

January 11, 2017

The City Council of the City of Rocky Mount met this day in a regular rescheduled 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, Lois Watkins, Tom Rogers, W. B. Bullock and Christine Carroll Miller.

Staff Present: Charles W. Penny, 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; Brad Kerr, Director of Engineering; Archie Jones, Director of Human Relations; 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.

APPROVAL OF MINUTES

The minutes of a regular scheduled meeting of the City Council held December 12, 2016 were approved as submitted to the City Council prior to the meeting.

WELCOME

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

PETITIONS FROM THE PUBLIC

The Mayor opened the meeting for petitions from the public and there were none.

Later in the meeting **Lewis Turner** of **158 S. Washington Street** stated he was unable to arrive in time for the public petitions portion of the meeting and requested permission to speak.

Motion was made by Councilmember Miller, seconded by Councilmember Wiggins and unanimously carried that the public petitions portion of the meeting be reopened.

Lewis Turner of **158 S. Washington Street** stated that the house at the corner of Rose and Lexington Streets adjacent to the community gardens burned and is an eyesore. He inquired how the City could assist the community in creating a park at the location to help beautify the community.

City Manager Charles W. Penny reported that the City does not own the property, but did remove a dangerous structure at the location following the fire.

Mayor Combs closed the public petitions portion of the meeting.

CONSENT AGENDA**A. FY 2016-2017 BUDGET ORDINANCE AMENDMENTS: (recommended for adoption)**

- 1) Ordinance No. O-2017-1 entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2016-2017 FOR HORNBEAM PARK IMPROVEMENTS** (appropriates funds to the General Capital Fund for planned improvements to Hornbeam Park - \$158,000);
- 2) Ordinance No. O-2017-2 entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2016-2017 FOR FIRE ENGINE REPAIR REIMBURSEMENT** (appropriates funds in the General Fund for repair of a Fire Department Vehicle (Ladder 30) - eligible for insurance reimbursement - \$22,378); and
- 3) Ordinance No. O-2017-3 entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2016-2017 FOR IMPERIAL CENTRE REPAIRS** (appropriates funds to the General Capital Fund for Imperial Centre repairs and improvements - \$135,000).

B. AD VALOREM TAX RELEASES

SCHEDULE A - acknowledge receipt of report of the following 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>				
2016	1000418	BABER C STEWART DONNA L 1444 CRABAPPLE LN ROCKY MOUNT, NC 27804	46.28 4.63	CITY PEN BILLED IN ERROR OUTSIDE CITY LIMITS
		TOTAL RELEASE:	50.91	
2016	844	HARRISON & HARRISON INC 1701 SUNSET AVE SUITE 503 ROCKY MOUNT, NC 27804	14.00	CITY BILLED IN ERROR LIQUIDATED IN 2015
		TOTAL RELEASE:	14.00	
2016	1000461	LONG ROGER ALLEN & VICKIE A 4034 S CHURCH ST ROCKY MOUNT, NC 27803	19.90 3.98	CITY PEN BILLED IN ERROR OUTSIDE CITY LIMITS
		TOTAL RELEASE:	23.88	
2016	1091	MAC GRAY SVCS INC 404 WYMAN ST STE 400 WALTHAM, MA 02451	1.76	CITY CORRECTED VALUE
		TOTAL RELEASE:	1.76	
2016	1110	MANUFACTURER SERVICES WELLS FARGO BANK C/O ADVANCED PROPERTY TAX COMPLIANCE 1611 N INTERSTATE 35E STE 428 CARROLLTON, TX 75006	57.17	CITY CORRECTED VALUE
		TOTAL RELEASE:	57.17	
2016	13044	RESKEY LISA M 102 PLYMOUTH RD ROCKY MOUNT, NC 27804	20.00	DOG NO DOGS
		TOTAL RELEASE:	20.00	
2016	1826	UNIVERSAL PROTECTION SERVICE LLC 10735 DAVID TAYLOR DR STE 560 CHARLOTTE, NC 28262	38.61 12.76 3.86	CITY SPEC PEN BILLED IN ERROR BUSINESS CLOSED
		TOTAL RELEASE:	55.23	

**SCHEDULE B - approve release and/or refund of the following taxes
over \$100:**

<u>YEAR</u>	<u>BILL NO.</u>	<u>NAME/ADDRESS</u>	<u>TAX</u>		<u>COMMENT</u>
<u>NASH COUNTY</u>					
2016	469	CONTINENTAL RELOCATION GROUP PO BOX 7697 ROCKY MOUNT, NC 27804	97.10 9.71	CITY PEN	BILLED IN ERROR OUTSIDE CITY LIMITS
		TOTAL RELEASE:	106.81		
2016	1000340	KELLY MARY ELIZABETH 848 CASTAWAYS TRL ROCKY MOUNT, NC 27804	338.20 33.82	CITY PEN	BILLED IN ERROR TRAILER IS LOCATED OUTSIDE CITY LIMITS
		TOTAL RELEASE:	372.02		
2016	11989	NASH COMMUNITY COLLEGE FOUNDATION INC 440 SOMERSET WAY ROCKY MOUNT, NC 27804	205.19	CITY	EXEMPT
		TOTAL RELEASE:	205.19		
2013	20228	SEITTER JOHN E JR 2740 N CHURCH ST ROCKY MOUNT, NC 27804	1,689.37 84.47	CITY INT	CORRECTED VALUE BUILDING CONDEMNED
		TOTAL RELEASE:	1,773.84		
2014	20214	SEITTER JOHN E JR 2740 N CHURCH ST ROCKY MOUNT, NC 27804	1,689.37 325.20	CITY INT	CORRECTED VALUE BUILDING CONDEMNED
		TOTAL RELEASE:	2,014.57		
2015	20174	SEITTER JOHN E JR 2740 N CHURCH ST ROCKY MOUNT, NC 27804	1,762.18 3.03 180.93	CITY PEN INT	CORRECTED VALUE BUILDING CONDEMNED
		TOTAL RELEASE:	1,946.14		
2016	20174	SEITTER JOHN E JR 2740 N CHURCH ST ROCKY MOUNT, NC 27804	1,762.18 3.03	CITY PEN	CORRECTED VALUE BUILDING CONDEMNED
		TOTAL RELEASE:	1,765.21		
2016	10017	WARD, CHARLES TED & GARRY WARD 4601 COMMUNITY DR ROCKY MOUNT, NC 27804	749.52	CITY	CORRECTED VALUE EXEMPTION FOR RESOURCE RECOVERY & RECYCLING
		TOTAL RELEASE:	749.52		
2016	10027	WARD, CHARLES TED & GARRY K 816 S HALIFAX RD ROCKY MOUNT, NC 27804	1,489.40	CITY	CORRECTED VALUE EXEMPTION FOR RESOURCE RECOVERY & RECYCLING
		TOTAL RELEASE:	1,489.40		
2015	2571	WESTER LARRY AUTO SVC INC 492 WHITE LEVEL RD LOUISBURG, NC 27549	119.19 12.22	CITY INT	BILLED IN ERROR BUSINESS CLOSED
		TOTAL RELEASE:	131.41		
2016	1896	WESTER LARRY AUTO SVC INC 492 WHITE LEVEL RD LOUISBURG, NC 27549	119.19	CITY	BILLED IN ERROR BUSINESS CLOSED
		TOTAL RELEASE:	119.19		

EDGECOMBE COUNTY

2016	22324	SMITH, NEHEMIAH SMITH, EFFIE 1620 E VIRGINIA ST ROCKY MOUNT, NC 27801	272.25	CITY	VETERAN'S EXEMPTION
		TOTAL RELEASE:	272.25		
2016	8102	WHITAKER, JESSIE LEE JR WHITAKER, BERNADINE 629 SALISBURY DR ROCKY MOUNT, NC 27801	272.25	CITY	VETERAN'S EXEMPTION
		TOTAL RELEASE:	272.25		

Councilmember Knight requested that consideration of improvements to Home Street Park be included in the 2017-2018 budget discussion.

Motion was made by Councilmember Miller, seconded by Councilmember Rogers and unanimously carried that the recommendations on the Consent Agenda items be approved inclusive of adoption of the ordinances and approval of the tax releases contained therein.

PLANNING BOARD RECOMMENDATIONS

The City Council received the minutes and recommendations from a Planning Board meeting held December 13, 2016. 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 Ibrahim Hasan Odeh to rezone 0.344 acres at 1545 South Church Street from I-2 to B-5

Stephanie Viverette of **212 Bennett Street** opposed the rezoning and stated that, if approved, Mr. Odeh plans to open a third convenience store within a one-block radius. She voiced concerns related to the additional availability of alcohol and lottery tickets, failure to hire locally or allow volunteer hours and parking. She added that she received a letter with an incorrect date of the Planning Board meeting.

Patricia Hammond of **1622 S. Church Street** opposed the rezoning and told the City Council that she attends Greater Joy Church which is just around the corner from the subject property and is concerned with increased alcohol consumption and public urination at the location if a convenience store opens.

Petitioner, **Ibrahim Odeh**, told the City Council that four (4) individuals opposed the rezoning at the community meeting and he and his father have worked with them to resolve concerns. He stated that public urination is a matter for the Police and that the property has sufficient room for parking.

Discussion was held and Planning Director, Ken Graves, and petitioners, including Mr. Odeh and his father, **Hasan Odeh**, responded to questions posed by Councilmembers.

No one else from the public appeared relative to the rezoning request described above and the Mayor declared the public hearing closed.

Councilmember Wiggins stated that Ms. Viverette's substantive issue relative to notice is valid.

Motion was made by Councilmember Wiggins, seconded by Councilmember Rogers and unanimously carried that this request be referred back to the Planning Board for re-scheduling of the public hearing following proper notice to all adjoining property owners.

LAND DEVELOPMENT CODE AMENDMENTS/REDEVELOPMENT OVERLAY DISTRICT/PUBLIC HEARING

The Mayor opened a public hearing 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:

- Amends ordinance by defining Redevelopment Overlay Districts and adding a chapter describing the Redevelopment Overlay Districts (RDOD) to ensure compatibility with existing and new infill development as follows:
 - Text amendments to CHAPTER 4. ZONING DISTRICTS, Sec. 408. Overlay districts., by adding to Sec. 408 a Subsection F; and adding a new a new chapter identified as Chapter 16. entitled "REDEVELOPMENT OVERLAY DISTRICTS (RDOD)"

No one from the public appeared and the Mayor declared the public hearing closed.

Motion was made by Councilmember Rogers, seconded by Councilmember Wiggins and unanimously carried that **Ordinance No. O-2017-4** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF ROCKY MOUNT** be adopted.

FY 2017 LEASE FINANCING/REIMBURSEMENT RESOLUTIONS

The Council was advised that the City intends to enter into a lease financing arrangement for the following projects budgeted in FY 2017:

Replacement of Equipment -data center equipment; information systems security equipment; dump truck; asphalt plant; yard jockey, side loader; mini derrick truck; large bucket truck; backhoe; (2) crew trucks; high duty pumps @ Sunset Water Treatment Plant; hypochlorite system; sewer vacuum truck; jet truck; and street sweeper - \$3,611,000.

Council was further advised that it is customary to purchase items to be financed in advance and reimburse the expenditures with lease financing and the U. S. Treasury requires adoption in advance of resolutions declaring the City's intent to reimburse expenditures.

Motion was made by Councilmember Wiggins, seconded by Councilmember Knight and unanimously carried that the following Resolution be adopted:

Resolution No. R-2017-1 entitled **RESOLUTION DECLARING OFFICIAL INTENT OF THE CITY OF ROCKY MOUNT TO REIMBURSE EXPENDITURES MADE FOR THE REPLACEMENT OF EQUIPMENT** be adopted.

FIRST RENEWAL - LEASE/TRAIN STATION

The City Council was advised that Greyhound Lines, Inc. desires to renew its lease agreement for approximately 2,137 square feet of space at the bus station facility located at 100 Coastline Street (Railway Express Agency [REA] building) which will expire on February 28, 2017, unless renewed. The main terms of the original lease agreement are outlined as follows:

- One-year lease at \$3,600 per year or \$300 per month; and
- Term of lease: March 1, 2016 until February 28, 2017; lease may be renewed up to three (3) additional periods of one (1) year each by delivering written notice of such renewal to Lessor at least sixty (60) days prior to the expiration of the then-current lease

Motion was made by Councilmember Bullock, seconded by Councilmember Blackwell and unanimously carried that the City Council approve the first renewal of the lease. The documentation relative to the first renewal of the lease will be placed on file with the original lease agreement (**C-2016-3**) in the City Clerk's

ANNEXATION NO. 307 - CT TRUCKING/CLAREMONT LAND HOLDINGS, INC.

The City Clerk provided the City Council with a second Resolution calling a public hearing to consider a proposed extension of the city limits of the City of Rocky Mount to include annexation of a contiguous area (Annexation No. 307 - CT Trucking/Claremont Land Holdings, Inc.). She advised that the public hearing was previously scheduled for August 8, 2016, but was removed from the agenda to Petitioner's request that the annexation be effective July 1, 2017.

Motion was made by Councilmember Wiggins, seconded by Councilmember Watkins and unanimously carried that the following resolution be adopted and that the Department of Planning and Development be instructed to prepare a feasibility study in connection with the annexation:

- **Resolution No. R-2017-2** entitled **RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A PROPOSED EXTENSION OF THE CITY LIMITS OF THE CITY OF ROCKY MOUNT TO INCLUDE ANNEXATION OF A CONTIGUOUS AREA/ANNEXATION NO. 307 - CT TRUCKING/CLAREMONT LAND HOLDINGS, INC** (schedules public hearing for February 13, 2017).

WATER AND SEWER WHOLESALE PURCHASE CONTRACT/TOWN OF SHARPSBURG

Assistant City Manager Thomas M. Moton, Jr. advised the City Council that on August 18, 1975 the City of Rocky Mount entered into a forty (40) year water and sewer purchase agreement with the Town of Sharpsburg which expired in 2015. The City Council was provided with new forty (40) year Water and Sewer Service Agreements with the Town of Sharpsburg and contract comparisons highlighting the terms of each. Council was advised that the contracts will be for four

(4) separate successive ten (10) year terms, each self-renewing upon the same terms, unless terminated.

Motion was made by Councilmember Knight, seconded by Councilmember Wiggins and unanimously carried that the Water and Sewer Service Agreements with the Town of Sharpsburg (**C-2017-1**) be approved and that the Mayor and City Clerk be authorized to execute the agreement on behalf of the City.

CONTRACT FOR OWNER'S REPRESENTATIVE/DOWNTOWN COMMUNITY FACILITY

The City Council received a contract for owner's representative for the Downtown Community Facility to oversee the contract documents, day-to-day construction activity and payment reviews relative to construction of the Downtown Community Facility along with a budget ordinance to appropriate funds for construction, land acquisition, design and other planned expenses.

City Manager Charles W. Penny requested that consideration of the owner's representative contract be deferred until the January 23, 2017 City Council meeting.

Motion was made by Councilmember Rogers, seconded by Councilmember Wiggins and unanimously carried that consideration of the owner's representative contract be deferred until the January 23, 2017 City Council meeting and that **Ordinance No. O-2017-5** entitled **CAPITAL PROJECT ORDINANCE AMENDMENT FOR DEVELOPMENT OF THE DOWNTOWN COMMUNITY FACILITY** (\$40,292,487) be adopted.

ANNEXATION NO. 310/WAYNE AND FRANCES COLEY PROPERTY/SR 1400

The City Council received a petition from Wayne and Frances Coley for annexation of a contiguous parcel.

Motion was made by Councilmember Miller, seconded by Councilmember Wiggins and unanimously carried that receipt of the petition be acknowledged and that **Resolution No. R-2017-3** entitled **RESOLUTION ORDERING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF A PETITION FOR ANNEXATION OF A CONTIGUOUS AREA INTO THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT ANNEXATION NO. 310 - WAYNE AND FRANCES COLEY PROPERTY/SR 1400** be adopted.

STREET NAME CHANGE/MARTIN LUTHER KING, JR. HIGHWAY (US 64 - I-95 [EXIT 464 TO RALEIGH BOULEVARD [EXIT 472]

Assistant City Manager Thomas Moton provided the City Council with a resolution in support of naming a section of US 64 from I-95 (Exit 464) to E. Raleigh Boulevard (Exit 472) as Martin Luther King, Jr. Highway. He advised the City Council that upon a recommendation from the City's E-911 Coordinator the City's addressing unit shall be responsible for proposing a resolution for approval by the City Council to change the name of Martin Luther King Drive.

Motion was made by Councilmember Knight, seconded by Councilmember Wiggins, and unanimously carried that Resolution No. **R-2017-4** entitled **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT SUPPORTING THE OF STREET NAME CHANGE OF THE SECTION OF**

US 64 FROM I-95 (EXIT 464) TO RALEIGH BOULEVARD (EXIT 472) TO MARTIN LUTHER KING, JR. HIGHWAY be adopted.

MUNICIPAL AGREEMENT/FALLS ROAD - PEACHTREE STREET

Assistant City Manager Tasha Logan Ford provided the City Council with a municipal agreement with the North Carolina Department of Transportation (NCDOT) (WBS Elements: 36249.3709) relative to the conversion of one travel lane on Falls Road and Peachtree Street to a buffered bike lane. She explained that the City will be responsible for all costs of approximately \$150,000, which includes an estimated cost of \$22,500 for the North Carolina Department of Transportation (NCDOT) to review the traffic signal plans and inspect the traffic signal revisions. Ms. Ford informed the Council that it is estimated the project will be set for construction in the summer of 2017.

Councilmember Knight asked for clarification and discussion ensued.

Motion was made by Councilmember Blackwell, seconded by Councilmember Knight and unanimously carried that this matter be referred to a Committee of the Whole for report and staff presentation.

ELECTRICITIES ANNUAL UTILITY POLE COOPERATIVE BID AGREEMENTS AND PURCHASE CONTRACTS

The City Council was provided with the tabulation of bids received by Electricities for the Annual Utility Pole Fixed Price Purchase Contracts for wooden utility poles for twelve (12) participating municipalities. Council was advised that the City of Rocky Mount will execute the contracts on behalf of the participating municipalities. The information submitted by Electricities supporting award of the bids for purchase of the utility poles will be placed on file in the office of the City Clerk as **BD-2017-1**.

Motion was made by Councilmember Wiggins, seconded by Councilmember Miller and unanimously carried that the bids for wooden utility poles be awarded as follows and that the Mayor and City Clerk be authorized to execute the fixed price purchase contracts on behalf of the twelve (12) participants:

- Bridgewell Resources - CCA poles - Rocky Mount, Tarboro and Washington;
- McFarland Cascade - PENTA poles - Newton;
- McFarland Cascade - CCA poles - Apex, Drexel, Lexington, Morganton and Newton; and
- Cox Wood Industries - PENTA - High Point, Kings Mountain and Statesville.

RE-BID/LED STREET LIGHTS AND LONG LIFE PHOTOCELLS

The City Council received the tabulation of bids received for LED street lights and long life photocells. Re-bids were received and opened on December 13, 2016 after all necessary legal procedures

had been implemented and the bid tabulation is on file in the office of the City Clerk as **BD-2017-2**.

Motion was made by Councilmember Rogers, seconded by Councilmember Wiggins and unanimously carried that the bid for LED street lights and long life photocells be awarded to Tarheel Electric Membership Association (TEMA) at a total cost of \$1,089,515 and that the Purchasing Division be authorized to issue a purchase order for the equipment in accordance with the Council's award.

RE-BID/AREA LIGHT PROJECT

The City Council received the tabulation of bids received for an area light project. Re-bids were received and opened on December 13, 2016 after all necessary legal procedures had been implemented and the bid tabulation is on file in the office of the City Clerk as **BD-2017-3**.

Motion was made by Councilmember Rogers, seconded by Councilmember Wiggins and unanimously carried that the bid for an area light project be awarded to Tarheel Electric Membership Association (TEMA) at a total cost of \$417,725 and that the Purchasing Division be authorized to issue a purchase order for the equipment in accordance with the Council's award.

APPOINTMENTS


Upon nomination by Councilmember Watkins, motion was made by Councilmember Rogers, seconded by Councilmember Wiggins and unanimously carried that Thelma Simmons be appointed as the Ward 4 appointee on the Community Appeals Board, subject to receipt of a personal history form. This appointment will expire June 30, 2017.

MLK, JR. UNITY BREAKFAST

Mayor David W. Combs extended an invitation for all to attend the 29th Annual Unity Breakfast sponsored by the Martin Luther King, Jr. Commission featuring Dr. Jason Miller as the keynote speaker on Monday, January 16, 2017 at the Dunn Center for the Performing Arts on the campus of North Carolina Wesleyan College (breakfast at 7 a.m. followed by the program at 8 a.m.)

ADJOURNMENT

There being no further business, the Mayor adjourned the City Council meeting at 8:00 p.m.



Pamela O. Casey
City Clerk