

April 24, 2017

The City Council of the City of Rocky Mount met this day in regular session at 4:00 p.m. in the George W. Dudley City Council Chamber of the Frederick E. Turnage Municipal Building with Mayor David W. Combs presiding.

Councilmembers present: André D. Knight, Reuben C. Blackwell, IV, Lamont Wiggins, E. Lois Watkins, Tom Rogers, W. B. Bullock and Christine Carroll Miller.

Staff Present: Stephen W. Raper, Interim City Manager; Pamela O. Casey, City Clerk; Tasha Logan Ford and Thomas M. Moton, Jr., Assistant City Managers; Tameka Kenan-Norman, Public Affairs Manager; Amy Staton, Director of Finance; Nicki Gurganus, Accounting Manager; Chrissy Rhodes and Heather Daniels, Accountants; Brad Kerr, Director of Engineering; Kim Batts, Deputy City Clerk and Richard J. Rose, City Attorney.

Security Officer: Retired Police Sergeant Stoney Battle.

Mayor Combs opened the meeting and prayer was offered by Councilmember Reuben Blackwell, IV.

WELCOME

The Mayor welcomed citizens and directed them to copies of the agenda near the entrance of the City Council Chamber.

APPROVAL OF MINUTES

The minutes of a regular meeting of the City Council held April 10, 2017 and Special Called Committee of the Whole Meetings held April 5 and 18, 2017 were approved as submitted to the City Council prior to the meeting.

SPECIAL RECOGNITION/GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD

The Mayor announced that for the 23rd consecutive year the Government Finance Officers Association has awarded the City a Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report (CAFR). He explained this award is the highest form of recognition for governmental accounting and financial reporting and the recognition represents a significant accomplishment by a government and its management.

The Mayor presented a plaque to Amy Staton, Director of Finance; Nicki Gurganus, Accounting Manager; Chrissy Rhodes and Heather Daniels, Accountants.

The Mayor thanked Ms. Staton and the accounting staff for the work of the Finance Department that led to this recognition. He and Interim City Manager Stephen W. Raper joined Ms. Staton and her staff for a photograph.

PETITIONS FROM THE PUBLIC

***Marilyn Powell** of 308 N. Moring Avenue read a letter delivered to her home by the Police Department indicating an extra watch would be conducted by the Police of her address due to an alert of gunfire and/or fireworks detected by the Police outdoor gunfire detection

system from her address during the New Year's holidays 2014-2016. She denied the allegations of gunfire and/or fireworks from her home and voiced concern that her residence was the only residence receiving the letter. She requested a formal letter of correction.

*This matter was referred to the City Manager's Office for investigation and report to Council.

Nehemiah Smith of 1620 East Virginia Street reiterated a complaint regarding a lack of diversity in the Fire Department noting a recent article in the newspaper focusing on diversity efforts of the Fire Department. He stated none of the Department's numerous accomplishments matter if the "rotten apple of lack of diversity" is not removed.

TEMPORARY STREET CLOSINGS

The City Council received requests to temporarily close the following streets:

- 1) Request from Nellene Deloatch-Richardson, on behalf of Resurrected Ministries, for permission to close the 400 block of Madison Street from 11:00 a.m. until 3:00 p.m. on Saturday, May 6, 2017 for a community day; and
- 2) Request from Clinton and Barbara Richardson for permission to close the 1000 block of Luper Street from 12:030 p.m. to 4:00 p.m. on Sunday, May 28, 2017 for a family and friends cookout.

Motion was made by Councilmember Watkins, seconded by Councilmember Blackwell and unanimously carried that the requests be approved.

TEMPORARY EASEMENT/PIEDMONT NATURAL GAS (DEFERRED ON APRIL 10, 2017)

The City Council was provided with a compensation agreement (\$1,500) with Piedmont Natural Gas Company, Inc. (PNG) for acquisition of a temporary construction easement comprising of 130 square feet (0.003 acres) across a city-owned parcel of land in Whitakers near the CDC Sewer Pump Station. This matter first appeared for consideration at the April 10, 2017 meeting and was deferred due to a memo incorrectly attributing acquisition of the easement to the Atlantic Coast Pipeline. The Council was advised that the easement is actually needed in order to replace an existing pipeline owned and operated by PNG. Council was further advised that once the pipeline is constructed, the temporary easement will expire and no encumbrance will remain on the parcel.

Interim City Manager Stephen W. Raper stated that the proposed project has nothing to do with the pipeline construction; is a construction easement only; and, once completed, the property will be restored to its natural condition.

Motion was made by Councilmember Bullock, seconded by Councilmember Rogers and unanimously carried that the Easement with Piedmont Natural Gas Company, Inc. be approved and that the Mayor be authorized to execute same on behalf of the City.

BUDGET REVIEW 2017-2018

The City Council adopted the following schedule of meetings related to the proposed 2017-2018 budget:

- Monday, May 22 - immediately following Council Meeting (Committee Room)
- Wednesday, May 24 - 4 p.m. (Committee Room)
- Tuesday, May 30 - 4 p.m. (if necessary) (Committee Room)
- Wednesday, May 31 - 4 p.m. (if necessary) (Committee Room)
- Monday, June 12 - public hearing - 7 p.m. (Council Chamber)
- Monday, June 26 - budget adoption - 4 p.m. (Council Chamber)

RESOLUTION APPROVING NEW MARKETS TAX CREDIT TRANSACTION AND OTHER DOCUMENTS RELATED TO THE DOWNTOWN COMMUNITY CENTER FINANCING

The City Council was advised that the City obtained special obligation bond financing in December 2016 for construction of the Downtown Community Facility (DCF) and it was anticipated that it would subsequently receive new market tax credits (NMTC) to provide additional funding for the facility. Finance Director Amy Staton further advised that the City has received approximately \$22M in new market tax credits allocation that will yield equity into the project in the amount of \$5,269,500 as additional funding for the facility.

The Council was provided with the following documents for approval in preparation for the NMTC closing:

- 1) Resolution Approving New Market Tax Credit Transaction;
- 2) Rocky Mount Public Facilities Corporation (Bylaws, Articles of Incorporation, Memorandum of Understanding);
- 3) Ground Lease;
- 4) Operating Lease Agreement;
- 5) Promissory Note, Loan Agreement and Security and Pledge Agreement; and
- 6) Development and Contribution Agreement.

Councilmember Blackwell requested the City Attorney clarify his ability to vote relative to items concerning the DCF.

City Attorney Richard J. Rose stated that:

- since the contracting party, OIC, is a nonprofit corporation and does not have shareholders, Councilmember Blackwell does not own any stock in OIC because OIC does not have any stock;
- based on what the City (and attorneys) have learned from Councilmember, he will acquire no financial interest from the transaction contemplated by NMTC;
- Councilmember Blackwell has the right to vote and, if he does not wish to vote, he should be excused by Council and physically leave the Council Chamber.

Motion was made by Councilmember Wiggins, seconded by Councilmember Knight and carried by a vote of 6-1 (Councilmember Bullock opposed) that the above documents be approved; that **Resolution No. R-2017-17** entitled **RESOLUTION APPROVING NEW MARKETS TAX CREDIT TRANSACTION TO PROVIDE FINANCING FOR A PORTION OF THE COST OF THE ROCKY MOUNT DOWNTOWN COMMUNITY FACILITY, INCLUDING A WELLNESS CLINIC THEREIN AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH** be adopted; and that Mayor, City Manager, Finance Director

and City Clerk be authorized to execute any required documentation on behalf of the City. Said documents shall be filed in the Office of the City Clerk and designated as **(C-2017-15)**.

CHANGE ORDER/DOWNTOWN COMMUNITY FACILITY CONTRACT - BARNHILL/HOLT BROTHERS

The City Council was provided with Change Order No. 1 on a contract with Barnhill/Holt Brothers relative to the Downtown Community Facility. Council was advised the Change Order provides for the OIC Clinic addition and other miscellaneous scope adjustment and moves funding (\$2,697,551) for acquisition of furniture, fixtures and equipment (FF&E) movables and testing outside of the Barnhill/Holt GMP (guaranteed maximum price) Design-Build Contract to allow these services to be contracted directly by the City with service providers and vendors, thereby decreasing the contract with Barnhill/Holt Brothers.

Motion was made by Councilmember Rogers, seconded by Councilmember Watkins and unanimously carried that the change order be approved and that the City Manager or the Mayor and City Clerk be authorized to execute the same on behalf of the City.

The Change Order will be filed with the original contract **(C-2016-31)** with Barnhill/Holt Brothers in the City Clerk's Office.

RE-BID/BALLOCITY EQUIPMENT (DCF)

The City Council received the tabulation of re-bids received for Ballocity Equipment (relative to the DCF). Re-bids were received and opened on March 30, 2017 after all necessary legal procedures had been implemented and the bid tabulation is on file in the office of the City Clerk as **BD-2017-14**.

Motion was made by Councilmember Blackwell, seconded by Councilmember Wiggins and unanimously carried that the bid for Ballocity Equipment be awarded to International Play Company at a total cost of \$270,446 (\$264,130 equipment plus \$6,316 full installation) and that the Mayor and City Clerk be authorized to execute the bid contract on behalf of the City.

RE-BID/CLIP AND CLIMB EQUIPMENT (DCF)

The City Council received the tabulation of re-bids received for Clip and Climb Equipment (relative to the DCF). Re-bids were received and opened on March 30, 2017 after all necessary legal procedures had been implemented and the bid tabulation is on file in the office of the City Clerk as **BD-2017-15**.

Motion was made by Councilmember Blackwell, seconded by Councilmember Wiggins and unanimously carried that the bid for Clip and Climb Equipment be awarded to Walltopia Adventure at a total cost of \$237,016 and that the Mayor and City Clerk be authorized to execute the bid contract on behalf of the City.

RE-BID/ROPES COURSE EQUIPMENT (DCF)

The City Council received the tabulation of re-bids received for Ropes Course Equipment (relative to the DCF). Re-bids were

received and opened on March 30, 2017 after all necessary legal procedures had been implemented and the bid tabulation is on file in the office of the City Clerk as **BD-2017-16**.

Motion was made by Councilmember Blackwell, seconded by Councilmember Wiggins and unanimously carried that the bid for Ropes Course Equipment be awarded to Ropes Courses Incorporated at a total cost of \$174,516.37 and that the Mayor and City Clerk be authorized to execute the bid contract on behalf of the City.

**EXTENSION AGREEMENT/RAVENWOOD HOUSING REDEVELOPMENT PROJECT
(FORMERLY CLAIRMONT APARTMENTS) (ADDED TO AGENDA IN OPEN MEETING)**

The City Council was advised that the City has engaged with the WODA Group to develop the former Clairmont Apartments located off Ravenwood Drive. Planning and Development Director, Ken Graves, informed the Council that the WODA Group was successful in obtaining low income tax credits (LITC) offered by the North Carolina Housing Finance Agency (NCHFA) and plans to develop Ravenwood Crossing which will consist of eighty (80) units which will include nine one-bedroom, thirty-six two-bedroom and thirty-five three-bedroom units.

Mr. Graves added that the development is in the design phase and due to some unforeseen property boundary and stormwater management issues requested an extension of the Purchase Agreement between the City and WODA (Ravenwood Crossing Limited Partnership). He provided the Council with an Extension Agreement with Ravenwood Crossing Limited Partnership extending the closing date described in Section 3 of the Purchase Agreement to May 31, 2017; and extending all other deadlines (that have not expired) in the Purchase Agreement by thirty (30) days, noting that except as hereinabove modified, the Purchase Agreement shall remain in full force and effect.

Motion was made by Councilmember Watkins, seconded by Councilmember Knight and unanimously carried that the Extension Agreement with Ravenwood Crossing Limited Partnership be approved and that the Mayor and City Clerk be authorized to execute the agreement on behalf of the City. This Extension Agreement shall be filed with the original Purchase Agreement (C-2014-31) in the office of the City Clerk.

DOWNTOWN LIVE!

The Mayor noted the City's Downtown Live! Concert series is scheduled to begin on May 11, 2017 at the Imperial Centre and will last through September 28. He invited all to attend.

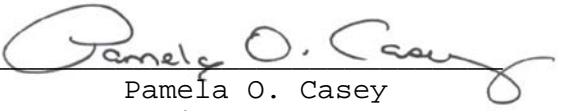
COMMENTS BY COUNCILMEMBER REUBEN C. BLACKWELL, IV

Councilmember Reuben C. Blackwell voiced appreciation to and thanked all who have worked with OIC staff and City staff to do something historic that will change Rocky Mount forever. He recognized OIC board members and staff in attendance at today's meeting to offer support and see history made and thanked them for their attendance.

Councilmember Tom Rogers noted that OIC has been in the City of Rocky Mount for half a century and stated he is excited about the impact the Wellness Clinic (in the DCF) can have on the project and on making the City a better place.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 4:23 p.m.


Pamela O. Casey
City Clerk