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**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 14, 2016 at 5:15 p.m. in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor

 Carl Ferebee, Mayor Pro Tem

 Ernest C. Bobbitt)

**Council Members**

 Suetta S. Scarbrough)

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

 Kelly Lasky, Planning & Development Director

 John Simeon, Parks & Recreation Director

 Larry Chalker, Public Works Director

 Stacy Coggins, Fire Chief

 Christina Caudle, Main Street Director

 Chuck Hasty, Police Chief

**Absent:** Carol H. Cowen, Council Member

Wayne Smith, Council Member

Leigh Etheridge, Finance Director

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

Mayor Doughtie announced that former Mayor Lloyd Andrews recently lost his wife and Councilwoman Carol Cowen’s grandson is extremely ill at Duke. He asked that everyone keep both families in their thoughts and prayers.

**Adoption of Business Agenda**

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

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There being none, motion was made by Councilman Bobbitt, seconded by Mayor Pro Tem Ferebee and unanimously carried to adopt the business agenda for June 14, 2016 as presented.

**Special Recognitions**

**Retirement of K-9 Dozier**

Chief Hasty stated unfortunately we have to medically retire K-9 Dozier which we received from the military in August of 2013. He stated Dozier began training with Master Officer Gerald Morris in November of 2013 and since that time has assisted in the seizure of a large amount of drugs and around $24,000 in US currency, tracked and located suspects, and also assisted other jurisdictions. Chief Hasty stated it is customary for retired service animals to be given to their handlers and we have done this in the past. He stated it is appropriate for Council to declare Dozier surplus prior to awarding him to his handler, Master Officer Gerald Morris, and a resolution has been prepared to accomplish this.

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

RESOLUTION NO. 2016.04

**K-9 RETIREMENT RESOLUTION**

**WHEREAS**, K-9 Dozier is owned by the City of Roanoke Rapids; and

**WHEREAS**, K-9 Dozier has faithfully served the City for three years, and has recently been medically retired; and

**WHEREAS**, retired canines cannot be adopted to private citizens because of their specialized training for police situations; and

**WHEREAS**, Master Officer Gerald Morris, K-9 Dozier’s handler, is desirous of keeping him; and

**WHEREAS**, the Mayor and City Council, by this resolution, wish to express its great appreciation to K-9 Dozier for service, loyalty, and dedication to the City of Roanoke Rapids;

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**NOW THEREFORE, BE IT RESOLVED** that the Roanoke Rapids City Council in accord with North Carolina General Statute 160A-266 declares K-9 Dozier to be surplus property upon retirement from service and authorizes his assigned handler, Master Officer Gerald Morris, to take ownership of K-9 Dozier upon his execution of a hold harmless agreement to provide proper care for the dog for the remainder of the life of the animal and a $1 adoption fee. By executing that agreement, Master Officer Gerald Morris will assume all liability and responsibility for the dog.

**ADOPTED** this 14th day of June, 2016.

 Emery G. Doughtie, Mayor

ATTEST:

 Lisa B. Vincent, City Clerk

**Recognition of Police Department Commendations and New Hires**

Chief Hasty stated he would like to recognize Officer Chris Biggerstaff and Officer Matt Hunsucker for going above and beyond the call of duty. He stated he receives a lot of stuff through social media and was sent a picture of Officers Biggerstaff and Hunsucker assisting a lady with her tire after a wreck. He read the following letter:

May 12, 2016

Roanoke Rapids Police Department

P. O. Box 38

Roanoke Rapids, NC 27870

Attn. Chief of Police Hasty

THANK YOU for having Matt Hunsucker and Chris Biggerstaff on your force.

My friend was run off the road yesterday and hit a telephone pole. She called 911 and within minutes, they showed up. They were so kind and understanding. My friend’s, Gene Stansbury, tire was wrecked. I think it was Chris that got the spare out of the trunk and put it on the car. The spare was flat, so he took it back off and took it to get air put in it. Then he put the tire back on the car. Both of them called around trying to find out where she could get a new wheel and tire. They made sure she was okay and that the car was drivable before they left.

They are the same officers that helped us when two different dogs were hit by cars.

They are a real asset to our City.

THANK YOU FOR the good job they do.

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Nancy L. Seevers/s/

Chief Hasty presented Certificates of Merit to Officer Chris Biggerstaff and Officer Matt Hunsucker.

Mayor Doughtie stated so many times what looks like small things are really the things that make the most impact. He thanked Officer Biggerstaff and Officer Hunsucker for their service.

Chief Hasty recognized and introduced two new Officers—Hannah Grimes and Dustin Newsome. He stated Hannah is the daughter of John and Donna Grimes and holds a Bachelor of Science degree in biology with a minor in criminal justice from East Carolina University. He stated Hannah completed the BLET program at Halifax Community College in May and will be sworn in upon receipt of her Law Enforcement Certificate. Chief Hasty stated Dustin is the son of Kelvin and Donna Newsome. He stated he has six years of law enforcement experience beginning his career with the Scotland Neck Police Department followed by the Halifax County Sheriff’s Office. He stated Dustin was sworn in as a Roanoke Rapids Police Officer on June 10.

**Recognition of 2016 BARC Scholarship Applicants & Announcement of Scholarship Award**

Human Resources Manager Kearney (BARC Treasurer) asked the members of BARC to join her in the award presentation. She introduced the following members: President Donald Tart (Planning & Development Department); Megan Browder (Parks & Recreation Department) and Teresa Medlin (Public Works Department). She stated we have two other members that could not be here tonight—Helen Reed (Fire Department) and Chris Bass (Police Department).

Human Resources Manager Kearney stated BARC stands for Benevolent, Awards & Recognition Committee. She stated the Committee’s members are comprised of representatives from each department. She stated the purpose of BARC is to assist employees with hardships due to illnesses or family losses. She pointed out that BARC is not funded by the City of Roanoke Rapids; therefore, no taxpayer dollars are used to carry out the Committee’s efforts. She stated it is totally funded by payroll deductions from employees who choose to participate on a voluntary basis and by fundraising efforts.

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Human Resources Manager Kearney stated each year BARC awards a scholarship to a child of a full-time City employee who is a senior and plans to enroll in a full-time program of study at an accredited two or four year college, university or vocational-technical school. She stated we have three employees that have children that are graduating and applied for the scholarship. She asked that the employees (parents of the applicants) come forward—Danny Acree; Bobby Martin and Kelly Lasky. She indicated that all three applicants are at the beach.

Human Resources Manager Kearney read the following excerpts from each applicant’s application:

***Catherine Leigh Acree (daughter of Angie & Danny Acree, Assistant Public Works Director)*** is a 2016 graduate of Roanoke Rapids High School. Catherine plans on attending UNC-Wilmington and is determined to get her Master’s Degree in Elementary Education. She stated that she could not see herself doing anything else with her life. A quote from Catherine: *“Teachers who love teaching will teach students to love learning. Despite all the negative influences in the world today, I would try my hardest to teach my students that there are so many positives in the world for each of them to succeed and so many people who care to watch them grow and learn.”*

***Hunter Nikole Martin (daughter of Leslie & Bobby Martin, Jr., Captain of Criminal Investigations Division)*** is a 2016 graduate of Roanoke Rapids High School. Hunter plans on attending UNC-Pembroke and her career goal is to become a special education teacher for elementary students. She plans to double major in Elementary Education and Psychology. By double majoring in Psychology, she hopes to better understand the disorders but also how children and their parents tend to view and handle these disorders. A quote from Hunter: *“Being an Elementary Education and Psychology major will improve my teaching abilities, allow me to grasp a better concept on what I will most likely be facing in the future and will overall prepare me in almost every way possible to become a great educator.”*

***Kameron Chase Lasky (daughter of Dave & Kelly Lasky, Planning & Development Director)*** is a 2016 graduate of Roanoke Rapids High School. Kameron plans on attending East Carolina University and her goal is to be a Pediatric Dentist. She plans to major in Public Health and minor in Business Administration. A minor in Business Administration will provide her the management skills to operate her own dental practice. She would like to complete her doctorate in dentistry at ECU. A quote from Kameron: *“I am motivated in my career decision because it combines the importance of both dental care and influencing children. In thinking about my childhood, I understand why my Dad encouraged academic achievement and performance. Education is something that no one can take away and putting it to use is priceless.”*

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Human Resources Manager Kearney stated reading each of these applications brought them to tears. She stated all of the applicants are deserving and the Committee knew it was going to have a hard decision to make. She stated the Committee held a fundraiser a few months ago with the help of Herman Moseley, and they did very well. She encouraged everyone to purchase tickets when BARC has a fundraiser because the funds go toward a very worthy cause. Human Resources Manager Kearney stated after going over the three applications very carefully, the Committee decided to award each applicant a $500 scholarship. She presented Danny Acree, Bobby Martin and Kelly Lasky the scholarship certificate and check for their daughters.

Human Resources Manager Kearney stated on a personal note, she would like to say that when we take into consideration the things that go on in the world today, the tragedies that affect those we know and those we do not know, she remembers the following quote that puts everything in perspective for her as Human Resources Manager for the City of Roanoke Rapids and as a human being:

*Do all the good you can, By all the means you can,*

*In all the ways you can, In all the places you can,*

*At all the times you can, To all the people you can,*

*As long as you can.*

***John Wesley***

**Recognition of Code Enforcement Supervisor Brian Duhadaway**

Planning & Development Director Lasky stated before she makes her presentation, she would like to thank BARC. She stated in reading Kameron’s application she, too, was moved to tears. She stated she has been the mom in her life since she was in the first grade and is grateful to BARC and all of the employees that contribute.

Planning & Development Director Lasky stated she would like to recognize Code Enforcement Supervisor Brian Duhadaway for successful completion of Level III Inspector Certification in four areas of enforcement of North Carolina State Codes: ***Building, Plumbing, Mechanical*** and ***Electrical***. She stated Brian passed the Electrical Level III Exam in March and received his

certificate from the Code Qualification Board at the end of April. She

explained that Brian’s accomplishment represents a commitment to the City’s investment in his career. She stated he has taken 14 courses and 14

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certification exams since 2004 to achieve this highest-level of certification. She presented Code Enforcement Supervisor Brian Duhadaway a Certificate for Outstanding Achievement, and thanked him for being a leader in the department and for always being fair. She stated a Level III Inspection Certificate in building, electrical, mechanical and plumbing means that Brian is certified by the NC Code Qualification Board to inspect any building in the State.

Mayor Doughtie congratulated Brian on his accomplishment.

**Public Comment (Scheduled)**

**Mr. Terry Buffaloe**

Mr. Terry Buffaloe of 316 Chockoyotte Street, Roanoke Rapids, NC stated he is here tonight on behalf of the Greater Joy North Church located at 1711 E. 10th Street. He explained that the Church has acquired a building across the street between the nail salon and the movie theater. He stated they are having classes to teach computer skills, interview skills, public speaking skills, etc. He stated these classes are open to the community and they anticipate they will grow. Mr. Buffaloe stated he was asked to request a crosswalk to make it safer for people to cross the street. He stated on Friday, it is like the Indianapolis 500 on this portion of 10th Street. He stated they will have their own people out there with safety vests to help with the traffic.

City Manager Scherer asked Mr. Buffaloe if he is asking for a crosswalk on 10th Street.

Mr. Buffaloe stated yes.

City Manager Scherer stated 10th Street is a DOT road and not under our purview. He stated we would have to check with DOT.

Mr. Buffaloe pointed out that the classes would be held for a very brief time.

Mayor Doughtie asked if the classes would be one night a week or one night a month.

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Mr. Buffaloe stated one night a month. He stated they held a class in April and one in May, and had between 35 and 50 participants.

**Approval of Council Minutes**

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to approve the following Council Minutes: *May 10, 2016 Special Meeting (Budget Work Session); May 17, 2016 Regular Meeting; May 25, 2016 Special Meeting (Budget Work Session)* and *May 31, 2016 Special Meeting (Budget Presentation)*.

**City Council Appointments/Reappointments**

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

A ballot vote was taken and City Clerk Vincent announced that Charles B. Landen received the unanimous vote for reappointment to the Roanoke Rapids Area Planning Board/Board of Adjustment.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to reappoint Charles B. Landen to the Roanoke Rapids Area Planning Board/Board of Adjustment.

**Public Hearings**

**Proposed FY 2016 – 2017 Budget**

City Manager Scherer stated he was pleased to provide on May 31 the recommended FY 2016 – 2017 Annual Budget. He stated this budget reflects our commitment to provide quality services and amenities to our citizens while preserving the City’s long-term financial viability. He stated the proposed budget includes all operating, special revenue and capital project funds for the City of Roanoke Rapids. He stated the total amount appropriated for expenditure in these multiple funds that, when combined, make up the proposed budget for FY 2016 – 2017 is $16,525,626.

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A public hearing having been advertised and proper notices having been

given according to law, Mayor Doughtie opened the public hearing for comments.

Mayor Pro Tem Ferebee asked City Manager Scherer if he has received any inquiries regarding the budget.

City Manager Scherer stated no, not in his office.

Mayor Pro Tem Ferebee stated this budget like most budgets are getting to be very tough. He stated our departments have done a good job of bringing us their items and what they need. He stated as we move forward, we need to look at all items. He stated we cannot always get what is fully wanted but he hopes we can bring in additional revenue as we go forward so we can fund other items. Mayor Pro Tem Ferebee stated everyone has done a good job overall on the budget.

Councilwoman Scarbrough stated she would like to thank the City Manager, Finance Director and all the department heads for the tremendous effort they have gone through in giving the Council their needs and wants. She stated she hopes everyone understands that we are trying to do the very best we can. She stated as Councilman Smith has stated in the past, we wish we could do more. Councilwoman Scarbrough thanked everyone for a good job.

Councilman Bobbitt stated everything has already been said but would like to add “good job, keep it up, and thank you”.

Mayor Doughtie echoed the comments of the other Council members and also stated that he is concerned about the long-range projections. He stated there has been significant decreases in our unallocated fund balance. He stated we have also gone six years without a tax increase and six years with an increase in operating expenses and a decrease in revenues. Mayor Doughtie stated trying to adopt a budget while dealing with rising costs, trying to be competitive with salaries and having no control over insurance costs, fuel costs, etc., is a very tough job. He stated it is a real concern when we look out three to five years and see what our fund balance will be. He stated we still continue to provide as many services to the community as we can but at some point, we will have to increase revenues or decrease services.

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Mayor Doughtie assured everyone that the issue of the budget stays on the minds of the Council members all the time—not just in April and May when we are working on the budget. He stated our tax base has been very stagnant for the last 8 to 10 years and it is tough operating and creating a budget when the revenues are limited.

Mayor Doughtie thanked the staff for working to help keep our finances in check. He stated he is disappointed that we do not get more input from the community. He stated they need to tell us if they want to pay more in taxes or have services cut.

There being no one from the public to speak during the hearing, Mayor Doughtie declared the public hearing closed.

**New Business**

**Consideration of Order to Demolish and Remove Dwelling at 115 Jackson Street (Halifax Co. Parcel 0902202)**

Planning & Development Director Lasky stated she prepared a few slides to present but will be unable to do so due to technical difficulties. She stated some of the photos are included in the Council’s agenda packet. Planning & Development Director Lasky presented the following staff report:

### **MEMORANDUM**

To: Joseph Scherer, City Manager

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

Re: **Order to Demolish and Remove Dwelling at 115 Jackson Street (Halifax Co. Parcel 0902202)**

Date: **June 7, 2016**

Code Enforcement Officials are requesting City Council’s adoption of Ordinance 2016.11 to order the demolition and removal of the substantially dilapidated single-family dwelling located at 115 Jackson Street, Roanoke Rapids. Code Enforcement staff has given the property owner reasonable opportunity to bring the dwelling up to standards, pursuant to the May 26, 2010 lawful Order of the Code Enforcement Official to repair or demolish the property. This request is the final action in the formal process timeline for compliance with the provisions of the City Code. A detailed timeline of events, correspondence, and

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actions is attached. The Planning & Development Department 2015-2016 budget has sufficient remaining funds for the demolition and clearance activities.

Ordinance 2016.11 includes the following acknowledgements and actions:

* City Council finds that the dwelling is dilapidated and unfit for human habitation under the provisions of the Housing Code and that all procedures have been complied with; and
* The dwelling should be demolished; and
* The owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code; and
* North Carolina General Statute 160A-443(5) and Chapter 152 of the Roanoke Rapids City Code of Ordinances empowers the City to demolish a dwelling when the Order for repair has not been complied with; and
* Directs the Code Enforcement Officer to demolish and remove the property as unfit for human habitation; and
* All costs incurred by the City to demolish and remove the dwelling shall constitute a lien against the real property; and
* If the owner should either demolish and remove the dwelling or make the required repairs prior to the time of scheduled demolition, then the City Manager is authorized to rescind this demolition order without further action; and
* The Ordinance shall become effective immediately after its adoption.

**Requested Action**

**Consider a motion to adopt Ordinance No. 2016.11 Ordering the Code Enforcement Officer to demolish and remove the substantially dilapidated dwelling at 115 Jackson Street, Roanoke Rapids, NC.**

**Timeline of Code Enforcement Actions**

The following provides a chronological order of events concerning the property owned by Trent K. Miles, located at 115 Jackson Street, Roanoke Rapids, NC:

* ***February 27, 2008*** – An exterior-only inspection was performed in response to a complaint that the dwelling was unsecured. The Minimum Housing Code Enforcement Officer confirmed that the dwelling was unsecured, which is a safety hazard, and several Minimum Housing Code violations were noticed. An informal letter was mailed to the property owner requesting that he contact the Officer regarding the maintenance and repair of the dwelling. The owner was given the opportunity to bring the dwelling up to Minimum Housing Code with no further action required by the Code Officer.
* ***March 14, 2008*** – A request was made by City to NC Dominion Power to block electrical power to the dwelling until inspections are made to ensure that the dwelling is brought up to Minimum Housing Code Standards.

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* ***March 20, 2008*** – The owner’s opportunity to secure the dwelling expired. Action taken by Code Enforcement Supervisor Brian Duhadaway and Minimum Housing Code Officer Donald Tart to secure the dwelling.
* ***April 11, 2008*** – Property owner Trent Miles came to the Department of Planning and Development and stated his plans to return to the Department the next week to secure a building permit in order to begin repairs to the dwelling.
* ***April 16, 2008*** – *Formal research began and a Notice of Lis Pendens was filed with The Clerk of Superior Court in Halifax at a cost of $8.00.*
* ***April 18, 2008*** – A building permit was issued for repairs to the dwelling. The owner was advised that substantial progress will be required in order to stop the formal process.
* ***April 25, 2008*** – The owner was contacted by phone and sent a letter concerning a violation for improper storage of residential construction debris with requested compliance by May 02, 2008 to avoid $250.00 fine.
* ***May 01, 2008*** – The owner was contacted by phone after re-inspection to request the dwelling to be secured.

* ***April 06, 2010*** – Minimum Housing Code Enforcement Officer Tart advised the owner that there was no recourse concerning the matter, but to begin a formal process, with a hearing to be scheduled (ASAP) due to failure to repair the dwelling to meet the Minimum Housing Code.
* ***April 16, 2010*** – The property was re-researched and a Notice of a May 14, 2010 Hearing was posted on dwelling and mailed via Certified Mail and First Class Mail to the owner and parties of interest. The dwelling was noticed to be unsecured and contact was made to the owner. Mr. Miles stated the dwelling would be immediately secured.
* ***April 26, 2010*** – All Certified Mail return receipts for the Hearing Notice mailed to the parties of interest were returned, signed by the parties of interest. ***As required, the Hearing Notice was delivered to parties of interest.***
* ***April 29, 2010*** – The dwelling was noticed to be unsecured. Minimum Housing Code Enforcement Officer Tart contacted property owner Mr. Miles by phone. Mr. Miles stated that the dwelling would be secured by the weekend and stated that he **may not be able to attend the scheduled hearing on 5-14-10, but will make sure to have the dwelling open for the inspection.**
* ***May 14, 2010*** – **Scheduled Hearing at 1:30 p.m. at 115 Jackson Street.** The Hearing Notice mailed to the owner by Certified Mail was returned to the Code Officer marked “unclaimed-unable to forward”. **The regular First Class mail has not returned.**

Property Owner Miles did not appear at the scheduled Hearing. Due to the owner’s absence, an Administrative Search Warrant had to be obtained by Minimum Housing Code Enforcement Officer. Entry to the dwelling was gained by the front door, which was

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unlocked as Mr. Miles had indicated. The Hearing was held at 2:05 p.m. with Code Enforcement Supervisor Brian Duhadaway and Minimum Housing Code Enforcement Officer Donald Tart in attendance. At this time, a detailed visual inspection of the exterior and interior was conducted. A list of all observed Minimum Housing violations was recorded for development of a Findings of Fact and Order for repair/removal.

After the inspection, it was determined that the estimated costs of repairs to bring the dwelling up to Minimum Housing Code would be greater than 50% of the current tax value of the dwelling. At the time of the hearing (May 14, 2010), the 2010 tax value of the dwelling was **$7,520** with the repairs estimated at **$10,500.**

* ***May 26, 2010*** – The written Findings of Fact was sent to the owner and parties of interest with an Order that the owner shall bring the dwelling into compliance with the Minimum Housing Code by demolishing and removing the dwelling from the property or by repairing, altering or by improving the structure to correct all of the conditions and deficiencies noted in the attached Exhibit A by a date not later than the **24th day of August, 2010.** Mailing is by Certified and First Class mail to the owner. The notice was posted to the dwelling.
* ***June 01, 2010*** – All Certified Mail return receipts for the Findings of Fact mailed to the parties of interest were returned, signed by the parties of interest. ***The Findings of Fact Notice was served to parties of interest.***
* ***July 07, 2010*** – The Findings of Fact mailed to the owner by Certified Mail was returned to the Code Officer marked “unclaimed-unable to forward”.
* ***August 13, 2010*** – A letter was sent to the owner and parties of interest reminding owner of the upcoming deadline of ***August 24, 2010*** to have the dwelling repaired, or demolished and removed.
* ***August 16, 2010*** – The dwelling was noticed to be unsecured and Mr. Tart contacted the owner by phone and left a voicemail requesting immediate action to secure it. Mr. Miles returned a call to Mr. Tart and stated that the dwelling will be immediately secured and that ***he would be coming in to pull permits and begin repairs.***
* ***August 25, 2010*** – Re-Inspection was performed and repairs had not been made to bring the dwelling up to code, nor had the dwelling been demolished and removed.
* ***August 26, 2010*** – A meeting was held at the request of Mr. Jim Gossip of Roanoke Valley Savings Bank, a Party of Interest of 115 Jackson Street. During the meeting, an agreement was made not to schedule City Council action against the dwelling during the upcoming September 14, 2010 City Council Meeting. It was also discussed that re-inspections with scheduled timeframes must be met to prevent placing the property on the October Agenda of the City Council.
* ***August 27, 2010*** – Activity began to repair dwelling.

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* ***September 10, 2010*** – A second Building Permit was issued to the owner for repairs.
* ***October 05, 2010*** – A meeting was held with owner Mr. Trent Miles due to not meeting the established guidelines. A mutually discussed timeline with specific milestones was presented to Mr. Miles to accomplish the repairs. Mr. Miles was advised consider the agreement and return it with his signature by ***October 07, 2010*** if the timeframe was agreeable to him.
* ***October 07, 2010*** – Mr. Miles returned the signed agreement to a timeline with dated milestones that would bring the dwelling up code by 01-31-11. **Planning and Development Director (Former) Amanda Jarratt instructed Minimum Housing Code Enforcement Officer Donald Tart to Withdraw, or put a halt, to Formal Process*.***
* ***October 09, 2010*** – Mr. Miles presented a receipt for materials purchased to repair the dwelling.
* ***January 13, 2011*** – A letter was sent to the owner reminding him of the 01-31-11 deadline and advised that an Electrical Permit should be obtained, otherwise a formal process will continue. **Director Jarratt instructed Minimum Housing Code Enforcement Officer Donald Tart to proceed and continue with a Formal Process*.***
* ***January 14, 2015*** – The dwelling was noticed to be unsecured. Mr. Miles was contacted by phone by the Minimum Housing Code Enforcement Officer: Donald Tart. A voicemail was left at that time requesting a return call and to secure the dwelling. **A letter of intent was mailed to the owner to find out his intentions of maintaining the dwelling.**

* ***January 27, 2015*** – A second letter of intent was mailed to the owner to request that the dwelling be secured to avoid Formal Process and to find out his intentions of maintaining the dwelling.
* ***January 30, 2015*** – The first letter of intent returned to sender **(unable to forward).**
* ***February 05, 2015*** – The second letter of intent returned to sender **(unable to forward).**
* ***February 06, 2015*** – Request is made by Minimum Housing Code Officer to have the dwelling secured and charge $250.00 administration fee along with the cost of material and labor required to do so.
* ***May 6, 2016*** – Request is made by Planning & Development Director Kelly Lasky to City Manager Joseph Scherer for review and action by City Council.

The property was re-researched and a letter was sent to the owner and all parties of interest in reference to **OUTSTANDING Minimum Housing Code** violations. The letter advised that the matter will be considered during the regularly scheduled City Council meeting on June 7, 2016 at 5:15 p.m. at the Lloyd Andrews City Meeting Hall, 700 Jackson Street, Roanoke Rapids, NC. All parties of interest have the right to appear before the

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Council during this meeting during which ***Council will consider an Order from Code Enforcement to demolish and remove the dwelling located at 115 Jackson Street, Roanoke Rapids, NC.***

* ***May 18, 2016*** – Notice is sent to *The Daily Herald* to run a legal ad for three (3) consecutive weeks to give notice of **City Council Meeting to be held June 14, 2016 at 5:15 p.m.** that the matter will be considered during the regularly scheduled City Council meeting on June 14, 2016 at 5:15 p.m. at the Lloyd Andrews City Meeting Hall, 700 Jackson Street, Roanoke Rapids, NC. All parties of interest have the right to appear before the Council during this meeting. **The Legal Notice provided at a cost to the City in the amount of $212.40.**

The May 6, 2016 letter was revised May 18, 2016 to provide notice that the June 7 City Council meeting was rescheduled to June 14.

* ***May 29, 2016*** – Legal Notice was advertised in the Roanoke Rapids Daily Herald to give **City Council Meeting Notice to be held June 14, 2016 at 5:15 p.m.**
* ***June 05, 2016*** – Legal Notice was advertised in the Roanoke Rapids Daily Herald to give **City Council Meeting Notice to be held June 14, 2016 at 5:15 p.m.**
* ***June 12, 2016*** – Legal Notice was advertised in the Roanoke Rapids Daily Herald to give **City Council Meeting Notice to be held June 14, 2016 at 5:15 p.m.**
* As of ***June 7, 2016***, past-due taxes in the amount of **$2,048.93** are owed for the tax years of **2007-2015.**
* **$319.00** is owed to City for Lot Cutting on **September 11, 2014.**
* **$319.00** is owed to City securing dwelling on **February 06, 2015.**
* ***June 7, 2016*** – According to Halifax County Legal Department, during February 2016, the County started interim foreclosure action for 115 Jackson Street (including other Jackson St properties by same owner). The property owner has been served.

**Planning & Development Department Recommendation**

As early as February of 2008, Housing Code Enforcement Officials have determined the dwelling at 115 Jackson Street to be in a **dilapidated** condition as defined by the Minimum Housing Code of the City of Roanoke Rapids. Since then, Department Staff and Code Enforcement Officials have made extensive accommodations to provide the owner additional time to comply with the repair order. Staff has properly accomplished the required procedures and the owner has failed to comply with Official’s Order.

The dwelling at 115 Jackson Street is unoccupied and has been boarded up for several years. As of June 7, 2016, outstanding property taxes are past-due (years 2014, 2015) in the total amount of $974.06 due to Halifax County (includes City taxes) and outstanding property taxes are past-due (years 2007, 2008) in the total amount of $1,074.87 to the City

of Roanoke Rapids. **A grand total of $2,048.93 is past-due taxes.**

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The property owner, Trent Miles, owns several adjacent properties, of which a few are occupied, and **all have outstanding (unpaid) tax bills for 2014 and 2015:**

* 121 Jackson Street (unoccupied, boarded up – formal process initiated);
* 117 Jackson Street (appears occupied);
* **115 Jackson Street (subject property, unoccupied);**
* 113 Jackson Street (appears occupied); and
* 111 Jackson Street (appears occupied).

# ORDER

TO: Trent K. Miles and parties in interest

RE: Dwelling located at **115 Jackson St**., Roanoke Rapids, N.C.

This matter being heard before the undersigned Code Enforcement Officer of the City of Roanoke Rapids at a hearing held the **14th day of May, 2010**. Upon consideration of the Answer, if any filed, contentions and evidence of the owners and parties of interest, inspections and examinations of the dwelling, and other evidence offered, the undersigned Code Enforcement Officer does hereby make and enter the following:

# FINDINGS OF FACT

1. A City Code Enforcement Officer conducted an inspection of the dwelling on **February 27, 2010** and observed violations of the City’s Minimum Housing Code.
2. Based upon the inspection, a written Complaint and Notice of Hearing was issued complaining that the dwelling located at said location was unfit for human habitation and in violation of the Minimum Housing Code and providing notice of a fixed time and place for a hearing upon the Complaint as provided by law.

3. The Complaint and Notice of Hearing was duly served as required by law upon the following owners and parties in interest:

1. Trent K. Miles
2. Roanoke Valley Savings Bank, SSB
3. Robert A. Hanudel, Trustee

4. A hearing was conducted on the **14th day of May, 2010 at 1:30** **p.m. at 115 Jackson St.**, Roanoke Rapids, N.C. with the following person in attendance and participating therein:

1. Donald B. Tart (Minimum Housing Code Enforcement Officer)
2. David Harrell (Code Enforcement Officer)
3. Amanda C. Jarratt (Director of Planning and Development)

5. The dwelling located at **115 Jackson Street**, Roanoke Rapids, N.C. violates the Minimum Housing Code by reason of the conditions and deficiencies found to be present and to exist in and about the dwelling as set out in Exhibit A, which is attached hereto and incorporated herein by reference as if set out in full.

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1. The current tax value of the described dwelling is **$7,520.**

7. In its current condition, the dwelling is unfit for human habitation.

8. Due to the estimated cost of **$10,500** required to bring the described dwelling into compliance with the Minimum Housing Code, the dwelling is determined to be in a **dilapidated** condition as defined by the Minimum Housing Code.

 BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED:

 The owner of the dwelling described above shall bring said dwelling into compliance with the Minimum Housing Code. **This by demolishing and removing the dwelling from the property or by repairing, altering or by improving the structure to correct all of the conditions and deficiencies noted in Exhibit A attached hereto** by a date not later than the **24th** day of **August**, **2010**. A copy of this Order is being served upon all owners and parties in interest identified herein.

 This is the 26th day of May, 2010.

 *Original signature copy on file*

 Code Enforcement Officer

**NOTICE**

**RIGHT OF APPEAL: Appeal of this Order may be made to the Roanoke Rapids City Council by filing with the Code Enforcement Officer and the Roanoke Rapids City Clerk, a written notice of appeal specifying the grounds on which the appeal is based within ten (10) days of service of this Order.**

If a question exists with respect to the requirements of the Minimum Housing Standards Ordinance, a copy is available upon request at City Hall.

No alteration to the dwelling is to occur prior to obtaining the requisite building and trade permits (which may require the use of contractors licensed by the State of North Carolina) from the office of the Roanoke Rapids Department of Planning and Development.

#### EXHIBIT A

#### Hearing Date: 5-14-10

### **CHECK LIST OF VIOLATIONS FOUND DURING INSPECTION OF: 115 JACKSON ST.**

1. Make sure interior of dwelling is constructed in accordance with the 2009 NC Residential Code and 2009 NC Energy Code.

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1. Replace missing insulation in the walls and ceilings in accordance with the NC Residential Code and 2009 NC Energy Code. **Inspection must be made by the building inspector before ceiling and wall covering can be installed.**
2. All mechanical alterations or new installations should be made in accordance to the 2009 NC State Mechanical and Fuel Gas Code.
3. All electrical alterations or new installations should be made in accordance with the NEC 2008 Electrical Code. **Inspection must be made by the electrical inspector before ceiling and wall covering can be installed.**
4. Upgrade electrical service to a **minimum (100) ampere service** and make sure electrical panel box is properly labeled.
5. Every habitable room shall contain at least two (2) separate and remote receptacle outlets.
6. Every habitable room shall contain at least one wall switch controlled lighting outlet.
7. Replace all missing lighting fixtures.
8. Eliminate all exposed electrical wiring on interior of dwelling.
9. Install approved (UL 217) smoke detectors and CO2 detectors in proper locations as required.
10. All dwellings must be supplied with a permanent source of heat that heats dwelling to a temperature of (68 degrees) at a level at least 3 feet above the floor under minimal winter conditions.
11. All plumbing alterations or new installations should be made in accordance to the 2009 NC State Plumbing Code.
12. Make sure every plumbing fixture, water, and waste pipe are properly installed and maintained in good sanitary working condition free from defects, leaks, obstruction and all wall or floor pipe penetrations are rodent proof.
13. Provide a kitchen sink with an adequate supply of both cold and hot water, making sure plumbing is rodent proof and having no leaks.
14. Provide a food preparation surface impervious to water and free of defects which can trap food or liquid.
15. Provide shelving, cabinets or drawers for the storage of food and cooking utensils, all of which shall be maintained in good repair.
16. Provide a freestanding or permanently installed cookstove.
17. Provide mechanical refrigeration equipment for the storage of perishable foodstuffs.
18. Provide hot water heater for dwelling that is installed and working properly.
19. Provide water closet, bathtub or shower and lavatory with proper plumbing that does not leak.
20. Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by the manufacturer for that purpose.
21. Replace all missing or deteriorated ceiling materials. Make sure all ceiling materials are free from holes, properly secured and in good condition.
22. Replace all missing or damaged interior wall coverings. Make sure all interior wall coverings are free from holes, properly secured, in good shape and provided with proper molding and trim.
23. Scrape and paint interior of dwelling as needed.
24. Replace all missing or damaged floor covering in the interior of the dwelling.
25. Make sure all interior floors are free from holes.
26. Repair/replace all deteriorated flooring and sub-flooring, making sure flooring is structurally sound.

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1. Repair/replace any damaged or missing window frames on the interior and make sure they are weather tight and rodent proof.
2. Make sure all windows are openable and kept in sound working condition and good repair.
3. Provide approved hardware for all windows making sure they can be locked and will remain opened to provide for quick egress.
4. Make sure all interior doors open and close properly and are provided with proper hardware.
5. Repair/replace damaged interior door jambs.
6. Make sure exterior doors are in sound condition and provided with properly installed hardware that is maintained to insure reasonable ease of operation to open, close and secure in an open or closed position.
7. Replace missing exterior door at rear of dwelling.
8. Repair/replace damaged exterior door frame and make sure they are weather tight, water tight and rodent and insect resistant when the door is in the closed position.
9. **Dwellings without central air conditioning must provide screens on all exterior openable windows and doors stretched and fitted without open rips or tears.**
10. Replace all deteriorated/missing roof shingles making sure roof is in good repair and does not leak.
11. Replace all missing windows.
12. Replace all deteriorated window frames and window sills on the exterior of dwelling.
13. Repair or replace all broken/cracked or missing windows and missing/cracked window glazing.
14. Repair or replace all missing/cracked window glazing.
15. Repair/replace all missing or deteriorated siding on exterior of dwelling.
16. Replace missing or deteriorated fascia, soffit or boxing.
17. Repair holes in the exterior foundation walls and make sure it is weather tight and rodent proof.
18. Replace missing foundation access door.
19. Make sure all foundation vents are secure and rodent proof.
20. Replace/repair all deteriorated and missing porch decking boards.
21. Make sure front porch is painted making sure it is water resistant.
22. Provide protective railings as required on any unenclosed structure over (30) inches above the ground level or any steps containing (4) risers or more.
23. The dwelling’s address must be posted with at least (3) inch tall letters in contrasting color to the background of which they are installed and must be located within (3) feet of the main entrance of the dwelling.
24. Scrape all peeling paint on the exterior of the dwelling and repaint as needed.
25. Keep grass cut, remove volunteer overgrowth, construction debris and trash to avoid Municipal Code Violation Fines.
26. Keep dwelling secured at all times.

**\*NOTE\***

**No alteration to the dwelling is to occur prior to obtaining the requisite building and trade permits (which may require the use of contractors licensed by the State of North Carolina) from the office of the Roanoke Rapids Department of Planning and Development.**

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Mayor Pro Tem Ferebee asked the cost of the demolition.

Planning & Development Director Lasky explained that they would bid it out to demolition contractors but she would anticipate between $7,000 and $10,000. She stated they would select the lowest, qualified bidder.

Mayor Pro Tem Ferebee stated this owner has other properties that need to be demolished.

Planning & Development Director Lasky stated the owner has back taxes that are due on the five properties in the 100 block of Jackson Street that amount to over $12,000. She stated the County has initiated foreclosure proceedings but we would be able to recoup our monies with a lien put on his properties through this demolition order. She stated we have initiated action on 121 Jackson Street but the other three appear to be occupied by renters. Planning & Development Director Lasky stated the focus of tonight is on 115 Jackson Street. She stated the property owner has been unresponsive and has been given over six years to bring the property up to code.

Mayor Doughtie stated the lot is probably too small to build on.

Planning & Development Director Lasky stated it is a non-conforming lot and it is very narrow. She stated it is also a fire risk that could spread to other properties very quickly.

Mayor Doughtie asked if the roof was asbestos.

Minimum Housing Code Officer Donald Tart stated it would have to be surveyed but he is almost sure the siding and roof are asbestos.

Planning & Development Director Lasky stated the next step would be to contact an asbestos survey contractor.

City Manager Scherer stated the Fire Department would like to utilize the structure for training opportunities before it is demolished.

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

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**ORDINANCE NO. 2016.11**

**ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO DEMOLISH AND REMOVE PROPERTY AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED:**

**115 Jackson Street, Roanoke Rapids, NC Halifax County Parcel #0902202**

**WHEREAS,** the City Council of the City of Roanoke Rapids finds that the dwelling described herein is dilapidated and unfit for human habitation under the provisions of the Housing Code, and that all of the procedures of the Code of the City of Roanoke Rapids, North Carolina have been complied with; and

**WHEREAS,** this dwelling should be removed or demolished, as directed by the Code Enforcement Official, and should be placarded by placing thereon a notice prohibiting the use for human habitation, in that the costs of repair needed to bring it into compliance with the minimum housing code exceeds **50%** of the current value of the dwelling; and

**WHEREAS,** the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code pursuant to an Order issued by the Code Enforcement Official and the owner has failed to comply with the lawful Order of the Code Enforcement Official to repair or demolish the property within the time therein described; and

**WHEREAS,** G.S. 160A-443 (5) and Chapter 152 of the Code of the City of Roanoke Rapids, North Carolina, empowers the City of Roanoke Rapids to have its Code Enforcement Official to remove or demolish a dwelling when an Order of the Code Enforcement Official has not been complied with;

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

**Section 1.** The Code Enforcement Official is hereby authorized and directed to place a placard containing the legend on the building located at **115 Jackson Street**, in the City of Roanoke Rapids, North Carolina:

**“This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.”**

**Section 2.** The Code Enforcement Official is hereby authorized and directed to vacate the dwelling of all occupants and to remove or demolish the dwelling, said dwelling being located at **115 Jackson Street** in the City of Roanoke Rapids, North Carolina, and owned by **Trent K. Miles**. In accordance with the Order of the Code Enforcement Official issued pursuant to Minimum Housing Ordinance contained in Chapter 152 of the Code of the City of Roanoke Rapids, North Carolina.

**Section 3. (a)** The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred.

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The lien shall be filed in the Office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of GS Chapter 160A.

 **(b)** Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Code Enforcement Official shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Official shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by GS 160A-443 (6).

**Section 4.** It shall be unlawful for any person to remove or cause to be removed the

placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

 **Section 5. If the owner of the property should either demolish the dwelling at his own expense, or if, in the opinion of the Code Enforcement Officer, the owner has rehabilitated the dwelling to the extent that it meets or exceeds the requirements of the Minimum Housing Code prior to the time scheduled for demolition under this ordinance, then the City Manager is authorized to rescind this demolition order without further action by the City Council.**

 **Section 6.** This Ordinance shall become effective immediately after its adoption.

Mayor Doughtie stated we have been sitting here talking about how hard it is to create a budget and it really bothers him to have to spend taxpayer money to take care of things like this when there is no way to recoup our money. He stated it also bothers him to see the list of things the staff has to go through to get this accomplished. He stated it almost takes an act of Congress. Mayor Doughtie stated we have roads in town that need to be taken care of.

Planning & Development Director Lasky stated a lot of people do not realize what our Code Enforcement Officers see at these houses. She stated the Minimum Housing Code is a code adopted by City Council and we have a duty to enforce it to keep the public safe.

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**City Manager’s Report**

City Manager Scherer reported that the State Legislature has two bills being considered that may have an impact on us. He stated the first, HB 972, Law Enforcement Recordings/No Public Record, makes it clear that any audio and/or video recordings of a law enforcement agency, with some exclusions, are neither a public record nor a personnel record. He stated it also proposes a detailed framework for when that recording may be viewed or released and to whom, thereby providing statutory guidance to law enforcement officials, the courts and municipalities. He stated the second is SB 303, Regulatory Reform Act of 2016. He stated so far, the provisions of most interest to municipalities include:

1. *Rezoning.* By operation of law, makes any zoning amendment also a comprehensive plan amendment. In the case of a unified development ordinance (UDO), any vote to a zoning ordinance would, by operation of law, also serve as an amendment to the UDO.
2. *Subdivision Changes*. Exempts from subdivision controls (except for recording a plat) any subdivisions of land greater than five acres into three-or-less lots. Also exempts from all subdivision controls those subdivisions done in accordance with the terms of a probated will or the state’s intestate succession laws.
3. *Land Use Violations/Statute of Limitations.* Institutes a three-year statute of limitations for enforcement of any local or state land use regulations, beginning when a violation is “apparent” from a public right-of-way or in plain view from a place to which the public is invited. Contains one exclusion to this limitation, in the cases of enforcement of dangers to public health or safety.
4. *Public Records.* Allows public agencies to exclusively fulfill public records responsibilities by making public records or computer databases available online in a downloadable format. This provision may conflict with current law, which requires agencies to produce records in any format in which they exist, upon request.

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1. Additionally, the House Bill was amended in committee to include a study of the North Carolina Building Codes. The N. C. Association of Fire Chiefs has expressed concern about the study as it relates to fire inspections.

City Manager Scherer reported that the Parks & Recreation Department has been very busy in preparation for the upcoming Babe Ruth U-9 baseball tournament, running from July 11 – 17. He stated meetings with Tourism, the Youth Baseball Association and local law enforcement agencies have been held, and plans are being finalized. He stated Stacy Coggins’ son, for his Eagle Scout project, constructed five 12-foot long picnic tables to be placed at the new concession stand and other locations at the park. He stated the department is also busy with upcoming summer camps, pool openings, facilities maintenance and mowing, and ball tournaments. He stated Barnburner Promotions has a concert scheduled for June 25 at the Theatre, called Carolina Mix (local bands). He stated the Roanoke Rapids Rotary Club is coordinating with Koy Worrell, Canal Museum Director, to purchase and help install one to three benches on the Trail near the Museum. He stated this would be a project for the local Rotary Youth Leadership Program participants.

City Manager Scherer reported that the Fire Department has completed their hydrant testing, and are planning to power wash the gutters and parts of Fire Station No. 1 where leaves and debris have collected. He stated the Fire Department has reached out to members of the Roanoke Valley Rescue Squad to invite them to participate in firefighter fitness training.

City Manager Scherer reported that permits have been issued by the Planning & Development Department and work has begun at the new Manning School site, primarily tearing up concrete at the old shopping center property. He stated they are also monitoring demolition work being done at the Ice Plant on 8th Street and a trailer on Pruden Street. He stated no plans have been received for the new State Employees’ Credit Union (SECU) building on 10th Street, but they are coordinating with the AMVETS to take down and store all the banners on the memorial fence by the end of the month. He stated he would like to recognize Chief Coggins and his sons for recently cleaning up the fence and the banners. He stated as a certified Level III Inspector, Brian Duhadaway has assisted the County by completing plan review for a new KIPP School building near exit 168.

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City Manager Scherer reported that Christina Caudle is coordinating the Fridays in the Park program again this year, with the first concert this Friday at Centennial Park beginning at 7:00 p.m. He stated she would also like to remind everyone that tickets for their annual Seafood and Shag Festival, scheduled for August 12, are now available for purchase.

City Manager Scherer reported that the Public Works Department has been very busy with their mowing requirements, along with spraying curbs and streets for grass and weeds, police radio maintenance projects, mosquito spraying and overseeing the grinding of leaves and grass from their collection site. He stated they also helped coordinate a new quieter emergency generator for the hospital, along with relocating their generator from in front of their building and upgrading their electrical service and panels at the facility.

City Manager Scherer reported that the Police Department has been busy with investigating a shooting incident and a reported rape last Saturday, along with searching and finding a lost autistic boy. He stated the department will be holding a Police Camp at the T. J. Davis Recreation Center from June 20 – 24, which was very popular last year.

Mayor Pro Tem Ferebee stated sometimes we forget that it is the small things, whether it is changing a tire or just cleaning up, that mean a lot, and we need to say thank you for those little things.

There being no further discussion, motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adjourn.



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

 6/21/16

**Approved by Council Action on:**