



# 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 15, 2021 at 5:30 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  
Geoffrey Davis, City Attorney  
Traci Storey, City Clerk  
Leigh Etheridge, Finance Director  
Kathy Kearney, Deputy City Clerk/Human Resources Manager  
Bobby Martin, Police Chief  
Christina Caudle, Main Street Director  
Kelly Traynham, Planning & Development Director  
Larry Chalker, Public Works Director  
Jason Patrick, Fire Chief

*\*Denotes joining the meeting via Zoom.*

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

## Adoption of Business Agenda

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

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Bryant to amend the agenda to add a Closed Session under Other Business to discuss a Personnel Matter as allowed by NCGS 143-318.11(a)(6). Mayor Pro Tem Ferebee, Councilwoman Bryant and Councilman Bobbitt voted in favor; Councilwoman Scarbrough and Councilman Smith opposed. Motion carried by 3-2 vote.

## Special Recognitions

### **2021 BARC Scholarship Award**

Human Resources Manager Kearney announced the BARC Committee would be presenting the 2021 BARC Scholarship to one of the City's employee's children.

**Daniel Acree** is the son of Danny Lee Acree & Angie Acree. Daniel's father Danny Acree works with the City of Roanoke Rapids as the Safety/Fleet Superintendent in the Parks & Recreation Department. His mother Angie works for Edward Jones and is a Senior Branch Office Administrator.

Daniel is a 2021 graduate of Roanoke Rapids High School. He has been very involved in the Roanoke Rapids High School Student Council, DECA Club, Chick-fil-A Leader Academy, National Honor Society, Spanish Club, Key Club, Yearbook Staff, along with Varsity Men's Soccer and Varsity Men's Cross Country teams. Daniel is very active in Mission Projects with Halifax United Methodist Church. Money raised went to local organizations: The Room at the Inn for Homeless Women & Children, Habitat for Humanity, Angels Closet, RRHS Student Council & Roanoke Rapids Fire Department. He has participated in Community Projects such as Meals on Wheels and The Rewritten Story Foundation.

Daniel would like to pursue a double major in Education and Finance. He would like to have the opportunity to follow his passion at The University of North Carolina at Charlotte.

Daniel's career goal is Education Administration to become a Principal, Superintendent or Teacher. We have no doubt that he would be an Excellent School Administrator and a fine example to students as well as other staff members.

A quote about Daniel from one of his teachers: *"Daniel conducts himself as a respectable young adult and leader whether in the classroom, on school grounds or out in the community. His bright personality and true compassion for others shine through at all times."*

A quote from Daniel: *"This scholarship would materially assist in giving me the opportunity, both academically and financially, to double major in both Education and Finance. I am humbled and grateful for the opportunity to be considered for this scholarship."*

Human Resources Manager Kearney said Daniel was awarded a \$500 scholarship.

She also recognized some of the BARC Committee members: Donald Tart (retired), Michael Butts and Danny Acree. Kelly Manning was a former committee member.

## **Approval of City Council Minutes**

Motion was made by Councilwoman Scarbrough, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve the May 18, 2021 Regular City Council Meeting, June 1, 2021 Special Meeting and June 1, 2021 Work Session minutes as drafted.

## **Committee Appointments**

### **Canal Museum Advisory Committee**

City Clerk Storey said the terms of Lori Medlin (Tourism Authority Representative) and Greg Lawson (Canal Commission Representative) on the Canal Museum Advisory Committee expired on April 30, 2021. Both have agreed to serve another term on this committee. She stated a ballot vote is not required for these reappointments.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Bryant and unanimously carried to reappoint Lori Medlin and Greg Lawson to the Canal Museum Advisory Committee.

### **Library Advisory Committee**

City Clerk Storey stated the terms of Sandra Duncan, Krystal Cook-Elliott and Brian Jones on the Library Advisory Committee expired May 23, 2021. All three are willing to serve another term. Ms. Duncan and Mr. Jones have served the maximum number of two consecutive terms allowed by City policy. Council has the authority to waive this section of the policy and has done so in the past.

She reported a ballot vote was taken earlier by those present and Ms. Duncan, Ms. Cook-Elliott and Mr. Jones received a unanimous vote.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough, and unanimously carried to waive the City Policy for Ms. Duncan and Mr. Jones and reappoint Sandra Duncan, Krystal Cook-Elliott and Brian Jones to the Library Advisory Committee.

### **Roanoke Rapids Area Planning Board/Board of Adjustment**

City Clerk Storey stated the terms for Carrie Tuning and Henry Ford on the Roanoke Rapids Area Planning Board/Board of Adjustment expired June 1, 2021. Mr. Ford has served the maximum number of 2 consecutive terms allowed by City policy. Again, Council has the authority – and has done so in the past – to waive this section of the policy.

A ballot vote was taken earlier by those present and Ms. Tuning and Mr. Ford received a unanimous vote.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough, and unanimously carried to waive the City Policy for Mr. Ford and reappoint Carrie Tuning and Henry Ford to the Roanoke Rapids Area Planning Board/Board of Adjustment

## Public Hearing

### **Land Use Ordinance Amendments (NCGS Chapter 160D)**

Planning & Development Director Traynham stated City Council is required to hold a public hearing per NC General Statutes and the City's Ordinance before they take action on any amendments to the Land Use Ordinance.

She reviewed the following information on the proposed amendments:

#### **ATTACHMENT 1**

#### **Summary Outline of Proposed Amendments to the Land Use Ordinance per Chapter 160D**

**Article I: General Provisions;** Provides a reference point for the authorization of land use zoning regulations by the North Carolina General Assembly. Primarily these amendments change the authorizing North Carolina Statute from Chapter 160A to 160D. Chapter 160D was established in 2019 by the General Assembly to consolidate City and County land use regulations.

**Section 151-3;** Additional text is added from Ordinance 160D regarding zoning map requirements and the incorporation of related regulations and maps by reference.

#### **Article II: Basic Definitions and Interpretations.**

- Definitions for the following have been added.

Administrative Decision; Development Approval; Determination; Dwelling; Evidentiary Hearing; Legislative Decision; Manufactured Home Label; Quasi-Judicial Procedure; Site Plan; Sleeping Unit; Special Use Permit; and Temporary Family Health Care Structure

- Definitions for the following have been significantly revised.

Building; Development; Dwelling Unit; Family Care Home and Modular Home

- Definitions for Mobile Homes have been re-labeled as Manufactured Homes. In addition, Class BB has been re-labeled as Class C. Definitions for Class A, B and C homes have been revised, and the definition for a Mobile Home eliminated as redundant.

#### **Article III: Administrative Mechanisms.**

- Planning Board.

**Section 151-23; Quorum and Voting.** Added a further defined statement on when Board members should abstain from voting.

**Section 151-25;** Adds a revised statement on possible responsibilities of the Planning Board as provided per amended North Carolina General Statutes.

- Board of Adjustment.

**Section 151-29;** Adds statement that members shall take an oath of office.

**Section 151-32; Voting.** Adds language from Statutes establishing that a majority vote decides decisions and requirement for a quorum, along with stating when members may or may not vote.

**Section 151-36; Quasi-Judicial Procedures.** A lengthy section is added outlining quasi-judicial procedure as per North Carolina General Statute 160D-406.

**Section 151-37; Authorization.** Added statement on local government power to authorize staff, enact ordinances, procedures and fee schedules.

**Section 151-40; Administrative Duties.** Added statement on administrative duties.

- City Council. No changes except deleting the term conditional use permit.

#### **Article IV: Permits and Final Plat Approval.**

- Zoning Permits.

**Section 151-55; Burden of Presenting Evidence, Burden of Persuasion.** Added language from North Carolina General Statutes regarding completeness of applications.

**Section 151-62; Completing Developments in Phases.** Added two paragraphs:

Incorporated the term “site specific vesting plan” as a term to be used to describe approved site plans per North Carolina General Statutes 160D.

Added a statement on multi-phase developments of 100+ acres as per NCGS 160D.

**Section 151-63; Expiration of Permits.** Added three sentences regarding the expiration of permits.

**Section 151-65; Amendments to and Modification of Permits.** Added a sentence limiting deviations from approved applications until a written approval is received by the applicant.

- Major and Minor Subdivisions.

Added **Section 151-75; Purpose**, to incorporate NCGS 160D language on the purpose for subdivision regulations, and **Section 151-76; Subdivision Definition**, to delineate what is and is not to be considered a subdivision requiring local government approval.

**Section 151-79; Minor Subdivision Approval.** Incorporated NCGS 160D language regarding minor subdivision approval.

**Section 151-85; Family Subdivision Approval.** Eliminated two paragraphs that duplicated information contained in **Section 151-79.**

#### **Article V: Legislative/Quasi-Judicial Procedures.**

**Section 151-91; Amendment/Rezoning Procedures.** Replaced the only paragraph under “Action by the Planning Board” with three (3) paragraphs containing the language in NCGS 160D.

- “Action by the City Council” has several changes incorporating NCGS 160D language, along with the elimination of a paragraph seeking to have applicants submit stamped envelopes to be mailed to property owners for notification purposes. This has been found to be less than successful in carrying out the notification process. Revised paragraph eliminating the statement

- that the City Clerk mail notification letters, when that has been, and will continue to be, the responsibility of planning staff.

Moved and rewrote paragraphs, (3) I, II and III to incorporate text from NCGS 160D. Section (3) was titled *Recommendations of Planning Board*, changing that to *Recommendations from Planning Board*.

Paragraph I is now incorporated into a new Section F *Conflicts of Interest*. This Section contains 6 paragraphs of text taken from NCGS 160D-109.

Paragraph II is moved to Section 5 *Statement of Plan Consistency*.

Paragraph III is moved to a new Section (6) *Statement of Reasonableness*.

#### **Section 151-93; Appeals, Variance and Interpretations.**

- **Appeals.** Revises current Ordinance language with additional text from NCGS 160D-405, 406 and 705.
- **Variations.** Revises current Ordinance language with additional text from NCGS 160D-705. Primarily eliminated is a requirement for a finding that the applicant can make no reasonable use of property.
- **Board of Adjustment Action on Appeals and Variations.** Incorporated a change in voting on matters before the Board. Board decisions to reverse, affirm or modify a case before them will now require a majority vote, instead of a four-fifths vote.

#### **Section 151-94; Special Use Permits.** Two significant changes are being incorporated.

- The term "Conditional Use Permit" will no longer be used. In order to establish state-wide conformity the term "Special Use Permit" is the terminology to be used.
- The section "Planning Board Review and Comment" is being eliminated. It has been advised that it is an unnecessary administrative burden to hold two quasi-judicial hearings in considering Special Use Permits, and it is recommended that the Planning Board be taken out of the decision making process when the final decision is made by City Council. Therefore, language requiring Special Use Permits be taken before the Planning Board is being taken out of the Ordinance. This will result in all Special Use

Permit requests being submitted to City Council for decisions, without Planning Board review and recommendation.

#### **Article VI; Statutory Vested Rights.** Moved from **Article XXII.**

This Article establishes a zoning vested right as a specific action where-upon a request for developing specific property has been reviewed by planning staff, and a response received by the entity submitting such request that the request is a permitted activity per zoning regulations, or in the case of a use requiring legislative or quasi-judicial approval such approval has been granted. North Carolina Statute 160D-108 further establishes that in submitting a development plan for review such plans are to be called "Site Specific Vesting Plans". Site plan review is to utilize this terminology.

**Section 151-101; Purpose.** Paragraph added from Statute stating that it is to ensure reasonable certainty, stability and fairness in the development regulation process.

**Section 151-102; Definitions.**

- **Site Specific Vesting Plan.** A list of submissions that fall under what is to be labeled a vesting plan and the expected content of such submissions.
- **Zoning Vested Right.** Establishes that there are time limitations for development based on a zoning vested right.
- **Permit Choice.** Establishes a right available to the submitters of plans. That being, should development regulations change between submitting plans and final approval, then the submitter may choose to follow the regulation at the time of submission or the later regulatory change.

**Section 151-103; Establishment of Zoning Vested Rights.** Provides addition guidance on when a zoning vested right is obtained.

Current paragraph (e) has been moved and established as Section 151-105.

**Section 151-104; Approval Procedures and Approval Authority.**

Paragraph (b) establishes that a zoning administrator or other designated staff may make zoning vested rights determinations, and that such decision may be appealed.

Paragraph (c) is rewritten as taken from NCGS 160D-108 to state that a designation as a vested plan shall be earlier than the issuance of a building permit.

Paragraph (f) is rewritten as written in the Statute that the City may revoke an approval for failure to comply with applicable terms and conditions.

**Section 151-105; Vesting Duration.** Paragraphs (a) and (b) of the current Ordinance are eliminated and replaced with the text from NCGS 106D-108 which specifically provides vesting time limits.

Paragraph (a) provides for several vested rights.

- o **Building Permits.** Vested for six (6) months.
- o **Zoning Approvals.** Vested for one (1) year.
- o **Site Specific Vesting Plans.** Vested for from two (2) to five (5) years.
- o **Multi-Phase Developments.** Vested for seven (7) years, but only applies to developments of at least 100 acres.
- o **Development Agreements.** Vested for defined time periods based on negotiated agreement.

**Paragraph (b). Exceptions. Former Section 151-345, Termination.** With revisions.

1. Lists actions that could cause a zoning vested right to be altered or eliminated.
2. New location of paragraph formerly Paragraph (e) under former Section 151-342.
3. New paragraph taken from NCGS Statute 160D-108 stating that local governments are not precluded by NCGS 160D-108 from enforcing regulations governing nonconforming situations.

**Article VII: Enforcement and Review.** Revised language in Section 151-115 to follow that of NCGS. No significant changes.

**Article VIII: Nonconforming Situations.** There are minimal changes. It is to be noted that Paragraph (e) under Section 151-126 which deals with manufactured homes as nonconforming uses incorporates changes to the classification of manufactured homes as A, B and C.

**Article IX: Zoning Districts and Zoning Map.**

**Section 151-135; Residential Districts Established.**

Paragraph (a) added to the list of residential districts that of PRCD, Planned Residential Conditional District.

**Section 151-136; Commercial Districts Established.**

Paragraph (b) is revised to encourage above-ground floor residential uses in the B-1 district. Also refers to a new section of Article XXIV, which establishes guidelines for a Roanoke Avenue Overlay District.

**Section 151-138; Planned Unit Development Districts replaced by Conditional Districts (CD).**

The Planned Unit Development District is being replaced mainly because the existing guidelines in our Ordinance are largely impractical to administer. It is being replaced with Condition Districts which have been authorized by the General Assembly for several years and is being utilized by many jurisdictions across North Carolina.

**Section 151-140; Planned Residential Conditional District (PRCD).**

This District replaces Section 151-156; Planned Residential Development, which had been under Article X: Permissible Uses. This establishes it as a conditional zoning district as per NC General Statutes. It incorporates some of the existing text, but creates new guidelines designed to promote the revitalization of older neighborhoods in Roanoke Rapids.

**Article X: Permissible Uses.**

**Section 151-149; Table of Permissible Uses.** Replaces PUD with CD. Under the heading of CD is PRCD.

Single family residences and accessory apartments are added as a use in R-3 districts. This is to promote a variety of residential options and is a component of Planned Residential Conditional Districts. While R-3 districts are described as apartment zoning, it is thought that the City should provide developers with housing options, with a review/approval process established under PRCD approval.

Moved Mobile Home Parks from a use in R-3 districts, where this use had incorrectly been shown as permitted, to a use permitted in R-5 districts. Also created new MHP guidelines in Section 151-164, where previously there had only been a one sentence statement.

Added Townhouse Development as a permitted R-6 district use.

Added Family childcare homes as permitted uses in R-12, R-8, R-6, R-5 and R-3 districts.

The category Convenience stores has existed but it is unclear how one would distinguish such from other retail sales businesses. To add clarity "with gas sales" has been added to the term.

A new category "Personal services such as salon or tattooing" has been added under the broad category of "Office, Clerical, Research and Services" This is listed as permitted in B-1, B-2, B-3 and B-4 districts.

Added "Libraries, museums, art galleries and art centers" as a permitted B-3 district use.

Changed the category of "Planned Unit Developments" to "Conditional Districts".

**Section 151-150; Accessory Uses.**

(c) Criteria for permitted accessory residential uses.

- (1) Expanded statement that included uses such as administrative or artistic activity to also include there may “be a regular stream of income”.
- (3) Added “Temporary health care structures” as a permitted use required per NCGS 160D-915.
- (d) Criteria for uses not permitted accessory to residential uses. The following have been added:
  - (5) “The repair of vehicles not owned by occupants of the residence.”
  - (6) “The use of residential property for the parking of multiple vehicles for sale.”
- (f) Paragraph permits on-site residences at warehouses and hotel/motels. It has been revised to eliminate the word mini-storage and add construction and industrial sites. Construction and industrial sites are frequently named by jurisdictions across North Carolina.

**Section 151-154; Combination Uses.**

- (b) Parking requirements for combination uses. Added sentence authorizing a reduced parking requirement when peak parking demand characteristics or hours of operation are different.

**Article XI: Supplementary Use Regulations.**

**Section 151-162; Special Events.**

- (a) Issuance of permit shall be conditioned upon:
  - (5) Added. The applicant shall submit a statement approving use of the site for the proposed event from the property owner or site manager.

**Section 151-163; Family Care Homes.** Changed the distance between homes from 1,500 to 1,000 feet.

**Section 151-163; Mobile (Manufactured) Home Parks (MHP).** This section establishes guidelines for the expansion or establishment of mobile home parks.

**Section 151-166; Adult Establishments.**

- (b) Changed the distance between establishments, residentially zoned dwellings, schools, parks, library and daycare from 1,500 to 1,000 feet.

**Article XII: Density And Dimensional Regulations.** The following changes are largely in response to amending/renaming two (2) new sections under Article IX: Zoning Districts and Zoning Map, Section 151-138, Conditional District and 151-140, Planned Residential Conditional District.

**Section 151-182; Residential Density.**

- (a) Added Section 151-140; Planned Residential Conditional District.
- (b) Eliminated language that provided a density for mobile home parks in R-3 districts even though mobile home parks had previously been eliminated as a permitted use. Also changed the permitted apartment density from 3,000 to 2,000 sq. ft. The number of apartments being determined by dividing the property size by 2,000.
- (c) Setback distances...

- (7) Eliminated language regarding PUD's since the PUD designation has been eliminated. Added new language providing for a 5 feet reduction in side setbacks along the side street on corner lots in R-5, R-8 and R-12 residential districts.

**Section 151-186; Building Height Limitations.**

- (c) Added reference to the North Carolina Fire Prevention Code 905.3.1 regarding access for firefighting.

**Article XIII: Stormwater Management.** No significant changes.

**Article XIV: Streets and Sidewalks.**

**Section 151-210; Street Classification.** Retitled Section to Streets and moved listing of classifications to next Section. Provided a description of street purposes and described factors involved in a street's classification.

**Section 151-211; Street classification are as follows:** Revised the description of the various street categories, and added two new classifications; alley and expressway/freeway. Added examples to several of the street classifications.

**Section 151-217 (formerly 216); General Layout of Streets.**

- (a) Added a paragraph in regarding the issue of pedestrian and bicycle traffic.  
(b) Changed the minimum required street right-of-way for minor streets from 50 to 40 feet and for local streets from 60 to 50 feet. Pavement width was not changed.

**Section 151-218 (formerly 217); Street Intersections.**

(b) Revise paragraph to state that cul-de-sacs should not be primary features of subdivisions. Instead, connected streets are to be encouraged.

**Section 151-220 (formerly 219); Construction Standards and Specifications.**

(b) **Radii of Curvature.** Revised speed limits on collector and subcollector streets from 45 to 35 and on local streets from 35 to 30 miles per hour.

**Article XV: Utilities.**

**Section 151-242; Lighting Requirements.**

- (a) Updated streetlight fixtures to current Dominion Power policy.

**Section 151-249; Fire Hydrants.** Incorporated references to the North Carolina Fire Prevention Code and the Roanoke Rapids Sanitary District, along with minor changes recommended by FD and RRSD staff.

**Article XVI: Flood Damage Prevention.** No significant changes.

**Article XVII: Signs.** Significant changes have been undertaken to obtain compliance with legal case law as it has evolved over the years. Those portions that are in red type are specifically in place to eliminate the consideration of sign content as a basis for regulating signs. This rewrite has resulted in new sections and a realignment of previous sections to have similar uses grouped together. For

example: Section 151-283 Freestanding Signs, now has under it subsections for On-Premises signs and Off-Premises signs. Off-Premise signs is then further divided into the categories of billboards and temporary signs.

Article XVII begins with a new **Section 151-276, Purpose and Effect**. It had previously begun with Definitions, which is now Section 151-277. Numerous new definitions have been added in this Section. **Section 151-277; Permit Required for Signs**, is now **Section 278** with the title Permit and Plan Requirements for Signs. It has been substantially rewritten.

**Section 151-278, Signs Excluded From Regulation**, and **Section 151-279, Certain Temporary Signs; Exemptions and Additional Regulations**, have been combined and is now **Section 151-279, Sign Types Excluded From Sign Permit Requirements**. This Section has been rewritten using specific types of signs and includes specific guidelines for the display of such signs.

**Section 151-283, Freestanding Signs**, As noted above on-premise and off-premise signs are now under this category. Also, what was formerly **Section 151-287, Hi-rise Interstate Signs**, is now included in Section 151-283 as Section 151-283.1.1.

It is to be noted that **Section 151-283.3, Temporary Off-Premises Signs**, is an effort establish guidelines for all the signs advertising various events that are now not legal per the current sign regulations. Existing regulations permit signs hung above streets with the approval of the City Manager. It is proposed that requiring City Manager approval for all off-premises signs advertising events be a way to legally allow signs that currently are not legal. It is also to be noted that in **Section 151-279, Sign Types Excluded From Sign Permit Requirements**, off-site directional and real estate signs are categorized as not requiring permits if under a certain size, including a limitation in the number of signs permitted.

Also included under Section 151-283 is **Section 151-283.4, Subdivision, and Multi-Family and Commercial Development Entrance Signs**. This was formerly Section 151-285, and included commercial and industrial properties but did not have that in the Section name. The commercial/industrial subsection has been expanded to give additional guidance on permitted project signage.

**Section 151-285, Temporary Signs**, has been added. In this section several definitions have been added along with restrictions on each.

**Section 151-287, Violation Enforcement**, has been added. This section provides guidance for enforcing the sign regulations outlined in this Ordinance.

**Article XIX: Screening and Trees.** No substantial changes.

**Section 151-317 (b)**, Increased the percentage of shade tree coverage for parking areas from 15% to 20%.

**Article XXII: Statutory Vested Rights.**

**Article XXIII: Water Supply Watershed Protection.** Reference to Statutes 160A -360 updated to 160D-926 and 160A-385.1 to 160D-108. Two references to other parts of the LUO are deleted as the referenced items have not existed in years, and, therefore, nothing to reference.

**Article XXIV: Overlay Districts.**

**Part I. Entertainment Overlay District.** Revised the Table of Permitted Uses in the Entertainment District by eliminating the term Conditional Use Permit. The listed uses are now either “by right” or “by special use permit”.

**Article XXV: Wireless Communication Facilities:** Significant changes are incorporated to comply with NCGS 160D-930 through 938, Wireless Telecommunication Facilities. Changes are necessary to comply with federal regulatory restrictions implemented to prohibit local governments from using wireless service needs as a means to limit WCF’s. Zoning regulation of wireless providers is now essentially to ascertain that facilities do not physically endanger neighboring properties.

**Section 151-367, Purpose and Intent,** has been separated into A & B. “A” being purpose language directly from the Statute. The definitions section has been altered with new definitions taken from the Statute.

**Section 151-370, Exempt Installations,** has been amended to ease administration and provide a zoning exemption for “small and micro-sized wireless facilities” over which federal legislation has eliminated local government zoning regulation.

**Section 151-371, Development Standards.**

Under #1 Generally, paragraphs “b” Equipment cabinets, “c” Fencing and “d” Buffers have been combined into one paragraph on site appearance and labeled “Buffering”.

Under #2, Attached Wireless Communication Facilities. A statement on the location of WCF’s that are now exempt, small and micro-sized wireless facilities, has been eliminated.

Under #3, Freestanding Wireless Communication Facilities. Requirements for information on service demand has been eliminated. Also reduced tower size range of requirements from 4 to 3 categories. Eliminated the range of 101 to 120 feet. Ranges are now 100 feet or less, 101 to 150 feet and 151 to 200 feet.

Paragraph iv (now d). Least visually obtrusive profile. Sentence (2) was eliminated.

Eliminated paragraph d. Mitigation of existing freestanding WCF’s. Mitigation is a term replaced in Statutes by Substantial Modification and not very useful.

**Section 151-372, Permitted Uses by Zoning District.** This section has been relocated to Section 151-149, Table of Permissible Uses.

**Section 151-373, Siting Alternative Hierarchy.** This section has been eliminated because it is based on wireless service needs which can no longer be considered in zoning review for WCF sites.

**Section 151-374, Submittal Requirements.**

- A. General Submittal Requirements. Eliminated paragraphs “a”, “d”, “l” and “n” involving service provision, information that is no longer valid to be considered when reviewing WCF proposals.
- B. Freestanding Concealed or Non-concealed WCF’s. Eliminated paragraphs “a” and “b” as noted above.
- D. Antenna Element Replacements. Another item that local governments should not use zoning as an administrative impediment. However, should this involve a change in mechanical or electrical specifications, then review with requirement for electrical permit.

**Section 151-375, Approval Process.** Divided this section into a segment on new antenna support structures and one on collocations. While the text is not significantly different the review time is very different. Added a statement informing that a new antenna support structure may require a special use permit.

**Appendix A: Information Required with Applications.** Minor changes include elimination of term conditional use permit and several references to Ordinance Section numbers corrected. Altered the term site plan to the NCGS 160D preferred terminology as a site specific vesting plan.

MEMORANDUM

To: Joseph Scherer, City Manager

From: Kelly Traynham, Planning & Development Director

Re: **Ordinance 2021.06 - Land Use Ordinance Amendments per NC Session Law 2019-111, as amended (NC General Statute Chapter 160D: A New Land Use Law for North Carolina)**

Date: June 10, 2021

---

**OVERVIEW OF AGENDA ITEM**

**Purpose**

In accordance with the City’s Land Use Ordinance and state statute for legislative decisions, the purpose of this agenda item is for City Council to complete the following actions:

1. Conduct a public hearing to receive citizen comments on City-initiated text amendments to the Land Use Ordinance to conform City regulations to a new chapter, 160D, of the North Carolina General Statutes;
2. Deliberate on the various amendments, as desired;
3. Consider the *favorable* recommendations from Planning Staff and the Roanoke Rapids Area Planning Board; and,
4. Consider adoption of **Ordinance 2021.06** before the July 1, 2021 deadline.

**Background – Chapter 160D Land Use Law Updates**

The new Chapter 160D of the North Carolina General Statutes consolidates current city- and county-enabling statutes for development regulations (now in Chapters 153A and 160A) into a single, unified chapter. This represents the first major recodification and modification of the city and county

development regulations since 1905. The process of developing the revisions was initiated by the Zoning & Land Use Section of the N.C. Bar Association in 2013 and completed with the passage of the law on July 11, 2019. During the process, drafts were reviewed, and comments received from a variety of stakeholders including the UNC School of Government, attorneys, local governments, planners, and the development fields. Consensus changes were included in the enabling legislation while debatable or controversial measures requiring further consideration were not. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations. Chapter 160D became effective on January 1, 2021, but local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law.

## **TEXT AMENDMENTS**

### **Proposed Changes**

The summary outline of proposed text amendments is attached. These changes can be broadly categorized as technical and non-substantive. The ordinance text amendments were drafted by Planning Staff who relied heavily on materials developed by the UNC School of Government, including a checklist to ensure they had addressed all the new legislation within the ordinance.

### **Citizen Involvement**

Since May 18, 2021, the proposed changes have been advertised as available for public inspection and review at [www.roanokerapidsnc.com](http://www.roanokerapidsnc.com) and a paper printed copy is available in the Planning & Development Department, located at City Hall, 1040 Roanoke Ave.

Interested persons were encouraged to attend the June 15, 2021 public hearing and/or submit written comments to the City Clerk by 12-noon on Thursday, June 10, 2021 for inclusion in this agenda packet. To date, no comments have been received.

### **Intent**

The intent of the proposed amendments is to bring the Land Use Ordinance into alignment with NCGS Chapter 160D specific to the following categories: terminology and citations, geographic jurisdictions, governing boards, land use administration, substance of zoning and other ordinances, legislative decisions, quasi-judicial decisions, administrative approvals, determinations, vested rights, and judicial review.

Per the UNC School of Government, failure to adopt text amendments related to Chapter 160D could put local governments at greater risk to functional operation and potential legal action. Failure to align local ordinance to state statute will lead to confusion. Additionally, development decisions could be overturned for failure to comply with applicable procedures and governments subject to all legal fees involved.

## Key Points of NCGS Chapter 160D

The School of Government outlines the following major topic areas, and for the purpose of this text amendment, only the “musts” that are applicable specifically to the City of Roanoke Rapids are summarized:

- **Terminology and Definitions** – *update references, align ordinance terminology, and assure definition consistency with state law.*
- **Rules for Boards and Commissions** – *adopt conflict-of-interest standards, keep minutes, and administer oaths of office.*
- **Land Use Administration** – *incorporate staff conflict-of-interest standards into ordinance, maintain paper or digital maps, issue notices of violation in conformance with statutory procedures, must enter premises during reasonable hours, must have consent or administrative search warrant, permit revocation must follow same process as approval, must perform inspections for building permits, must require certificate of occupancy for work requiring a building permit.*
- **Substance of Zoning Ordinance** – *must maintain current and prior zoning maps for public inspection, maintain other effective state and federal maps for inspection (i.e. FIRM's), must define “minor modifications” by ordinance, must not include modification of use or density, and major modifications must follow standard approval process.*
- **Substance of Other Development Ordinances** – *conform subdivision performance guarantee requirements with statutory standards, allow expedited review of certain subdivision types, exempt farm use on bona fide farms, must not exclude manufactured homes based on age, follow standardized process for housing-code enforcement – repairs and demolition, must frame preservation district provisions as standards rather than guidelines, must process a development agreement as a legislative decision, and local government must be a part to a development agreement.*
- **Comprehensive Plan** – *maintain a current Comprehensive Plan (review/update every 5-10 years) to maintain zoning, plans and updates following legislation decision procedures, reasonably maintain a plan.*
- **Legislative Decisions** – *adhere to applicable procedures for legislative decisions under any development regulation, not just zoning, and adopt any regulation by ordinance and not resolution, provide notice to adjacent owners separated by streets, railroads and other corridors for zoning map amendments, provide notice 25 days prior to hearing and 10 days prior to hearing, refer zoning amendments to the PB, and not have governing board function as PB review board, have PB consider any plan adopted that requires comment and plan consistency, adopt a brief consistency statement – consistent/inconsistent with approved plans, must note on the applicable future land use map when a zoning-map amendment is approved that is not consistent with the map, adopt a statement of reasonableness for zoning map amendments, permit adoption of a legislative decision on first reading by simple majority, prohibit third-party downzonings, do not combine legislative and quasi-judicial processes*
- **Quasi-Judicial Decisions** – *follow statutory procedures for quasi-judicial development decisions, hold evidentiary hearings to gather competent, material, and substantial evidence to establish facts of case, testimony must be taken under oath and findings of fact and conclusions of law must be written, allow parties with standing to fully participate in hearing, distribute same materials to applicant and landowner at the same time, present all materials at hearing and make them part of the record, must not impose conditions that there is no statutory authority to impose, obtain applicant's/landowner's written consent to conditions related to special use permits, and rename conditional use permits or CUP's to special use permits or SUP's, set a 30 day period to file an appeal of any administrative determination under a development regulation, presume that if the notice of determination is sent by mail it is received on the third business day after it is sent, and as mentioned in previous sections – do not combine legislative and quasi-judicial processes and assure minor modifications are defined by ordinance.*
- **Administrative Decisions** – *provide development approvals in writing and if provided electronically do so in a way that it is protected from editing, assure that applications for development are made by a person with a property interest in the property or a contract to purchase said property, provide that development approvals run with the land, permit revocations must follow the same process as was used for their approval, administrative decisions of any development regulations must be appealed to the board of adjustment unless otherwise provided in the controlling ordinance, set a 30 day appeal period, require the official who made the decision to appear as a witness in the appeal, pause enforcement actions and fines during the appeal.*
- **Vested Rights and Permit Choice** – *recognize that building permits are valid for six months, recognize the default rule that development approvals are valid for 12 months unless otherwise noted, identify site-specific plans with vesting for 2-5 years and recognize multi-phase developments – long-term projects of at least 25 acres are vested*

*up to seven years, except for specified exceptions, must allow for permit choice if development regulations are changed.*

- **Judicial Review** – *update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts and provide that appeals are filed within 30 days, must not assert the defense of estoppel to enforce conditions to which an applicant did not consent in writing.*

## **REVIEW AND RECOMMENDATIONS**

### **Consistency with Land Use Plan**

The City's Comprehensive Land Use Plan (2014) does not specifically address the adoption of amendments relating to the City's development processes. However, plan implementation provides the framework upon which zoning and subdivision regulations and the capital improvements programs should be based. In fact, the preparation of a land use plan and map is mandated by legislation as a prerequisite for zoning for both cities and counties.

The following statements reflect the City's interest in maintaining compliance with applicable state legislation as the city adopts appropriate development standards for the community.

- **Implementing Strategy 1.3** reads, *“conduct an overall review of the City's Land Use Ordinance, in concert with “stakeholders,” to identify possible changes to “streamline” the permitting process and other potential revisions to make the ordinance more business-friendly”* (Comp. Plan p. 7-4).
- **Implementing Strategy 1.27** reads, *“Support North Carolina legislative changes which will enable the transfer of development rights to aid the preservation of farmland and open space”* (p. 7-9).
- **Implementing Strategy 1.35** reads, *“Public policies and actions shall support the maintenance and revitalization of the downtown and adjoining neighborhoods as an historic and cultural center of the community”* (p. 7-10)
- **Implementing Strategy 1.41** reads, *“Develop a specific structure for regional inter-jurisdictional coordination... with the roles of all partners clearly defined”* (p. 7-10).

### **UNC-School of Government – Code Scan**

To ensure compliance with the standards of NCGS Chapter 160D the City of Roanoke Rapids contracted with the UNC School of Government to conduct a thorough review of the City's Land Use Ordinance. Planning staff are codifying the recommended edits into the final ordinance.

### **Planning Staff Recommendation**

As previously presented, the proposed amendments are not intended to change the standards of the city. A vast majority of the recommended amendments involve the addition of definitions, wording changes, and minor updates to existing standards and processes to achieve consistency with the new State statutes. Additionally, the regulatory requirements are clarified for easier comprehension by users.

*Planning Staff recommend APPROVAL of the proposed text amendments to align the Land Use Ordinance with the relevant provisions of Chapter 160D.*

### **Roanoke Rapids Area Planning Board – Discussion & Recommendation**

During its consideration of the proposed amendments, the Planning Board discussed their future role as

part of the development review process. An additional item of consideration is the review by the Planning Board on quasi-judicial matters. Per G.S. 160D-301(b)(6), the Planning Board can provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the town council. With consideration of legal “best practices” the Planning Board will no longer review and make recommendations for special use permits (formerly conditional use permits and special exceptions). The Board accepted their removal from the special use permit process.

*At its public meeting on April 15, 2021, with a quorum being present, the Roanoke Rapids Area Planning Board voted unanimously to recommend APPROVAL of these proposed text amendments as they will ensure consistency with standard development practices and bring the Town Code into compliance with the N.C. General Statutes Chapter 160D.*

### **REQUESTED ACTION BY CITY COUNCIL**

1. Open and conduct the public hearing on the proposed ordinance amendments.
2. Receive comments from the public.
3. Close the public hearing.
4. *Motion & Vote: Planning Staff prepared the attached draft of Ordinance 2021.06 including statements of plan consistency and reasonableness. The following motion is drafted should the City Council consider APPROVAL.*

Mayor Doughtie opened the public hearing for public comment.

With no one wishing to speak, he closed the public hearing.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to adopt Ordinance Number 2021.06 approving the zoning text amendments related to Chapter 160D; and to make a finding that the approval is consistent with the adopted 2014 Comprehensive Land Use Plan and that said approval is reasonable and in the public interest and furthers the goals of the Plan because it aims to assist future development decisions, make the ordinance more user-friendly, and addresses policy changes within a developing city.

### **ORDINANCE NO.: 2021.06 CITY OF ROANOKE RAPIDS**

**AN ORDINANCE UPDATING THE ROANOKE RAPIDS LAND USE ORDINANCE (CITY  
ORDINANCE CODE CHAPTER 151) TO CONFORM TO NCGS CHAPTER 160D  
AND STATEMENT OF REASONABLENESS, APPROVAL AND PLAN CONSISTENCY**

**WHEREAS**, the proposal to create Chapter 160D of the North Carolina General Statutes was facilitated by the NC Bar Association for the purposes of consolidating current city and county enabling statutes; placing these statutes into a more logical, coherent organization; and providing uniform authority, definitions and procedures for cities and counties, while retaining substantial policy discretion for ordinances adopted by individual jurisdictions; and,

**WHEREAS**, State Law 2019-111 creating NCGS Chapter 160D was signed into law on July 11, 2019, with amendments in 2020. The law mandates local governments to adopt conforming amendments to their local development regulations, with Chapter 160D becoming effective for each jurisdiction as those amendments are adopted (with a deadline no later than July 1, 2021); and

**WHEREAS**, it is the intent of this ordinance to make all applicable amendments necessary for the City's zoning and subdivision standards to be in full compliance with NCGS Chapter 160D. To achieve this objective, City Planners utilized guidance materials from the UNC School of Government and retained by the City to thoroughly review the Land Use Ordinance and offer recommended amendments for compliance; and

**WHEREAS**, the Roanoke Rapids Area Planning Board thoroughly reviewed these amendments and voted unanimously to recommend approval of this ordinance at its public meeting on April 15, 2021; and

**WHEREAS**, the Roanoke Rapids City Council found these amendments to the Land Use Ordinance to be consistent with the recommendations of the City of Roanoke Rapids Land Use Plan.

**NOW THEREFORE BE IT ORDAINED** by the City Council City for the City of Roanoke Rapids:

**PART I.** The existing Land Use Ordinance shall be amended by adding NC Chapter 160D ordinance updates to the Land Use Ordinance, which shall be fully incorporated therein. Any potential conflicts with Chapter 160D are considered deleted from the Ordinance.

**PART II.** This ordinance shall be effective upon its adoption.

**ADOPTED** this the 15<sup>th</sup> day of June 2021 in Roanoke Rapids, North Carolina.

---

Emery G. Doughtie, Mayor

ATTEST:

---

Traci V. Storey, City Clerk

<b>New Business</b>
---------------------

**Contract to Conduct Annual Audit for Fiscal Year Ending June 30, 2021**

Finance Director Etheridge stated in accordance with NCGS 159-34(a), City Council must approve a contract for the audit of the City's financial statements. She stated there was no increase in the cost in this audit contract.

She said copies of the engagement letter and contract with Gregory T. Redman, CPA to conduct the audit of the City's financial statements for FY 2020-2021 were enclosed in their agenda packets. She asked City Council to consider a motion to authorize the Mayor to execute the engagement letter and contract.

Councilman Smith asked if the fee was same as last year. Finance Director Etheridge replied it was the same fee as last year in the amount of \$19,900.

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve the letter of engagement and contract with Gregory T. Redman, CPA to conduct the audit of the City's financial statements for year end June 30, 2021 and to authorize the Mayor to execute the engagement letter and contract.

**Ordinance Initiating Mitigation Rates for Delivery of Services by the Fire Department**

Fire Chief Patrick reminded City Council that he approached them in May about a fire recovery program the Fire Department had been looking into. This will allow the department to start billing insurance companies for vehicle accidents, house fires and events such as that. He stated no bill would be sent to any of the city's citizens.

He reported it would be a one-year agreement that would automatically renew each year. If the City wanted to terminate the agreement, they would have to notify them in writing 30 days prior to termination.

Mayor Pro Tem Ferebee referred to item 11-1 where it referred to the State of California and asked why it wouldn't be North Carolina. Attorney Davis replied he assumed it was because that was the state where the business was located. That is a concern, but he has reviewed the rest of the agreement and it seems pretty standard. He added the termination provision mitigates any concern they should have so if there were to be any dispute with them, the City could terminate the agreement quickly without any real consequences.

Mayor Pro Tem Ferebee confirmed they would only be billing the insurance companies. Chief Patrick replied that was correct. He added there was several ways they could set it up, but from discussions in the Work Session, Council agreed they only wanted to bill the insurance companies and not citizens.

Mayor Pro Tem Ferebee also asked if the company would ever bill the City for anything. Chief Patrick replied no. The company bills the insurance company, collects the funds, keeps their 22% and sends the City the rest. If they do not collect anything, the City does not pay them anything.

Councilman Smith asked about the language in Section 2 of the agreement where it states, "In some circumstances, the responsible party(s) will be billed directly." Chief Patrick replied he saw that as well but believes it should remain in the agreement because in some cases they are self-insured. For example, the Fire Department

responded to an accident on I-95 in October and remained there for 3-4 hours. The Fire Department billed them but have not collected anything at this point. The company involved in that accident was self-insured. They would not be dealing with their insurance company but rather the company directly. They would not be charging the citizens.

Attorney Davis added that the company would be dealing with the citizen's auto or property insurance company. A lot of the insurance companies already include funds to cover these amounts. As of right now, the City of Roanoke Rapids is not making an effort to collect that. That is money insurance companies already set aside. He believed they should leave the language in Section 2 for the self-insured companies. He feels comfortable that the company understands the City does not want to bill the citizens.

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to adopt Ordinance 2021.07 and authorize the City Manager to sign the agreement.

**ORDINANCE NO.: 2021.07**  
**CITY OF ROANOKE RAPIDS**

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED BY/FOR THE CITY OF ROANOKE RAPIDS.

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the fire department services; and

WHEREAS, the fire department has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the fire department decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party(s) should be held accountable for their actions; and

WHEREAS, the Roanoke Rapids Fire Department desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations and guidelines; Now, Therefore

**BE IT ORDAINED BY THE ROANOKE RAPIDS CITY COUNCIL:**

SECTION 1: The Roanoke Rapids Fire Department shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in “EXHIBIT A”. The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in “EXHIBIT A”, which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

SECTION 2: A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

SECTION 3: The fire department’s City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

SECTION 4: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

SECTION 5: This Ordinance shall take effect thirty days (30) from the date of adoption as permitted by law.

**SECTION 6: The Mitigation Rates lists in Exhibit A will increase by 1.5% annually or based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor, whichever is more. Rate adjustments will occur on the anniversary date of this ordinance/resolution to keep the fire department's cost recovery program in conformity with increasing operating expenses.**

ADOPTED this 15<sup>th</sup> day of June, 2021.

---

Emery G. Doughtie, Mayor

ATTEST:

---

Traci V. Storey, City Clerk

**EXHIBIT A**

**MITIGATION RATES  
BASED ON PER HOUR**

The mitigation rates below are average “billing levels”, and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average department's actual burdened labor costs and not just a firefighter's wage. These include wages, retirement, benefits, workers comp, etc.

## **MOTOR VEHICLE INCIDENTS**

### **Level 1 - \$516.00**

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

### **Level 2 - \$588.00**

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

### **Level 3 – CAR FIRE - \$718.00**

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

## **ADD-ON SERVICES:**

### **Extrication - \$1,550.00**

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

### **Creating a Landing Zone - \$474.00**

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

**Itemized Response:** You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

## **HAZMAT**

### **Level 1 - \$832.00**

**Basic Response:** Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

### **Level 2 - \$2,971.00**

**Intermediate Response:** Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

**Level 3 – \$7,012.00**

**Advanced Response:** Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - **each additional hour @ \$336.00 per HAZMAT team.**

**FIRE INVESTIGATION**

**Fire Investigation Team - \$327.00 per hour.**

**Includes:**

- Scene Safety
- Investigation
- Source Identification
- K-9/Arson Dog Unit
- Identification Equipment
- Mobile Detection Unit
- Fire Report

**The claim begins when the Fire Investigator responds to the incident and is billed for logged time only.**

**FIRES**

**Assignment - \$475.00 per hour, per engine / \$594.00 per hour, per truck**

**Includes:**

- Scene Safety
- Investigation
- Fire / Hazard Control

This will be the most common “billing level”. This occurs almost every time the fire department responds to an incident.

**OPTIONAL: A fire department has the option to bill each fire as an independent event with custom mitigation rates.**

**Itemized, per person, at various pay levels and for itemized products use.**

**ILLEGAL FIRES**

**Assignment - \$475.00 per hour, per engine / \$594.00 per hour, per truck**

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department

response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

## **WATER INCIDENTS**

### **Level 1**

**Basic Response:** Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common “billing level”. This occurs almost every time the fire department responds to a water incident.

**Billed at \$475 plus \$59 per hour, per rescue person.**

### **Level 2**

**Intermediate Response:** Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

**Billed at \$950 plus \$59 per hour, per rescue person.**

### **Level 3**

**Advanced Response:** Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

**Billed at \$2,350 plus \$59 per hour per rescue person, plus \$119 per hour per HAZMAT team member.**

### **Level 4**

**Itemized Response:** You have the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

## **BACK COUNTRY OR SPECIAL RESCUE**

**Itemized Response:** Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

**Minimum billed \$475 for the first response vehicle plus \$59 per rescue person. Additional rates of \$475 per hour per response vehicle and \$59 per hour per rescue person.**

### **CHIEF RESPONSE**

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

**Billed at \$297 per hour.**

### **MISCELLANEOUS / ADDITIONAL TIME ON-SCENE**

#### **ADDITIONAL TIME ON-SCENE** (for all levels of service)

Engine billed at \$475 per hour.

Truck billed at \$594 per hour.

Miscellaneous equipment billed at \$357.

### **MITIGATION RATE NOTES**

The mitigation rates above are average "billing levels" for one hour of service, and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

### **Extension of NCDOT Sweeping Agreement**

Public Works Director Chalker requested City Council consider an extension of the Sweeping Agreement No. 7951 with NCDOT. In May of 2018, City Council authorized the Mayor to execute a new agreement with NCDOT for the City to perform routine sweeping of various streets and bridges within the corporate limits on an as needed basis. He stated they primarily sweep the bridge between Gaston and Roanoke Rapids.

He noted one year extensions have been requested and granted each year in the past and NCDOT is again requesting that the City Council extend this agreement for an additional period of one year, through June 1, 2022.

Councilman Smith asked if it was for the same amount of money. Public Works Director Chalker replied yes, \$10,000 per year.

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to extend the Sweeping Agreement (Agreement No. 7951)

with the NC Department of Transportation for a period of one year (through June 1, 2022) and to authorize Mayor Doughtie to execute the attached letter.

### **Certificate to Operate a Taxicab**

Police Chief Martin requested City Council consider approving a certificate to operate a taxicab service in the city limits of Roanoke Rapids. Mr. James Abe has submitted an application to operate a taxicab service. He referred to his attached memo dated June 15, 2021. In accordance to 114.13(C), each of the factors listed Mr. Abe has gone over and beyond. He reported they do not have a legitimate taxicab service in the city limits of Roanoke Rapids right now. Mr. Abe has been conducting business in Wake County and other places for Uber.

Mayor Pro Tem Ferebee asked if the rate was consistent with other taxicabs in the city. Chief Martin replied they did not have any other taxicabs that have come through the City to secure their certificate. They are currently looking into any of those shuttle services that are in and around the city. Mr. Abe is proposing to charge a \$5 per mile rate but may change as he sees what the need is in this area. Per their discussions with him, it seemed consistent and fair for this area at this time.

Mayor Doughtie confirmed he would be operating one taxicab to start. Chief Martin replied that was correct.

Councilwoman Scarbrough asked if Mr. Abe lived in Roanoke Rapids. Chief Martin said he lived in the area but was from the Raleigh area.

Mayor Pro Tem Ferebee questioned the rates he recalled listed in the City Ordinances. Chief Martin said they reviewed what the going rates were in the area and Mr. Abe will even install a meter so all rides will be metered. He added Mr. Abe has done everything they have asked him to do per the City Ordinance.

Motion was made by Councilman Smith, seconded by Councilwoman Bryant and unanimously carried to approve the certificate to operate a taxicab in the City of Roanoke Rapids for Mr. Abe.

### **Revised FY 2021-2022 Budget Ordinance (Ordinance No. 2021.08)**

Finance Director Etheridge stated per conversations with the Halifax County Tax Office and our auditor Greg Redmond regarding how to process the 1 cent property tax revenue for the Roanoke Valley Rescue Squad the voters approved, staff was advised to revise the FY 2021-2022 Budget Ordinance and have City Council rescind the previous motion and adoption of Ordinance No. 2021.05 and adopt the attached revised budget ordinance.

She said since it was a City ballot initiative the County cannot separate it out from the ad valorem revenue they collect for the City. We will have to establish the new tax collection rate (.661) with the County and include the Roanoke Valley Rescue Squad revenue as a separate line item in the new budget, along with a new expenditure line in the budget for sending it to them.

Finance Director Etheridge said this is only an administrative measure for general accounting purposes, but will require a revised budget ordinance be adopted to reflect this change. It will show the estimated revenue of approximately \$120,000 to be collected and forwarded to the Roanoke Valley Rescue Squad.

Mayor Pro Tem Ferebee asked if the \$120,000 was just an estimate and if the City would be paying the rescue squad based on what they collect. She replied that was correct.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to rescind motion made on June 1, 2021 adopting the FY2021-2022 Budget Ordinance (Ordinance No. 2021.05) and to adopt the revised FY2021-2022 Budget Ordinance (Ordinance No. 2021.08).

**ORDINANCE NO. 2021.08**

***City of Roanoke Rapids***  
***FY 2021 - 2022 Budget***  
***Ordinance***

**BE IT ORDAINED** by the City Council of the City of Roanoke Rapids, North Carolina that the following anticipated fund revenues and departmental expenditures together with a certain Fee and Charge Schedule, and with certain restrictions and authorizations, are hereby appropriated and approved for the operation of the City Government and its activities for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

**SUMMARY**

General Fund (Operating)	\$ 14,714,069.00
General Fund (Capital)	0.00
Municipal Swimming Pool	36,150.00
Drug Enforcement Fund	25,000.00
Roanoke Rapids Theatre	<u>1,256,184.00</u>
<b>TOTAL ALL FUNDS</b>	<b>\$16,031,403.00</b>

**Section 1. General Fund**

**Anticipated Revenues:**

2021 Ad Valorem Taxes	\$7,134,672.00
Prior Years Ad Valorem Taxes & Penalties	98,100.00
Payments in Lieu of Taxes	35,000.00
Credit/Collections Lien Accounts	5,000.00
NC Tax and Tags	869,189.00
Lease Vehicles	19,251.00
Business Registry Collections	2,000.00
Powell Bill Street Allocations	404,091.00
Sales Tax	3,853,758.00
Solid Waste Disposal Tax	11,214.00
ABC Profits	45,000.00
Christmas Parade	3,000.00
Police Grants and Donations	4,200.00
Fire Grants and Donations	200.00
Recreation Grants	0.00
Senior Center Grants and Donations	71,625.00
Library Grants and Donations	4,192.00
Roanoke Canal Museum Grants and Donations	23,000.00
Solid Waste User Fees and Penalties	1,415,087.00
Court Costs	2,200.00
Animal Control	2,000.00
Inspection Fees	98,182.00
Lot Cutting Revenue	18,000.00
Cemetery Revenue	182,550.00
Recreation User Fees	70,362.00
Roanoke Canal Museum Fees	1,830.00
Community Center Receipts	35,000.00
Lease Revenue	14,732.00
Planning/Zoning Fees	16,209.00
Public Works Fees	8,700.00
Library User Fees	7,900.00
Utility Franchise Taxes	1,302,544.00
Beer and Wine Tax	63,000.00
Miscellaneous Grants	10,000.00
Miscellaneous Revenue	26,030.00
Insurance Reimbursement	25,000.00
Interest Earnings – General Fund	1,000.00
Sale of Wreck Reports	9,000.00
Occupancy Tax	4,100.00
Sale of Surplus Property	45,000.00
Restitution	600.00
Municipal Ordinance	27,735.00
<b>TOTAL REVENUES</b>	<b>\$15,970,253.00</b>

**Authorized Expenditures:**

**Operating**

Legislative	\$51,837.00
General Government	1,465,396.00

Administrative	217,336.00
Human Resources	163,101.00
Main Street Development	64,921.00
Elections	3,000.00
Finance	281,042.00
Information Systems	35,620.00
Revenue Collections	262,235.00
Legal	25,000.00
Planning & Development	531,172.00
Government Buildings	80,848.00
Police	3,272,667.00
Fire	2,072,347.00
Public Works	462,414.00
Central Garage	245,716.00
Combined Street and Powell Bill	1,387,303.00
Solid Waste	680,659.00
Refuse	467,970.00
T. J. Davis Center	338,421.00
Aquatic Center	209,017.00
Parks and Recreation Maintenance	508,062.00
Chaloner Center	82,438.00
Senior Center	112,865.00
Transportation Grant	21,020.00
Andrews Meeting Hall	8,400.00
Miscellaneous Grants	27,500.00
Community Center	52,504.00
Library	251,343.00
Cemetery	120,737.00
Property Maintenance	549,981.00
Roanoke Canal Museum	52,817.00
Miscellaneous	0.00
Tax Contribution to RVRS	120,000.00
Debt Service	487,880.00
Capital Reserve	500.00

**Subtotal Operating Expenditures** **\$14,714,069.00**

**General Fund Capital** **0.00**

**Roanoke Rapids Theatre**  
 Theatre Debt Payment **\$1,256,184.00**

**TOTAL GENERAL FUND EXPENDITURES** **\$15,970,253.00**

***Section 2. Municipal Swimming Pool Fund***

<b><u>Anticipated Revenues:</u></b>	
Interest Earnings	\$800.00
Concession Revenue	5,700.00
Miscellaneous Revenue	2,000.00

Special Programs	17,850.00
Kings Dominion Ticket Sales	2,000.00
Athletic Sponsorships	<u>7,800.00</u>

**TOTAL REVENUES** **\$36,150.00**

**Authorized Expenditures:**

**TOTAL EXPENDITURES** **\$36,150.00**

***Section 3. Drug Enforcement Fund***

**Anticipated Revenues:**

Drug Forfeiture Revenue	<u>\$25,000.00</u>
-------------------------	--------------------

**TOTAL REVENUES** **\$25,000.00**

**Authorized Expenditures:**

**TOTAL EXPENDITURES** **\$25,000.00**

***Section 4. Additional Appropriations***

- A. An additional appropriation is hereby made from the Fund Balance in each respective fund for an amount equal to all outstanding encumbrances on June 30, 2021.
  
- B. An additional appropriation is hereby made from the Fund Balance in each respective fund for an amount equal to all unencumbered line item balances at June 30, 2021 having derived from contributions, donations or grant funds.

***Section 5. Fee Schedule***

There is hereby established for the Fiscal Year 2021 – 2022 various fees and charges as scheduled herewith:

**Revenue/Tax Department**

***Business Solid Waste User Fee & Disposal Fee***

Roll-Out Container Purchase	City cost per Container
Monthly Fees	\$25.00 per Container per month
<b><i>Residential Solid Waste Fee</i></b>	\$240.00 per Residential Unit per year
Roll-Out Container Purchase for 2 <sup>nd</sup> container	City cost per Container
Yearly Additional Fees	\$240.00 per year for 2 <sup>nd</sup> Container (optional)
Business Registration Fee	\$20.00 per year
Itinerant Merchant, Peddler & Vendor License Fee	\$20.00 per year
Motor Vehicle Tax	\$11.00 per Licensed Vehicle

Municipal Taxi/Limo Tax	\$15.00 per Vehicle
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

### **General Government**

Photocopies	\$ .20 per copy/Letter Size B/W
	\$ .25 per copy/Letter Size Color
	\$ .25 per copy/Legal Size B/W
	\$ .30 per copy/Legal Size Color
	\$ .30 per copy/Oversize B/W
	\$ .35 per copy/Oversize Color

Recording Fees	Fees correspond with Fees set by Halifax Co. Register of Deeds
----------------	--

### **Police Department**

Taxi Permits	\$50.00
Incident Reports	\$ 6.00
Accident Reports	\$ 6.00
Fingerprinting	\$10.00
Photographs	\$10.00
Animal Disposal Fee	\$10.00 per Animal
Beekeeping Permit	\$ 5.00 per Hive

### **Fire Department**

Re-Inspection Fee	\$35.00 (Fee increases by \$35 for each visit that business is not in compliance)
Plan Review Fee	\$85.00 (Plan revisions of plans submitted exempt)
Permit Fee	\$85.00 (Operational and Construction)
Above and Below Ground Tank Removal Fee	\$150.00
Above and Below Ground Tank Replacement Fee	\$150.00
Commercial Cooking Hood Test Fee	\$50.00
Sprinkler System Inspection Fee	\$100.00 (New construction or remodel of system)
Fire Alarm System Inspection Fee	\$100.00 (New construction or remodel of system)
Certified CPR Classes	\$10.00 per student (Includes certification card)
Vendor Spot Rental for Safety Fair	\$25.00 (Non-profits are exempt from fee)

### **Public Works Department**

Driveway Permits	\$50.00 each Driveway
Illegally Dumped Items	\$500.00 Fine
Lot Cutting Fees and Abatement	Cost plus \$250.00 Administrative Fee

Emergency Response:	
Third Party Labor Rate Charge	\$1,500 Flat Rate per Emergency Response
Administrative Labor Rate	\$75.00/Man Hour \$125.00/Man Hour Nights and Weekends/Holidays

For Services including but not limited to:

- Backhoe
- Wheel Loader
- QRV Pick Up
- Light Tower
- Oil/Fuel Spill Kit

**Debris Removal & Special Collections**

Collection Costs

- Small Pickup \$40.00 per load
- Large Foot Trailer \$80.00 per load

Disposal Fees

- Transfer Station \$65.00 per ton or current price
- Landfill \$75.00 per ton or current price

Tub Grinding

Current Market Price

Permit to Dig in Street (Utility Cuts)

\$400.00 per cut

Includes one initial Inspection

Re-Inspection Fee

\$75.00

Cemetery Lot Fees

**Resident:**

- Sections A-E** - \$2,500.00 per 4 Grave Plot
- Section G** - \$1,200.00 per Site
- Section H** - \$625.00 per Space
- Section I** - \$625.00 per Space
- Section J** - \$1,200.00 per 2 Grave Companion Plot
- Section K** - \$2,500.00 per 4 Grave Plot
- Section L** - \$1,500.00 per 2 Grave Companion Plot
- Section O** - \$500.00 per Space

**Non-Resident:**

- Sections A-E** - \$4,000.00 per 4 Grave Plot
- Section G** - \$3,200.00 per Site
- Section H** - \$1,000.00 per Space
- Section I** - \$2,000.00 per Space
- Section J** - \$4,000.00 per 2 Grave Companion Plot
- Section K** - \$8,000.00 per 4 Grave Plot
- Section L** - \$4,800.00 per 2 Grave Companion Plot
- Section O** - \$2,000.00 per Space

Cemetery Grave Preparation (Residents & Non-Residents)

Monday – Friday: \$900.00\*  
Weekends and Holidays: \$1,200.00

**\*Overtime charge of \$75.00 per hour after 2:00 p.m. on weekdays.**

Foundation Fees (Residents & Non-Residents)

\$175.00

**Note: Urn burials are one-half (1/2) the regular fee.**

Cemetery Deed Fee Register of Fees correspond with Fees set by Halifax County

Deeds

**Library**

Library Non-Resident Borrower Card \$20.00 per year

Replacement of Lost Card \$ 5.00 each

Photocopies \$ .20 per copy/Letter Size  
\$ .25 per copy/Legal Size  
\$ .30 per copy/Oversize

Computer Printouts \$ .40 each

Videocassette Rental \$ .50 each

Fines: Juvenile Books \$ .15 per day (Max. \$3.60)  
Juvenile Cassettes \$ .15 per day (Max. \$3.60)  
Adult Books \$ .20 per day (Max. \$5.00)  
All Magazines \$ .20 per day (Max. \$4.00)  
Adult Audiobooks \$ .30 per day (Max. \$6.00)  
Adult Music Cassettes \$ .25 per day (Max. \$5.00)  
Videocassettes \$ 1.00 per day (Max. \$12.00)  
Video Not Rewound \$ 1.00 each  
Video in Bookdrop \$ 2.00 each  
Equipment \$ 5.00 per day  
Long Overdue Fine \$15.00 each

Interlibrary Loan: Postage Fee \$ 5.00 per item\*  
Overdue Fine for City of Roanoke Rapids \$ .50 per day (Max. \$10.00)  
Overdue Fine/Copies Varies\*

**\* Established by and payable to Lending Library.**

Lost or Badly Damaged Items Replacement Cost for Item plus \$5.00 Non Refundable Processing Fee

Damaged Material: Adult Audiobook Cassettes \$ 8.00 each  
Adult Audiobook CD's \$10.00 each  
Adult Audiobook Cases \$ 6.00 each  
Adult Audiobook CD Cases \$10.00 each  
Audio Cassette Box \$ 1.00 each  
Barcode \$ 1.50 each  
Blue Music Pouches \$ 1.00 each  
Book Covers \$ 2.00 each  
Cleaning Fee \$ 2.00 each  
Juvenile Book/Cassette Bags \$ 2.00 each  
Pockets \$ .50 each  
Repair of Torn Pages \$ .50 each  
Video Black Cases – Single \$ 2.50 each

Video Black Cases – Double \$ 4.00 each

Sale Books & Videos (Unusable gift books or books deleted from our collection):

Magazines	\$ .10 each
Paperbacks	\$ .25 each
Hardbacks	\$ .50 – 3.00 each (Depending on age & condition of book)
Audiobooks	\$ 1.00 – 5.00 each (Depending on age & condition & # of cassettes/CD's)
Videos	\$ 2.00 – 5.00 each (Depending on age & condition & # of cassettes/DVD's)

**Library Class Fees:** Classes offered through the Library shall be set up on a “break even” basis paying for the cost of the instructor and supplies. In addition, a \$2.00 per participant maintenance/utility fee will be charged. The charge for classes will be based on breaking even with 10 participants with instructors paid on the following basis:

\$10.00/session for 10 – 14 participants  
 \$12.50/session for 15 – 19 participants  
 \$15.00/session for 20 & over participants

***Non-Residents will be charged cost plus 100%.***

## **Parks & Recreation**

**Class Fees:** Classes offered through the T. J. Davis Recreation Center shall be set up on a “break even” basis paying for the cost of the instructor and supplies. In addition, a \$2.00 per participant maintenance/utility fee will be charged. The charge for classes will be based on breaking even with 10 participants with instructors paid on the following basis:

\$10.00/session for 10 – 14 participants  
 \$12.50/session for 15 – 19 participants  
 \$15.00/session for 20 & over participants

***Non-Residents will be charged cost plus 100%.***

### ***Athletic Fees:***

**Adult Athletics** – Team registration fees are based on breaking even on direct cost (officials, trophies, scorekeepers/field supervisors, etc.). In addition, a \$10.00/game maintenance/utility fee will be charged for basketball and \$5.00/game for softball. In addition, non-resident adults will be charged \$25.00.

<u>Youth Athletics</u>	Resident Youth: \$20.00	Non-Resident Youth: \$50.00
------------------------	-------------------------	-----------------------------

<b>Athletic User Fee:</b>	Resident: No Fee	Non-Resident: \$10.00
---------------------------	------------------	-----------------------

**Softball Field Rental Fees:** \$7.00/game per field for tournaments. A \$25.00 non-refundable deposit is required to reserve a field which is applied to field rental and can be refunded if tournament is cancelled 30 days in advance.

<b>Picnic Shelter Reservation Fees:</b>	\$20.00/day for Residents and \$40.00/day for Non-Residents
	for Emry, Rochelle and Chockoyotte Shelters

<b>Recreation I.D. Card Fees:</b>	\$10.00 for Youths
	\$25.00 for Adults

**T. J. Davis Room Rental Fees:**

Multi-purpose and Chum's Corner (larger rooms) \$30.00 per rental for non-profit group or individual resident  
\$40.00 per rental for private or corporate groups

Classroom (smaller room) \$25.00 per rental for non-profit group or individual resident  
\$30.00 per rental for private or corporate groups

**T. J. Davis Center/Gym Rental Fees:**

\$50.00 Resident, \$90.00 Non-Resident (after hours) per hour with a minimum of 2 hours  
\$30.00 per hour for Non-Resident School Groups during non-peak normal operating hours

**1026 Urban Greenspace Rental Fee:**

\$20.00 flat rate per day  
\$50.00 Non-Resident

**Centennial Park Only Rental Fee:**

\$20.00 flat rate per day  
\$50.00 Non-Resident

**Centennial Park & Andrews Building Wedding Rental Fees:\***  
**Rates**

\$30.00 per hour for Residents  
\$60.00 per hour for Non-Residents

**\*Minimum rental time of three (3) hours.**

**Andrews Building Set-Up Fee:**

\$15.00 per 50 chairs for Residents  
\$30.00 per 50 chairs for Non-Residents

**Chaloner Recreation Center Rental Fee:\***

\$35.00 per hour for Residents  
\$55.00 per hour for Non-Residents

**\*The Chaloner Recreation Center can be rented for after-hours use. Rental is for a minimum of two (2) hours.**

**Kirkwood F. Adams Community Center Fees:**

AREA	CAPACITY	WEEKDAY RATE (10 A.M. - 5 P.M.)			NIGHT/WEEKEND RATE (5 P.M. FRI. - 2 A.M. MON.)		
		RESIDENT	NON-RESIDENT	FOR-PROFIT	RESIDENT	NON-RESIDENT	FOR-PROFIT
Entire Center	700 w/chairs only 500 w/tables & chairs	\$51.00/Hour	\$76.00/Hour	\$63.00/Hour Res \$94.00/Hour NR	\$60.00/Hour	\$90.00/Hour	\$71.00/Hour Res \$106.00/Hour NR
Chair Set Up Fee	will be prorated for #s less than 100	\$45.00/100	\$65.00/100	\$56.00/100 Res \$83.00/100 NR	\$45.00/100	\$65.00/100	\$56.00/100 Res \$83.00/100 NR

Non Refundable Reservation Deposit: \$100.00

**OF MAXIMUM DAILY RATE: \$800.00 – Resident/\$1,000.00 – Non-Residents. THE CENTER MUST BE RENTED FOR A MINIMUM THREE (3) HOURS.**

Non-Profit Organizations sponsoring charitable fund raising events using the center for 24 hours or more will be given a 50% discount.

Non-Profit Organizations sponsoring weekday-daytime workshops or meetings for public benefit will be given a 50% discount.

(3) The following organizations are fee exempt for two (2) nighttime or weekend activities each year: (1) *Rescue Squad*, (2) *Bloodmobile & City Sponsored Senior Citizens Groups*.

Main Street RR is fee exempt for four (4) nighttime or weekend activities each year for Main Street RR sponsored events.

Main Street RR is fee exempt for use of the plaza for Main Street RR sponsored events.

- ◆ If the Center is not left in acceptable condition, a fee of \$15.00/per man-hour for cleaning shall be charged.
- ◆ If anything is left in the Center overnight, there will be a \$25.00 storage fee.
- ◆ Round Tables are available for rent for \$6.00 per table.
- ◆ Roanoke Rapids City Schools Events: \$225.00
- ◆ Chamber of Commerce is a partner of the City of Roanoke Rapids. They have the right to schedule events before the month is available to the public. They are treated as a City department in terms of scheduling the facility.

**Roanoke Canal Museum Fees:**

General Admission (All General Admission is for self-guided tours only.)

- \$2.00 Halifax County Residents
- \$4.00 for All Persons who Reside Outside of Halifax County
- Free for Children 8 and Under (exception of guided tours)

Guided Tour Admission

- \$2.00 per Person 4 and older, no additional discount, minimum of 10 persons or \$20.00 fee

**Aquatic Center:**

(Labor Day to Memorial Day)

Aquatic Center Open and Lap Swim

Residents	\$ 3.00
Non-Residents	\$ 6.00
Resident Senior (55+)	\$ 2.25
Non-Resident Senior (55+)	\$ 4.50

RED CROSS CLASSES

Toddler (Resident)	\$ 30.00
Toddler (Non-Resident)	\$ 60.00
Levels I – VII (Resident)	\$ 45.00
Levels I – VII (Non-Resident)	\$ 90.00

Lifeguard/CPR Classes:

Resident	\$ 75.00
Non-Resident	\$150.00

Challenge: \$ 45.00

WSI Classes:

Resident	\$ 80.00
Non-Resident	\$160.00

Individual Lessons:

Resident	\$ 50.00
Non-Resident	\$100.00

AQUACISE & ARTHRITIS FITNESS CLASSES

Resident	\$ 2.75
Non-Resident	\$ 5.50

Annual Passes: (This is the cost from January to December 31. The fees are prorated down each month.)

Family Resident	\$365.00
Family Non-Resident	\$730.00
Individual Resident	\$200.00
Individual Non-Resident	\$400.00
Resident Senior (55+)	\$155.00

Non-Resident Senior (55+)	\$310.00	
<i>(Memorial Day to Labor Day)</i>		
Aquatic Center Open and Lap Swim		
Residents	\$ 3.50	
Non-Residents	\$ 7.00	
Resident Senior (55+)	\$ 2.00	
Non-Resident Senior (55+)	\$ 4.00	
T. J. Davis Pool		
RED CROSS CLASSES		(Same as Aquatic Center)
Outdoor Pools Open and Lap Swim		
Residents	\$ 1.00	
Non-Residents	\$ 2.00	
Resident Senior (55+)	\$ 1.00	
Non-Resident Senior (55+)	\$ 2.00	
Wade Pool		
Residents	\$ 1.00	
Non-Residents	\$ 2.00	
Outdoor Pool Passes (Residents Only):		
Child & Adult	\$ 94.00	
Family	\$188.00	
Seniors (55+)	\$ 59.00	
Aquatic Center & T. J. Davis Pools Rental		
<i>(Minimum of Two (2) Hours)</i>	<u>Resident</u>	<u>Non-Resident</u>
Up to 25 participants	\$ 90.00/hr.	\$110.00/hr.
26 to 50 participants	\$115.00/hr.	\$140.00/hr.
51 to 75 participants	\$140.00/hr.	\$175.00/hr.
Discount:	A 10% discount will be given to groups, organizations and corporations that have 20 or more in attendance at one time or purchase passes for 20 or more.	
Kapstone (monthly fee)	\$250.00	
Halifax Academy Swim Team (per land, per hour)	\$ 10.00	
Swim Meet – Ticket Price (8 years older & above)	\$ 5.00	
<b><i>(Everyone pays except school swimmers and 2 coaches from each team, timers are not exempt.)</i></b>		
ECA - year-round swim team (per person, per month)	\$ 30.00	

## **Planning & Development**

Rezoning Petition + Conditional Zoning Petition	\$350.00
Voluntary Annexation Petition	\$250.00
Zoning Compliance Certification Letters	\$ 50.00 per individual site
Special Use Permit	\$350.00
Special Event Permit	\$ 35.00
Special Event Permit (events designed to attract 5,000 or more spectators or participants)	\$250.00
Ordinance Text Amendment Petition	\$350.00

Variance Petition	\$350.00
Appeal Petition	\$350.00
Land Use Violation	\$ 50.00 per day
Land Use Permit	\$ 50.00
Business Use Permit	\$ 75.00
Temporary Power	\$ 50.00
Processing Fee for petitioner withdrawal of Variance Petition, Conditional Use Permit or Rezoning Petition	\$350.00
Site Plan Review	\$200.00 per site plan review*
	<30,000 ft2 of impervious surface
	\$700.00 per site plan review
	>30,000 ft2 of impervious surface

***\*This fee shall increase to \$700.00 whenever the services of an outside engineering firm is necessary and retained by the City to evaluate a specific drainage problem area outside of the expertise of the City Public Works Director. This is to be determined on a case by case basis upon review of proposed development site plans.***

Halifax County Plan Review Fee*	\$ 50.00
Roanoke Rapids Sanitary District Plan Review Fee*	\$ 50.00

***\*All plans, determined by Planning staff to require review by the Halifax County Building Inspections Department, shall be subject to this fee prior to review.***

Commercial Building (Preliminary Plan, Construction Plan) Review:	
Additional Charge per review for failure to satisfy review comments	\$100.00
Technical Review and Fee (based on square footage of project)	
<b>Square Footage of Project Area/Site</b>	<b>Fee</b>
less than 10,000 SF	\$125.00
10,000 SF – 29,999 SF	\$250.00
30,000 SF – 49,999 SF	\$375.00
50,000 SF – 69,999 SF	\$500.00
70,000 SF or greater	\$700.00
Street Closing Petition	\$475.00
Final Subdivision Plat	
Minor Subdivision	\$ 50.00
Major Subdivision	
With Improvements	\$100.00 plus \$50.00/lot
Without Improvements	\$ 75.00 plus \$25.00/lot

***Note: The petitioner is responsible for all associated advertising expenses.***

Maps	\$ 5.00 per sheet
Land Use Ordinance (to recover actual per copy duplicating costs)	\$ 30.00
Comprehensive Development Plan	\$ 50.00
Zoning Maps (Color)	
Small	\$ 15.00
Large	\$ 30.00
Electrical Inspection of Existing Structure Requested by Power Company	\$ 35.00
Issuance of Certificate of Compliance	

Major Renovations (More than \$30,000.00)	\$ 75.00
Minor Renovations (\$30,000.00 or less)	\$ 35.00
Failure to Call for Proper Inspection	\$100.00
Removal of a Notice of List Pending	\$ 50.00
Home Occupation Permit	\$ 50.00
Recombination Plat	\$ 50.00

Supplement plan review fees for wireless communication facilities shall be charged in addition to a City processing fee as follows:

<u>Review</u>	<u>City Processing</u>	<u>3<sup>rd</sup> Party Supp.</u>
(1) Concealed Attached WCF	\$100.00	\$500.00
(2) Collocated or Combined WCF	\$100.00	\$500.00
(3) Freestanding Concealed WCF	\$100.00	\$500.00
(4) Non-concealed Freestanding WCF	\$100.00	\$500.00

**Code Enforcement Division Fees:**

ABC Permit Application Inspection Fee \$ 75.00 per inspection

***Building Permit:***

(A) A permit to demolish or remove any size structure shall be issued upon proper application. Fees for such demolition or removal are as follows:

(1) Moving of an approved structure	\$100.00
(2) Demolish structure	\$100.00

(B) A permit to modify, construct and/or erect advertising signs shall be issued, upon proper application, in accordance with the following schedule:

<b><i>Type of Sign and Work</i></b>	<b><i>Fee Per Sign Face</i></b>
Erection of outdoor advertising (off-premises) sign	\$175.00
Erection of principal use signs:	
Fifty (50) sq. ft. or less	\$ 50.00
More than fifty (50) sq. ft.	\$100.00
Erection of commercial accessory signs	\$ 10.00
Erection of temporary signs	\$ 10.00
Modification of existing signs	\$ 10.00

(C) City building inspection fees for new construction, additions, and alterations of all structures shall be the greater of fifty dollars (\$50.00) or the applicable amount based upon a schedule of five dollars (\$5.00) per one thousand dollars (\$1,000.00) of construction value. For the purposes of this subsection, construction value shall be the greater of the value derived utilizing either the Southern Building Code Congress International, Inc., *Building Valuation Data* or the sum of all building related costs for the project.

- (D) In addition to any other fees established by the provisions of this section, whenever a general contractor applies for the issuance of a permit for the construction of any single-family residential dwelling unit, the general contractor shall pay a fee in the amount of five dollars (\$5.00) for each dwelling unit to be constructed or altered under the permit.

**Plumbing Permit:**

- (A) A plumbing permit shall be issued, upon proper application, for a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) per fixture.

**Heating, Air Conditioning, Refrigeration and Ventilation Permit:**

- (A) Permit fees for installation or replacement of the following shall be fifty dollars (\$50.00) plus the applicable amount in accordance with Schedule I:
- (1) Each boiler or furnace, including duct distribution system thereof when covered by the same permit, or duct distribution system thereof only.
  - (2) Each floor furnace, wall circulator or heater, circulating heater, direct-fired unit heater, gas radiator, blast furnace, rotary dryer, annealing furnace and duct heater industrial oven.
  - (3) Conversion or replacement of mechanical firing equipment.

**SCHEDULE I**

<b>Fossil Fuel (BTU/HR)</b>	<b>Fee</b>
50,000 or less	\$15.00
50,001 to 100,000	\$20.00
100,001 to 200,000	\$25.00
Above 200,000	\$30.00

- (B) Permit fees for installation or replacement of the following shall be fifty dollars (\$50.00) plus the applicable amount in accordance with Schedule II. Each air conditioning or heat pump system, including major components and duct distribution system thereof when covered by same permit, or duct distribution system thereof only, or major component only.

**SCHEDULE II**

<b>Air Conditioning Compressor Rating (Nominal) - Tons</b>	<b>Fee</b>
5 or less	\$15.00
5.1 to 15	\$20.00
15.1 to 50	\$30.00
Above 50	\$40.00

*An additional five dollars (\$5.00) fee for split systems.*

- (C) Permit fees for installation or replacement of the following shall be fifty dollars (\$50.00) plus the applicable amount in accordance with Schedule III. Each refrigeration system including major component only.

**SCHEDULE III**

<b>Refrigeration Compressor Rating (Nominal) - Tons</b>	<b>Fee</b>
5 or less	\$15.00
5.1 to 15	\$20.00
Above 15	\$25.00

- (D) Permit fees for installation or replacement of the following shall be fifty dollars (\$50.00) plus the applicable amount in accordance with Schedule IV. Each hood over cooking ranges (in other than residences and multi-family houses), candy kettles, cruller furnaces and appliances for frying, barbecuing, broiling and bakery (baking) of foods, including exhaust duct system thereof when covered by the same permit, or exhaust duct system thereof only.

**SCHEDULE IV**

	<b>Fee</b>
10 or less	\$15.00
10.1 to 50	\$20.00
50.1 to 100	\$25.00
Above 100	\$30.00

- (E) Permit fees for the installation or replacement of any blower or fan in other than residences installed for ventilation or removal of dust, gases, fumes and vapors shall be fifty dollars (\$50.00) each.
- (F) Permit fees for the modification, repair or replacement of duct systems shall be fifty dollars (\$50.00) each.
- (G) Permit fees for the installation or replacement of gas appliances and piping shall be fifty dollars (\$50.00). No permit shall be required for the replacement of a gas appliance where piping is not altered.

**Electrical Permit:**

- (A) An electrical permit shall be issued, upon proper application, for a fee of fifty dollars (\$50.00) plus the applicable amount in accordance with the following schedule:
- |                      |         |
|----------------------|---------|
| (1) Outlets:         |         |
| Each 220 volt outlet | \$ 3.50 |
| Each 110 volt outlet | \$ .50  |
| (2) Motors:          |         |
| Each motor           | \$ 3.50 |
- (B) Electrical change of service greater than 400 amp: \$90.00

**Mobile Home Permit:**

A mobile home permit shall be issued upon proper application for a fee of fifty dollars (\$50.00).

**Fire Sprinkler System Permit:**

A fire sprinkler system permit shall be issued upon proper application for a fee of fifty dollars (\$50.00) plus five cents (\$.05) per square foot of protected area.

**Insulation Permit:**

An insulation permit shall be issued upon proper application for a fee of fifty dollars (\$50.00) plus five cents (\$.05) per square foot of floor area.

**Reinspections:**

The above fees entitle the applicant to one inspection. For each extra inspection made necessary through the failure of any person in charge of work to install in the proper manner or to otherwise create conditions making such additional inspection or trip necessary, there will be an additional charge of thirty-five dollars (\$35.00). When a third party inspection agency is involved, there will be an additional charge of seventy dollars (\$70.00).

General Miscellaneous Permit Refund Processing Fee	\$ 30.00
Fee for Issuance of Certificate of Occupancy (C.O.)	\$ 75.00

**Penalty:**

An additional charge equal to one-half (1/2) the required permit fee (minimum fee \$100) shall be added to the permit fees previously set forth for failure to initially secure a permit prior to starting a job or commencing any work on a building or service system before obtaining the necessary permit.

**Section 6. Levy of Taxes**

There is hereby levied for the Fiscal Year 2021 – 2022 an Ad Valorem Tax Rate of \$.661 per One Hundred Dollars (\$100.00) valuation of taxable property as listed for taxes as of January 1, 2021, for the purpose of raising the revenue from current taxes as set forth in the foregoing estimates of revenues, and in order to finance the foregoing applicable appropriations. This rate of tax is based on an estimated valuation of \$1,134,239,347. **Taxpayers who pay their bill in July or August will receive a two percent (2%) discount.**

**Section 7. Summary of Items included in the capital budget**

**Section 8. Special Authorizations – Budget Officer**

- A. The Budget Officer or his designee shall be authorized to reallocate appropriations within departments, and among the various line accounts not organized by departments, as he deems necessary.
- B. The Budget Officer or his designee shall be authorized to execute interdepartmental transfers, within the same fund, not to exceed ten percent (10%) of the appropriated monies for the department whose allocation is reduced.
- C. Interfund transfers, established in the Budget Ordinance, may be accomplished without additional approval from the City Council.
- D. The Budget Officer or his designee shall be authorized to make releases and refunds of property taxes less than \$100.00 which have been levied or collected in error. The Budget Officer shall report in writing monthly to the City Council in regard to releases and refunds made.
- E. The Mayor or City Manager shall be authorized to execute contractual agreements in the following specified areas: Consultant, Professional, Maintenance/Service Agreements and Acceptance of State and Federal Grant Funds.

**Section 9. Restrictions – Budget Officer**

- A. Interfund and interdepartmental transfer of monies, except as noted in Section 8, shall be accomplished by City Council authorizations only.

B. Utilization of appropriations contained in Contingencies may be accomplished only with specific approval of the City Council.

**Section 10. Billing and Collecting of Solid Waste Collection & Disposal Fees Under NCGS 160A-314.1**

The residential solid waste collection and disposal fee shall be billed with property taxes, shall be payable in the same manner as property taxes, and, in the case of non-payment, shall be collected in any manner by which delinquent personal or real property taxes can be collected. The fees are a lien on the real property described on the bill that includes the fee. The Residential Solid Waste Fee is \$240.00 per residential unit per year and the Business Solid Waste User Fee and Disposal Fee is \$25.00 per container per month.

**Section 11. Cost of Living Adjustment/Bonus Pay**

**Section 12. Supplemental Retirement Plan Contributions**

The City will make an employer contribution to a supplemental retirement plan for non-law enforcement employees during Fiscal Year 2021 – 2022. If employees contribute to the supplemental retirement plan, the City will match dollar for dollar up to a maximum of three percent (3%).

**Section 13. Offering of City's Health Insurance in lieu of Council Member Stipend**

The City approved a motion at its June 2, 2020 Regular Meeting, to allow City Council members the option for the City of Roanoke Rapids to pay for their health insurance as all or a portion of their compensation as long as it does not exceed the allowed compensation. The City continues this action into the FY2021-22 budget year.

**Section 14. Utilization of Budget Ordinance**

This Ordinance shall be the basis of the financial plan for the City of Roanoke Rapids municipal government during the 2021 – 2022 fiscal year. The Budget Officer shall administer the Budget and he shall ensure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the Budget. The Finance Department shall establish and maintain all records which are in consonance with this Budget Ordinance, and the appropriate Statutes of the State of North Carolina.

**ADOPTED** this 15<sup>th</sup> day of June, 2021.

ATTEST:

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

\_\_\_\_\_  
Emery G. Doughtie, Mayor

Approved as to form:

\_\_\_\_\_  
Geoffrey P. Davis, City Attorney

### **Halifax County E-911 Center Agreement**

City Attorney Davis stated he wanted to discuss a proposal from Halifax County regarding a new agreement with respect to funding the County E911 Center. This is a complicated situation. He feels it is important, so the public and media can have the context, to spend some time discussing the different pieces of this and so City Council can come to a decision to go with the agreement as proposed or reject it and negotiate something different.

He said the public has the general sense that 911 dispatching services take place at the County level in our area and that is generally correct. When a member of the public calls 911 in Halifax County, that call goes to the Halifax County Central Communications Center. That 911 call center is operated by the Halifax County Government. The Halifax County Commissioners hire the employees, pay for the employees, fund the equipment and provide the facilities. They also have total control over the operations and budget for the 911 Center.

Attorney Davis reported the County also receives State funding for the 911 Center. The primary source of the funding as of 2013 is a fee that they all pay on their cell phone bills. The fee on the cell phone bills was instituted by the State Legislature was to make sure cell phone users were paying their fair share for 911 services.

He continued to say when someone calls 911, the call is connected to the County 911 Center. County personnel at the center speaks with the caller and determines the appropriate response to their emergency. That is what they have to do by virtue of operating a 911 Center. Part of determining the appropriate response involves dispatching those calls out to appropriate emergency responders. That may include law enforcement, fire or ambulance. If the emergency takes place within the city limits of Roanoke Rapids it may involve City emergency services. Essentially, the personnel at the County 911 Center call out directly to the individual emergency responders (officers or personnel on duty). That is what they are talking about when they talk about the 911 Center and municipal dispatching.

Attorney Davis stated historically the municipalities of Halifax County including the City of Roanoke Rapids, had an agreement with Halifax County where they fund a portion of the 911 Center. The current agreement was signed in 2004 and an amendment in 2013. He noted those two agreements were included in their agenda packet. He summarized what the agreement meant.

- The County has to perform municipal dispatching services.
- The City has to pay them a certain amount of money each year.

He said under the current agreement, that amount is determined by the County looking at their budget each year. Then the County looks at the call volume for that year and computes what percentage of those calls have gone out to each of the municipalities. That determines the municipality's call percentage and the municipality pays a percentage of the 911 Center's budget based on their call volume. The two variables are: what is the County's budget for the 911 Center for that year and what is going to be the percentage of the municipality's call volume.

He stated under the current agreement, the amount the City will owe the County for the 2021-2022 fiscal year is \$352,497. That cost is significantly more than any other municipality in Halifax County pays. There are a lot of reasons for that with the biggest being that not only is Roanoke Rapids the most populous municipality in Halifax County, but also has a majority of the businesses and day-to-day economic activity. Also, Interstate 95 runs through the City's jurisdiction.

He referred to the table in his letter dated June 14, 2021 (on file in Clerk's Office) setting out the obligations under the current agreement and also under the proposed agreement. He said under the current agreement, the City's obligation is \$352,497. The next closest municipality in cost is the Town of Enfield and they would be paying \$80,113. He noted in the 2004 agreement there was a population credit and that was stricken from that agreement in the 2013 amendment.

Attorney Davis said that the cost has gone up significantly over the past seven years. (See chart in letter dated June 14, 2021). The cost for FY2015-2016 was \$225,390. The primary reason for the increase since 2015-2016 is the sole result of the County's budget costs for the 911 Center. He informed Council that the City pays based on the County's budgeted costs for the 911 Center, not based on what the actual costs are. If their costs ended up less than budgeted, the City does not get that deficit. On the other hand, if the costs exceed the budget amount, the City does not have to pay the overage.

He said under the current agreement, there is a basic one-year termination clause. If the City desires to exit the agreement, the City would give notice of termination. For instance, if the City decided to terminate the current agreement today and did not enter into a new agreement, termination would become effective beginning in FY 2022-2023.

He stated since the cost to the City has increased so dramatically over the last several years, the first of this year the City Manager, Chief Martin, Chief Patrick and himself began discussing their options for negotiating a fairer agreement or to at least get some control over the County's budgeted costs. In his role as the City's attorney, he

looked at the law and asked the questions, “Why do they have to pay the County” and “How do they access what is a fair payment?” He looked at the way the law was currently in place and how it evolved over time. Since at least 2013, the general statutes places an affirmative obligation on anyone that runs a 911 Center to dispatch calls out to personnel on the ground. There is nothing in those general statutes that speak about a municipality within a 911 center’s jurisdiction having to fund that 911 center. Having seen this the question becomes, “Why would the City be in this agreement in the first place?”

He said he looked at the historical context of this. As of 2004, when the current agreement originates, 911 centers were only required to process a call “up to the point that it was ready for dispatch”, not actually dispatching it out. Because that is the way it was written, it makes sense. If the municipality did not want to perform those services themselves and from an efficiency standpoint to have a unified system. Back then it seems the municipalities in Halifax County got together and decided to contract for those services.

Attorney Davis informed City Council that since then the law has changed and placed more obligations on these 911 centers. The other thing that has happened, in 2013 the legislature passed a law that places this fee on cell phone bills. For the 2020-2021 fiscal year, the amount of funding Halifax County will receive from cell phone bills is \$361,538. In talking with City personnel about this issue, there is concern that city residents may be paying for these services twice. Residents out of the county only pay that fee on cell phone bills. Residents of municipalities pay the fee on their cell phone bill and also pay taxes to the City which has this agreement with the County.

He stated this was where they were and how they stood right now. He did not think there was a reasonable person in Halifax County whether they live in the city or county that does not want effective 911 service and does not want it effectively funded and he was sure City Council feels the same way.

He reported the County has proposed a new agreement. The County Commissioners passed a resolution authorizing this agreement in their June 7, 2021 meeting. He understands that most of the municipalities with the exception of Littleton and Roanoke Rapids have approved it. He believes Littleton met last night and was not sure what they determined. If the City were to enter into this new agreement for this year (FY2021-2022) the City’s payment would be reduced from \$352,497 to \$281,321 so that would be a savings of \$71,176.

He said irrespective of this reduction in costs, in his role as City Attorney, he advised City Council at this time to reject this agreement.

Attorney Davis discussed the terms in the proposed new agreement. He said there were two sections that concerned him. The first is the termination provision which they will find in numbered section 5 on page 4 of the document. If the City were to enter into this new agreement and then later decide to terminate it, the City could only do it if the County held a county-wide referendum to agree to a tax increase to cover the costs of operating the 911 Center. The City would also have to pay for this referendum. Whether the City could actually terminate would depend on if the referendum passed. This is not just for City voters, but would be all the county voters. It seems to him in the real world that would make it impossible for the City to terminate the agreement. He did not believe that the voting public of Halifax County would agree to a tax increase just because one municipality wanted out of the agreement. That is an issue and the fact the City would be bound by it in perpetuity.

He said the second item concerned him more. Under the new agreement, as with the current one, the City's payment would be based on a percentage of the County's budgeted costs for the 911 Center. He believes it sets up an incentive for the County to budget high and spend low. The County would reap the rewards of that if they come in under budget. He was not saying that the County would act in any kind of malicious way, he was just saying the incentive was there if the City enters into this agreement. He gave the example that if the County doubled their budget for the 911 Center, then in turn the City's payment would double if the call volume remained the same and formula stayed the same. He would love for the City to save \$71,000 this upcoming fiscal year, but in his role as City Attorney, he was looking at it with respect to the future. He believes these issues cause too much uncertainty for City moving forward.

He stated they spent some time trying to negotiate a fairer agreement. He did not necessarily believe this was the final word and he hoped not because he wanted the City and County to come to some kind of resolution. He believes everyone wants the citizens to be adequately served by emergency services and not to go lacking because of a dispute between the County and the City.

Attorney Davis suggested City Council consider the proposed agreement and vote to accept the agreement or reject it. If Council's decision was to reject it, his advice would be to entertain a motion giving notice of the current funding agreement with said termination to be effective starting the 2022-2023 fiscal year. The practical effect of this is that the City would still be obligated to pay the full \$352,497 for the FY 2021-2022 and not receive the benefit of the \$71,000 reduction. However, unless a new agreement were entered before the end of that year, as of the fiscal year 2022-2023, the payment would be \$0. If City Council were to follow that process, it doesn't mean they cannot come back to the table and have more negotiations and the parties agree

to something.

He said he could anticipate the question being what happens when fiscal year 2022-2023 comes along and the City does not have a contract with the County for these services. Will the County cut them off from municipal dispatching? Under current law, he does not see how the County could cut off the City from 911 dispatching. The law clearly obligates them to dispatch calls to the emergency services personnel in the field. If they did do that, there were legal actions the City could take to prevent them from doing so. There are emergency court provisions that keep that from happening until they could have the matter settled once and for all.

Mayor Pro Tem Ferebee asked if they knew what the budget as a whole was for the County 911 Center. City Manager Scherer replied the County has indicated it was approximately \$1.6M, but he has not verified that amount.

Mayor Pro Tem Ferebee asked if the \$361,000 reduces the \$1.6M. City Manager Scherer replied he has not seen the budget and does not know where that is applied in the budget. Attorney Davis said he believed it did reduce the overall budget.

Mayor Pro Tem Ferebee asked if the City's portion was 13% of the budget. Chief Martin said it was 24% of the budget. Attorney Davis said that was because of the call volume due to Roanoke Rapids having so much activity during the normal work day. They will have a high percentage of the costs.

Mayor Pro Tem Ferebee stated in earlier years, the City had its own 911 system and the reasoning for consolidating was because it was more economical. Attorney Davis added it probably makes dispatching more effective and response to emergencies more effective.

Mayor Pro Tem Ferebee confirmed the City would get a \$71,000 reduction from the \$352,000. Attorney Davis replied that was correct if the City entered into a new agreement, the next fiscal year they would pay \$71,000 less.

Mayor Pro Tem Ferebee stated it was his understanding that this was not a final agreement and they were still looking at some negotiating. He also read that it was a one-year agreement. Attorney Davis replied it was a 5-year agreement and even after the 5-years, they would be subject to the termination provisions he discussed earlier. This is the agreement the Halifax County Board of Commissioners have passed and what is being offered to the City at this time. City Council needs to take up the agreement that has been offered. He was not satisfied with the agreement and he would not advise the City enter into it. He would like there to be more negotiations to

see if the City work towards a compromise on some of these provisions. He reminded City Council that June 30<sup>th</sup> was just around the corner and they need to take up the agreement how it has been sent. He did not believe if the City rejected it that it would cut off any future negotiations.

Mayor Pro Tem Ferebee confirmed if City Council rejects the new contract, the City's payment for next fiscal year would be \$352,000. Attorney Davis replied yes for right now unless there is some new agreement that is entered into.

Mayor Pro Tem Ferebee asked Attorney Davis if he felt like negotiations were not finished. He replied they would make every effort; it takes two to tango and the County is the other part of that. He believed the County had an interest in resolving this issue as much as Roanoke Rapids does.

Mayor Pro Tem Ferebee calculated the amounts the other municipalities paid to Halifax County for the 911 Center which totaled \$560,000. He asked if the County was picking up the \$1M. Attorney Davis replied yes subject to the other funding they receive for the 911 Center (\$361,000 from cell phone bills). Attorney Davis said they could go back and get more clarity on that.

Mayor Pro Tem Ferebee said he understood the County Commissioners would be having a meeting on June 21<sup>st</sup> and they did sign off on it on June 7<sup>th</sup>, but the City has been negotiating with them since June 7<sup>th</sup>. Attorney Davis said they had and there has been some transmissions back and forth. He said if the City rejected this agreement and the County Commissioners agreed to a new agreement and vote and pass it on June 21<sup>st</sup>, City Council could hold a Special Meeting by June 30<sup>th</sup>.

Mayor Pro Tem Ferebee asked if they could have a special meeting without rejecting it. He did not want the possibility of paying \$352,000. Attorney Davis believed City Council needed to reject it or accept it in case they do not have another meeting before July 1<sup>st</sup>. Mayor Pro Tem Ferebee asked why couldn't City Council have a called meeting after June 21<sup>st</sup>. Attorney Davis replied they could do that; it would be subject to City Council.

Mayor Pro Tem Ferebee asked if they could table it. Attorney Davis said his concern was if City Council did not take a vote on it that will send a message that the agreement is not satisfactory to the City. Mayor Pro Tem Ferebee stated if they reject it that will definitely send a message that it is not satisfactory.

Councilman Smith asked if Mayor Pro Tem Ferebee would yield so another Council member could ask a question. Mayor Pro Tem Ferebee agreed.

Councilman Smith said he believed City Council requested City Manager Scherer send a letter to the County Manager requesting another meeting about negotiating and asked if he heard anything back. City Manager Scherer replied no and he only heard from the County Manager via a telephone call today saying he had no further information to offer based upon the most recent letter sent to the County. He said Chairman Bryant had not provided him any further guidance so at this point they had nothing further to offer or discuss regarding the proposal.

Mayor Pro Tem Ferebee confirmed the County Commissioner's next meeting was scheduled for June 21<sup>st</sup>. City Manager Scherer replied yes that was correct. Mayor Pro Tem Ferebee asked if the matter would go before the full County Commissioners at that time. City Manager Scherer said no, County Manager Brown said if the City wanted to convince the County Commissioners to have another discussion about it that it could be brought up at their next meeting, but he was not going to mention or put on the agenda unless instructed by Chairman Bryant.

Mayor Pro Tem Ferebee stated he believed they needed to continue negotiating at least until June 21<sup>st</sup>. After the 21<sup>st</sup>, if it is a no City Council can still do whatever they need to do.

Attorney Davis agreed and stated negotiations were probably going to continue. It seems to him that the agreement as it has been given to them is not satisfactory and his advice is not to enter into it. City Council needs to consider the agreement given to them. If the decision is no and they tell the County no, then that tells them if they want an agreement with the City, they need to come back to the table.

Mayor Doughtie stated he believed if they tabled it, it would not send a strong enough message to them.

Mayor Pro Tem Ferebee said he could almost guarantee if the City rejects it, the City would be paying \$352,000. Mayor Doughtie said it would be one year and they should be able to negotiate. He asked if they came to an agreement after a few months into the new fiscal year, would there be a possibility that the amount could be reduced. Attorney Davis replied yes as in any other agreement between two parties. The two parties could agree to revise the current situation they would be in.

Councilwoman Bryant asked if the County was offering the City a \$71,000 decrease, why would the City Council believe they would decrease it more. She also asked if she understood that the City was looking at it as based on budgeted costs rather than actual costs for personnel. Attorney Davis said the way they achieved the \$71,000 deduction was they cut out the rest of the 911 Center budget and the City would be

paying based on the budgeted personnel costs in the new agreement. It is solely based on budgeted costs than actual costs. That was his concern going forward. Asking how to get the costs lower for today is important, but the bigger concern for him was the longer term aspects of it. There are no controls with respect to the budgeting process. The County gets to set those budgeting costs and given a bill based on that formula. The County has 100% the ability to affect that variable and formula. The City has made several proposals and discussions of some way they could set a cap or get some control over that process to give them an incentive to budget reasonably and appropriately. The old agreement was based on the total budget of the 911 Center and the new agreement is just the personnel costs for the 911 Center. But both agreements are based on budgeted costs rather than actual costs.

Councilwoman Bryant asked if the County made adjustments for the City of Roanoke Rapids, won't they have to make adjustments for the other municipalities as well. Attorney Davis replied he did not think so because those municipalities signed on to the new agreement and nowhere in the agreement does it say everyone is required to accept it or if somebody rejects it that the other municipalities have to get that option. He stated City Council is having this discussion and he did not know if the other municipalities had the discussion so that is on them. Just looking at the wording, he did not see any basis for the other municipalities being able to go renegotiate if they have already signed on to it.

Mayor Pro Tem Ferebee stated he believed the City needed to continue negotiations until the County says no and June 21<sup>st</sup> is that 100% no. Anything before that he believes is premature. The City and County have been in a lot of negotiations before and have worked it out. The City needs to go back to the table one more time. On June 21<sup>st</sup> if the County says this is it, the City has no choice at that point. He would like to hear that first before sending a message because they wouldn't get anything with that. It will get into some gas pouring process because that is what will happen. Both the City and County are better than that.

Councilman Smith stated he had a lot of respect for the County Commissioners and the Chairman, but they gave the City an ultimatum. Here's the contract, if the City wanted it – take it, if you don't – leave it. He feels like it is time for the City to make a decision on what they need to do then if they want to negotiate that will be fine.

Mayor Pro Tem Ferebee stated the City is the one who needs to negotiate because it is in our benefit.

Councilwoman Bryant agreed with Mayor Pro Tem Ferebee that it would benefit the City more. She would be in favor of further negotiations also.

Mayor Pro Tem Ferebee said he understands Councilman Smith's point, but until they see it 100% on June 21<sup>st</sup>, he thinks it is still being looked at. It may mean they need to call another meeting after the 21<sup>st</sup>.

Mayor Doughtie said City Council needed to make a decision on how they were going to move forward.

Mayor Doughtie asked City Manager Scherer to repeat what the County Commissioners have said. City Manager Scherer replied the County Commissioners have not provided any new or further guidance to County Manager Tony Brown. County Manager Brown indicated he felt if there was any room for negotiation or discussion that it needs to come from the City elected officials to the County Commissioners and Chairman Bryant.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt to turn down the new agreement. Councilman Smith, Councilman Bobbitt and Councilwoman Scarbrough voted in favor; Mayor Pro Tem Ferebee and Councilwoman Bryant voted against. Motion carried by a 3-2 vote.

Attorney Davis stated with that action, the current agreement is still in place. He would suggest City Council give the City Manager the authority to give notice of termination of the current agreement effective for the 2022-2023 fiscal year. The notice of termination needs to be done by June 30, 2021 or the City will be bound for an additional year (FY2022-2023).

Motion was made by Councilman Smith, seconded by Councilman Bobbitt to give the City Manager the authority to terminate the current 911 Center agreement effective fiscal year 2022-2023. Councilman Smith, Councilman Bobbitt and Councilwoman Scarbrough voted in favor; Mayor Pro Tem Ferebee and Councilwoman Bryant voted against. Motion carried by a 3-2 vote.

### **City Manager's Report**

City Manager Scherer gave the following report:

I spoke to the department heads today about customer service. From news reports around the country of assaults and killings of employees by customers, to our employees being treated poorly on the phone or in person, there appears to be a lack of civility in society these days. More than ever, we need to remember that we are in the customer service business with the public. It's important for everyone in the City

Administration to be courteous, have empathy and keep a good attitude when dealing with the public. Good customer service renews the public trust in city government and can preclude bigger problems down the road. Also, good customer service is defined by how the customer feels about the experience, not how the employee feels he did. Our co-workers usually do a great job when handling complaints or requests for service and we pledge to continue to do so.

Chief Martin and the Police Department is hosting a community forum meeting this Thursday the 17<sup>th</sup> at 9:30 AM in the first-floor conference room at City Hall. The focus of the discussion will be how to address the causes of violence in the City and how to stop it from occurring. All are invited to the meeting.

The staff have already begun planning for the Christmas holidays activities. The Lighting of the Avenue at Centennial Park ceremony will be on Friday, December 3<sup>rd</sup>, the Police Department's Christmas with Kids will be on Saturday, December 4<sup>th</sup> and the Christmas Parade will be on Sunday December 5<sup>th</sup>.

Ms. Traynham has submitted some of the preliminary CDBG grant requirements needed to receive the funding and is awaiting the State's response. The Planning Board meets this Thursday to review the use of conditional zoning districts and some proposed text amendments to our Land Use Ordinance.

Tomorrow, Public Works is celebrating the achievement of going 645 days without a lost-time accident. This is an outstanding achievement for the department and they should be proud of their safety efforts. This is especially true given their employee shortage due to frozen positions and no one applying for employment, along with no inmate labor. We do plan on beginning to use inmate labor next month, primarily for litter cleanup.

The Fire Department recently responded to two major incidents, a house fire near 11<sup>th</sup> and Park, and a broken sprinkler head at Walmart in the maintenance bay. The Department was able to contain the fire with marginal damage to the structure. The Red Cross is donating more smoke detectors to the Department in light of their recent successful fire prevention campaign where they installed 72 detectors. The Department is in the process of detailing all their vehicles and equipment to insure everything is in working order. Also, a civil affairs team from Ft. Bragg is at the Department today to learn how to organize and train a fire department of our size. This is part of their mission in foreign countries.

The Police Department received a grant of \$2500 from Walmart for programs support. Chief Martin and his staff continue to look at innovative ways to recruit new officers.

The Department is transitioning to a new law enforcement information system that improves officer safety and community well-being by providing better real-time and historical data. The system quickly identifies victims and persons of interest to help ensure that officers are protected when they're on the street. As part of planning for their Christmas for Kids shopping event, they have fund-raising events scheduled in September and October along with the wrestling event on November 13<sup>th</sup>.

The Parks and Recreation Department is coordinating support requirements for a Babe Ruth regional U9 and U11 baseball tournament at Ledgerwood Field at the end of the month. Mr. Simeon is working with Dominion to try to get additional lighting at Rochelle Park for resident use in the evening. He is having the playground equipment there painted Thursday and Friday. The neighbors have posted positive comments on social media about the efforts at the park. The underground water lines for the outdoor pool were inspected and found to not have any leaks or problems. Only minor leaks at the interior pool joints were found and are easily repairable.

City Manager Scherer announced his retirement from the City of Roanoke Rapids effective August 1, 2021.

My time with the City has filled me with a sense of purpose and belonging that none other could offer. I have led the City Administration for the past nine years and it has brought a deep sense of purpose to my life. I have been blessed to have your support and I will always be thankful for the opportunity you gave me.

It has certainly been an amazing ride throughout these past nine years. When my last day finally arrives and I walk out the office doors, I will be able to look back with pride on what we have accomplished.

The City of Roanoke Rapids will always have a place in Sue's and my heart. Thank you for the opportunity and best of luck in years to come!

Mayor Doughtie stated it have been a real ride. He has been here just a little longer than he has so they rode along together. They have had quite a few challenges here. Most of them they had to continually work on, but finally they saw some benefit from that. He hopes when City Manager Scherer leaves here he can feel good about what he did for the community, the things they accomplished and the things they will continue to work on. He thanked him for his leadership.

Mayor Pro Tem Ferebee echoed those same comments. He has been here longer than anyone else on this board and has seen quite a few changes and city managers over the years. He thanked City Manager Scherer for bringing some stability to that

position. Prior to him coming, it was a mess. He appreciated him coming in a steering the ship and straightening it out. He hated to see him go, but understands that those times come.

Councilman Smith said they had met a lot of times one-on-one in his office over the years that he has been on City Council and they have always come to terms on what they agreed on. He thanked City Manager Scherer for his service he gave Roanoke Rapids and wished him and his wife good luck.

Councilwoman Bryant said she only had the pleasure of working with City Manager Scherer for about 1-1/2 years now. She appreciates all his efforts. Whenever she called and had concerns he always followed up and addressed any issues she had. She thanked him for his service to the City of Roanoke Rapids and wished him well in his retirement.

Councilwoman Scarbrough joined them in thanking City Manager Scherer for what he had done for this town and being so helpful to them.

### **Finance Director's Report**

Finance Director Etheridge presented the May 2021 Financial Report. General Fund year to date receipts totaled \$14,472.01. (The percentage of actual money collected of adopted budgeted figures is 91.8%). General Fund year to date expenditures totaled \$13,540,429. (The percentage of actual monies expended of adopted budgeted figures is 85.9%). After the month of May, 91.67% of the budget year has been completed.

She said the comparison of stronger revenues presently to May 2020, are related to the COVID pandemic; and the closures in many of our facilities this same time last year. City Administration has asked departments to please ease spending as we finish our final quarter of the fiscal year.

Finance Director Etheridge stated even with our YTD surplus, the City still has upcoming administrative, and operational requirements for the month of June. We still must be mindful of our expenditures in order to end the year with a favorable revenue to expenditure variance; therefore, not incurring a loss on operations at June 30. This is very critical to our ability to grow our Fund Balance to assist both employees and operations. Finance staff is continuing to monitor both our revenues and our expenditures very closely.

Councilman Smith asked how much did she anticipate in operational expenses. Finance Director Etheridge replied they have additional revenues coming in through

August. They had two payrolls in June and several accounts payable check runs.

Councilman Smith stated they only had one more payroll in June and asked what that amount would be. She replied on a high end, approximately \$265,000. He confirmed that they had already made the Theatre payment. She said that was correct.

Councilman Smith asked how much administrative expense did they have. She replied that would come from several areas, they are looking at approximately \$100,000 which included the fourth quarter E911 payment. All of these things he was looking at were going to come out of the June financials. They are getting close and will know more after June 30<sup>th</sup>.

City Manager Scherer added to keep in mind they have two months of Sales & Use Tax revenue to accumulate before they can wrap the budget up. So far the sales tax revenue has been very favorable.

Councilman Smith asked if they were looking to put any surplus back into fund balance or were they going to carry it over so they can have some additional funds to help get the departments heads things they need for the following year. Finance Director Etheridge replied based on prior year ends, they would want to look at assigning this to the fund balance. They have not been able to turn a positive revenue to expenditure variance in the last several years due to lost revenue from 5 years ago such as privilege license revenue. Revenues are constantly waning while expenditures and requirements are increasing.

City Manager Scherer reported he had the discussion with Finance Director Etheridge and they both agree that fund balance should be their primary focus on where to put any surplus barring any last minute expenses.

<p style="text-align: center;"><b>Closed Session</b></p>
--

Motion was made by Councilwoman Scarbrough, seconded by Mayor Pro Tem Ferebee and unanimously carried to go into Closed Session to discuss a Personnel Matter as allowed by NCGS 143-318.11 (a)(6).

**[Remainder of page intentionally left blank]**

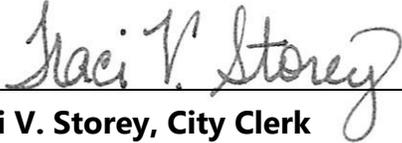
*Minute Book Pages 20437 - 20438 contain Minutes and General Account of a Closed Session which have been sealed until such time as public inspection of those minutes would not frustrate the purpose of the Closed Session.*

**Open Session/Adjournment**

City Council returned to Open Session.

In Closed Session, City Council discussed Personnel Matters. No action was taken.

There being no further business, motion was made by Councilman Smith, seconded by Councilwoman Bryant and unanimously carried to adjourn. The meeting adjourned at 7:58 p.m.

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

**Approved by Council Action on: July 20, 2021**