregoing staff report dated November 26, 2019, it is the consensus of the City Council that the requested permit will not substantially injure the value of adjoining or abutting property; seconded by Councilman Smith and unanimously carried.

Is it the consensus of the City Council that the requested permit:

- (c) Will be in harmony with the area in which it is to be located; or**

Mayor Pro Tem Ferebee stated he finds this to be true and made a motion that based on the public hearing testimony and the foregoing staff report dated November 26, 2019, it is the consensus of the City Council that the requested permit will be in harmony with the area in which it is to be located; seconded by Councilwoman Bryant and unanimously carried.

Is it the consensus of the City Council that the requested permit:

- (d) Will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council.**

Mayor Pro Tem Ferebee stated he finds this to be true and made a motion that based on the public hearing testimony and the foregoing staff report dated November 26, 2019, it is the consensus of the City Council that the requested permit will be in general conformity with the Comprehensive Development Plan, Thoroughfare Plan, or other plan officially adopted by the City Council; seconded by Councilman Bobbitt and unanimously carried.

**SECTION IV FINAL DECISION – (All motions above must be found TRUE to approve the requested permit)**

Motion made by Mayor Pro Tem Ferebee; seconded by Councilwoman Scarbrough and unanimously carried that based on the public hearing testimony and the foregoing staff report dated November 26, 2019 it is the consensus of the City Council that the requested Conditional Use Permit be granted to the subject applicants for a church located at 939 Jackson Street.

## Old Business

### **Consideration of Order to Demolish and Remove Dwelling at 117 Madison Street**

Planning & Development Director Lasky stated this item was originally presented to City Council on September 3, 2019. The owner and family asked for additional time to make repairs to the structure. At that time City Council rescheduled the consideration to December 3, 2019 for the property located at 117 Madison Street. She called upon Roger Bell to complete the presentation as he has been working directly with the property.

Code Enforcement Officer Roger Bell stated the last time they talked about this matter was September 3, 2019. He said 117 Madison Street is a dilapidated property and was one of three the department presented in September. The property owner was here the last time and wanted to try to save the property and actually applied for a building permit. He stated very little work has been done. He presented photographs on the video screen of the structure prior to the September 3, 2019 meeting and what the structure looks like currently. He noted there has not been a whole lot done to the structure. They have torn off siding in the back so in theory the building is more of a danger than it was in September because it even less secure than when first presented.

He reminded City Council it was a fire damaged property. He added the roof is now open because of the little bit of work that has been done. The owners did apply for a building permit but they have not had any follow up inspections done; just this extra demolition work. He spoke with the property owner recently and she indicated that she was going to come to the meeting tonight but he assumes the enthusiasm for the project must have been blunted or something else prevented them from being here.

Mr. Bell presented the following timeline report and Ordinance No. 2019.09 for City Council's review and consideration:

November 26, 2019  
(Continued from September 3, 2019 Council Meeting)

To: Joseph Scherer, City Manager

From: Kelly Lasky, Planning and Development Director

Re: 117 Madison St. (Parcel# 0904115) ORDER TO DEMOLISH AND REMOVE DWELLING

The following is provided as a chronological order of events concerning the above referenced property:

- **May 7, 2018** - Residence was damaged by fire. Fire is extensive to the point where the residence cannot be occupied. Planning obtained a fire report on the incident.

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- **September 19, 2018** - Property owner's 135-day deadline passed with no action from owner on the condition of the property.
- **September 19, 2018** - Notice of Lis Pendens filed with the Halifax County Clerk of Court. Research conducted shows Raymond Cain to be the sole owner and party of interest in the property as recorded in Halifax County Deed Book 2544, Page 144.
- **September 24, 2018** - **Contacted by Sandra Davis, who indicates intention to purchase fire-damaged dwelling at 117 Madison Street.**
- **October 10, 2018** - Notice of hearing sent to property owner via certified mail and regular mail. Hearing was set for 10:00 a.m. on November 9, 2018.
- **October 16, 2018** - **Code Enforcement Officer Roger Bell has phone conversation with Raymond Cain, who states he is aware of hearing and will attend.**
- **October 27, 2018** - **Certified mail to party of interest Raymond Cain is returned undelivered. Regular mail is not returned.**
- **November 9, 2018** - Bell receives phone call from Davis stating her intention to attend the hearing.
- **November 9, 2019** - Hearing is held at 1013-15 Cedar Vance Street and is attended by Minimum Housing Code Enforcement Officers Donald Tart and Roger Bell as well as property owner Raymond Cain and prospective buyer Sandra Davis. Inspection leads to determination the costs of repairing the dwelling would be **\$22,500**, which is greater than 50 percent of the tax value of **\$19,500**.
- **November 16, 2018** - The Findings of Fact document 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 **21st day of February, 2019**. Mailing is by Certified and Regular mail to the owner. The notice was posted to the dwelling.
- **November 19, 2018** - **The Findings of Fact notice sent to Raymond Cain is recorded as delivered.**
- **January 22, 2019** - Halifax County Register of Deeds Deed Book 2580 Page 499 records the sale of 117 Madison St. from Raymond Cain to Sandra Davis.
- **February 6, 2019** - Sandra Davis applies for and is granted a building permit for 117 Madison Street renovations and repairs. To date, no repairs have been performed and the dwelling remains unfit for habitation and partially unsecured.
- **August 23, 2019** - Notice sent to owner to advise them of the City Council meeting to be held at 5:15 p.m. September 3, 2019 at the Lloyd Andrews City Meeting Hall, 700 Jackson Street, **at which Council will consider an order to demolish and remove the dwelling located at 117 Madison Street, Roanoke Rapids, NC 27870.**
- **September 3, 2019** - **City Council meets and decides to delay action so owner may have an opportunity to rehabilitate the dwelling. Re-consideration is set for Dec. 3, 2019.**
- **November 20, 2019** - **Owner has a building permit but has only done some work to the rear of the house tearing out siding and walls. There have been no inspections done.**
- **The 2019 assessed tax value for this dwelling is \$3,300.**
- **There is \$319.00 owed to the city for lot cutting at this address.**

Staff Recommendation

We have determined the dwelling to be in a **Dilapidated** condition as defined by the Minimum Housing Code. The staff has properly accomplished the required procedures and the owner has failed to comply with the Official's Order.

Requested Action

We are requesting City Council adopt an Ordinance 2019.09 directing the Code Enforcement Officer to demolish and remove the dwelling located at 117 Madison Street, Roanoke Rapids, N. C. with a lien to be placed against the real property upon which the costs of removal are incurred.

**ORDINANCE 2019.09**

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:

**117 Madison Street, Roanoke Rapids, NC      Halifax County PIN: 0904115**

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 **117 Madison 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



**117 Madison Street** in the City of Roanoke Rapids North Carolina, and owned by **Sandra Davis**. 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 for 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

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Emery G. Doughtie, Mayor

Councilman Smith said he understands that the owner of this property also owns additional property and asked Attorney Chichester if City Council approved this order and puts a lien against the property the house is on, could they also put a lien against the other property. Attorney Chichester replied yes.

With nobody else wishing to speak on matter, a motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt Ordinance No. 2019.09 directing the Code Enforcement Officer to demolish and remove the dwelling located at 117 Madison Street, Roanoke Rapids, NC with a lien to be placed against the real property upon which the costs of removal are incurred.

## City Manager's Report

City Manager Scherer said the City has a number of holiday activities coming up, beginning with the annual Tree Lighting Ceremony Thursday evening, Christmas at 1026 on Friday evening and the annual Christmas Parade Sunday afternoon with over 100 entries. The Avenue has been decorated by the Public Works Department with the large snowflakes on light poles. Next week is the Jo Story Senior Center Holiday Party, Christmas at the Canal Museum and then the Christmas Shopping with the Kids event. While the Parks & Recreation Department has oversight for most of these events, I'd like the outstanding efforts and cooperation from all the City departments and the Beautification Committee to make these events happen. A lot of things need to take place behind the scene for these experiences to take place, much less happen efficiently without major problems. We are proud to offer these events for the enjoyment and celebration of our neighbors and friends, and we hope our pride is reflected in the way these celebrations happen and remind everyone a little bit of what the Christmas season is supposed to be about.

He reported City Hall repairs continue with the repainting of the building exterior by Public Works, along with their coordination with both the awning company for new awnings and the solar panel company for the installation of the new solar panels on the roof. We are looking at an option for new paintings to replace the ones on the 11<sup>th</sup> Street side of the building.

He said Public Works continues with leaf and limb pickup around the City, and has been able to have their storage site emptied by a contractor, allowing for pickup activities to continue without interruption. The department continues along with building and grounds maintenance, as well as the installation of a back-up radio dispatch system in the basement of City Hall.

City Manager Scherer reported the Police Department has been working with the property owners at two locations to have the tenants evicted due to ongoing criminal activities. We feel this is a necessary step to control the drug activity and associated violence in the City, and plan to continue this course of action where necessary. The Police Department has two candidates graduating from BLET this month and two more starting the program next month. This will help fill the shortages on patrol shifts due to promotions. The Police Department has begun conducting extra patrols at high risk areas during the holidays, including banks, stores and also at high traffic areas to help insure safe travels for everyone.

He stated the Planning & Development Department is working on plans for the possible demolition of the four properties previously identified to City Council. The abatement of asbestos identified in these houses will increase the costs for the demolitions.

He said the Fire Department is conducting testing and reviews for promotions along with doing CPR classes at Chaloner Middle School. They will be assisting with a food drive at Manning Elementary School on December 14<sup>th</sup>.

City Manager Scherer said on a personal note, I'd like to remind everyone the annual Rotary Pancake and Sausage Day is next Monday, the 9<sup>th</sup>, at Kirkwood Adams Community Center. Please see me if you would like tickets.

### **Other Business/Comments by Council Members**

Councilman Smith thanked Public Works for the work they had done on the City Hall building; it's beginning look nice. He thanked the Fire Department for the good job they did on the front of their building.

Councilwoman Scarbrough asked Parks & Recreation Director Simeon what time did he want the Councilmembers at the parade. He replied around 1:00 p.m. at the old White's building parking lot.

Councilwoman Scarbrough also asked him whether they could throw candy or not because she has been told in the past not to throw it. She said people do throw candy so for those that do not, the parents and children get upset with them. She stated she had a solution to the problem. That is for nobody to throw candy until it gets to Santa Claus. She added the reason she has been told not to throw candy was the fear of children being hurt running out into the street. Then on Monday morning, there is still a lot of candy on the street that has not been picked up.

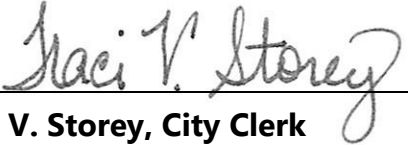
Parks & Recreation Director Simeon said they ask that people do not throw candy for safety purposes. This is the 8<sup>th</sup> year doing the parade and it is something he has discussed with the City's insurance carrier. They do their best when they talk to everybody that participates in the parade to not throw candy. The parade is such a long distance, 13 blocks, and there are some that do throw candy but they try to have them not to for safety purposes. They have had some children hurt in the past when going out beyond the curb to collect candy. Councilwoman Scarbrough stated that although he has had conversation with them, on Sunday it will still be thrown.

City Manager Scherer stated that as Parks & Recreation Director Simeon said, the parade goes for 13 blocks so it is impossible for the City to have somebody along the entire stretch to enforce the no throwing of candy; they do their best. Councilwoman Scarbrough stated she would not throw candy.

Mayor Doughtie stated that the adults driving the vehicles are supposed to be role models. They would not be setting a good precedent when they are riding along throwing out things to entice children to come out in front of a moving vehicle. He reminded everyone that although it did not have anything to do with throwing candy, years ago someone was injured and he never really recovered from it. Something that was meant to be a good time could quickly change to a tragedy.

Mayor Doughtie commented that everyone should thank City employees who are out working, especially at night, such as police and fire trying to keep citizens safe.

There being no further business, motion was made by Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to adjourn at 6:10 p.m.

  
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Traci V. Storey, City Clerk

**Approved by Council Action on: December 17, 2019**