

May 22, 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: Lamont Wiggins, E. Lois Watkins, Tom Rogers, W. B. Bullock and Christine Carroll Miller.

Members absent: Andre' Knight and Reuben Blackwell, IV.

Staff Present: Stephen W. Raper, Interim City Manager; Kimberly D. Batts, Deputy City Clerk and Acting City Clerk; Tasha Logan Ford and Thomas Moton, Jr., Assistant City Managers; Tameka Kenan-Norman, Public Affairs Manager; Rich Worsinger, Director of Energy Resources; Allen Richardson, Forester-Energy Resources; Darryl Strother, Electrical Distribution Superintendent; Nicki Gurganus, Accounting Manager; Archie Jones, Director of Human Relations; Jonathan Boone, Director of Public Works and Water Resources; Brian West, Deputy Fire Marshall; Mark Adcox, Video Production Specialist; and Richard J. Rose, City Attorney.

The following Public Works (Community Code, Environmental Services, Street Department and Fleet Maintenance) and Water Resources employees were also in attendance: Jason Wright; John Griswold; Michael Shaw; Jim Boyett; Mike Tolson; Dennis Carpenter; Brenton Bent; Kelly Cook; Darrell Highsmith; Jim Connolly; Jimmie Moore; Earl Eley; Mike Phillips; Charles Parker; Cameron Privott; Otis Hargrove; Buck Pittman; Michele Raper; and Brenda Cooper.

Security Officer: Retired Police Sergeant Stoney Battle.

Mayor Combs opened the meeting and prayer was offered by Councilmember Chris Miller.

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 regularly scheduled meeting of the City Council held May 8, 2017 and minutes of a Special Called Committee of the Whole Meeting held April 21, 2017, were approved as submitted to the City Council prior to the meeting.

The Committee of the Whole minutes are as follows:

MINUTES OF A MEETING OF A SPECIAL CALLED COMMITTEE OF THE WHOLE HELD FRIDAY, APRIL 21, 2017 AT 12:00 P.M. AT THE EDUCATION BUILDING, IMPERIAL CENTRE, 270 GAY STREET, ROCKY MOUNT, NC:

MEMBERS PRESENT:

W. B. Bullock, Mayor Pro Tem
 Andre D. Knight
 Reuben C. Blackwell, IV
 Lamont Wiggins
 Lois Watkins
 Tom Rogers
 Chris Miller
 David W. Combs, Mayor

OTHERS PRESENT:

Stephen Straus, Developmental Associates
 Heather Lee, Developmental Associates
 Assessment Panel Members
 City Manager Candidates

OPENING OF MEETING

Mayor Pro Tem W.B. Bullock called the meeting to order.

CLOSED SESSION

The City Council entered into a closed session for Assessment for the City Manager's position.

Motion was made by Councilmember Miller, seconded by Councilmember Watkins and unanimously carried that the City Council adjourn to Closed Session at 12:30 p.m. for the purpose stated. The minutes of the Closed Session shall be placed on file as **ESM-469** at the end of Minute Book 33 upon approval for release by the City Attorney.

REGULAR SESSION/ADJOURN

The Mayor Pro Tem convened the City in regular session at 4:19 p.m. and there being no further business, the Committee meeting adjourned.

PETITIONS FROM THE PUBLIC

Mayor Combs opened the meeting for petitions from the public.

Nehemiah Smith of 1620 East Virginia Street thanked the City for its annual fireworks display. He reiterated his complaint regarding a lack of diversity in the Fire Department. He stated he has been told to be patient, but wants to know how long he is supposed to wait to see the changes he is looking for. He stated he is not being facetious and suggested classes or a diversity expert to help with diversity in the Fire Department.

Bronson Williams of 611 Hargrove Street stated he has looked at the Parks and Recreation Master Plan. He referenced the survey scores of some of the parks in the Cokey Road and Branch Street areas and added he would like to see funds budgeted to improve the parks in those areas. He stated he intends to bring children to the next City Council meeting to learn about city government as well as voice their opinion about the parks in their neighborhoods. He reiterated that the children in the southeast community of Rocky Mount need access to broadband internet and suggested the City reach out to Suddenlink to see if they would be willing to brand themselves and show their commitment to Rocky Mount by providing broadband internet at no charge to children in community areas.

AWARDS PRESENTATION/ARBOR DAY FOUNDATION AWARDS

The Mayor introduced Nash County Ranger, Bill Lewis, with the North Carolina Forest Service. Mr. Lewis reported that he is presenting the awards on behalf of the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters. He stated the Department of Energy Resources is receiving the Tree City USA Award for the 14th consecutive year and the Tree Line USA Award for the

10th year. He explained these awards represent significant achievement by the Energy Services Department.

The Mayor congratulated the Department of Energy Resources on receiving the awards and joined Ranger Lewis; Rich Worsinger, Director of Energy Resources; Darryl Strother, Electrical Distribution Superintendent; Allen Richardson, Forester; and Doris Cooper, Tree Advisory Board member for a photograph.

PUBLIC WORKS WEEK

Mayor Pro Tem Lamont Wiggins presented Public Works/Water Resources Director, Jonathan Boone, and staff of the Public Works/Water Resources Departments with a proclamation proclaiming the week of May 21-27, 2017 as "PUBLIC WORKS WEEK" in the City of Rocky Mount. The Mayor joined Mr. Boone and Public Works/Water Resources staff members for a photograph. The Mayor thanked Mr. Boone and the employees for the valuable services provided to the City.

CONSENT AGENDA

A. FIREWORKS DISPLAYS: (recommended for approval)

- Request from Englewood Baptist Church for permission to conduct a fireworks display on church property at 1350 South Winstead Avenue on Tuesday, July 4, 2017 - event time 9:00 p.m. to 10:00 p.m. (alternate date - July 5, 2017); and
- Request from Michael Varnell, Fire Chief, for permission to conduct a fireworks display at the Rocky Mount Sports Complex (soccer fields) on Monday, July 3, 2017 - event time 9:00 p.m. to 10:00 p.m. (alternate date July 10, 2016).

B. TEMPORARY STREET CLOSING: (recommended for adoption/ordinance adoption is a requirement of recent NCDOT standards)

- Ordinance No. O-2017-41 entitled ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT DECLARING A TEMPORARY ROAD CLOSURE FOR THE ANNUAL JUNETEENTH COMMUNITY EMPOWERMENT FESTIVAL (closes of N. Church Street [US 301 Business] from W. Thomas Street to Falls Road, Gay Street from N. Church Street to N. Franklin Street, and W. Goldleaf Street from N. Church Street eastward for 150 feet. Also, closes a lane on N. Franklin Street from Falls Road to Gay Street from Friday, June 2, 2017 at 12:00 p.m. until Saturday, June 3, 2017 at 10:00 p.m. for the Annual Juneteenth Community Empowerment Festival)

C. BUDGET REVIEW 2017-2018

Revision of the adopted schedule of meetings related to the proposed 2017-2018 budget:

- Wednesday, May 24 - 4 p.m. (Committee Room)
- Tuesday, May 30 - 4 p.m. (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)

D. PROJECT ORDINANCE AMENDMENTS: (recommended for adoption):

1. Tar River Transit:
 - a. Ordinance No. O-2017-42 entitled GRANT PROJECT AMENDMENT FOR PURCHASE OF AN EXPANSION 30 FOOT LOW FLOOR BUS; and
 - b. Ordinance No. O-2017-43 entitled GRANT PROJECT AMENDMENT FOR PURCHASE OF REPLACEMENT BUSES.

2. Community Development:

- a. Ordinance No. O-2017-44 entitled GRANT PROJECT ORDINANCE AMENDMENT 2012-2013 HOME INVESTMENT PARTNERSHIP GRANT PROJECT;
- b. Ordinance No. O-2017-45 entitled GRANT PROJECT ORDINANCE AMENDMENT 2013-2014 HOME INVESTMENT PARTNERSHIP GRANT PROJECT;
- c. Ordinance No. O-2017-46 entitled GRANT PROJECT ORDINANCE AMENDMENT 2014-2015 HOME INVESTMENT PARTNERSHIP GRANT PROJECT; and
- d. Ordinance No. O-2017-47 entitled GRANT PROJECT ORDINANCE AMENDMENT 2015-2016 HOME INVESTMENT PARTNERSHIP GRANT PROJECT.

Motion was made by Councilmember Rogers, seconded by Councilmember Miller, and unanimously carried that the recommendations relative to the Consent Agenda items be approved inclusive of approval of the street closing, and adoption of the Ordinances contained therein.

COMMITTEE OF THE WHOLE MINUTES

The City Council received the minutes from a Special Called Committee of the Whole meeting held May 8, 2017. The minutes are as follows:

MINUTES OF A MEETING OF THE COMMITTEE OF THE WHOLE HELD MONDAY, MAY 8, 2017 AT 5:00 P.M. IN THE COMMITTEE ROOM OF THE FREDERICK E. TURNAGE MUNICIPAL BUILDING:

MEMBERS PRESENT:

W. B. Bullock, Mayor Pro Tem
 Andre D. Knight
 Reuben C. Blackwell, IV
 Lamont Wiggins* (5:35 p.m.)
 Lois Watkins
 Tom Rogers
 Chris Miller
 David W. Combs, Mayor

STAFF PRESENT:

Stephen W. Raper
 Pamela O. Casey
 Tasha Logan Ford
 Thomas Moton, Jr.
 Tameka Kenan-Norman
 Ken Hunter
 Amy Staton
 Nicki Gurganus
 Richard J. Rose

OPENING OF MEETING

Mayor Pro Tem W. B. Bullock called the meeting to order at 5:05 p.m. and welcomed all present. He reminded those present that Committee of the Whole meetings are work sessions for the Mayor and Council and requested that any questions or concerns from attendees be held and addressed with a Councilmember or staff person following the meeting. He called on Interim City Manager Stephen W. Raper to introduce the agenda items.

1. QUARTERLY FINANCIAL REPORT - Ken Hunter, Budget and Evaluation Manager

Interim City Manager Stephen W. Raper called on Budget and Evaluation Manager Ken Hunter to provide the Committee with the third quarter financial report for FY 2017.

Mr. Hunter informed the Council that:

- Property and sales tax revenues are ahead of FY 2017 projections;
- General Fund expenditures are in line with prior years;
- Electric and sewer sales are meeting projections;
- Actions are underway to offset reduced gas and water sales; and
- Overall the budget is performing well and is in good shape for FY 2018.

He provided reports on sales tax revenue and distributions and told the City Council that at the end of February (with 4 months left in the current fiscal year) \$7.49M has been collected and it is anticipated that approximately \$11.25M will be collect by the end of FY 2017. He stated there has been about a \$2M increase in sales tax revenue likely due to legislation applying sales tax to online sales and other classification of sales.

Mr. Hunter reported that the City's rate of unemployment as of March 2017 was 8.2% (Edgecombe County: 10.3% and Nash County: 7.4%) and the rate of employment for the MSA is 6.6% (Edgecombe County: 7.7% and Nash County: 6.1%). He added that North Carolina's employment rate was 4.7%.

Mr. Hunter concluded by advising the City Council that:

- The FY 2018 budget will reflect conservative growth projections for State revenues (including sales tax);
- Staff is weighing local economic news and ongoing state and national trends;
- Minimal changes are planned for the City's fee schedules and no increase is expected for City resident utilities; and
- The FY 2018 proposed budget will be distributed to the City Council on May 15 with review expected to begin on May 22.

Mr. Hunter answered questions posed by Councilmembers. A copy of the Budget Manager's PowerPoint presentation is on file in the office of the City Clerk.

COMMITTEE RECOMMENDATION. Report only. No action.

2. **RECESS/CLOSED SESSION.** The Interim City Manager requested a Closed Session for matters involving attorney-client privilege.

COMMITTEE RECOMMENDATION. Motion was made at 5:24 p.m. by Councilmember Miller, seconded by Councilmember Watkins and unanimously carried that the City Council enter into a Closed Session to discuss matters involving attorney-client privilege.

The minutes of the Closed Session shall be placed on file as **ESM-472** at the end of **Minute Book 33** upon approval for release by the City Attorney.

3. **OPEN SESSION**

There being no further business for the Closed Session, the Mayor Pro Tem called for a motion to return to open session.

Motion was made by Councilmember Watkins, seconded by Councilmember Knight and unanimously carried that the Committee of the Whole return to open session at 6:31 p.m.

4. **CONSULTING AGREEMENT/DCF**

The City Council was provided with a consulting agreement with CW Penny Consulting, LLC for consulting services in connection with the Rocky Mount Downtown Community Facility (DCF) at the rate of \$125.00 per hour for each hour, or any fraction thereof, for consulting services as requested by the City, not to exceed total compensation of \$4,800 per month, plus reimbursement for travel expenses outside the corporate limits of Rocky Mount at the standard IRS rate for mileage reimbursement and reasonable meals and lodging associated with the engagement.

COMMITTEE RECOMMENDATION. Motion was made by Councilmember Rogers, seconded by Councilmember Miller and unanimously carried that the consulting contract with CW Penny Consulting LLC be approved and that the Mayor and Finance Director be authorized to execute the agreement (C-2017-16) on behalf of the City.

5. **ADJOURN.** There being no further business for the Committee of the Whole, the meeting adjourned at 6:32 p.m.

Motion was made by Councilmember Wiggins, seconded by Councilmember Rogers and unanimously carried that the minutes of the Committee of the Whole be approved.

STREET CLOSING

The City Council received a petition from Interim City Manager Stephen W. Raper requesting the closing of Pemberton Alley (unopened alley between NE MAIN Street; 150 feet east of NE MAIN Street).

Motion was made by Councilmember Miller, seconded by Councilmember Rogers and unanimously carried that **RESOLUTION NO. R-2017-30** entitled **RESOLUTION OF INTENT TO CLOSE PEMBERTON ALLEY (UNOPENED ALLEY BETWEEN NE MAIN STREET; 150 FEET EAST OF NE MAIN STREET)** be adopted.

MUNICIPAL AGREEMENT/COMPREHENSIVE BICYCLE PLAN

Assistant City Manager Tasha Logan provided the City Council with a resolution and municipal agreement with the North Carolina Department of Transportation (NCDOT) relative to a grant program to update the existing 2007 Bicycle Plan. She advised Council that NCDOT estimates the cost to be \$100,000 and the City would be required to provide a local match of 40%. NCDOT will lead the plan development by working with the City and a prequalified consulting firm. The Bicycle Plan update is expected to take 10 to 14 months to complete from the notice to proceed.

Motion was made by Councilmember Wiggins, seconded by Councilmember Watkins and unanimously carried that Resolution No. R-2017-31 entitled **RESOLUTION ENDORSING THE COMPREHENSIVE BICYCLE PLAN PROGRAM BY THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT** and the municipal agreement (**C-2017-19**) with the North Carolina Department of Transportation (WBS Element: 44527.1.27/TIP# M-0492Z) be approved and that the Mayor and City Clerk be authorized to execute the agreement on behalf of the City.

MUNICIPAL AGREEMENT/SIGNS AGREEMENT

Assistant City Manager Tasha Logan provided the City Council with a municipal agreement with the North Carolina Department of Transportation (NCDOT) relative to maintenance of signs on NCDOT streets. She advised Council that the agreement establishes a maximum annual reimbursement of \$20,000.

Motion was made by Councilmember Miller, seconded by Councilmember Wiggins and unanimously carried that the municipal agreement (**C-2017-20**) with the North Carolina Department of Transportation (WBS Element: 44527.1.27/TIP# M-0492Z) be approved and that the Mayor and City Clerk be authorized to execute the agreement on behalf of the City.

CHANGE ORDERS/WATER AND SEWER ASSET MANAGEMENT PLAN-PHASE 4

The City Council received Change Order No. 1 on a contract with CH2M Hill North Carolina, Inc. - Phase 4 of the Water and Sewer Asset Management Implementation Plan to add work to prepare a preliminary design to replace disinfection system (\$14,000) and to upgrade/replace electrical infrastructure at the wastewater treatment plant (\$25,000) for an increase of \$39,000 resulting in an amended contract amount of \$323,000.

The City Council also received Change Order No. 2 on a contract with CH2M Hill North Carolina, Inc. - Phase 4 of the Water and Sewer Asset Management Implementation Plan for a cemetery management software evaluation. The Council was advised the change order in the amount of \$23,000 will evaluate current work processes and assist in developing a plan to improve efficiency and select the most appropriate management tool.

Motion was made by Councilmember Bullock, seconded by Councilmember Rogers and unanimously carried that the change orders be approved and that the Mayor and City Clerk be authorized to execute the same on behalf of the City. The change orders will be placed on file in the City Clerk's office with the initial contract with CH2M Hill North Carolina, Inc. **(C-2016-25)**.

EMERGENCY PROCUREMENT OF SERVICES/TAR RIVER RESERVOIR

The City Council was provided with a resolution authorizing the emergency procurement of services required to repair the Tar River water supply reservoir dam. Council was advised that the City experienced a hydraulic failure at the dam on April 25 due to the high flows experienced following heavy rains upstream of the reservoir within the Tar-Pamlico River Basin and while efforts to replace cylinder 3, one of the three hydraulic cylinders used to raise and lower the south gate, the gate was unable to withstand the increased upstream water pressure. The Public Works and Water Resources Director recommended that additional work be scheduled to rebuild and replace the remaining two cylinders on the south gates (at a cost up to \$150,000) as soon as possible.

He advised the City Council that NCGS 143-129 allows for an exception to a municipality's formal bid procedure "in cases of special emergency involving the health and safety of the people or their property" and recommended approval of said emergency repairs.

Assistant City Manager Thomas M. Moton, Jr. provided the City Council with a contract with Schnabel Engineering South, P.C. for services related to the update of State Mandated Emergency Action Plan (EAP) and Inundation Mapping Relative to the Tar River Water Supply Reservoir Dam and Modeling Effort to Quantify the Impact of the Dam Gate(s) on Downstream Water Elevations in the amount of \$31,800. He advised Council that Schnabel Engineering South, P.C. was engaged after the emergency procurement of services was approved on May 8, 2017 and the contract is the result of the recommendations provided in the inspection report.

Motion was made by Councilmember Rogers, seconded by Councilmember Miller and unanimously carried that the contract **(C-2017-18)***[per notation from May 8, 2017 minutes]* with Schnabel Engineering South, P.C. be approved and that the Mayor be authorized to execute the contract on behalf of the City.

SOLE-SOURCE PURCHASE/AUTOMATED VOICE ANNUNCIATION SYSTEM

The City Council received a proposal for the "sole-source" purchase of an automated voice annunciation system provided by Doublemap, Incorporated pursuant to G.S. 143-129(e)(6) based on standardization or compatibility. The information furnished by the Purchasing Division supporting the recommendation will be placed on file in the office of the City Clerk as **BD-2017-18**.

Motion was made by Councilmember Wiggins seconded by Councilmember Rogers and unanimously carried that the "sole-source" purchase of the automated voice annunciation system (\$96,209.67) be approved and that the Purchasing Division be authorized to issue a purchase order for the system in accordance with the Council's award.

APPOINTMENTS

No action was taken to fill the alternate vacancy on the Board of Adjustment.

COMMENTS BY COUNCILMEMBER

Councilmember E. Lois Watkins recognized and appreciated Bronson Williams and Nehemiah Smith for their consistency in coming to speak on behalf of citizens for diversity issues and to advocate for activities for youth in the community. She stated their advocacy is being heard and is being responded to.

CLOSED SESSION

The Mayor requested a Closed Session to discuss matters concerning attorney-client privilege.

Motion was made by Councilmember Bullock, seconded by Councilmember Wiggins and unanimously carried that the City Council adjourn to Closed Session at 4:26 p.m. for the purpose stated. The minutes of the Closed Session shall be filed as ESM-475 at the end of Minute Book No. 33 upon approval for release by the City Attorney.

REGULAR SESSION

The Mayor convened the meeting in regular session at 5:10 p.m.

DOWNTOWN COMMUNITY CENTER FINANCING/NEW MARKET TAX CREDITS (NMTC)

Motion was made by Councilmember Wiggins, seconded by Councilmember Miller, and unanimously carried to authorize the Mayor to execute the Loss Protection Agreement and the accompanying letter to First American Title Insurance Company and Investors Title Insurance Company in connection with the New Markets Tax Credit financing arrangements, along with further authorizing the Manager and Legal Counsel to make any necessary changes for inducement of said title insurance companies to act upon same. Additionally, negotiations shall continue with all collateral parties in an effort to resolve and wind down any and all existing and intervening title issues.

ADJOURNMENT

There being no further business, the Council meeting adjourned at
5:12 p.m.



Kimberly D. Batts
Deputy City Clerk and
Acting City Clerk