

September 11, 2017

The City Council of the City of Rocky Mount met this day in regular session at 7:04 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: Rochelle D. Small-Toney, City Manager; Pamela O. Casey, City Clerk; Tasha Logan Ford and Thomas M. Moton, Jr., Assistant City Managers; Tameka Kenan-Norman, Public Affairs Manager; Archie Jones, Director of Human Relations; Ken Graves, Director of Planning and Development; Elayne Henderson, Director of Human Resources; Brian Harrell, Senior Center Manager; Kim Batts, Deputy City Clerk; and Richard J. Rose, City Attorney.

Others present: Police Chief, James Moore; Fire Chief, Mike Varnell, and members of the Police and Fire Departments (First Responders).

Security Officer: Retired Police Sergeant Stoney Battle.

The Mayor opened the meeting and called on Councilmember Tom Rogers to offer prayer.

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 August 28, 2017 were approved as submitted to the City Council prior to the meeting.

SENIOR CENTER MONTH

The Mayor read a Proclamation proclaiming the month of September 2017 as Senior Center Month in the City of Rocky Mount, presented the proclamation to Brian Harrell, Senior Center Manager; Senior Center staff and members of the Rocky Mount Senior Center and joined them for a photograph.

FIRST RESPONDERS DAY

The Mayor read a Proclamation proclaiming September 11, 2017 as First Responders Day in the City of Rocky Mount. He stated the North Carolina General Assembly has recently established September 11 as First Responders Day in the State of North Carolina. He presented the proclamation to Police Chief, James Moore, and Fire Chief, Mike Varnell, and joined them for a photograph. Members of the Police and Fire Departments were in attendance.

PETITIONS FROM THE PUBLIC

Mayor Combs opened the meeting for petitions from the public and recognized the following individuals:

Johnny Cunningham of 1105 Branch Street told the Council there are 15 African-American communities in the City that are being underserved and unfairly treated. He stated the Council has sorely failed the black community. He provided City staff with a copy of a letter he previously received from the Manager's Office.

Curmilus Dancy, 2nd Vice-President of the Rocky Mount NAACP, read a prepared statement requesting the removal of the Confederate statue currently at Battle Park. He proposed it be relocated to private property. He provided City staff with a copy of his statement.

Lewis Turner of 158 S. Washington Street requested more information relative to rezoning petitions on the agenda.

Bronson Williams of 600 Hargrove Street reiterated his request that a prominent corridor in Rocky Mount be named for Dr. Martin Luther King, Jr. He urged quick action relative to removing the Confederate statue. He voiced approval of the proposed branding for the Rocky Mount Event Center outlined in today's Committee of the Whole.

Samuel Battle of 261 Middle Street said he just returned from the prison system. He said he was talking with gang members at the back to school backpack drive in Meadowbrook Park and witnessed disrespect by youth to Police. He said youth needs help and programs plus jobs, mentors and money. He called on Councilmembers Knight, Blackwell, Wiggins and Watkins to "do something."

Nehemiah Smith of 1620 E. Virginia Street said the Fire Department is a tainted process and as much an affront as the Confederate monument. He added that the monument must be removed. He reminded the Council that the Council Chamber needs repair.

Randy Adcox of 3212 N. Halifax Road said he believes the Confederate monument was erected to honor Veterans. He suggested relocation of the statue further into Battle Park where it is less prominent and not in public view as a solution.

The Mayor closed the public petitions portion of the meeting.

Councilmember Knight responded to comments making the following main points:

- The City is dealing with the matter related to the matter of the confederate monument and hope to have an expedient resolution;
- Councilmembers do not usually respond to public comments:
 - But he expects the newspaper will reflect Councilmembers Knight, Blackwell, Watkins and Wiggins were accused of not having compassion for the black community and black youth;
 - This Council should not be blamed;
 - This Council since 2003 has fought to improve the conditions in the City for, both black and white citizens, particularly housing conditions;
 - The City was plagued with high utility bills resulting from an agreement set to expire in 2026 and Council fought to bring down utility bills for all citizens;

- Council has fought for recreation throughout the City, and improvements have been made including the recent South Rocky Mount Community Building renovations;
- Council fought to keep inner city schools open (though citizens did not fight themselves) and fought for education;
- Council fought for public safety (ShotSpotter, body cameras, youth curfew and others);
- Downtown was dead and there was nothing in East Rocky Mount and this Council is trying to bring the core of the City back;
- Growth is happening in Rocky Mount;
- Crime did not just begin - he questioned where mothers and fathers are;
- Citizens should seek to do their part instead of placing blame;
- There are not enough police officers to be on every corner, but there are enough eyes in the community to reach and teach;
- Some in the City do not want the City to be progressive;
- Racism has existed for years and still exists; and
- He will continue to fight on the Council for equality and parity for all.

AD VALOREM TAX RELEASES

The City Council received the following schedules of ad valorem taxes recommended for release and/or refund:

SCHEDULE A – taxes under \$100 approved for release and/or refund by the City Manager:

<u>YEAR</u>	<u>BILL NO.</u>	<u>NAME/ADDRESS</u>	<u>TAX</u>		<u>COMMENT</u>
<u>NASH COUNTY</u>					
2017	11556	JORDAN H LEON & VIVIAN D 1894 SINGLETREE LN ROCKY MOUNT, NC 27804	10.00	DOG	NO DOG
		TOTAL RELEASE:	10.00		
<u>EDGECOMBE COUNTY</u>					
2017	579	FULL CIRCLE SOLUTIONS INC PO BOX 1924 JASPER, GA 30143	7.33 0.73	CITY PEN	INCORRECT VALUE
		TOTAL RELEASE:	8.06		
2017	387	VARIETY STORES INC PO BOX 947 HENDERSON, NC 27536	0.28	CITY	INCORRECT VALUE
		TOTAL RELEASE:	0.28		

SCHEDULE B – taxes over \$100 recommended for release and/or refund by the City Council:

<u>YEAR</u>	<u>BILL NO.</u>	<u>NAME/ADDRESS</u>	<u>TAX</u>	<u>COMMENT</u>
<u>EDGECOMBE COUNTY</u>				

2017	9175	DCB FARMS LLC BRAKE HARPER LD ROCKY MOUNT, NC 27801	437.19	CITY	BILLED IN ERROR OUTSIDE CITY LIMITS
		TOTAL RELEASE:	437.19		
2017	283	FOOD LION LLC #619 PO BOX 1330 SALISBURY, NC 28145	576.60 57.66	CITY	BILLED IN ERROR
		TOTAL RELEASE:	634.26		
2017	9176	RONEY BEN E III BRAKE HARPER LD ROCKY MOUNT, NC 27801	272.21	CITY	BILLED IN ERROR OUTSIDE CITY LIMITS
		TOTAL RELEASE:	272.21		

Motion was made by Councilmember Blackwell, seconded by Councilmember Wiggins and unanimously carried that the report from the City Manager of taxes under \$100 listed on Schedule A approved for release and/or refund be acknowledged; and that the taxes over \$100 listed on Schedule B be approved for release and/or refund.

PLANNING BOARD RECOMMENDATIONS

The City Council received the minutes and recommendations from a Planning Board meeting held August 8, 2017. The minutes are on file in the office of the City Clerk. The following action was taken upon the recommendations of the Planning Board.

REZONING REQUEST/PUBLIC HEARING

The Mayor opened a public hearing relative to the following rezoning request recommended for approval and found in compliance with the Comprehensive Plan by the Planning Board:

- request by Lisa Robertson to rezone +/-3.52 acres at 420 Jones Road and 2221 Curtis Ellis Drive from R-15 to O-I

Director of Planning and Development, Ken Graves, reported that Ms. Robertson and her husband operate a medical eyecare center at the hospital and have requested the rezoning in order to operate the facility at the requested location. He explained there has been some concerns from neighbors relative to traffic, noise and screening, but most concerns will be addressed in the site planning.

Hal Fryar with Century 21, The Combs Company, told the Council that he represents the seller and requested approval of the rezoning petition.

Mr. Fryar, Ms. Robinson and Mr. Graves responded to questions posed by Council.

Jesse Felix of 18 Wisteria Drive stated the property in question is located next to his property and he is concerned with traffic. He said he was out of town when the public meetings were held.

Mr. Graves reported that based on the proposed use as a medical facility it is not anticipated the facility would generate as much traffic as a commercial property, but would generate more than residential property.

Petitioner, Lisa Robertson, told the City Council there is woods between her property and the residential property creating more than the required buffer and she plans to leave the tree line and add additional buffers. She stated approximately 60 parking spaces will be needed at the location (approximately 30 for staff and an additional 30 for patients) and that the business will close on Fridays at 3 p.m. and remain closed throughout the weekend.

Discussion continued. City Attorney, Richard J. Rose, recommended the matter be referred back to the Planning Board. Ms. Robertson informed the City Council that her due diligence period will expire on September 15 and requested the Council make a decision on the rezoning tonight.

No one else appeared to speak and the Mayor declared the public hearing closed.

Motion was made by Councilmember Rogers, seconded by Councilmember Miller and unanimously carried that receipt of the Planning Board minutes be acknowledged and that **Ordinance No. O-2017-80** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

LAND DEVELOPMENT CODE AMENDMENTS/PUBLIC HEARING:

Motion was made by Councilmember Miller, seconded by Councilmember Rogers, and unanimously carried that consideration of the following Land Development Code amendments recommended for approval and found in compliance with the City's Comprehensive Plan by the Planning Board at its August 8, 2017 meeting be tabled:

PURPOSE OF AMENDMENTS: to revise the following Chapters and Sections of the Land Development Code of the City of Rocky Mount to align with the State general statutes, correct misaligned text and clarify the intended application of regulations:

- Chapter 3. DEVELOPMENT REVIEW ADMINISTRATION; Sec. 308. Board of adjustment.; F. Board rules and procedures.;
- Chapter 3. DEVELOPMENT REVIEW ADMINISTRATION; Sec. 312. Development review procedures.; G. Written notice.; H. Published notice.; I. Posted notice.; and K. Summary of procedures requiring notice. **Table 3-1. Notice Summary;**
- Chapter 7. GENERAL DEVELOPMENT STANDARDS; Sec. 704. Landscaping and buffering.; C. Landscaping procedures and general requirements.; 6. Maintenance requirements.;
- Chapter 7. GENERAL DEVELOPMENT STANDARDS; Sec. 709. Signs.; E. Signs note requiring a permit.; 4. Display of official governmental flags.;
- Chapter 7. GENERAL DEVELOPMENT STANDARDS; Sec. 709. Signs.; F. Permitted freestanding signs.; **Table 7-1.**;
- Chapter 7. GENERAL DEVELOPMENT STANDARDS; Sec. 709. Signs.; G. Permitted wall signs, hanging signs, projecting signs and roof signs.; **Table 7-2.**

The City Clerk requested clarification relative to whether the matter was tabled or deferred to a time certain.

A substitute motion made by Councilmember Miller, seconded by Councilmember Rogers, unanimously carried that consideration of the land development code amendment be deferred until the October 9, 2017 Committee of the Whole meeting.

LAND DEVELOPMENT CODE AMENDMENTS/PUBLIC HEARING:

Motion was made by Councilmember Miller, seconded by Councilmember Rogers, and unanimously carried that consideration of amending action

relative to the following Land Development Code amendments recommended for approval and found in compliance with the City's Comprehensive Plan by the Planning Board at its November 9, 2016 meeting be tabled:

PURPOSE OF AMENDMENT: replaces Tables 7-1. Use Classification Bufferyard Requirements. and Table 7-2. Bufferyard Specifications in advertently deleted.

- Chapter 7. GENERAL DEVELOPMENT STANDARDS; Sec. 704. Landscaping and buffering.

The City Clerk requested clarification relative to whether the matter was tabled or deferred to a time certain.

A substitute motion made by Councilmember Miller, seconded by Councilmember Rogers, unanimously carried that consideration of the land development code amendment be deferred until the October 9, 2017 Committee of the Whole meeting.

LEASE/PANTHER ISLAND

Consideration was given to a twenty-year lease agreement between the City and Rocky Mount Dam, LLC at \$1 per year for twenty years, with one (1) additional automatic twenty-year renewal upon the same terms and conditions unless one party provides the other party notice of termination not less than twenty-four (24) months prior to the end of the initial term. This matter was deferred from the June 26, July 10 and August 14, 2017 meetings of the City Council. Councilmember Blackwell expressed appreciation to Rocky Mount Dam, LLC for working with the City Council to address concerns and come to a resolution.

Motion was made by Councilmember Blackwell, seconded by Councilmember Knight and unanimously carried that **Resolution No. R-2017-46** entitled **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT AUTHORIZING AN UPSET BID PROCESS WITH RESPECT TO THE PROPOSED LEASE OF PANTHER ISLAND** be adopted. This resolution declares the property surplus and authorizes the City Clerk to advertise the offer for upset bids pursuant to GS 160A-269; and, if no qualifying upset bid is received, further authorizes the Mayor or City Manager to execute the lease agreement (**C-2017-39**) and any other instruments necessary to lease the property to Rocky Mount Dam, LLC on behalf of the City.

TAXICAB LICENSE/ADDITIONAL APPLICATION

The City Council received a recommendation from the Chief of Police for the issuance of one (1) additional taxi cab right to Zabdiel U. Dewar.

Motion was made by Councilmember Wiggins, seconded by Councilmember Watkins and unanimously carried that an additional taxi permit be approved for issuance to Zabdiel U. Dewar as recommended by the Chief of Police.

DEMOLITION ORDINANCE

The City Council received an ordinance ordering the Community Code Inspector to proceed with demolition of the following substandard properties:

- 1415 Branch Street

- 200 S. Howell Street
- 515 Carolina Avenue

NOTE: The request included the following properties which were previously approved for demolition on July 24, 2017:

- 1332 Maple Street;
- 538 Center Street; and
- 512 Arlington Street

Motion was made by Councilmember Blackwell, seconded by Councilmember Wiggins and unanimously carried that **Ordinance No. O-2017-81** entitled **ORDINANCE ORDERING THE COMMUNITY CODE INSPECTOR TO PROCEED TO DEMOLISH CERTAIN DILAPIDATED STRUCTURES PURSUANT TO THE HOUSING CODE OF THE CITY OF ROCKY MOUNT** be adopted.

RELEASE OF CIVIL PENALTIES/401 CEDAR STREET

City Manager Rochelle D. Small-Toney advised the City Council that Fontella Garraway is requesting to settle assessments on behalf of the H.C. White Heirs for 401 Cedar Street in Rocky Mount and has agreed to pay the principal due and a portion of the interest as follows:

1. Demolition assessment:
Principal and interest to be paid - \$6,239.28 (requesting release of interest of \$2,580.31)
2. Weed assessments (8):
Principal and interest to be paid - \$842.87 (requesting release of interest of \$450.21)

Motion was made by Councilmember Wiggins, seconded by Councilmember Rogers and unanimously carried that the assessment contract(s) be reduced as recommended.

ROCKY MOUNT TRANSIT/FY 2018 5339 STATEWIDE BUS AND BUS FACILITY GRANT AGREEMENT

The City Council was provided with an agreement relative to the North Carolina Department of Transportation, Public Transportation Division, 5339 Statewide Bus and Bus Facility Grant Agreement for FY 2018 (Project Number: 18-39-043U; WBS Element No(s): 44637.6.3.3/44637.6.3.4) in the amount of \$354,240 approved on March 9, 2017 which will fund replacement of existing para-transit vehicles and bus stop signage for the Tar River Transit fixed route.

Funding shares were outlined as follows: FTA \$314,880; NCDOT \$39,360; and City of Rocky Mount \$39,360.

Motion was made by Councilmember Wiggins, seconded by Councilmember Watkins and unanimously carried that the grant agreement with the North Carolina Department of Transportation be approved; that **Resolution No. R-2017-47** entitled **RESOLUTION AUTHORIZING THE CITY OF ROCKY MOUNT/TAR RIVER TRANSIT TO ENTER INTO AN AGREEMENT WITH THE NORTH CAORLINA DEPARTMENT OF TRANSPORTION** be adopted; and that the Mayor and City Clerk be authorized to execute the grant agreement and required certification(s) on behalf of the City.

APPOINTMENT

No action was taken to fill the Ward 1 vacancy on the Utility Service Review Board.

COMMITTEE OF THE WHOLE MEETING

The City Council scheduled a City Council Candidates Briefing with the City Manager for Monday, September 25, 2017 at 10 a.m. in the Committee Room, Third Floor of the Frederick E. Turnage Municipal Building.

CLOSED SESSION


The City Manager requested a Closed Session to discuss a personnel matter and the City Attorney requested to add a matter concerning attorney-client privilege to the agenda. A matter on the agenda concerning economic development was removed.

Motion was made by Councilmember Rogers, seconded by Councilmember Blackwell and unanimously carried that the City Council go into a Closed Session at 8:25 p.m. The minutes of the Closed Session shall be filed as **ESM-482** at the end of **Minute Book 33** upon approval for release by the City Attorney.

NOTE: The City Clerk was dismissed from the meeting following consideration of the attorney-client matter and prior to consideration of the personnel matter.

REGULAR SESSION/ADJOURNMENT

The Mayor convened the City in regular session at 8:59 p.m. and there being no further business, the City Council meeting adjourned.



Pamela O. Casey
City Clerk