



# 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 20, 2024, at 5:30 p.m.** in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor  
Sandra W. Bryant, Mayor Pro Tem

W. Keith Bell)  
Rex Stainback)  
Curtis Strickland)

**Council Members**

Kelly Traynham, City Manager  
Geoffrey Davis, City Attorney  
Traci Storey, City Clerk  
Carmen Johnson, Finance Director  
Christina Caudle, Human Resources Director  
Shane Guyant, Police Chief  
Kristyn Anderson, Planning & Development Director  
Kelly Daughtry, Parks & Recreation Director  
Larry Chalker, Public Works Director  
Jason Patrick, Fire Chief

Mayor Doughtie called the meeting to order at 5:30 p.m. He asked for Police Chaplain Greg Page to provide an invocation.

The Pledge of Allegiance was recited.

**Adoption of Business Agenda**

Mayor Doughtie asked Council members if there were changes to the agenda or any known conflicts of interest with respect to the matters before them this evening. Mayor Doughtie stated he understood there was an additional item for the agenda as 8 e) which is a budget ordinance for a damaged storm drain system at Lake Pointe Drive.

Motion was made Councilman Bell, seconded by Councilman Stainback and unanimously carried to amend the agenda with an additional item under New Business 8 e) to consider a budget ordinance to repair a damaged storm drain on Lake Pointe Drive.

## Special Recognitions

### Police Department – Introduction of Police Chaplain

Police Chief Guyant stated when he first came onboard last July, he noticed the police department did not have a chaplain. He feels a chaplain is very important for this job. Mr. Page works at Toyota here in Roanoke Rapids. He has been in chaplaincy for over 20 years in New Hanover. The department loves Mr. Page, he is always there. He comes to early morning and late-night rollcall and prays for them. He introduced Police Chaplain Greg Page.

Mr. Page explained that a chaplain is somebody that comes along to someone that is hurting in a time of need. If that person asks their opinion or what their life was about, you can tell them about Jesus. A chaplain is not someone that steers somebody right or left in the middle of a river because maybe your grandparents have always taught them this way of religion or life. He stated he was not just a chaplain for the police department, he is a chaplain for anybody. He thanked Jason Yeatts for being a chaplain in the fire department. He was there to help so if anyone needs anything they can reach him through the police department or at the dealership.

Mayor Doughtie shared the first time he met chaplain Page was at Oscar's Restaurant. He only talked to him for three minutes before he told him about Jesus. He did not remember much about their conversation except Mr. Page telling him about his faith. When he sees and talks with Mr. Page, he always feels better; he lifts him up. He looked forward to him being their chaplain and knows the men and women he assists will value what he offers them.

## Public Comment (Unscheduled)

### Ellen Heaton

Ms. Heaton stated she was a realtor in Roanoke Rapids and was here on behalf of the rezoning request involving Church and Carter Streets. It is currently zoned residential, and the owner is asking for a rezoning to B-3. She said that means multi-family and light commercial. It is not convenient stores or high traffic businesses. It could be offices or very light business. The area is close to other businesses and there is similar housing going across the street on Hwy. 158 so it would fit in the neighborhood. There is a housing shortage in Roanoke Rapids. It is very difficult for people that are not buying a home to find a place to live. That includes people that are already here and people that are coming in such as teachers, first responders, people with the hospital and those in industry. She did not want to bring up too much negative, but between 2022 and 2023, there were almost 100 calls to 911 including larceny, B&E, assault, shots fired, trespassing, vandalism and drug dealing. With a

facelift and an opportunity to give people a place to live that is close to the hospital and shopping, she believes it would add to the community in a positive way as well as add to the tax base for the City.

### **Carl Ferebee**

Mr. Ferebee who lives on Webb Hill Street said he was here again regarding the rezoning request. He was concerned for the citizens. There are many things that can be done with the existing zone. The request is to change it to a B-3. If they look on the right side and left side of the rezoning request, it is zoned R-6. If they came in between that it would be considered spot zoning and that is not legal. The petitioner has done some good work in Roanoke Rapids, and they are fully aware and thank him for that. He looked at some of his properties and has done a good job. The question the citizens have is that they do not know if he is going to do that or keep that. He spoke with the applicant and asked him what his plan was for the property, and he replied right now he really did not know. He was glad the applicant was candid. They feel like if he does it, he'll do a good job at doing what he says he's going to do. But if he sells it, there is no guarantee that will happen and that is their concern. He stated why not wait until he actually knows what he wants to do with it and then ask for a request with a specific use. A specific zoning request of what he intends to put there would make the citizens in the area feel a whole lot better. He restated putting a B-3 between R-6 could be spot zoning and asked City Council to look at that. In their mind, the applicant won't be doing it because the signs are still up after it's been sold so in their minds, he plans to sell it or flip it. What may have happened is that the intent was that it was going to change it and make it good, but after viewing the property it is in worse shape than he thought and now they were looking at flipping it. The citizens have concerns and do not want it to be done.

### **Gorham Spencer**

Ms. Spencer who lives on Rightmyer Drive asked City Council to consider everything that said at the last meeting from the residents. Consider the impact of a business zoning coming right in the middle of a neighborhood; splitting the neighborhood. If they think about it, once they grant permission for that zoning, it is much harder to go back if somebody else were to come in that did not have the business aspects as Mr. Carroll. She asked them to take their time and reconsider the B-3 rezoning that would impact the citizens.

### **Shawanda Bowser**

Ms. Bowser who resides on Everette School Road stated she was there on behalf of her mother Ruby Mason that lives on E. Littleton Road and the members of the Hodgestown committee again simulating the same things that have been said from the others that have spoken before. She asked City Council to please consider for this

residential area to remain as it is now.

There is a lack of housing in the area for people and there is a new development that is being built beside the church to bring in new homes. If they bring in new businesses that means they are going to cut the housing for someone to live in so why can't they take this area slated for business and add some additional homes in the area for people to live in. This way it would not affect the property value so much on people's homes. It would make it better for some and a higher bracket if they want to sell or if they want to go. She said they had a meeting which they call the watch party where several people attended. They discussed the property and had a petition going around for people who would like this property to remain the same. She reported they collected 91 signatures and would like to turn those signatures in. They were not sure what those signatures can do at this point, but they wanted City Council to know there were 91 people that stand in agreement with them that the property should remain the same. Yes, there has been drugs in the area and 911 calls, but doesn't that go across all kinds of neighborhoods, not just Hodgestown, it's everywhere. She wants to make sure the citizens are heard, and that they are being informed before these decisions are being made. If they could take it to heart of what they are asking for and try not to take it away from them. Let the community stand there and make it a better community by putting better houses there like they allowed for the property beside the church. Let's bring in another community of houses that people can rent. Right now, there are a lot of low-income people, and they cannot afford the housing that is for rent around here. Some people are renting houses for \$1,500-\$2,000 and there are people that cannot afford that. They need to find somewhere in between where people can live comfortably and still maintain and have a life. She speaks on behalf of everyone and prays that they find some justice and continue on.

### **Brenda Hardy Powell**

Ms. Powell of Glover Street said she lived there from 5 years to 45 years and still owns property there. That area has been known to be a flooding zone. They have been flooded out there several times all the way out to Hwy. 158. A lot of families have been totally wiped out. Her concern, other than what Mr. Ferebee and Ms. Bowser said, which she agrees with, was the flooding. She asked if they planned to put in new pipes or larger pipes with new housing coming to the left of First Baptist Church and a new development coming across the road from the church. She was truly concerned about the flooding in that area. It is hard to get flood insurance in that area.

## **Approval of City Council Minutes**

Motion was made by Councilman Stainback, seconded by Mayor Pro Tem Bryant, and unanimously carried to approve the August 6, 2024, Regular City Council Meeting minutes as drafted.

## Old Business

### **Zoning Map Amendment (rezoning) request from Michael Carroll of Rentco Properties LLC to rezone property along Church and Carter Streets from R-6, Residential to B-3 Commercial District**

Planning & Development Director Anderson stated since the public hearing was already conducted, she would not be presenting any new evidence tonight. She would do a quick recap of the report that was previously provided and answer a few questions that came up at the hearing. She reminded City Council when considering a zoning map amendment, it is a legislative decision which is approved by majority vote.

She stated on July 16, 2024 City City Council held a public hearing during the July 16, 2024 Regular City Council Meeting for a rezoning request from Michael Carroll of Rentco Properties, LLC to rezone residentially developed property along Church and Carter Streets from R-6, Residential to B-3, Commercial. City Council elected to postpone the decision on the rezoning request until the August 20, 2024 meeting.

Attorney Davis encouraged City Council to consider all potential use allowed in a B-3 zoning district. If the property owner expressed the specific intended use for the property and all the specific details, City Council must look at all possible uses in the requested rezoned district because once the rezoning request is granted, they could change the use to something else that was allowed in the zoning classification. Especially in this case where the property owner may not have a sense for what his end goal is.

Planning & Development Director Anderson continued with her presentation. She reminded City Council that some of the things they should consider were potential uses, neighbors, general public, traffic, utilities, neighborhood character, schools. Things to omit are ethnicity, religion, income, whether the property is for rent or own. Surrounding the location there is a mix of residential and commercial uses including B-4 and R-3. Should the rezoning be approved any construction and site plans submitted would be reviewed by the following: Planning & Development Department, Roanoke Rapids Sanitary District, NCDOT, Public Works, NC Dominion Power, Fire Department and Code Enforcement.

She listed some of the uses allowed in the B-3 zoning district. Duplexes, Multi-Family Conversions, Nursing Care, Intermediate Care Homes, Family Child Care Homes/Foster Homes, Therapeutic Foster Homes, Offices, Clinics, Physician Offices, Dentist Offices, Banks with drive-in windows, Elementary and secondary schools, Colleges, Universities, Churches, Indoor Athletic facilities, Adult Care homes, Adult

Day Care Program, Assisted Living residence, Child Care Center, Police, Fire & EMS Stations.

Planning & Development Director presented map excerpts of several other locations throughout the city that are situated almost identical to what the applicant is requesting with B-3 in the middle of R-6 zoning district.

She noted on July 11, 2024 the Roanoke Rapids Area Planning Board met and voted favorably for the rezoning request. Staff believes the proposed request for rezoning is considered reasonable.

- Considering the size and nature of the tract, any special conditions or factors regarding the area.
- The consistency of the zoning with the land use plan.
- The degree of the change in the zoning.
- The degree it allows uses different from the surrounding area.
- The relative benefits and/or detriments for the owner, the neighbors, and the surrounding community.

The Planning and Development staff recommends in favor of the petitioner's request.

Planning & Development Director Anderson requested two motions from the City Council. A motion and vote for Statement of Consistency and a motion and vote concerning the final decision on the rezoning request.

City Manager Traynham explained the Statement of Consistency is about whether or not the request is consistent with the policy set forth in the City's Comprehensive Development Plan. Those that apply are listed in the statement. This has no bearing or weight on the final decision.

Mayor Pro Tem Bryant asked for an explanation concerning spot zoning. City Manager Traynham referred to one of slides in the PowerPoint presentation and page 4 of 6 in the report. She explained the bullet points are used to determine whether or not spot zoning exists; these are the tests in the courts. The courts have established the factors to determine the reasonableness of spot zoning including size and nature of the tract, compatibility with existing plans, impact of the zoning decision on the landowner, immediate neighbors and surrounding community, degree of change in the zoning, etc. Since the B-3 being requested allows residential it is not a high degree of change as if it would be going from an R-6 to a B-4. That is what the court uses to determine whether or not spot zoning has reasonably occurred.

Mayor Pro Tem Bryant confirmed that Planning & Development Director Anderson indicated that indoor athletic facilities would be allowed which would include bowling alleys, skating rinks, indoor tennis/squash courts, billiard/pool halls, indoor athletic/exercise facilities. She asked if that would be considered the worst that could be part of the zoning district. Planning & Development Director Anderson replied as far as the most intense to the property that would be correct.

Mayor Doughtie called for a motion concerning the Statement of Consistency.

Councilman Strickland made a motion to approve and adopt the presented Statement of Consistency to amend the zoning map to a commercial district for Halifax Co. Parcel's 0903077, 0903078, 0903079, described in the staff report dated July 12, 2024. No second was made, therefore the motion failed.

Mayor Doughtie asked Attorney Davis since there was not second or vote could they move forward to the final decision. Attorney Davis replied the best practice for City Council would be to vote on it. A councilmember could make a motion to approve the request or a motion to deny the request so it can go to an up or down vote for a decision on the request. He said that would be the appropriate next step.

Mayor Doughtie stated the report also says an option is no specific action. Attorney Davis clarified that meant if they did not vote on the matter tonight.

Mayor Doughtie asked if there was another motion City Council would like to make. With no response, Mayor Doughtie stated Attorney Davis has advised City Council to take a vote on the matter.

Attorney Davis said since this is the second time City Council has taken up the matter, he would encourage them to vote. At some point, City Council needs to give some guidance and resolution to both the public and the property owner of their request. Unless City Council wants to defer action again.

Mayor Doughtie called for a motion for the final decision.

Councilman Strickland made a motion approve an amendment to the Roanoke Rapids Zoning Map to change the zoning classification of properties located on Church and Carter Streets identified as Halifax Co. Parcel's 0903077, 0903078, 0903079 to B-3, Commercial District described in the staff report dated July 12, 2024. No second was made, therefore the motion failed.

Mayor Doughtie asked for Attorney Davis for guidance on the next steps.

Attorney Davis replied it was up to the City Council. If they want to defer action until the next meeting, they can. At some point City Council either needs to approve or deny the request; it cannot stay out in limbo forever. It appears there is no consensus on either one right now.

Mayor Doughtie asked if it was possible for a variance or special use and now it is a conditional use. He asked if that was something the applicant could request. It seems the issue is the lack of information on what may come. If someone wanted to exercise that conditional use, would that require the applicant to be more forthcoming and be more tied to what they were going to do with the property.

Attorney Davis said depends on what the use is, and then they would have to go through a different procedure from what they are going through now; it would be a quasi-judicial process. They would probably know more about their use through that process.

City Manager Traynham added conditional zoning districts are allowed now in the general statutes and under the City's zoning ordinance. That means if someone has an intended use for a property, but the current zoning district does not allow it. This has worked well in multiple places hence why it is legal. If an applicant comes in and states their specific intent of the property and they can be bound to that site specific plan for development. It doesn't work in all cases, and it is all based upon what the property owner desires to do with the property. The site plan would be approved with it and stand alone as its own zoning district. She reminded City Council that they did one of these for a self-storage facility on W. Becker Drive which is not quite yet under construction. Conditional district zoning is an option. If an applicant was approved for conditional use zoning and they wanted to make any significant changes, it would have to come back before the City Council as it did in the initial approval.

Mayor Doughtie stated he did not want anyone to leave here tonight thinking City Council didn't do anything so if there was another possibility, he would hope they would explore that and then both sides would be able to realize a part of what they are trying to accomplish.

City Manager Traynham said that was an option, but right now City Council needs to consider the business at hand. Conditional district zoning only works in specific situations where an applicant has a firm intent on how they plan to use the property.

Mayor Doughtie asked if there were any other motions City Council wanted to bring to the floor. There were none.



**New Business**

**Consideration of Budget Ordinance (Fire Department- Firehouse Subs Grant)**

Fire Chief Patrick announced the Fire Department has been awarded the Firehouse Subs Public Safety Foundation grant. This is a very competitive grant, and they have been applying for this grant for many years. The grant in the amount of \$37,290 will be used towards the purchase of the battery-operated extrication tools including a TNT spreader, cutter, ram, ram extension kit and accessories for the second fire truck.

He also reported the first truck they ordered went into service last Tuesday. They are still lacking the ladders for it, but they took the ladders off the older/reserve truck and put on the new truck. This grant does not require a match. He presented the following budget ordinance for their consideration.

**Ordinance No. 2024.19  
CITY OF ROANOKE RAPIDS  
BUDGET AMENDMENT**

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

**SECTION 1.** The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025, according to the following schedule:

**SCHEDULE A – PROJECT FUND REVENUES**

Fire Dept. Grant – Firehouse Subs Public Safety Grant	
<b>Project Revenues – Fire Dept.</b>	<b>\$37,290.00</b>
<b>FUND PROJECT TOTAL</b>	<b>\$37,290.00</b>

**SECTION 2.** The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2024 and ending June 30, 2025, in order to meet the foregoing appropriations, according to the following schedule:

**SCHEDULE B – PROJECT FUND EXPENDITURES**

Fire Dept. Grant – Firehouse Subs Public Safety Grant	
<b>Project Expenditures – Fire Dept.</b>	<b>\$37,290.00</b>
<b>FUND PROJECT TOTAL</b>	<b>\$37,290.00</b>

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

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Emery G. Doughtie, Mayor

Motion was made by Councilman Bell, seconded by Mayor Pro Tem Bryant and unanimously carried to adopt Budget Ordinance (Ordinance No. 2024.19) in the amount of \$37,290 for the Firehouse Subs Public Safety Grant.

**Consideration of Budget Ordinance (Fire Department- AFG FEMA Go Grant)**

Fire Chief Patrick said the Firefighters Grant (AFG) from FEMA in the amount of \$69,038 will be used to purchase equipment such as new fire hoses and nozzles for the second fire truck. This grant has a 5% match which is approximately \$3,200. He presented the following budget ordinance for their consideration.

**Ordinance No. 2024.20  
CITY OF ROANOKE RAPIDS  
BUDGET AMENDMENT**

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

**SECTION 1.** The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025, according to the following schedule:

**SCHEDULE A – PROJECT FUND REVENUES**

Fire Dept. Grant – AFG FEMA Go Grant	
<b>Project Revenues – Fire Dept.</b>	<b>\$69,038.00</b>
<b>FUND PROJECT TOTAL</b>	<b>\$69,038.00</b>

**SECTION 2.** The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2024 and ending June 30, 2025, in order to meet the foregoing appropriations, according to the following schedule:

**SCHEDULE B – PROJECT FUND EXPENDITURES**

Fire Dept. Grant – AFG FEMA Go Grant	
<b>Project Expenditures – Fire Dept.</b>	<b>\$69,038.00</b>
<b>FUND PROJECT TOTAL</b>	<b>\$69,038.00</b>

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

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Emery G. Doughtie, Mayor

Motion was made by Mayor Pro Tem Bryant, seconded by Councilman Bell and unanimously carried to adopt Budget Ordinance (Ordinance No. 2024.20) in the amount of \$69,038 for the AFG FEMA Go Grant.

Chief Patrick said the Fire Department staff works hard as all City staff do in looking for grants and trying to keep costs as low as they can for the citizens. He thanked his staff for all they do in gathering information and getting it to the grant writers as well as applying for grants themselves. The ECU North grant and others are applied for in-house. They have been blessed the past few years with grants, but there have been many years that haven't received any grants. They cannot depend on grants, but they know if they don't apply, they will not get the opportunity for funding.

**Consideration of Budget Ordinance (Police Department-Disposition Order)**

Police Chief Guyant reported the Police Department currently has an order from District Court Judge Turner Stephenson dated July 2, 2024 (On file in the Clerk's Office). This order deals with \$1,003 worth of buy money that was originally expended in a series of related investigations. In 2021, the Roanoke Rapids Police Department created five cases where undercover buys were conducted from area sweepstakes businesses. These cases were disposed of in the District Court in Halifax County. District Court Judge Turner Stephenson ordered these funds be issued back to the Roanoke Rapids Police Department Special Investigations Fund. He presented the following budget ordinance for their consideration:

**Ordinance No. 2024.21  
CITY OF ROANOKE RAPIDS  
BUDGET AMENDMENT**

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

**SECTION 1.** The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025, according to the following schedule:

**SCHEDULE A – PROJECT FUND REVENUES**

Police Dept. – Disposition Order – Special Investigations Fund	
<b>Project Revenues – Police Dept.</b>	<b>\$1,003.00</b>
<b>FUND PROJECT TOTAL</b>	<b>\$1,003.00</b>

**SECTION 2.** The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2024 and ending June 30, 2025, in order to meet the foregoing appropriations, according to the following schedule:

**SCHEDULE B – PROJECT FUND EXPENDITURES**

Police Dept. – Disposition Order – Special Investigations Fund	
<b>Project Expenditures – Police Dept.</b>	<b>\$1,003.00</b>
<b>FUND PROJECT TOTAL</b>	<b>\$1,003.00</b>

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

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Emery G. Doughtie, Mayor

Motion was made by Councilman Stainback, seconded by Councilman Strickland and unanimously carried to adopt Budget Ordinance (Ordinance No. 2024.21) in the amount of \$1,003 for the Police Department Disposition Order Special Investigations Fund.

**Consideration of Amendment to Code of Ordinances (Chapter 131 – Panhandling)**

Police Chief Guyant reported complaints about individuals walking up to vehicles begging for money have increased within the past few years. The City needs to have some ability to curb, and hopefully eliminate this type of quality-of-life issue in Roanoke Rapids. The Roanoke Rapids Police Department requests that City Council consider adopting a new City ordinance related to "Panhandling", §131.07 to curb the amount of panhandling in the city. Information obtained from recently adopted ordinances by the City of Rocky Mount and the City of Goldsboro was used as guides to draft this ordinance. To ensure that this issue has an enforcement capability, the ordinance request needs to be considered and approved. The ordinance allows for legitimate commerce requests by requesting permits, but it eliminates the nuisance, and aggravations caused to citizens and visitors through instances of begging. He stated the draft ordinance is aligned with NCGS §160A-179. He reviewed the following ordinance and asked for City Council's consideration to adopt the ordinance:

**ORDINANCE NO. 2024.22**

**AN ORDINANCE TO AMEND CHAPTER 131 "PANHANDLING; AGGRESSIVE PANHANDLING, PROHIBITED AREAS AND TIMES" OF THE ROANOKE RAPIDS CITY CODE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE RAPIDS, NORTH CAROLINA that:**

**SECTION 1.** Section 131.07 be amended to read as follows

**§131.07 PANHANDLING; AGGRESSIVE PANHANDLING, PROHIBITED AREAS AND TIMES.**

- (A) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context indicates or requires a different meaning.
- (1) The words "panhandling" or "begging" are used interchangeably, the purpose of which is to obtain a contribution of money or goods for the principal benefit of the person making the solicitation.
  - (2) The word "aggressive" refers to:
    - (a) Continuing to solicit near the individual addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical

sign, by attempting to leave the presence of the person soliciting, or by other negative indication; and/or

- (b) Any physical contact with another person without consent; and/or
- (c) By blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle; and/or
- (d) By or using any abusive language, word, gesture, or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation.

(3) “Public place” and “place open to the public” mean an area generally visible to public view and include streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, public transportation, buildings open to the general public including those which serve food or drink or provide entertainment, and the doorways or entrances in buildings and their grounds.

(B) *Purpose.* The purpose of this section is to ensure unimpeded pedestrian and vehicle traffic flow, to maintain and protect the well-being of pedestrians and to otherwise foster a harassment-free climate in public places.

(C) *Rules and regulations.*

- (1) It shall be unlawful for any person to panhandle or beg as defined in §131.07 within the City of Roanoke Rapids without first obtaining a “Panhandler’s Permit” from the Chief of Police or designee. Such permit is valid for one year only and must be renewed annually.
- (2) It shall be unlawful for any type of panhandling or begging within the following prohibited areas and/or times:
  - (a) Within 100 feet of any financial institution and/or automated teller machine;
  - (b) Within 20 feet of any bus stop, train station, or taxi stand;
  - (c) Within 20 feet of any commercial establishment which is open for business;
  - (d) Within 20 feet of any outdoor dining area during operation;
  - (e) Within DOT or city rights-of-way’s, excluding sidewalks; and
  - (f) After sunset or before sunrise, but in no event earlier than 8:00 am or later than 8:00 pm. For the purposes of enforcement of this section, the term “sunrise” and “sunset” shall be determined by and based on the times for those events published daily by the U.S. Naval Observatory Astronomical Applicants Department.

- (3) In accordance with N.C.G.S. §160A-179, it shall be unlawful for any person to aggressively panhandle or beg for money or goods from another in a public place or in a place open to the public. The offering of items of nominal value, such as pencils, chewing gum, and the like for a donation shall not make the conduct lawful.
- (D) *Exceptions.* The conduct prohibited does not include solicitations made by authorized representatives of not-for-profit corporations, organizations, or groups in order to obtain funds designed principally to further the purpose of such not-for-profit corporations, organizations or groups provided proper identification such as signs, vests, badges, and the like, are clearly visible to the general public naming the not-for-profit corporations, organizations or groups.
- (E) *Opportunity to stop the prohibited activity.*
- (1) No arrest shall be made for an initial violation of this section unless the arresting officer first affords a person an opportunity to stop the conduct that violates division (C). After being warned that aggressive panhandling or begging is illegal within the city limits of Roanoke Rapids, a police officer will issue a misdemeanor citation provided by N.C.G.S. §14-4 to the individual. A copy of this citation will be maintained by the Roanoke Rapids Police Department for documentation purposes. If after being warned the panhandler does not cease these activities or if an officer observes a person who has been duly warned conducting aggressive panhandling activities again within the city limits, that individual shall be immediately arrested. Upon first conviction, the subject charged shall be subject to a maximum fine of fifty dollars (\$50) or imprisonment for a period not to exceed seven (7) days, or both. Upon the second conviction the subject shall be subject to a maximum fine of five hundred dollars (\$500), or imprisonment for a period not to exceed twenty (20) days, or both. In addition to any criminal enforcement, the City of Roanoke Rapids or any aggrieved person may pursue any available civil remedies deemed appropriate and necessary.
- (2) If a complaint is registered with the police department by a private citizen and the complainant formally identifies the person accused of aggressive panhandling or begging activities; a panhandling warning will be issued to that individual. If the person accused of aggressive panhandling or begging by a private citizen has previously been duly warned of the illegality of this activity, that person will be arrested if the complaining citizen files appropriate charges or agrees to serve as a witness.
- (F) *Severability.* If any portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable, and such holding shall affect the validity of the remaining portions hereof.

**SECTION 2.** This Ordinance shall become effective upon adoption.

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Emery G. Doughtie, Mayor

Chief Guyant re-stated the purpose of this ordinance is only to address the tons of complaints the Police Department has received in addition to complaints City Council has likely received from their constituents. Currently, the Police Department does not have anything in their tool bag to prevent this from happening. NCGS 14-4 exists and allows them to handle it in a criminal capacity. He did have the city attorney review the ordinance, and the city manager is also familiar with it.

Attorney Davis stated right now without this panhandling ordinance, if law enforcement receives a complaint that an individual is out on the street aggressively soliciting money, it would be the same if someone called to complain someone was wearing a green shirt and I don't like green shirts. Of course that is not illegal. Without this legislation, law enforcement cannot make that contact and have that kind of interaction with them. He also said in these contexts, law enforcement or a government agency will say they want to encourage compliance. Sometimes he feels there is a cynical reaction to that, and it may be said they just want to arrest more people. That is not the case with this. He senses there may be some public concern about the morality of a situation where someone may get arrested when they are really down on their luck. NCGS 14-4 enables the City to pass this ordinance. If an individual is cited under that statute, it specifically states if they take steps to address the situation that put them in the situation where they were charged with the ordinance violation or if they go 30 days and show they have no more violations, then they cannot be prosecuted for it. That is one of the things he and Chief Guyant spoke about. He said in the past there have been mental health situations. In those situations where someone finds themselves caught up in this scenario, there are off ramps out there that are contemplated that are not only in the ordinance, but also in the NCGS itself that enables the City Council to pass the ordinance. This will be a process that encourages compliance and encourages these issues to get handled. There is no scenario where a city could say absolutely no panhandling at all; that is not legal. That goes against First Amendment rights as far as speech and assembly and all of those things they hear in civics in high school. This does establish legal time, place, and manner restrictions, that is the restrictions of not doing at night after dark, not doing it within certain distances of financial business, things that go to making sure the public feels safe in going out while still creating a scenario where if somebody does want to engage in panhandling activity, giving them some guidance as how they can do it legally within some confines.

Attorney Davis said this is not like a lot of the other criminal statutes or ordinances. The purpose of this is to regulate it, encourage people to do right. If they are going to engage in panhandling and they do get caught up in the system it gives them some structure where if they address it or move into compliance with it, then they can resolve it potentially without any jail time towards them or any kind of fine.

Chief Guyant added it is not their intent to lock anyone up. They have historical evidence of people panhandling in the city that they have gone into their own pockets to help these people get back home and get them where they need to be. They just want to curb the behavior. They have to curb the behavior the best they can. They have zero tools in their tool bag to do such. They definitely understand the mental health options of it; most of the officers are CIT trained. They do try to find as much mitigation as they can for these people in these situations, but they have to curb the behavior, and they have to make sure they have a tool in their tool bag to do such. That is why they are bringing this ordinance to them.

Councilman Strickland asked Chief Guyant if he could give an example of where a permit would be necessary to panhandle, how to get a permit and what it would cost.

Chief Guyant replied there is an exception to solicitations of not-for-profit organizations or groups. This includes churches, boy scouts, girl scouts or fire/police departments. Permits would be for someone who wants to panhandle for money that is not a not-for-profit group; they can legally apply for that. There is no cost for the permit.

Attorney Davis said if City Council votes on this and especially as it rolls into effect, the Police Department would let folks know when they encounter them on the right way to go about this now.

Motion was made by Councilman Stainback, seconded by Mayor Pro Tem Bryant and unanimously carried to adopt Ordinance No. 2024.22 amending the Roanoke Rapids Code of Ordinances.

**Consideration of Budget Ordinance (Damaged Storm Drain System at Lake Pointe Drive)**

Public Works Director Chalker reported on Saturday, August 10, 2024, he and Public Works staff responded to a call at Lake Pointe Drive which is in the Greenbriar satellite annexation off Bolling Road. They discovered a 15-20 foot deep cavern along-side and just under the edge of the portion of Lake Pointe Drive there. There is also a large tree in the very large pipe system that comes from the Smoot and Mina Streets pipe system and large drainage ditch. This large tree will also have to be removed when repairs are underway. Public Works immediately deployed barricades, traffic cones and caution tape to warn the public of this dangerous sinkhole. He said the resident that called them to report the issue was concerned that some children may try to get into this very deep hole.

He said they contacted Rightmyer Machine Rentals who gave an estimate of \$65,000 for the repair. He presented the following budget ordinance for their consideration:



**Ordinance No. 2024.23  
CITY OF ROANOKE RAPIDS  
BUDGET AMENDMENT**

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

**SECTION 1.** The following additional amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025, according to the following schedule:

**SCHEDULE A – PROJECT FUND REVENUES**

Fund Balance – Public Works – Damaged Storm Drain System at Lake Pointe Drive

**Project Revenues – To Fund Storm Drain at Lake Pointe Drive** **\$65,000.00**

**FUND PROJECT TOTAL** **\$65,000.00**

**SECTION 2.** The following additional revenues and reductions in appropriations are available for the fiscal year beginning July 1, 2024 and ending June 30, 2025, in order to meet the foregoing appropriations, according to the following schedule:

**SCHEDULE B – PROJECT FUND EXPENDITURES**

Funding to General Fund – Public Works – Damaged Storm Drain System at Lake Pointe Drive

**Project Expenditures - To Fund Storm Drain at Lake Pointe Drive** **\$65,000.00**

**FUND PROJECT TOTAL** **\$65,000.00**

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

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Emery G. Doughtie, Mayor

Public Work Director Chalker stated in a similar situation on Chaloner Drive, they were allotted \$45,000 by City Council to fix that. They came in at \$38,700 so they came in a little under budget. Also, approaching this system just out of the city limits there is a DOT system in that subdivision that drops into the City's system. It is damaged as well so DOT is going to take up their part. They will be doing both of these things together in conjunction with DOT.

Motion was made by Mayor Pro Tem Bryant, seconded by Councilman Bell and unanimously carried to adopt Budget Ordinance (Ordinance No. 2024.23) in the amount of \$65,000 to repair the storm drain at Lake Pointe Drive.

**City Manager's Report**

City Manager Traynham stated the City departments do a lot year round. At the beginning of July, there was not much grass to cut because everything was dead.

Then all of sudden they cannot stop grass from growing, everywhere; it is overwhelming. It has been hot, and the safety of the employees comes first. There may be some projects that need to be done or grass that needs to be cut, but there has not been any oversight.

She reported the following activities and events:

- Electronic sign installation is underway at Kirkwood Adams Civic Center.
- Public Works staff working with the contractor to provide fiber internet access at all facilities.
- Officially kicked off implementation of NeoGov and OpenGov programs to improve efficiency within the organization. Intend to go live by the end of the fiscal year.
- Independent auditor will be on site next week (August 26-30).
- The majority of schools will welcome students back on Monday, August 26<sup>th</sup>. The Public Works Department has improved the crosswalk markings ahead of the official start date.
- District 2 vacancy has been advertised with applications due to City Clerk by Thursday, August 29<sup>th</sup> by 12 noon for inclusion in the September 3<sup>rd</sup> City Council agenda packets.
- City Offices will be closed on Monday, September 2<sup>nd</sup> in observance of Labor Day holiday.
- City Council will meet September 3<sup>rd</sup> and September 17<sup>th</sup>.
- CEDS Strategy Development Group Workshop will be held Tuesday, August 27<sup>th</sup> from 11 a.m. – 2 p.m. at Nash Community College.
- Hope for Hardy Twilight Festival will be held Friday, September 20<sup>th</sup>.
- Roanoke Canal 5K will be held Saturday, September 21<sup>st</sup>. Currently accepting applications.
- Battle of the Badges Blood Drive, Tuesday, October 1<sup>st</sup> at Kirkwood Adams Civic Center.
- Roanoke Valley Aging Expo, Thursday, October 3<sup>rd</sup> at Kirkwood Adams Civic Center.

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

Finance Director Johnson presented the financial report for the period ending July 31, 2024. General Fund year to date receipts totaled \$134,671.84 which is normal. The large amounts typically come in September. General Fund year to date expenditures totaled \$1,716,285.74 which is also normal because they pay the

general liability insurance, workers comp insurance, quarterly Theatre payment, etc. As a result, Year-To-Date Expenditures exceeded Revenues by (\$1,581,613.90).

She said during the month of July, the city received:

- Commercial Solid Waste Fees
- Interest Revenue
- Grants & Donation Funds
- Other Revenues

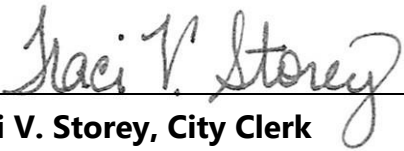
Finance Director Johnson reported they did receive the June Sales & Use Tax payment in the amount of \$439,000. This will put them \$200,000 over what they had budgeted. She will prepare a final June 2024 financial report once they finish all the journal entries and get with the auditor so they can see how the whole year turned out.

### **Other Business/Adjournment**

Attorney Davis gave a brief update on the litigation between the City and former Police Chief Bobby Martin. They are diligently working through the City's response to the complaint. He does not tie their hands or give a hard date, but feels they are on track to have some kind of formal response filed by the end of September barring any unforeseen circumstances. The plaintiff has had over a year and some change to formulate his allegations in the complaint, and it is not going to take them anywhere near that long to respond to them.

Attorney Davis also noted they have been in touch with the City's insurance company. He stated the City changed its insurance carrier at the beginning of the last fiscal year, July 2023. Their response to this has been incredible; he has been impressed with them. It is no reflection on the old insurance company, but the new insurance company is specifically the NC League of Municipalities. They are local and deal with just NC municipalities. The NCLM gave them formal notification that the City had coverage for this claim today. They did not just start working on it today, they have been working with them since the City got notice the complaint had been filed. When he says coverage, that is no reflection of the validity or merit of any claims in the lawsuit, that just says they will be helping with the response to this. He wanted to give City Council an update so they and the public knew they were addressing it. It takes time, but they were going to be diligent and thorough about it. There will be a response coming shortly.

There being no further business, motion was made by Councilman Stainback, seconded by Councilman Bell, and unanimously carried to adjourn. The meeting was adjourned at 7:00 p.m.

  
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**Traci V. Storey, City Clerk**

**Approved by Council Action on: September 3, 2024**