



Minutes of the Roanoke Rapids City Council

A Work Session of the City Council of the City of Roanoke Rapids was held on **Tuesday, November 1, 2022** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

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

Council Members

Kelly Traynham, City Manager
Geoffrey Davis, City Attorney
Traci Storey, City Clerk
Bobby Martin, Police Chief
Davis Wise, Planning & Development Director
Larry Chalker, Public Works Director
Christina Caudle, Human Resources Director*

Absent: Carmen Johnson, Finance Director
John Simeon, Parks & Recreation Director
Jason Patrick, Fire Chief
Tony Hall, Main Street Development Director

*Denotes joining the meeting via Zoom.

Mayor Doughtie called the meeting to order at 6:22 p.m.

Agreement for Mutual Assistance Establishing a Criminal Investigations Task Force

Police Chief Martin stated he had been in conversations with Attorney Davis and City Manager Traynham in regards to a mutual aid agreement that would incorporate a criminal investigations task force with Halifax County.

He said they met with the Halifax County Sheriff's Office and the other municipalities in Halifax County. The reason they met was that everyone knows there is a manpower shortage in law enforcement nationwide. They are experiencing the same types of manpower issues throughout Halifax County. He along the City's investigators and officers and other representatives from all municipalities from within Halifax County met to form a criminal investigations task force. He stated he knows the first question will be how

much will this cost the City of Roanoke Rapids. The answer is zero. What would this take away from the citizens of Roanoke Rapids? Nothing. Will they lack in being able to handle the crimes that are already occurring in Roanoke Rapids? They will not be taking anything away from the citizens of Roanoke Rapids at all. They will not be taking an officer out of the city and putting them in a centralized location. For example, if they have a homicide, home invasion or burglary, these would be instances they would join forces for major crimes.

Chief Martin said he presented this to the city attorney and city manager because in speaking with Sheriff Davis, the other police chiefs and other investigators, a peak interest has been shown for this criminal investigations task force. They would be responsible for their own people and follow their own guidelines. If one of the City's officers were needed it would be like they normally do for mutual aid. He would get a telephone call initially to request help. This would allow multiple investigators from different municipalities to go to a crime scene where normally they may only have one person.

He stated he wanted to have an open discussion with City Council when entering into an agreement like this he wanted everyone to be on the same page and for City Council to be informed on what they were trying to accomplish. He wanted to let them know they would not be taking away any services they provide to the City of Roanoke Rapids and they would not be taking any money away from the budget to this task force. They would be giving help when it is needed and requested.

Attorney Davis said this was an information item coming before City Council tonight. The Sheriff's Office was the one who initially prompted the discussion. There were jurisdictional issues relating to municipal law enforcement officers acting in some way outside of their municipal jurisdiction. A deputy or detective with the Halifax County Sheriff's Office has jurisdiction all across the county. It is the same in Roanoke Rapids or Enfield, but this is not true for municipal officers. When they have officers that are sworn with the City of Roanoke Rapids going out into the County performing law enforcement activities, generally they need some kind of authorization to do that. The mutual process is one of the ways of doing that. Right now under NCGS 160A-288 that process exists. At anytime under the general statutes without any specific grant from the City Council, the Sheriff could contact Chief Martin and ask for help. Chief Martin at his own discretion as a police chief has the ability to give that on a temporary basis under NCGS 160A-288. That is a specific grant given to police chiefs; it used to not be like that. That statute was updated in 2017. Under that statute the City Council has the ability to prohibit their police chief if they explicitly do so from entering into mutual aid agreements. He would not suggest that for a variety of reasons in a County like theirs. He thinks the City's Police Chief needs to have that discretion for law enforcement purposes and to react to emergencies.

Attorney Davis said as this has evolved, he has spoken with the Halifax County attorney

in regards to this agreement. There are still some unanswered questions. One of them he has relates to monies seized and he believes there needs be some agreement in writing to how that would be split up.

Chief Martin added that this was not a drug task force. They were not looking at asset forfeitures at this time. The majority of the time they would be dealing with the criminal investigative end. When doing the drug task force they have to be specific in nature as to what they were doing. Asset forfeiture is not going to apply to the criminal investigative end of it at this point in time. He understands the concerns about it, but he has personally spoken with the sheriff of Halifax County and he feels if they need to have that aspect done, the sheriff agrees with him. Hypothetically, if they were speaking about drugs, the interdiction and asset forfeiture, if they have three officers and he has one officer it would be split 50/50. He understands that somebody's word is only good as it's coming out of your mouth until you have it in writing. The Sheriff said that in the aspect of what they were looking for in this criminal investigations task force is not asset forfeiture; it is strictly doing criminal investigations of serious nature. If anything were to occur that would turn into narcotics or interdiction, he most definitely feels what Attorney Davis was saying would apply. He believes something would need to be between the agencies in writing. He wanted to clarify that.

Attorney Davis stated another aspect he and the county attorney have spoken about refers specifically under NCGS 160A-288. The way this agreement is done right now, it is trying to operate under that statute. If they read the statute, there is a reading of it that they could take it that it's meant for more temporary purposes. He was not saying this was the only option they had for setting of some kind of task force. If they were to use some of the other statutes that were available to set up those mutual aid or interlocal agreements as seen in other situations where the County and other municipalities agree upon things. If it went down that road, it would definitely clear up any questions about the limited scope of the authorization given under NCGS 160A-288. That would be something that would ultimately have to come before City Council to take a vote on. This is more of an information kind of session to let City Council know this is something that is being talked about. To him, it is still a work in progress.

City Manager Traynham said she has reviewed this and brought up some of the questions she had about it. The ability for the mutual aid exists, but she wants to make sure for internal controls that they were documenting staff time, equipment and resources. Any time City staff is working overtime outside of the area it does come to a cost in salaries and equipment. She wants some internal controls in place to make sure how much of the City's materials and manpower are being utilized under the mutual aid agreement. With a mutual aid agreement it does specifically state it has to be temporary and the request has to be made in writing and one person is authorized to do that. In the absence of a written

agreement, Chief Martin does have the authority under general statutes to authorize mutual aid. As city manager, she has a duty to account for personnel time and equipment and those types of questions. They wanted to make City Council aware of this and see if they had any comments or questions for them to consider as part of the process.

Councilman Smith stated if the City was going to get into something like this the two attorneys need an agreement to make sure the City is protected. He was also concerned if this was similar to what they had going on with the Planning Department where the inspector goes all over the county. He understands they are getting paid to do it but he did not think the City was getting reimbursed the amount of money it was costing us.

Attorney Davis stated that was the discussion he and the city manager have had. For the past couple of years the County has relied on the City of Roanoke Rapids inspector to provide necessary inspections all around the county. The County reimburses the City, they have an agreement with them, but there has been questions whether or not the amount being reimbursed is appropriate given the amount of work being born by the employees. Also, whether the County has come to rely on contracting with the City and using the City personnel over much. He sees Councilman Smith's concerns. Regardless on how the City Council goes on this, it is something always that the City could address. There is a termination agreement on December 31, 2023. He does have some questions about the termination part of it, but since there is no money involved he believes the City could get out of it relatively easily. He agrees that the situation Councilman Smith spoke of is a concern because that is a situation that has been going on in the background.

City Manager Traynham said the inspections agreement is one that has been in place since 2007. The County Manager and Town of Weldon Administrator have been in communication about updating that agreement which will come before City Council. The issues that are taking place with the City's resources in respect to inspections is the basis of her concerns from personnel and the management of resources and how this agreement would play out or work. She wants to make sure they have the interlocal parts that require Council approval separate from the mutual aid request because they do not want to exercise interlocal actions based on a mutual aid request.

Councilman Smith said that is why he would like to see the two attorneys come to an agreement to present to City Council to assure both the City and County is protected.

Mayor Pro Tem Ferebee stated he was in agreement with mutual aid, but he would like to see a clear cut establishment of an incident in command. He referred to what happened in Texas at the school – who's on first type deal. He's sure they have something in place, but would like to see it in writing to protect the City and them. Chief Martin said what he and the Sheriff have discussed in regards to the incident in command situation. If the City

requests assistance at this point in time, they would already have an ICS plan in place just like if it's in the County's area they would have the ICS plan.

Mayor Doughtie asked for instance they had a murder in Scotland Neck and the City sends an investigator how would that not take anything away from the City if they have to continue to stay on the case. Chief Martin explained they would have the initial response so they can get a handle on things by giving them enough aid; they would not continuously go back and forth. It would normally take weeks with a small agency. He added that he would only operate within his budget. He would not be requesting extra funds. He agrees there needs to be some protections in place. He appreciates the fact they are able to hear this and know what they were trying to do. He brought it before the City Manager and City Attorney because he wants them all to be on the same page.

Councilman Smith said he understands what they are trying to do and he thinks it could be a good concept. He asked if they were short-handed in the police department now. Chief Martin replied yes, they have four cadets right now and have three openings without the cadets right now. Councilman Smith said he was concerned about pulling people out when the department was short. Chief Martin said that was patrol; they are fully staffed in criminal investigations division which is where they would pull from.

Mayor Doughtie said he feels they have a consensus from City Council if they can get the things they talked about worked out.

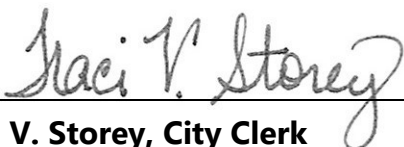
Miscellaneous

City Manager Traynham reminded everyone that it is early voting time which is taking place at Kirkwood Adams and that the election is next Tuesday. She also announced the Canal Half Marathon and 5K will be held on Saturday, November 5th.

City Manager Traynham stated she appreciated the time with City Council yesterday who participated in a preliminary strategic planning session. Today, the department team worked with the same facilitator and will have some follow up shortly. Taking the efforts to meet, talk and strategize to figure out ways they can improve for the betterment of the citizens they serve in order to continue carrying the community forward in a positive direction.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.



Traci V. Storey, City Clerk

Approved by Council Action on: November 15, 2022