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***Roanoke Rapids City Council***

***May 5, 2015***

The regular meeting of the City Council of the City of Roanoke Rapids was held on the above date at 5:15 p.m. at the Lloyd Andrews City Meeting Hall.

Emery G. Doughtie, Mayor

Carl Ferebee, Mayor Pro Tem

Ernest C. Bobbitt)

Suetta S. Scarbrough)

Carol H. Cowen)

Wayne Smith)

Joseph Scherer, MPA, MS, City Manager

Gilbert Chichester, City Attorney

Lisa B. Vincent, MMC, NCCMC, City Clerk

Kathy Kearney, Deputy City Clerk/Human Resources Manager

Chuck Hasty, Police Chief

Kelly Lasky, Planning & Development Director

Larry Chalker, Public Works Director

John Simeon, Parks & Recreation Director

Stacy Coggins, Fire Chief

Christina Caudle, Main Street/Development Director

Mayor Doughtie called the meeting to order and opened the meeting with prayer.

There being no conflict of interest with any of the items on the agenda, motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda for May 5, 2015.

Police Chief Hasty recognized the recent promotions of the following:

* Chris Babb promoted from Master Officer to Investigator
* Gerald Morris promoted from Police Officer III to Master Officer

Mayor Doughtie congratulated Investigator Babb and Master Officer Morris and thanked them, as well as the entire Police Department, for what they do on a daily basis.

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Motion was made by Councilman Bobbitt, seconded by Councilwoman Cowen and unanimously carried to approve the following Council Minutes: *April 14, 2015 Special Meeting (Budget Work Session); April 16, 2015 Special Meeting (Budget Work Session); April 21, 2015 Regular Meeting* and *April 22, 2015 Special Meeting (Budget Work Session).*

Main Street/Development Director Caudle stated she is requesting Council consider adopting a resolution to temporarily close streets for the 2nd Annual Roanoke Rapids Seafood & Shag Festival. She stated this is the annual fundraiser for Main Street Roanoke Rapids. She stated the event will take place on June 5, 2015 at Centennial Park and in the parking lot of the Lloyd Andrews City Meeting Hall.

Main Street/Development Director Caudle stated the resolution approves the temporary street closure and consumption of alcohol with the following stipulations: *(1) the temporary closure of Jarman and 7th Streets between Roanoke Avenue and Jackson Street on June 5, 2015 will be between the hours of 4:00 p.m. and 12:00 a.m.; (2) the possession and consumption of malt beverages and unfortified wine will be allowed in and confined to the beer garden in Centennial Park; (3) no one under 21 years of age shall enter the designated beer garden area, and no one shall leave the beer garden area with any beer or wine; and (4) the sale of alcohol shall cease at 9:30 p.m.*

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adopt the following resolution:

***Resolution to Temporarily Close Streets***

***for***

***2nd Annual Roanoke Rapids Seafood & Shag Festival***

***June 5, 2015***

***WHEREAS,*** Main Street Roanoke Rapids is planning to hold the 2nd Annual Roanoke Rapids Seafood & Shag Festival on Friday, June 5, 2015 between the hours of 6:00 and 10:00 p.m.; and

***WHEREAS,*** this event will take place at Centennial Park and in the parking lot of the Lloyd Andrews City Meeting Hall; and

***WHEREAS,*** Main Street Roanoke Rapids has requested the temporary closure of both Jarman and 7th Streets between Roanoke Avenue and Jackson Street; and

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***WHEREAS,*** Main Street Roanoke Rapids will have available at the festival beer and wine for consumption, and will obtain the necessary permits from the North Carolina Alcohol and Beverage Control Commission; and

***WHEREAS,*** the Roanoke Rapids City Code [§ 131.01 (A)] prohibits the possession and consumption of malt beverages and unfortified wine on any city street unless approved by resolution of City Council;

***NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS APPROVES THIS TEMPORARY STREET CLOSURE AND CONSUMPTION OF ALCOHOL WITH THE FOLLOWING STIPULATIONS:***

*(1) the temporary closure of Jarman and 7th Streets between Roanoke Avenue and Jackson Street on Friday, June 5, 2015 will be between the hours of 4:00 p.m. and 12:00 a.m.;*

*(2) the possession and consumption of malt beverages and unfortified wine will be allowed in and confined to the beer garden in Centennial Park;*

*(3) no one under 21 years of age shall enter the designated beer garden area, and no one shall leave the beer garden area with any beer or wine; and*

*(4) the sale of alcohol shall cease at 9:30 p.m.*

***ADOPTED*** this 5th day of May, 2015.

***Emery G. Doughtie, Mayor***

***ATTEST:***

***Lisa B. Vincent, City Clerk***

City Manager Scherer stated banking procedures require approval by resolution and certified copies of minutes when adding or removing a signer from a bank account. He stated it is necessary at this time to update the First Citizens Bank signatories to add Leigh Etheridge, the new Finance Director, as a check signer and remove MeLinda Hite, retired Finance Director. He pointed out that the other names--City Manager and Purchasing Agent--on the checking accounts will remain the same.

City Manager Scherer stated this recommended action will ensure that the City of Roanoke Rapids is compliant with banking and audit requirements by updating bank

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signatory information for the bank accounts. He stated staff is recommending Council adopt a resolution to approve the signing of the First Citizens Bank checking account Signature Cards and to acknowledge the designation of officials to be authorized to sign the Signature Cards (City Manager, Finance Director and Purchasing Agent).

Councilman Smith asked if we have two signatures on our checks.

City Manager Scherer stated yes--his signature and the Finance Director’s signature.

Motion was made by Councilwoman Cowen, seconded by Mayor Pro Tem Ferebee and unanimously carried to adopt the following resolution:

***Resolution Authorizing Bank Signatories***

***First Citizens Bank Checking Accounts***

***WHEREAS,*** with the retirement of Finance Director MeLinda Hite and the appointment of new Finance Director Leigh D. Etheridge, the City of Roanoke Rapids desires to update the First Citizens Bank signatories to add Leigh D. Etheridge, Finance Director, as a check signer and remove MeLinda Hite, Finance Director; and

***WHEREAS****,* this action will ensure that the City of Roanoke Rapids is compliant with banking and audit requirements by updating bank signatory information;

***NOW, THEREFORE, BE IT RESOLVED THAT*** the Roanoke Rapids City Council approves the following:

**DEPOSIT AND DEPOSIT-RELATED SERVICES RELATIONSHIP**

1. **Designation of Bank as a Depository.** That Bank is designated a depository of the Corporation (City of Roanoke Rapids). All such deposit accounts shall be subject to the rules of Bank as set forth in the First Citizens Bank Deposit Account Agreement, as amended from time to time. Bank is authorized:

**a.** To honor, receive or pay all checks, drafts, and all other instruments or orders for payment or withdrawal made on behalf of the Corporation and charge any deposit account with Bank, and to honor any authorization for the transfer of funds between different accounts, whether such orders are transmitted to Bank by telephone, computer, automated clearing house, wire transfer system or other means, for whatever purpose and to whomever payable, even though payment may create an overdraft, even though such items may be drawn or endorsed to the order of the signer for exchange or cashing or in payment of the individual obligation of such signer, or for deposit to such signer’s personal account, or for any other use or disposition, when signed by an original or facsimile signature of, or otherwise initiated by any ONE Authorized Signer, and Bank shall be not required under any obligation to insure as to the circumstances of the issuance or use of any such items or to the application or disposition of such item or the proceeds.

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**b.** To honor the endorsement or any ONE Authorized Signer on checks, drafts, notes or all other types of instruments payable or belonging to the Corporation, whether such endorsement be made manually, by endorsement stamp, or otherwise, and whether for deposit, for collection, or otherwise, and/or to receive cash or part cash for same, or to make “less cash” deposits by receiving cash for part or all of the amount of such instruments and depositing the balance, if any, when such instruments are signed, accepted, or otherwise endorsed, whether by stamp, manual or facsimile signature, with the Corporation assuming full responsibility for any and all payments made by Bank in reliance upon the manual stamp or facsimile signature of an Authorized Signer and with the Corporation agreeing to indemnify and hold Bank harmless against any loss, cost, damage, or expense suffered or incurred by Bank arising out of the misuse or unlawful/unauthorized use by any person of such stamp or facsimile signature.

1. **Authorized Signers.** That for purposes of these regulations, the term “Authorized Signer” refers individually to each of the officers and other agents of the Corporation listed in an “X” in the column headed “Authority/Deposit/Authorized Signers” in the Certificate of Incumbency which is incorporated herewith. If no such person is so designated, the term “Authorized Signer” shall refer individually to each person from time to time holding the office of Chairman, President, Vice-President or Treasurer of the Corporation. Each Authorized Signer is authorized:

**a.** To open and close any deposit account with Bank.

**b.** To transact all business with respect to any such account, including, but not limited to, writing checks, drafts, notes and all other orders for payment or transfer or funds and endorsing checks, drafts, notes and all other types of instruments payable or belonging to the Corporation.

**c.** To authorize in any letter, form, signature card or notice other persons not listed in the Certificate of Incumbency with an “X” in the “Authority/Deposit/Authorized Signers” column as additional Authorized Signers who may execute a signature card on behalf of the Corporation and transact business on any such account.

1. **Additional Authority.** That each Authorized Signer is additionally authorized on behalf of the Corporation:

**a. Certificates of Deposit (CDs).** To purchase CDs, bonds and all other types of intangible personal property from Bank.

**b. ATM and Debit Cards.** To obtain from Bank and use an ATM or debit card to withdraw funds from any deposit account with Bank, and to designate other persons not so designated herein to use an ATM or debit card to withdraw funds from any of the Corporation’s accounts.

**c. Night Depository Agreements.** To execute night depository agreements, designate from time to time the agents empowered to act on behalf of the Corporation in connection with night deposit transactions, and revoke such designations.

**d. Safe Deposit Boxes.** To enter into safe deposit box agreements, designate deputies and other agents empowered to have access to any safe deposit box, revoke such designations, and terminate safe deposit box agreements.

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**e. Other Deposit-Related Products and Services.** To enter into an agreement for the use of any other deposit-related products or services offered by Bank, including, but not limited to, electronic funds transfer services (e.g., wire transfer services and online/electronic banking services), and initiate and conduct transactions pursuant to such agreements.

**BORROWING AND OTHER CREDIT RELATIONSHIPS**

1. **Authorized Representatives.** That for purpose of these resolution, the term “Authorized Representative” shall refer to each of the officers and other agents of the Corporation listed with an “X” in the column headed “Authority/Borrowing/Authorized Representatives” in the Certificate of Incumbency. If no such person is so designated, the term “Authorized Representative” shall refer individually to each person from time to time holding the office of Chairman, President, or Vice-President of the Corporation. The term “Authorized Representative” shall also include such additional individuals named as being so authorized in any letter, form or notice signed by any Authorized Representative named in this document.
2. **General Borrowing Authority.** That each Authorized Representative is authorized to borrow or otherwise obtain credit from Bank from time to time in such sums and upon such terms and conditions as to repayment, rate of interest, and security therefore as he or she may determine, and to execute and deliver in the name and on behalf of the Corporation applications, notes, credit agreements and any and all other agreements, evidences of indebtedness with respect to all sums so borrowed or credit otherwise obtained, and to obligate the Corporation to repay Bank the indebtedness and obligations so incurred. Each Authorized Representative is additionally authorized to:

**a.** Pledge, mortgage or otherwise create security interests in any property held by or belonging to the Corporation.

**b.** Execute and deliver deeds of trust, mortgages, security deeds, security agreements, and all other security instruments whether of obligation or hypothecation which they may determine necessary or appropriate to secure sums borrowed or credit obtained by the Corporation.

1. **Authority with Respect to Specific Credit Relationships.** That each Authorized Representative is authorized:

**a. Credit Cards.** To obtain credit from Bank by the use of a MasterCard©/Visa© Card or other credit card (collectively, “Credit Card”) issued by Bank, in such sums as may seem advisable to the Authorized Representative, and upon such terms as may be prescribed by Bank, and to designate other persons to use a Credit Card in the name of any on behalf of the Corporation, and to execute applications and agreements of any type in connection with a Credit Card.

**b. Revolving Lines of Credit.** To obtain credit from Bank under one or more other revolving lines of credit (including, but not limited to, lines of credit providing overdraft protection for deposit accounts) offered or issued by Bank, in such sums as may seem advisable to the Authorized Representative and upon such terms as may be prescribed by Bank, to sign, or designated other persons to sign checks or other items drawn on any checking account of the Corporation which may activate loans under such revolving lines of credit, to sign special (direct advance) checks or other instruments which activate loans under such revolving lines of credit

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and to execute applications and agreements of any type in connection lines of credit.

**c. Letters of Credit.** To apply for and receive letters of credit and, from time to time, increase the amount, extend the date of expiration or amend the terms of any outstanding letters of credit.

1. **Payment of Proceeds.** The bank is authorized and directed to pay the proceeds of any such loans, lines of credit or other borrowings or credit arrangements as directed by an Authorized Representative whether or not to the order of said person in his or her individual capacity, for

deposit to his or her individual credit, or to be applied or deposited in any matter for his or her individual credit, and Bank shall not be required to inquire as to the circumstances for the application or use of any such credit.

**ADDITIONAL STATEMENTS**

1. **Effectiveness.** The foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission has been received by Bank and that receipt of such notice shall not affect any action taken by Bank prior thereto.
2. **Previous Banking Resolutions.** Any and all previous banking resolutions relating to Bank that are in conflict with the foregoing resolutions are hereby superseded.
3. **Prior Transactions.** All prior transactions by any of the officers, employees, or other representatives of the Corporation, in its name and for its accounts or within the authority given by the foregoing resolutions if said authority had been in effect, are hereby approved and ratified.

**CERTIFICATE OF INCUMBENCY**

I hereby certify to Bank that the following are the names, titles and official signatures of the present officers of the Corporation, and the names and titles of other individuals who have been granted Deposit and/or Borrowing authority for the Corporation. Authority is indicated by the applicable boxes checked.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Title** | **Name** | **Signature** | **Authority**  **Deposit Borrowing**  Authorized Authorized  Signers Representatives | |
| City Manager | Joseph Scherer |  | X | X |
| Finance Director | Leigh D. Etheridge |  | X | X |
| Purchasing Agent | Lynn Rooker |  | X |  |

**ADOPTED** this 5th day of May, 2015.

***Emery G. Doughtie, Mayor***

***ATTEST:***

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***Lisa B. Vincent, City Clerk***

Planning & Development Director Lasky presented the following staff report:

**MEMORANDUM**

TO: Joseph Scherer, City Manager

FROM: Kelly Lasky, Planning & Development Director/s/

DATE: April 30, 2015

**RE: Demolition and Clearance of 1026 Roanoke Avenue**

***Project Summary***

The structure located at 1026 Roanoke Avenue in the City of Roanoke Rapids has certain defects in structural elements and/or a combination of deficiencies of sufficient total significance to characterize it as dilapidated and justify clearance.

In Halifax Superior Court, Roanoke Rapids vs. Burnette (1026 Roanoke Avenue) the City successfully obtained a Judgment wherein the property owner was ordered to repair the building to code standards or to demolish it with 60 days of May 12, 2014; since the owner did not comply, the City is authorized to repair, secure or demolish the building and place a lien on the property.

The City of Roanoke Rapids directly solicited 20 qualified contractors to perform demolition and lot clearance work. This contract will be awarded based on a competitive bidding process in accordance with the provision of the Roanoke Rapids equal employment and procurement policy. The deadline for submittal of sealed bids was by 5:00 p.m., Wednesday, April 29, 2015. Two bids were received and opened on Thursday, April 30, 2015.

The City of Roanoke Rapids is an equal opportunity employer/service provided and encourages participation by historically-underutilized businesses, including small, minority, and female-owned businesses. It is distinctly understood that the City reserves the right to reject any and all bids or to waive any and all informalities therein should it deem it to be in the best interest of the City.

The firm or business selected to enter into a contract with the City is required to provide proof of current insurance within three (3) business days of notice of award of contract. **If the proof of insurance is not received within three (3) business days or within a mutually agreed upon deadline, the City reserves the right to award a contract to the next selected bidder.** Waivers or hold harmless agreements are not recognized as a release of responsibility. Contractor shall maintain in full force and effect during the term of agreement the following insurance coverage and limits:

1. Commercial General Liability in the amount of at least $1,000,000 per occurrence.

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2. Worker’s Compensation Insurance with statutory limits and employers liability limits of $100,000 per accident limit/$500,000 disease per policy limit/$100,000 disease each employee limit, providing coverage for employees and owners.

3. Auto liability of at least $1,000,000 if a vehicle is used in the scope of the job.

***Scope of Work***

**1. Apply for City Demolition Permit and pay $100 application fee.**

**a.** City will contact the following service utilities providing services and have these utility services disconnected: *Dominion Power, Roanoke Rapids Sanitary District; Piedmont Natural Gas.* Certification of removal of that service will be supplied to the City. An asbestos survey has previously been completed and no removal is required.

**b.** The demolition contractor is responsible for having all other utilities or services disconnected and rendered harmless. It is the responsibility of the contractor when obtaining the demolition permit to inquire and be informed by the code enforcement officer as to any specific codes or requirements regarding this step.

**2. Demolish and clear existing commercial structure.**

**a.** Completely dismantle existing collapsed and/or dilapidated structure and dispose of all debris in a place and manner acceptable to the local building code enforcement authority that would not violate or pollute the environment or be hazardous to the health, safety and welfare of the general public.

**b.** The contractor shall furnish all supervision, labor, materials, machinery, tools, equipment and services, and perform and complete all work required for demolition and clearance in an efficient and workmanlike manner.

**c.** The contractor shall exercise due caution in the protection of existing utilities and structures and facilities during the period of construction, unless otherwise indicated. Facilities include all water, gas and sewer lines, lighting, power or telephone conduits and wires, connections in place, and other surface and subsurface structures or lines. If, in the

performance of work, the contractor disturbs, disconnects, or damages any of the above, all expenses of whatever nature arising from such disturbance, or in replacing or repairing thereof, shall be paid by the contractor, unless otherwise stated in the contract documents due to special circumstances.

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**3.** Following the demolition, the contractor will provide a stable surface acceptable to the City of Roanoke Rapids where building is demolished. Contractor shall fill all holes, ditches or depressed areas left as a result of demolition prior to sowing grass seed or pouring concrete/asphalt.

**4.** The contractor is responsible for any damages caused by encroachment on adjacent properties or on regulated setback areas. **Encroachment damage shall be corrected by the contractor at no cost to the City of Roanoke Rapids.**

If Council approves the attached budget amendment, the Planning & Development Department plans to award the demotion and lot clearance contract to the lowest qualified bidder, **Carlton Belfield**, who submitted the lowest lump sum bid, tabulated at **$45,000**, for the clearance of property at 1026 Roanoke Avenue.

If proof of required insurance is not provided within three (3) business days of notice of award of contract, then staff plans to contract with the next lowest bidder, Cecil Holcomb Renovations, Inc., who submitted a lump sum bid of $48,000.

Councilman Smith asked if the cost of this demolition is now $25,000 instead of $50,000.

Planning & Development Director Lasky explained that the department currently has about $24,000 in the demolition line item and this proposed budget amendment will increase that amount by another $25,000 to cover the total amount.

City Manager Scherer stated the bid came in at $45,000.

Councilman Smith asked if we have the money in the budget to transfer for this demolition.

City Manager Scherer stated yes from NC Tax & Tag which came in well above our projections.

Mayor Doughtie stated he realizes that we have a lot of other things we could spend this money on but this building needs to come down before it falls down. He stated it is in the middle of the 1000 block of Roanoke Avenue and you can see the sky through the ceiling.

City Manager Scherer stated we do have safety concerns if it falls on the street side which could not only injure someone and but also obstruct traffic.

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Motion was made by Councilman Smith and seconded by Councilwoman Scarbrough to adopt the following Ordinance:

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

**SECTION 1.** The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2014 and ending June 30, 2015, according to the following schedule:

**SCHEDULE A - GENERAL FUND (OPERATING)**

10.4900.5710 Demolition $25,000

\_\_\_\_\_\_

**GENERAL FUND OPERATING TOTAL $25,000**

**SECTION 2.** The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2014 and ending June 30, 2015, in order to meet the foregoing appropriations, according to the following schedule:

**SCHEDULE B - GENERAL FUND (OPERATING)**

10.3190.0100 NC Tax and Tag $25,000

\_\_\_\_\_\_

**GENERAL FUND OPERATING TOTAL $25,000**

**SECTION 3.** This Ordinance shall become effective upon adoption.

Upon being put to a vote, Councilman Smith, Councilwoman Scarbrough, Mayor Pro Tem Ferebee and Councilman Bobbitt voted in favor of the motion. Councilwoman Cowen voted against the motion. Mayor Doughtie declared the motion carried by a 4 to 1 vote.

City Manager Scherer stated he has a rather short report this evening but indicated that all departments continue performing services for our citizens. He stated he has not received any updates from the State Legislature.

City Manager Scherer reminded everyone of the National Day of Prayer scheduled for Thursday at 6:00 p.m. at Centennial Park. He also reminded Council of the next budget work session scheduled for Thursday at 3:00 p.m. at City Hall.

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Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to go into closed session as allowed by NCGS 143-318.11(a)(3) to consult with the City Attorney.

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

**Minute Book Page 17777 contains 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.**

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Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to return to open session.

Mayor Doughtie called the meeting to order in open session.

Mayor Doughtie reported that City Attorney Chichester discussed with Council a mutual agreement with HSV Entertainment LLC to end the lease agreement between the City and HSV for operation of the Theatre.

Motion was made by Councilwoman Cowen, seconded by Mayor Pro Tem Ferebee and unanimously carried to terminate the lease agreement with HSV Entertainment LLC for operation of the Theatre, effective as of May 30, 2015.

There being no further business, motion was made by Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to adjourn.



5/19/2015