



Minutes of the Roanoke Rapids City Council

A Special Meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, September 6, 2022 at 5:00 p.m.** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

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

Council Members

Kelly Traynham, City Manager
Geoffrey Davis, City Attorney
Traci Storey, City Clerk
Carmen Johnson, Finance Director
Bobby Martin, Police Chief
John Simeon, Parks & Recreation Director
Davis Wise, Planning & Development Director
Jason Patrick, Fire Chief
Larry Chalker, Public Works Director
Tony Hall, Main Street Development Director

Absent: Suetta S. Scarbrough, Council Member
Christina Caudle, Human Resources Director

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

Consideration of City Councilwoman Suetta Scarbrough's Resignation

Mayor Doughtie announced the receipt of a letter from the family of Councilwoman Suetta Scarbrough dated August 16, 2022 requesting her resignation from City Council.

He stated Ms. Scarbrough started on City Council the same time he did in 2009. She was always interested in listening to people and hearing what they had to say. At Christmas time, she would make cakes and pies for the City employees. She served the public for about 30 years including her time on the Halifax Community College Board where she served several terms as Chairman. She also had a pre-k early on when she first came to Roanoke Rapids. They have been fortunate to have had her serve the time she did on City Council. He believes they all benefitted from her comments and she did not mind asking questions.

He read the letter from her son and Power of Attorney, Keith Scarbrough:

To Whom It May Concern:

After 4 terms of service, it is with deep regret we respectfully ask that our mother, Suetta Scarbrough, be allowed to resign from her elected position as Councilwoman due to ongoing health challenges. Her deepest desire is and has been for the wellbeing and prosperity of the citizens of Roanoke Rapids and the greater Roanoke Valley.

We thank you for all your well wishes and prayers for both our mother and our family. Thank you for your consideration.

Mayor Pro Tem Ferebee stated anytime you serve with another council person you get to know them and their families. In one sense it is a sad occasion that she is not able to continue to the end of her term. Councilwoman Scarbrough was always interested in what was said. She came up with her own thoughts and ideas and that was good. It gave others a different viewpoint or thought because sometimes we think one way. He appreciated working with her and he will miss her being on City Council.

Councilman Smith said he enjoyed serving with Councilwoman Scarbrough. They were not only fellow Council members, but they were good friends. He appreciated all the work she did while on City Council. She was always very concerned about everything people would call her about. He will miss her on City Council and wished her well.

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to accept the resignation of City Councilwoman Suetta Scarbrough.

Consideration of District 1 City Council Seat Vacancy

City Manager Traynham explained City Council needs to proceed with consideration of filling the vacancy created by Councilwoman Scarbrough's resignation whose term of office is not set to expire until November 2025. When vacancies occur they should be filled as soon as reasonably possible to provide citizens in that district the benefit of representation on City Council. The City's Charter sets forth that City Council has the authority to make an appointment for someone from that district to serve the remainder of the term, especially since they were further out than a certain time frame from the election period. Section 160A-63 of the NC General Statutes authorizes City Council to make the decision on who will fill the vacancy on the elected board, but it does not require a particular process on how to do that. With some guidance from the UNC School of Government and other resources they have come up with two procedural options. She stated it is necessary for City Council to determine which method/option will be used before discussion of particular candidates has begun. The main requirement for filling the vacant seat is that the person

reside in the district which in this case is District 1.

She explained the following options:

Option A – Motion and vote method. City Council in an open meeting can make a motion and vote to appoint. The mayor would vote in the case of a tie.

Option B – Nomination and ballot method. City Council could call for applications over a defined period of time. The remainder of the process would be much like appointments to the City Committees. A ballot vote would be taken, votes would be tallied and the results would be presented to City Council. With a simple majority, City Council would make a motion to approve that. In this option, the mayor does not vote in the case of a tie. If there was a tie, City Council would go into deliberations and vote again. This method allows City Council to solicit nominees throughout the district. This also gives qualified candidates from District 1 the opportunity to let their interest be known. All the candidate information is public record and all discussion would be conducted in open session.

City Manager Traynham added some key points. City Council should consider filling this vacancy rather than leaving it open for a long period of time. She reminded them that any records relating to this are subject to public records law and finally, there is not a deadline for a decision, but it should be made in a reasonable time frame.

Councilwoman Bryant asked for clarification of Option B where the Mayor is not allowed to vote if there was a tie. She thought he was able to vote when Council made appointments to the committees. Attorney Davis replied the Mayor does not vote on appointments to the City Committees. In a normal motion and vote procedure the Mayor can vote to break a tie, but not in those ballot/nomination type votes for committees or in the Option B scenario. He explained since the Mayor could not vote in that type of situation, if there was a tie they would not have a result from that. The Council members would have to go back into deliberations and take another vote until there was a majority which in this case would be three Council members voting for one candidate.

Mayor Doughtie stated City Council needed to first adopt an option to move forward.

Councilwoman Bryant stated she favors Option B because she would like to have some information on the persons interested in applying or being considered. She would like to hear from them why they were interested and what they would be able to offer City Council.

Motion was made by Councilwoman Bryant and seconded by Mayor Pro Tem Ferebee to follow the Option B – Nomination and ballot method. Councilwoman Bryant and Mayor

Pro Tem Ferebee voted in favor while Councilman Smith and Councilman Stainback voted against. In order to break the tie, Mayor Doughtie voted against the motion. Motion failed by a 3-2 vote.

Councilman Smith asked Attorney Davis if they made a motion for Option A could they add the person's name when the motion was made. He replied yes they could and in that scenario they would not need to make two motions. If they wanted to do it in a two-step process it may make things simpler, but they do not have to.

Mayor Pro Tem Ferebee stated it sounded like Councilman Smith was ready to make a motion and questioning whether to put a name into the motion. To make it clearer he requested he first declare the option in a motion and then come back with the nominations.

Attorney Davis stated that may make the procedure simpler although it is not necessary. He suggested making the motion to follow Option A and if that motion passes by a majority then the next step could be, if City Council was ready to take the matter up in this session, to take a vote to put someone in the vacant seat by naming a person. It would be the motion and vote method.

Motion was made by Councilman Smith to use Option A and appoint Tommy Daughtry to fill the vacancy of Suetta Scarbrough's seat until November 2025. Mayor Doughtie called for a second to the motion.

Mayor Pro Tem Ferebee interrupted and stated according to *Robert's Rules of Order*, he made a motion to nominate Tony Brown. The disparity is that they were doing the option and the person so they were voting on two different things.

Attorney Davis stated there was a motion on the floor right now and it needs a second or it needs to die for a lack of a second.

Mayor Pro Tem Ferebee said that is where the "muddy stuff" comes in because he put in the option and the person at the same time.

Attorney Davis said Councilman Smith could do that. It was not necessarily his suggestion, but it is procedurally valid.

Mayor Pro Tem Ferebee asked if that would close out any other motions for anybody else.

Attorney Davis replied first they needed to see if there was a second then they could have more discussion on the matter. If there is not a decision to amend the motion then there needs to be a vote on that. If the motion carries, then it is done. If the motion does not

carry and it is defeated like the last one, then they would be back to square one.

Mayor Pro Tem Ferebee said according to *Robert's Rules of Order* there should be ways of making motions without being closed after the first setting. Other motions should be able to be made for that position. The way they are doing it, if it goes that way, then there is no other way of making a motion for that position and that is not according to *Robert's Rules*.

Attorney Davis restated at this point they needed to see if there was a second to Councilman Smith's motion.

Mayor Doughtie asked if there was second to the motion.

Councilman Stainback seconded the motion. Mayor Doughtie asked if there was any discussion on the matter. Mayor Pro Tem Ferebee stated there was the same discussion as he previously stated. He stated before a vote, he wanted to nominate Tony Brown.

Mayor Doughtie called for a vote to Councilman Smith's motion. Councilman Smith and Councilman Stainback voted in favor. Mayor Pro Tem Ferebee and Councilwoman Bryant voted against. To break the tie, Mayor Doughtie voted in favor of appointing Tommy Daughtry to fill the vacancy.

Mayor Pro Tem Ferebee said this did not create a second motion and that is not according to the *Robert's Rules of Order*. Attorney Davis said he did not think they could just create a second motion when there is a motion on the floor.

Mayor Pro Tem Ferebee stated a motion should be made until there are no more motions on the floor. Attorney Davis said he disagreed and did not believe it worked that way.

While Attorney Davis referred to *Robert's Rules of Order*, Councilwoman Bryant and Mayor Pro Tem Ferebee continued to discuss their desire to have the opportunity to see information on potential candidates and consider other nominations.

Attorney Davis suggested if they treat Mayor Pro Tem Ferebee's motion to amend Councilman Smith's original motion, they would need a second to amend and they would debate the confines of the amendment itself. Then there would be a vote on the amendment to the original motion. Then they could resume the process. He suggested they rescind Councilman Smith's motion now. It would need a second and vote to rescind the previous motion. At that point, Councilman Smith will make a motion again to use Option A and appoint Tommy Daughtry and then Mayor Pro Tem Ferebee would need make a motion to amend and he would need a second.

Councilman Smith asked Attorney Davis if his motion was illegal.

Attorney Davis replied he was trying to cure the process. He believes they will get back to the same place one way or another, but he wanted to make sure they have the sufficiency of process.

Attorney Davis suggested again to rescind the previous motion and vote.

Councilman Smith asked what if he refused to make the motion to rescind. Attorney Davis replied any member of Council could make that motion.

Mayor Pro Tem Ferebee made a motion to rescind the previous motion, seconded by Councilwoman Bryant. Mayor Pro Tem Ferebee, Councilwoman Bryant and Councilman Stainback voted in favor, Councilman Smith abstained. Motion carried.

Councilman Smith made a motion they adopt Option A and appoint Tommy Daughtry to fill the vacancy of Suetta Scarbrough's seat until November 2025, seconded by Councilman Stainback.

Mayor Pro Tem Ferebee made a motion to amend the previous motion to just consider adopting Option A, seconded by Councilwoman Bryant. Mayor Pro Tem Ferebee and Councilwoman Bryant voted in favor, Councilman Smith and Councilman Stainback voted against. To break the tie, Mayor Doughtie voted in favor. Motion carried by a 3-2 vote.

Councilman Smith made a motion to appoint Tommy Daughtry to fill the vacancy of Suetta Scarbrough's seat until November 2025.

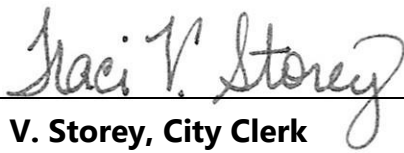
Mayor Pro Tem Ferebee made a motion to amend the previous motion to substitute Tony Brown's name in place of Tommy Daughtry to fill the vacancy; seconded by Councilwoman Bryant. Mayor Pro Tem Ferebee and Councilwoman Bryant voted in favor, Councilman Smith and Councilman Stainback voted against. To break the tie, Mayor Doughtie voted against. Motion failed by a 3-2 vote.

Mayor Doughtie called for a second to Councilman Smith's motion. Councilman Stainback seconded the motion. Councilman Smith and Councilman Stainback voted in favor, Mayor Pro Tem Ferebee and Councilwoman Bryant voted against. To break the tie, Mayor Doughtie voted in favor. Motion carried by a 3-2 vote to appoint Tommy Daughtry to Suetta Scarbrough's vacant seat until November 2025.

Adjournment

There being no further business, motion was made by Councilman Smith, seconded by

Councilman Stainback and unanimously carried to adjourn the meeting. The meeting adjourned at 5:53 p.m.



Traci V. Storey, City Clerk

Approved by Council Action on: September 20, 2022