

November 13, 2017

The City Council of the City of Rocky Mount met this day in regular session at 7:00 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: 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, Chief Communications and Marketing Officer; Archie Jones, Director of Human Relations; JoSeth Bocook, Interim Director of Planning and Development; Kellieanne Davis, Community Development Administrator; Kim Batts, Deputy City Clerk; and Richard J. Rose, City Attorney.

Security Officer: Retired Police Sergeant Stoney Battle.

The Mayor opened the meeting and called on Councilmember W. B. Bullock 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 October 23, 2017 were approved as submitted to the City Council prior to the meeting.

#### **200<sup>th</sup> ANNIVERSARY OF THE BAHÁ'Í FAITH**

The Mayor read a Proclamation proclaiming October 21-22, 2017 as the 200th anniversary of The Bahá'í Faith in the City of Rocky Mount. He presented the proclamation to Mary Spires, Yalem Wiley, Carolyn Thomas and Andre Lanzaro and joined them for a photograph.

#### **PETITIONS FROM THE PUBLIC**

Mayor Combs requested citizen sign-in sheets be completed and given to the Security Officer. He stated that comments should be directed to the Council as a whole and, in most cases, Council will not respond to public comments, but will refer matters to the City Manager's Office.

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

**Randy Adcox** provided information to the Mayor and Council relative to gang prevention through community intervention with high-risk youth from the National Crime Prevention website and his contact information. He stated a young lady with whom he went to school was kidnapped and murdered in December 1986. He told the Council he is concerned with crime in the City and proposed a crime prevention task force aimed at young people and working in conjunction with law enforcement and the Council be created. He said he has been asked by a group of citizens

to serve on such a task force and would like to meet with interested Councilmembers.

**Johnnie Cunningham** told the City Council that seventeen years ago today six children and one man died in a fire two blocks from a fire station and three blocks from the new event center. He stated gentrification is spreading into impoverished black communities and just last week he helped remove a mother and two children out of a home where fourteen people were residing. He asked for 30 seconds of silence in memory of the lives lost seventeen years ago and stated, "we have to get children out of these houses."

**Bronson Williams** stated two of the children mentioned by Johnnie Cunningham were his classmates and he remembers the tragedy created by slumlords in the community. He said he was thankful to be at the committee of the whole meeting today where the Council discussed how to deal with gentrification and other issues impacting the community. He said he saw on Facebook that the City made it difficult for a citizen to open a business in Rocky Mount. He voiced concern that there is a miscommunication between elected officials and staff and miscommunication between staff to citizens. He complimented the City Manager on the job she is doing. He stated WNCN TV is moving to 21.1 and will soon be moving to a new location.

**Nehemiah Smith** congratulated Councilmembers who were recently reelected. He thanked the City Manager for her TABLE talk initiative in creating an environment where employees feel comfortable expressing concerns or suggestions and stated it is key to a healthy work place. He stated he would encourage black firefighters to attend these sessions. He told the Council at the intersection of Barnes and Virginia Streets there are two issues: 1) Baskerville and Parker Schools are located nearby and children are unsafe walking home because people often run the stop sign at that intersection creating a dangerous condition; and 2) late at night for the past month or so there has been a road block at that corner and the flashing lights are upsetting to elderly citizens in the community. He asked that police monitor that intersection and that perhaps a caution light or speed bumps be installed.

**Lewis Turner** stated sidewalks are needed for children and he has been asking for sidewalks for twenty years. He asked that Sue Perry-Cole be allowed to speak in his time. Ms. Perry-Cole told the Council she will speak at the scheduled public hearing.

Councilmember Knight stated Assistant City Manager Tasha Logan Ford has information relative to sidewalks and added Ms. Lena Edwards, past president of the Hillside Community, had also advocated for sidewalks and he hopes to see them soon.

The Mayor closed the public petitions portion of the meeting.

**CONSENT AGENDA****A. TEMPORARY STREET CLOSING: (recommended for adoption)**

- Request from Willie and Christy Bryant for permission to close the 700 block of O'Berry Street on Thursday, November 23, 2017 to feed less fortunate families for Thanksgiving.

**B. BUDGET ORDINANCE AMENDMENT: (recommended for adoption):**

- **Ordinance No. O-2017-94** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2017-2018 FOR PUBLIC INFORMATION EQUIPMENTS** (appropriates funds in the General Account for the purchase of a new video camera, stabilizer and additional video production equipment for Public Affairs - \$23,100)

Motion was made by Councilmember Rogers, seconded by Councilmember Miller and unanimously carried that the Consent Agenda be approved inclusive of the temporary street closure and adoption of the recommended budget amendment.

**PUBLIC HEARING/AMENDED CITIZEN PARTICIPATION PLAN - DOWN EAST HOME CONSORTIUM (DEHC)**

Assistant City Manager Tasha Logan Ford advised the Council that the City and the Down East HOME Consortium, of which the City serves as the lead entity, is required by HUD to adopt a Citizen Participation Plan for the public to know the public engagement requirements and process for any HUD funding related planning.

She noted the amended plan includes language referencing new HUD rules including community participation as a part of the formation of the Assessment of Fair Housing and to complete the Assessment of Fair Housing prior to formulation of the Consolidated Plan.

She added a 15-day public review period ended November 11, 2017 and any comments received (including comments at tonight's meeting) will be attached to the final plan for submission to HUD.

The Mayor opened a public hearing relative to consideration of approval and adoption of an Amended Citizen Participation Plan.

**Sue Perry Cole** voiced the following concerns:

- She said since the public comment period on the draft plan closed on Friday and it is presented for approval on Monday she inquired if any changes were made to the draft plan pursuant to the written comments made by Legal Aid of North Carolina on behalf of a set of underserved neighborhoods called the Community Academy;
- She questioned how many comments were received and if any changes were made;
- She said the reason she was asking is because the comment period ended one day and the document was on for approval the next day and she wonders if the comment period was real or a vacant exercise;
- She is concerned that stakeholder consultation and citizen outreach fails to include citizen lead organizations and that the Plan calls for the City to consult with various public and private agencies, but did not mention civilian lead organizations such as neighborhood groups that make up the steering committee;
- She complimented City staff noting the Citizen Participation Plan increased from 5 to 23 pages and included a lot of guidance relative to federal regulation, among other good information; and
- She said she is bringing up the timing question because more time is needed and due to a desire to work out concerns before the Plan is considered for approval by Council and because there is a similar quick turn-around deadline relative to the Assessment for

Fair Housing, which, in many respects, is a meatier document, and she would hate to have to ask Council not to move forward. She added a concern that the draft proposal requires that the limited English-speaking population submit written requests for an interpreter based on a reasonable assumption there would be a certain level of turnout and that seems to be overly burdensome for a population. She noted many of the immigrant and refugee population do not have the language capacity and she wanted to bring that to the attention of Council and would like to see that changed.

Assistant City Manager Tasha Logan Ford advised the City Council that:

- The Community Development Administrator is present tonight;
- There was a public comment period for the Citizen Participation Plan and Ms. Perry-Cole is correct in terms of the date when the comment period closed; the City did receive comment from the Community Academy through Legal Aid of North Carolina and has provided a response to those comments;
- Any prior comments received from the public and comments at this meeting will be attached to the Plan and submitted to HUD when the Plan is provided to them;
- Comments previously provided by email to the City's Community Development Administrator are:
  - 1) A concern relative to the burden placed on non-English speakers to have interpreters available at public meetings;
  - 2) Concern that holding one public meeting in a neighborhood that contains at least 51% of low to moderate income residents does not go far enough;
  - 3) Concern that public notices should extend beyond one newspaper; and
  - 4) Concern relative to the 7-day comment period.

Ms. Ford reported that staff responded in writing to the comments made by the Community Academy. She told the Council the City does not have interpreters at every public meeting, but does make sure it reaches out to the Hispanic community and arranges for an interpreter, as needed. She added staff makes sure all documents are translated in Spanish and that public notices are also in Spanish.

She noted the Plan has language stating that at least one public meeting shall be held, but that does not mean there cannot be more than one meeting should that be the desire of Council.

Assistant City Manager Ford advised the Council that notices are posted in the Telegram, which is the newspaper in which the City publishes all notices.

She told the Council the Plan was changed to increase the public notice period to 10 days.

Council was advised staff did not make changes relative to stakeholder consultation and citizen outreach, but did respond by highlighting that all information is shared with neighborhood presidents at their meetings with the desire that they take that information back to their neighborhoods. Ms. Ford reported that during the last two processes relative to the annual action plan time was set aside to have the consultant available to meet with stakeholder groups and during the last process a stakeholder group was made up of members

of the Hispanic community. She said staff is working to find ways to better reach out and gain more participation.

The City Council was advised the stakeholder meetings are in addition to public hearings held in Rocky Mount, Edgecombe and Nash Counties and are usually held at City Hall and at a location in Edgecombe County.

Councilmember Blackwell questioned the timing of public comment period relative to submission of the Plan to Council for review and adoption and whether consideration has been given to amending that process. Ms. Ford noted the time would typically be longer, but the issues creating the timing issue were the delay in the time of when the City was initially notified of HUD funding, creating the schedule for the participation plan, completing the new AFH and getting the schedule together for the Consolidated Plan.

She reiterated that comments received at public hearings will be incorporated and shared with HUD when the Participation Plan is provided, along with the official minutes from tonight's meeting.

Discussion was held relative to advertisement of meetings and Councilmember Blackwell stated he would support expanding the budget for notice to be published in additional local newspapers, in addition to the Telegram, such as the Weekly Defender and Nashville Graphic since HOME impacts a larger area than just the City. He stated he supported the use of social media, as well.

Councilmember Rogers questioned the level of participation at public hearings and meetings. Assistant Manager Ford explained that the work of Ms. Sue Perry Cole has contributed to increased participation at public meetings. She said the dynamic is changing and the community is becoming more engaged and involved leading the City to prepare a better product for submission to HUD. She added the City began including stakeholder groups last year and added smaller groups especially relative to the Hispanic population.

**Johnny Cunningham** of 1105 Branch Street stated he wants to deliver a message to HUD. He said:

- Gentrification is having an impact on poor African Americans in that they are not represented at all;
- They have been impacted in a severe way by being ignored, not considered nor invited to any meetings and when a representative comes before Council to present their suffering, it falls on deaf ears so if HUD should hear a message from those that gentrification has the most impact on it would be these citizens;
- Can you imagine a prostitute that has been educated, endowed with power and knowledge being able to walk to the Mill Village and sit down and you not recognize her; even a crackhead, thief or ex-con. Imagine if the City would allow the poor population of the City to engage, be a part of the prosperity of the City; imagine if you could roll out the red carpet; we are poor what do we have?
- Without HUD Rocky Mount would not be Rocky Mount; without federal dollars there would be no Rocky Mount; HUD and federal dollars are the savior of this City so why can't the City in turn be the savior for its poor population?
- He wants his comments to be a part of the Plan.

No one else from the public appeared relative to the Action Plan and the Mayor declared the public hearing closed.

Motion was made by Councilmember Blackwell, seconded by Councilmember Wiggins and unanimously carried that the Amended Citizen Participation Plan be approved and that the Mayor be authorized to execute the Plan on behalf of the City.

**PLANNING BOARD RECOMMENDATIONS - AUGUST 8, 2017**

JoSeth Bocook, Interim Director of Planning and Development, made a presentation to the City Council at the Committee of the Whole meeting just prior to tonight's meeting providing more detail with regard to recommendations of the Planning Board made at the August 8, 2017 meeting. The Public Hearing and consideration of the recommendations were deferred on September 11 until the October 9, 2017 meeting. The Public Hearing was held on October 9, 2017; however, consideration was deferred until tonight's meeting. The City Council considered the following recommendations of the Planning Board made at the August 8, 2017 meeting:

**LAND DEVELOPMENT CODE AMENDMENTS:**

**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 7-6.**;
- Chapter 7. GENERAL DEVELOPMENT STANDARDS; Sec. 709. Signs.; G. *Permitted wall signs, hanging signs, projecting signs and roof signs.*; **Table 7-7.**

Motion was made by Councilmember Wiggins, seconded by Councilmember Knight and unanimously carried that **Ordinance No. O-2017-95** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

**PLANNING BOARD RECOMMENDATIONS - NOVEMBER 9, 2016 MEETING**

JoSeth Bocook, Interim Director of Planning and Development, made a presentation to the City Council at the Committee of the Whole meeting just prior to tonight's meeting providing more detail with regard to actions needed to replace the following tables inadvertently deleted by Ordinance O-2016-95 adopted on December 12, 2016 pursuant to recommendations of the Planning Board at the August 8, 2017 meeting. The Public Hearing and consideration of the recommendations were deferred on September 11; and the Public Hearing was held on October 9, 2017, but action deferred until the November 13, 2017 meeting.

The City Council considered adoption of an ordinance replacing two tables inadvertently deleted as follows:

**LAND DEVELOPMENT CODE AMENDMENTS:**

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

- Chapter 7. GENERAL DEVELOPMENT STANDARDS; Sec. 704. Landscaping and buffering, paragraph J. Bufferyard requirements

Motion was made by Councilmember Wiggins, seconded by Councilmember Knight and unanimously carried that **Ordinance No. O-2017-96** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

**PLANNING BOARD MINUTES/RECOMMENDATIONS**

The City Council received the minutes from a Planning Board meeting held October 10, 2017. The minutes are on file in the office of the City Clerk.

Motion was made by Councilmember Bullock, seconded by Councilmember Watkins and unanimously carried that receipt of the minutes be acknowledged.

There were no recommendations from the Planning Board requiring City Council approval.

**ENGINEERING SERVICES/TASK ORDER NO. 3**

The City Council was provided with Task Order No. 3 to the on-call design services contract with Appian Consulting Engineers, PA approved on July 28, 2014 for storm water engineering services. The Council was advised that Task Order No. 3 expands the scope of the contract to include preliminary engineering and recommendations for drainage repairs at three (3) locations (220 Coleman Avenue, 213 Park Avenue and 121 Jones Road) and construction cost estimates, alternatives/cost-benefit analysis and summary report at a cost of \$18,500. The Council was advised that a portion, if not all, of these costs are eligible for reimbursement by FEMA.

Motion was made by Councilmember Miller, seconded by Councilmember Knight and unanimously carried that Task Order No. 3 to the on-call design services contract with Appian Consulting Engineers, PA Inc. be approved and that the Mayor be authorized to execute the Task Order on behalf of the City. Task Order No. 3 will be placed on file in the City Clerk's office with the initial contract with Appian Consulting Engineers, PA. **(C-2014-25)**.

**CONTRACT AMENDMENT/54" OUTFALL DESIGN AND BIDDING AND COLLECTION SYSTEM MODELING**

Assistant City Manager Thomas M. Moton, Jr. advised the City Council that the Public Works & Water Resources Department previously entered into a contract with CH2M HILL to design and bid a project to rehabilitate the first 2,000 linear feet of the 54" Outfall downstream of the Fire Training Grounds. He told the Council that the contract was awarded to Layne Inliner, LLC on October 23, 2017 at a cost of

\$1.40M. Mr. Moton reported that due to the nature of the work, the importance of the outfall to the overall sewer collection system and the overall scope of the project, CH2M Hill was asked to develop a scope and fee to assist with oversight and inspection of the sewer rehabilitation project. He noted this effort would include on-site field inspections, assistance with progress meetings, participation in the final project walk-through and development of a punch list prior to project acceptance. Council was advised due to the bypass pumping required for the project and the need to move quickly in order to avoid traditionally wet months, CH2M Hill's participation in this phase of the project is necessary in order to move the project along quickly and efficiently. Mr. Moton informed Council that the total costs for these services is anticipated to be \$119,800 or roughly 8.5% of the total construction cost.

Motion was made by Councilmember Miller, seconded by Councilmember Knight and unanimously carried that the contract amendment with CH2M HILL North Carolina, Inc. (Amendment No. 2) be approved and that the Mayor be authorized to execute the same on behalf of the City. The contract amendment will be placed on file in the City Clerk's office with the initial contract with CH2M Hill North Carolina, Inc. **(C-2016-26)**.

#### **TRAFFIC ORDINANCE RECOMMENDATIONS**

The City Council received the following recommendations from the Traffic Engineer as submitted by the North Carolina Department of Transportation for concurrence by the City:

- Repeal: 45 MPH on SR 1544 (Halifax Road) from a point 0.65 mile south of SR 1765 (Pine Terrace Community Road), northward to SR 1604 (Hunter Hill Road); and
- Adopt: 45 MPH on SR 1544 (Halifax Road) between 0.645 mile south of SR 1765 (Community Drive) and 0.006 mile south of SR 1604 (Hunter Hill Road)

Motion was made by Councilmember Rogers, seconded by Councilmember Bullock and unanimously carried that **Ordinance No. O-2017-97** entitled **ORDINANCE AMENDING THE TRAFFIC CONTROL ORDINANCE MAP OF THE CITY OF ROCKY MOUNT** be adopted.

#### **CITY COUNCIL MEETING/CANCELLATION**

The City Council considered canceling the second regular Council meeting scheduled for December 25, 2017 at 4 p.m.

Motion was made by Councilmember Rogers, seconded by Councilmember Miller and unanimously carried that the regular City Council meeting scheduled for December 25, 2017 be canceled.

#### **APPOINTMENTS**

No action was taken to fill the vacancies on the Board of Adjustment, the Human Relations Commission or the Martin Luther King, Jr. Commission.



**ADJOURNMENT**

There being no further business, the City Council meeting adjourned at 8:23 p.m.

A handwritten signature in cursive script that reads "Pamela O. Casey". The signature is written in black ink and is positioned above a horizontal line.

Pamela O. Casey  
City Clerk