



Minutes of the Roanoke Rapids City Council

A regular meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, August 1, 2017** at 5:15 p.m. in the Council Chambers at the Lloyd Andrews City Meeting Hall.

Present: Emery G. Doughtie, Mayor

Ernest C. Bobbitt)

Suetta S. Scarbrough)

Carol H. Cowen)

Wayne Smith)

Joseph Scherer, MPA, MS, City Manager

Gilbert Chichester, City Attorney

Traci Storey, City Clerk

Kathy Kearney, Deputy City Clerk/Human Resources Manager

Leigh Etheridge, Finance Director

Kelly Lasky, Planning & Development Director

John Simeon, Parks & Recreation Director

Larry Chalker, Public Works Director

Stacy Coggins, Fire Chief

Council Members

Absent: Carl Ferebee, Mayor Pro Tem

Chuck Hasty, Police Chief

Christina Caudle, Main Street Director

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

Adoption of Business Agenda

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

There being no conflicts, motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt the business agenda for August 1, 2017 as presented.

Unscheduled Public Comment

Ruthie Gregory

Ruthie Gregory said she has lived in Roanoke Rapids for 54 years and the past 9 years she has served as the Roanoke Rapids Beautification Committee Chairman. She stated about 5 years ago a group from Raleigh came to visit Roanoke Rapids and they were more or less connected with the group doing the city scape now. She reported their emphasis was on parking signs; parking is a problem. She said they wanted them to have parking signs to tell people where they could park. She said they were told to go visit Hillsborough and check out the situation there and they did that. Not only did they have pots on the street, they had signs telling people where to park because there was only street parking and there was not enough. She said they ended up in a grass lot; it looked like a house had once been there. She said Roanoke Rapids has parking lots and that was why they were trying to do something with 1026 Roanoke Avenue so people can park on Hamilton and walk through. She said she wondered about the waterworks parking lot because that used to be available but now that the Sanitary District took it over, they do not want you to park there anymore.

She added Rocky Mount has had this same streetscape group work their streets and the merchants there have not been particularly happy with it. She said those merchants have enhanced and used their back entrances.

She asked what was the first thing you look for when you get to go shopping downtown or uptown – a parking place. She said we could use some signs. We need to use Hamilton Street, waterworks and Jackson Street and improve the backs of businesses for entrances.

Ms. Gregory stated the holly trees were said to be one of the best for planting on streets. They are beautiful. Sometimes individuals get confused as to one's position and authority and one's knowledge. She said we have the holly trees and they are beautiful and healthy and have a number of pluses for them. She asked why pay to have them removed, buy new trees and pay to have them planted when money is already tight. New tree branches would still cover much of the store windows from the street. Let's keep the holly trees. Trim them differently and be thankful for what we have. They need a more natural look. On the corner of 11th and Jackson, we have one of the trees that has never been trimmed. She passed a photo around to Council.

Sometime back those holly trees were the choice of an authority to have them be placed there. She showed photos of how neat the Roanoke Rapids street looked with the Foster's No. 2 Holly tree. She said every now and then she will get a comment about the leaves, but the leaves they are commenting about have been blown in from somewhere else. She said these Zelkova trees would also have light-weight leaves that are large and they would be blown all over the Avenue. She asked if someone could slip and get hurt on these leaves. She stated we want to keep the holly trees.

She said she sometimes relates Roanoke Rapids to St. Petersburg where one councilman made a statement to her that the cemetery was growing faster than the City and Roanoke Rapids does have a lot of elderly people. She said they may want to think about placing benches; benches do not have upkeep.

Approval of Council Minutes

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to approve the July 18, 2017 Regular Council Meeting Minutes as written.

City Council Appointments/Reappointments

Beautification Committee

City Clerk Storey reported the terms for Ruthie Gregory and Annette Stallings who serve on the Beautification Committee will expire on August 9, 2017. Both have applied for reappointment.

She stated recently, there have been several resignations from the committee leaving three vacancies. Katherine White has applied for appointment to the committee to fill one of these vacancies.

City Clerk Storey said Ms. Stallings is eligible for reappointment and Ms. White is eligible for appointment. Ms. Gregory has served the maximum number of consecutive terms allowed by City policy; and pursuant to this section of the policy, Council has the authority – and has done so in the past – to waive this section of the policy. Copies of the appointment applications and a list of the current membership was enclosed in your packet for your review.

City Clerk Storey said earlier a ballot vote was taken and it was a unanimous vote for all three appointees, therefore I respectfully request Council consider a motion to waive the city policy for Ms. Gregory and reappoint her and Ms. Stallings and to also appoint Ms. White to the Beautification Committee.

Motion was made by Councilman Smith, seconded by Councilwoman Cowen and unanimously carried to waive the City Policy for Ms. Gregory and to reappoint Ms. Gregory and Ms. Stallings and also appoint Ms. White to the Beautification Committee.

New Business

Consideration of Demolition Order for 1004 Cedar Street

Planning & Development Director Lasky presented the following demolition order (Ordinance No. 2017.03) directing the Code Enforcement Official to demolish and remove the dilapidated dwelling located at 1004 Cedar Street, Roanoke Rapids.

She reported the property has been in significant deteriorating condition for some time and has been vacant. She said the timeline for compliance was enclosed in their packets and there have been measures taken to get in touch with the owners of the property and anyone that has claim to it as well. She noted those efforts have been unsuccessful.

Planning & Development Director Lasky reviewed and summarized the following report and findings of fact:



CITY OF ROANOKE RAPIDS PLANNING & DEVELOPMENT DEPARTMENT

1040 Roanoke Avenue, PO Box 38
Roanoke Rapids, NC 27870

Phone: 252-533-2844 Fax: 252-533-2870

MEMORANDUM

To: Joseph Scherer, City Manager

From: Kelly Lasky, Planning & Development Director

Re: **Order to Demolish and Remove Dwelling at 1004 Cedar Street (Halifax Co. Parcel 0908159)**

Date: July 25, 2017

Code Enforcement Officials are requesting City Council's adoption of Ordinance 2017.03 to Order the **demolition and removal of the substantially dilapidated single-family dwelling located at 1004 Cedar Street**, Roanoke Rapids. Code Enforcement Staff has given the property owner reasonable opportunity to bring the dwelling up to standards, pursuant to the March 30, 2017 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 actions is attached. The Planning & Development Department 2017-2018 has sufficient remaining funds to budget the demolition and clearance activities.

Ordinance 2017.03 includes the following:

- 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. 2017.03 Ordering the Code Enforcement Officer to demolish and remove the substantially dilapidated dwelling at 1004 Cedar Street, Roanoke Rapids, NC with a lien to be placed against the real property upon which the costs of removal are incurred.

Timeline of Code Enforcement Actions

The following provides a chronological order of events concerning the property owned by Lorenzo Ricks, located at 1004 Cedar Street, Roanoke Rapids, NC:

- **January 13, 2017** – Minimum Housing Code Enforcement Officer; Donald Tart performed an exterior only inspection of the dwelling. The dwelling was noticed to be unsecured and having several Minimum Housing Code violations on the exterior of the dwelling. An informal letter was sent to the owner to find out their intentions of securing and maintaining the dwelling. The letter also advised that their immediate attention is required to avoid a FORMAL COMPLAINT.
- **January 31, 2017** – Minimum Housing Code Enforcement Officer; Donald Tart performed another exterior only inspection of the dwelling. The dwelling was noticed to be still unsecured and no repairs made to correct

the several Minimum Housing Code violations on the exterior of the dwelling. The second informal letter was sent to the owner to find out their intentions of securing and maintaining the dwelling. The letter also advised that their immediate attention is required to avoid a FORMAL COMPLAINT.

- **February 17, 2017** – A Formal letter was mailed to the owner to give notice that a Formal Process was moving forward and that a Notice of Hearing will be sent in approximately ten (10) days. **Formal research began at the Halifax County Register of Deeds and Clerk of Court's Office.**
- **February 27, 2017** – Formal research was completed at the Halifax County Register of Deeds and Clerk of Court's Office. Lorenzo Ricks was found to be the listed owner by a North Carolina General Warranty Deed dated April 8, 2013 and recorded in Book 2412, page 423-425 Halifax Public Registry. A Notice of Lis Pendens was filed with The Clerk of Superior Court in Halifax at a cost of \$8.00.
- **February 28, 2017** – Hearing notice was posted on dwelling and mailed via certified and regular mail to owner(s), **(parties of interest)**. Hearing was scheduled to be held on **3-30-17 at 10:30 a.m.**
- **March 6, 2017** – **Hearing Notice mailed to the owner(s), (parties of interest) by Certified Mail is recorded as delivered.**
- **March 30, 2017** – The Hearing was held at 10:30 a.m. with Code Enforcement Officer Supervisor Brian Duhadaway, Code Enforcement Officer Kris Jordan and Minimum Housing Code Enforcement Officer Donald Tart. An Administrative warrant was obtained to enter the dwelling since the owner did not attend. Entry to the dwelling was gained through the unsecured front door. A detailed visual inspection of the exterior and interior was conducted. A list of all observed Minimum Housing violations is made. After the inspection, it was determined that the cost of the repairs to bring the dwelling up to Minimum Housing Code would be greater than 50% of the current tax value of the dwelling. The current tax value of the dwelling is **\$3,300** with the repairs estimated at **\$18,500**.
- **March 30, 2017** – The Findings of Fact was sent 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 **28th day of June 2017**. Mailing is by Certified and Regular mail to the owner. The notice was posted to the dwelling.
- **April 10, 2017** – **The Findings of Fact notice mailed to the owner(s), (parties of interest) by Certified Mail is recorded as delivered.**
- **June 16, 2017** – A letter was sent reminding owner of the upcoming deadline of **June 28, 2017** to have the dwelling repaired, or demolished and removed.
- **June 29, 2017** – 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.
- **July 18, 2017** – Request is made to the City Manager for review and action by the City Council. (It has been **110 days** since the Hearing was conducted at the dwelling).
- **July 18, 2017** – A letter was sent to the owners to give notice of the scheduled City Council meeting on **August 1, 2017** to consider a request for City Council to adopt an Ordinance directing the Code Enforcement Officer to demolish and remove the dwelling located **1004 Cedar Street** Roanoke Rapids, N. C.
- The 2017 assessed tax value for this dwelling is **\$3,300**.
- **\$4,035.00** is owed for lot cutting for years of **2014-2017**.
- Taxes in the amount of **\$571.02** are owed for the tax years of **2011 and 2013-2017**.

Planning & Development Department Recommendation

Code Enforcement Officials have determined the dwelling at 1004 Cedar Street to be in a **dilapidated** condition as defined by the Minimum Housing Code of the City of Roanoke Rapids. Staff has properly accomplished the required procedures and the owner has failed to comply with Official's Order; therefore, demolition is requested to remove the uninhabitable conditions.

Figure 1 Location Map



Halifax County			
Parcel: 0608159 Acres: 0.1961			
Name:	RICKS LORENZO	Asst. Land Value:	3700
Site:	1004 CEDAR ST	Asst. Bldg Value:	3300
Sale:	\$5000 on 2013-04-08 Reason: 2 Qual: U	Deferred Value:	0
Mail:	810 CRECENT RD EMPORIA, VA 23847	Asst. Total Value:	7000



CITY OF ROANOKE RAPIDS
Planning and Development Department
1040 Roanoke Avenue, PO Box 38
Roanoke Rapids, NC 27870
Telephone: 252/533-2843 Fax: 252/533-2870

ORDER

TO: Lorenzo Ricks and parties in interest

RE: Dwelling located at **1004 Cedar 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 **30th day of March 2017**. 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 **December 29, 2016** 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:
 - A. Lorenzo Ricks
 - B. Lorenzo Ricks Jr.
 - C. Holly N. Wilson, Trustee
 - D. Gamal Mohamed Saleh
 - E. Fairouz Saleh
4. A hearing was conducted on the **30th day of March, 2017 at 10:30 a.m. at 1004 Cedar St.**, Roanoke Rapids, N.C. with the following person in attendance and participating therein:
 - a. Donald B. Tart; (Minimum Housing Code Enforcement Officer)
 - b. Kristopher Jordan; (Code Enforcement Officer)
5. The dwelling located at **1004 Cedar 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.

6. The current tax value of the described dwelling is **\$3,300.**
7. In its current condition, the dwelling is unfit for human habitation.
8. Due to the estimated cost of **\$27,500** 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 **28th** day of **June 2017.** A copy of this Order is being served upon all owners and parties in interest identified herein.

This is the 30th day of March 2017.

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: 3-30-17**

CHECK LIST OF VIOLATIONS FOUND DURING INSPECTION OF: 1004 CEDAR ST.

1. Make sure interior of dwelling is constructed in accordance with the 2012 NC Residential Code and 2012 NC Energy Code.

2. Replace missing insulation in the walls and ceilings in accordance with the NC Residential Code and 2012 NC Energy Code. **Inspection must be made by the building inspector before ceiling and wall covering can be installed.**
3. All mechanical alterations or new installations should be made in accordance to the 2012 NC State Mechanical and Fuel Gas Code.
4. All electrical alterations or new installations should be made in accordance with the NEC 2014 Electrical Code. **Inspection must be made by the electrical inspector before ceiling and wall covering can be installed.**
5. Upgrade electrical service to a **minimum (100) ampere service** and make sure electrical panel box is properly labeled.
6. Every habitable room shall contain at least two (2) separate and remote receptacle outlets.
7. Every habitable room shall contain at least one wall switch controlled lighting outlet.
8. Replace all missing lighting fixtures.
9. Eliminate all exposed electrical wiring on interior of dwelling.
10. Install approved (UL 217) smoke detectors and CO2 detectors in proper locations as required.
11. 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.
12. All plumbing alterations or new installations should be made in accordance to the 2012 NC State Plumbing Code.
13. 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.
14. Provide a kitchen sink with an adequate supply of both cold and hot water, making sure plumbing is rodent proof and having no leaks.
15. Provide a food preparation surface impervious to water and free of defects which can trap food or liquid.
16. Provide shelving, cabinets or drawers for the storage of food and cooking utensils, all of which shall be maintained in good repair.
17. Provide a freestanding or permanently installed cookstove.
18. Provide mechanical refrigeration equipment for the storage of perishable foodstuffs.
19. Provide hot water heater for dwelling that is installed and working properly.
20. Provide water closet, bathtub or shower and lavatory with proper plumbing that does not leak.
21. Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by the manufacturer for that purpose.
22. Replace all missing or deteriorated ceiling materials. Make sure all ceiling materials are free from holes, properly secured and in good condition.
23. 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.
24. Scrape and paint interior of dwelling as needed.
25. Replace all missing or damaged floor covering in the interior of the dwelling.
26. Make sure all interior floors are free from holes.
27. Repair/replace all deteriorated flooring and sub-flooring, making sure flooring is structurally sound.

28. Repair/replace any damaged or missing window frames on the interior and make sure they are weather tight and rodent proof.
29. Make sure all windows are openable and kept in sound working condition and good repair.
30. Provide approved hardware for all windows making sure they can be locked and will remain opened to provide for quick egress.
31. Make sure all interior doors open and close properly and are provided with proper hardware.
32. Repair/replace damaged interior door jambs.
33. 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.
34. Replace missing exterior door(s) at rear of dwelling.
35. Repair/replace damaged exterior door frame(s) and make sure they are weather tight, water tight and rodent and insect resistant when the door is in the closed position.
36. **Dwellings without central air conditioning must provide screens on all exterior openable windows and doors stretched and fitted without open rips or tears.**
37. Replace all deteriorated/missing roof sheathing and roof shingles making sure roof is in good repair and does not leak.
38. Replace all missing windows.
39. Replace all deteriorated window frames and window sills on the exterior of dwelling.
40. Repair or replace all broken/cracked or missing windows.
41. Repair or replace all missing/cracked window glazing.
42. Repair/replace all missing or deteriorated siding on exterior of dwelling.
43. Replace missing or deteriorated fascia, soffit or boxing.
44. Repair holes in the exterior foundation walls and make sure it is weather tight and rodent proof.
45. Replace missing foundation access door(s).
46. Make sure all foundation vents are secure and rodent proof.
47. Replace/repair all deteriorated and missing porch decking boards.
48. Replace/repair or remove deteriorated handicap ramp.
49. 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.
50. Scrape all peeling paint on the exterior of the dwelling and repaint as needed.
51. Keep grass cut, remove volunteer overgrowth, construction debris and trash to avoid Municipal Code Violation Fines.
52. Keep dwelling secured at all times.
53. **Note: Upper Level of Dwelling was not inspected due to the unsafe condition of the ceiling located at the Stairway.**

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.

Councilman Smith asked if the City would get control over the land once the house is demolished. He said he understood there would be a lien on the property, but would it be in the City's name. Planning & Development Director Lasky replied one of the methods for control would be to have a lien then prompt a foreclosure sale due to the significant fines, fees, back taxes and demolition fees owed; that would be the best measure to go about that.

Attorney Chichester stated he echoed what Planning & Development Director Lasky said. If Council passes the Ordinance and the dwelling is demolished, then the City would have a lien for the demolition costs and the abatement of cutting the grass and back taxes. The law in North Carolina provides for a foreclosure on the property as you would for a tax foreclosure. Whoever the highest bidder was would be the owner of the real estate itself after the building has been demolished.

Councilwoman Scarbrough asked who would demolish the dwelling. Planning & Development Director Lasky replied typically under the Planning Department's demolition budget, they advertise for demolition bid proposals and go through a process to solicit bids and then award a contract to the lowest bidder. Councilwoman Scarbrough recalled a couple of years ago on the other side of town a house was burned, could we burn the house down.

Fire Chief Coggins said he looked at the property and the house next door has vinyl siding and is very close to this property; the radiant heat would damage the vinyl siding. He stated the department would love to burn it, not having a training center, but we don't want to pay more money than we have to.

Councilman Smith asked if they knew how much it would be to tear it down. Planning & Development Director Lasky replied they estimate it would cost \$8,000 - \$10,000. She added one of the steps would be to have an asbestos inspector take samples to determine what was present and what had to be removed prior to demolition and it depends on how the bids come in. One of the primary benefits of this is to remove the blighted conditions in this area. It backs up to the Henry Street CDBG program that we had a few years ago. It also removes a vacant dwelling that is subject to vagrants and children going into unsafe conditions. She stated they had the funds budgeted for this fiscal year and would not request any additional funds for this particular demolition.

Councilman Smith asked if the City had anymore buildings that would be demolished this year. Planning & Development Director Lasky replied they did have properties that were in the process, this was the first one on the schedule

right now. It takes at least nine months to go through the process and complete it. Often times they overlap fiscal years. Generally, the department tries to work with property owners and to be as fair as possible to give them time. She said at this point, the owner has been completely unresponsive to all of their efforts including newspaper advertisements and certified mail. She added notification has not just been sent to the owner of record, but it has also been sent to the parties of interest that were listed with the Register of Deeds office. There has been absolutely no response to their office to save the property.

Motion was made by Councilman Smith, seconded by Councilman Bobbitt and unanimously carried to adopt the following Demolition Order (**Ordinance number 2017.03**) directing the Code Enforcement Officer to demolish and remove the dwelling at 1004 Cedar Street, Roanoke Rapids, NC:

ORDINANCE 2017.03

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:

1004 Cedar Street, Roanoke Rapids, NC Halifax County PIN: 0908159

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 repairs 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:

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

on the building located at **1004 Cedar Street**, in the City of Roanoke Rapids, North Carolina.

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 **1004 Cedar Street** in the City of Roanoke Rapids North Carolina, and owned by **Lorenzo Ricks**. In accordance with the Order of the Code Enforcement Official issued pursuant to the 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. 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 G. S. 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 G. S. 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.

City of Roanoke Rapids

Emery G. Doughtie, Mayor

Mayor Doughtie stated the sad thing about this house in particular was it was not an isolated object in our community. He would like to see personnel, the City, the City Attorney and the City Manager to find any way they can to move these processes along. He asked if the City took a house down, would it be less

expensive if the materials could be taken to a burn site versus having to pay the tipping fees.

City Manager Scherer stated you cannot burn anything with asbestos. Fire Chief Coggins added the shingles and the siding were going to have to be taken off, bagged and disposed of.

Mayor Doughtie stated the City had a large number of houses that were open where people live in them to keep warm in the winter plus they were a blight to the community. The more we can do to at least secure them, if we can't take them down.

Planning & Development Director Lasky said the department sends letters to the Public Works Department to have those houses secured on a regular basis. One of the things about this particular area was it was located within the National Register Historic District so the opportunity for grants were nearly impossible because they want you to rehabilitate rather than demolish.

City Manager Scherer added the State Legislature is very insistent on following eminent domain. They do not like cities to take property until every step is accomplished; that is why it takes so long to go through this process. He said they will look into possibly burning the material instead of paying a tipping fee to see if they can save some costs. He said they do try to secure property as best they can until they can do something with them.

Councilman Smith asked Public Works Director Chalker if the City had the equipment to tear buildings down. Public Work Director Chalker replied they have backhoes and some equipment that could facilitate smaller structures. They had recently taken down a small structure in the backyard in the 100 block of Jefferson Street. They do not have large pieces of equipment like an excavator as contractors use for this type of work. He added a 2-story structure like this would require that type of equipment at a minimum. He said they could rent it, but up until this point, it has not been their mission to do so. He said it may be possible, but if they were doing that, then they were not doing something else.

Planning & Development Director Lasky said they would explore opportunities and they look for the lowest qualified bidder; if there is any opportunity to save money, they were going to look for it.

Designation of Voting Delegate for 2017 Annual NC League Business Meeting

City Manager Scherer stated each year, a representative from the City attends the annual conference for the NC League of Municipalities.

He said this year, Mayor Pro Tem Ferebee will be attending the conference in Greenville, NC September 20-23, 2017. The Annual NC League Business Meeting will be held during the conference and a voting delegate needs to be designated by City Council.

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to designate Mayor Pro Tem Ferebee as the City's Voting Delegate for the 2017 Annual NC League Business Meeting.

City Manager's Report

City Manager Scherer reported Mr. Chalker is compiling a list from other departments for their surplus property, so that a compilation can be submitted to City Council for your review and approval. Once approved, he will place the list on the website Govdeals to solicit bids for the equipment.

He said the Police Department will be participating later this evening at the National Night Out program at the Centre at Halifax Community College. National Night Out is a community-police awareness-raising event in the United States, held the first Tuesday of August. It is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make neighborhoods safer and more caring places to live. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community. Furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances. The Holiday Band will be performing there and there will be an appearance by Wally the Wacky Waiter.

City Manager Scherer stated the Police Department is also beginning a month-long traffic enforcement campaign around the City, which will run through the Labor Day weekend. We want to increase driver awareness of the need to obey traffic laws for safety, especially with schools beginning soon.

He said we are beginning to have problems with how the old Peoples Theater is affecting the building next to it, especially the flower shop on the corner. It may

be causing rainwater to be leaking into that building. We are having a structural engineer look at the situation to advise us what our options are with the building, to include possible demolition and removal.

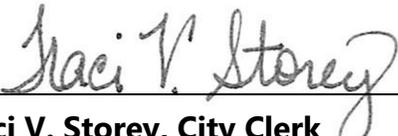
City Manager Scherer reported he has received the end of session bulletin for the NC League of Municipalities where they list every bill that was submitted to the Legislature this year and it gives a summary of what happened to it, where it was at and could it be considered in next years' short session. He said if they had any questions about any of the bills that were submitted this year, he can let you know about it or you can look at this whenever they like.

Councilman Smith asked if they were responsible for the rainwater that was leaking into the building next to the old Peoples Theater. City Manager Scherer replied yes because the City has been given the court order that allows us to demolish that building. He said if the building condition has deteriorated to a point that it is causing problems, then it was going to fall back on us to do something.

Mayor Doughtie asked if the City was in a position to take the building down. City Manager Scherer replied that was the next step. He said they were waiting on the structural engineer to advise them of their options and then if they have to, they will move forward to get preliminary estimates on what it would cost for demolition and removal. He said his concern was due to how old the building was, how much asbestos was in that whole facility and how much it would cost to have that abated.

Other Business/Comments by Council Members

There being no further business, motion was made by Councilman Bobbitt, seconded by Councilman Smith and unanimously carried to adjourn at 5:50 p.m.



Traci V. Storey, City Clerk

Approved by Council Action on: 8/15/2017