

November 12, 2018

The City Council of the City of Rocky Mount met this day in regular session at 7:03 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, Richard Joyner, 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; Natasha Hampton-Clayton, Assistant City Manager; Tameka Kenan-Norman, Chief Communications and Marketing Officer; Archie Jones, Director of Human Relations; Lori Cairo, Chief Internal Auditor; Kim Batts, Deputy City Clerk; and Richard J. Rose, City Attorney.

Security Officer: Police Sergeant Edwin Collins.

The Mayor opened the meeting and called on Councilmember Reuben Blackwell, IV to offer prayer.

WELCOME

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

City Manager Rochelle D. Small-Toney introduced and welcomed the City's new Chief Internal Auditor, Lori Cairo, and the Mayor welcomed Ms. Cairo to the City of Rocky Mount.

APPROVAL OF MINUTES

The minutes of a regular scheduled meeting of the City Council held October 22, 2018 were approved as submitted to the City Council prior to the meeting.

PETITIONS FROM THE PUBLIC

In observance of Veterans Day, Mayor Combs recognized Veterans who have served or those currently serving in the military.

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

Stacey Graham:

- Voiced concern for the City's reputation relative to crime and stated some business owners continue to speak negatively about the City;
- Voiced continued concern relative to Animal Control's availability and animal welfare

Dr. Kim Koo:

- Petitioned the City Council to adopt a declaration acknowledging climate change and take steps to deal with climate change in the City

Elois Anderson:

- Voiced support for the request by Dr. Kim Koo

Lige Daughtridge:

- Stated the Event Center photos look nice and the City should be proud of it;
- Questioned the reason for the 26% increased cost for the Event Center from \$38M to \$48M

- Questioned when the clinic will open and the status of the mammography machines (and if the clinic not yet being opened has a negative effect on the new market tax credits)
- Voiced concern relative to findings from the Jacobs Engineering study;
- Voiced concerns from the November 5, 2018 Special Called COW meeting as follows:
 - \$30M in unfunded/unmet needs from the asset management plan;
 - Why does the FY 2019 budget indicate the administrative service charge in OTHER is 53% more than the capital budget and questioned what is OTHER and how this been conducted over the last five year budget cycles
 - How is this determined and how does it impact water maintenance
 - How are needs identified in the next five years going to be addressed
 - Is it acceptable that 70% of the assets of the wastewater treatment plant and Sunset Avenue Plant exceed 20 years or 40% of the water and sewer mains exceed 50 years
 - How does this impact us
 - What are the implications of aging assets of the plants within the water and sewer systems
 - What is the schedule and cost of the services analyst and when is the project expected to be completed
 - What is the Council doing to be proactive in meeting these needs
 - Will Council priorities be placed on hold to meet water and wastewater needs
 - This impacts growth and could place existing industry in jeopardy if nothing done
 - Stated the timeline of study to be presented is December 2018

Mae Parker:

- Reported the Twin Counties Hall of Fame banquet was last Thursday at the Event Center; 500 people attended; 2 officers assisted (were hired); and she is thankful and hopeful all will start enjoying the great things happening in the City;
- Requested Council take action tonight on enforcement of the Ordinance relative to prohibiting parking of commercial vehicles in residential zones

Samuel Battle:

- Voiced admiration for retired Police Officer P. D. Parker who passed away today;
- Stated the City needs to hire from within

Alvin Blount:

- Questioned when the Ordinance relative to commercial vehicle parking will take effect and what the City's recommendation is relative to parking for truckers

Bronson Williams:

- Stated he attended recent meetings relative to the parking of commercial vehicles and now has the opinion that commercial vehicles need to park outside of residential zones; however, it is a both/and situation and the City needs to make sure that both sides win at the end of the day; he supported incentives for those wishing to provide parking lots for commercial vehicles.

The Mayor closed the public petitions portion of the meeting.

PERMANENT STREET CLOSING - PORTION OF INSTRUMENT DRIVE/PUBLIC HEARING

The Mayor opened a public hearing relative to a request by the North Carolina Department of Transportation (NCDOT) for the permanent closure of a portion of Instrument Drive (from U.S. 301 to Tanner Road) in conjunction with the upcoming development of the CSX intermodal hub (CCX).

Andrew Simpson told the City Council he is a commercial broker and represents the owners of 133 Blue Hawaiian Drive. He stated the owners of the property recently sold a portion of the land to the railroad but would like a discussion to be held relative to access to the property. He noted the property will be cut off from access to Highway 301 and while they do not want to hold up the project, they are concerned about the direct effect the road closure will have on the property value. Mayor Combs stated that someone from the Manager's Office would be in touch with Mr. Simpson.

No one else from the public appeared relative to the proposed street closure and the Mayor declared the public hearing closed.

Motion was made by Councilmember Blackwell, seconded by Councilmember Miller and unanimously carried that **Resolution No. R-2018-54** entitled **ORDER OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT PERMANENTLY CLOSING INSTRUMENT DRIVE FROM U.S. 301 TO THE INTERSECTION OF TANNER ROAD AND FOUNTAIN PARK DRIVE** be adopted and that City staff work with existing industry to accommodate them.

MUNICIPAL AGREEMENT/RAILROAD CROSSING CLOSURE AGREEMENT - INSTRUMENT DRIVE

The City Council was provided with a request by the North Carolina Department of Transportation (NCDOT) for approval of a railroad crossing closure agreement for the Instrument Drive at-grade crossing in conjunction with the upcoming development of the CSX intermodal hub (CCX). The City Council was further provided with a map of the proposed closure and a Crossing Closure Agreement with the North Carolina Department of Transportation (NCDOT) for consideration.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried that the municipal agreement (**C-2018-28**) with the North Carolina Department of Transportation (WBS: 44908/TIP: P-5711) be approved and that the Mayor and City Clerk be authorized to execute the agreement on behalf of the City.

TEMPORARY STREET CLOSING - O'BERRY STREET

The City Council received a request from Mr. and Mrs. Willie Bryant to close the 700 block of O'Berry Street between Tillery and Howell Street on Thursday, November 22, 2018 from 12:00 p.m. until 4:00 p.m. for an annual community Thanksgiving Feast.

Motion was made by Councilmember Watkins, seconded by Councilmember Joyner and unanimously carried that the request be granted.

COMMITTEE OF THE WHOLE MINUTES

The City Council received the minutes from a Special Called Committee of the Whole Meeting held October 22, 2018 as follows:

MINUTES OF A MEETING OF A SPECIAL CALLED COMMITTEE OF THE WHOLE HELD MONDAY, OCTOBER 22, 2018 AT 2:00 P.M. IN THE COMMITTEE ROOM OF THE FREDERICK E. TURNAGE MUNICIPAL BUILDING

MEMBERS PRESENT:

E. Lois Watkins, Mayor Pro Tem

STAFF PRESENT:

Rochelle D. Small-Toney

André D. Knight
 Reuben C. Blackwell, IV
 Richard Joyner
 Tom Rogers
 W.B. Bullock
 Chris Miller
 David W. Combs, Mayor

Pamela O. Casey
 Chris Beschler
 Natasha Hampton-Clayton
 Tameka Kenan-Norman
 JoSeth Bocook
 Archie Jones
 Amy Staton
 Ken Hunter
 Andrew Jakubiak
 Kim Batts
 Richard J. Rose

OPENING OF MEETING

Mayor Pro Tem E. Lois Watkins called the meeting to order at 2:00 p.m. and welcomed all present. She stated that the agenda for this meeting is a continuation of the last Committee of the Whole Meeting.

She outlined the guidelines for Committee of the Whole Meetings and called on City Manager Rochelle D. Small-Toney to introduce the agenda items.

The City Manager stated items discussed today were on the October 8, 2018 Committee of the Whole agenda, but were not reached. She noted there will be two presentations and then the Council will enter into a Closed Session for discussion of a personnel matter.

CITY ACTION PLAN REGARDING THE COMMERCIAL VEHICLE ORDINANCE - JoSeth Bocook

JoSeth Bocook provided the City Council with an update relative to the prohibition of parking of commercial vehicles in residential neighborhoods. He noted this item was on the September 24, 2018 City Council agenda and was deferred to allow staff additional time to provide research and prepare an update to Council. He told the Council the action plan implemented by the City for the purpose of helping to create spaces for commercial vehicles to park outside of residential neighborhoods consists of the following three components:

1. Research how other large cities in the state handle commercial vehicle parking;
2. Outreach to any resident or business that has expressed an interest in allowing parking of commercial vehicles on their property; and
3. Address questions/concerns specifically identified by the City Council.

Mr. Bocook told the City Council that research of the 30 largest municipalities in the state revealed that all have similar prohibitions of parking of commercial vehicles/trailers on residential property; however, none of them provide any special accommodations to help provide alternative parking options. He noted 20 municipalities prohibit parking in some fashion on residential property.

Councilmember Rogers questioned if the City has enforced the existing ordinance prohibiting parking of commercial vehicles in residential zones. Mr. Bocook could not address this question since enforcement would be provided by the Police Department and the Mayor Pro Tem told the City Manager this would be good information for Council to have. Mrs. Small-Toney said, from her observation, it does not appear the ordinance has been enforced, though warnings have likely been given. Councilmember Bullock told the Council when complaints have been received the Police would ask individuals not to park commercial vehicles in residential zones and they would stop for a while. Councilmember Rogers stated he is curious why the ordinance has not been enforced.

Mr. Bocook noted the City has allowed 5 exceptions, with one being the parking of emergency vehicles.

He listed the following exceptions identified in other municipalities:

- Gastonia - allow parking on residential lots with an area greater than one acre;
- Jacksonville, Mooresville and Salisbury - allow parking in the rear yard of residential property; and
- Greensboro, Hickory and Indian Trail - allow parking on residential property when completely screened from public view or in an enclosed building

The Interim Director of Developmental Services reported that staff reached out to three (3) residents/businesses that have expressed an interest in allowing parking of commercial vehicles on their property and two have provided the following viable options for parking commercial vehicles (approximately 60 vehicles):

NAME	LOCATION	SPACES AVAILABLE	PARKING FEE
UBW Parking	2550 N. Church Street	40 spaces	Yes; monthly/weekly and/or nightly
C. S. Henry	2440 N. Church Street	20 spaces	Yes; monthly or weekly

He said there are other property owners with established relationships allowing accommodations for a small number of commercial vehicles; however, they do not want that information made public.

Mr. Bocook noted a third individual has provided an option located off Springfield Road that consists of eight (8) lots with a total area of approximately 4.66 acres; however, this area is part of an unimproved residential subdivision and would require a Special Use Permit which counters the intent of the Ordinance.

He added that a conversation has been held with property owners of 600 Wilkerson Street wherein they have outlined a plan to improve their parcel to accommodate commercial vehicle parking by including a fence, security and demolition of two large buildings (warehouses) situate on the property. He stated the property owners have requested financial assistance from the City to help offset the cost of demolition of the buildings. The Council was provided with handouts showing location, zoning information and aerial images of the properties. Mr. Bocook stated that City staff has been unable to establish contact with another citizen who has contacted the Manager's office to offer assistance but will continue to work to reach to the property owner to determine if that property can be used for commercial vehicle parking.

Council was advised that the Manager has met with Mayor Pro Tem Watkins and Councilmember Joyner relative to scheduling times to convene a meeting with truckers and advocates (ministers) and work is ongoing to schedule meetings.

The City Council was advised that consideration is being given to amending the wording of the Ordinance to make provisions for large unoccupied/undeveloped parcels within residential communities to be allowed as parking lots for trucks/large vehicles with other considerations (such as a Special Use Permit from the Board of Adjustment if the property meets the minimum size requirement).

Discussion was held relative to characteristics of a residential zoning.

Mr. Bocook advised there are currently approximately 80 registered owners/operators of commercial vehicles. He told the City Council that staff will finalize all research and present its findings, as well as any recommendations for code amendments, at the November 12, 2018 Committee of the Whole Meeting.

Mayor Pro Tem Watkins stated she is not ready to consider an Ordinance amendment at this time. Further discussion was held relative to the likely availability of parking of commercial vehicles at incoming

or expanding industries in the City and other concerns relative to limited parking availability.

Councilmember Joyner stated that truckers had been told that community meetings would be held and Council remains committed to hearing from the community while seeking a resolution. Discussion continued and Councilmembers voiced other concerns.

Councilmember Blackwell suggested there is a level of market need, however, he believes it is a private sector issue that can be resolved with minor assistance from the City relative to curbing and gutters.

City Manager Rochelle D. Small-Toney stated that meetings will be scheduled, and the matter will be placed on the agenda for the next COW meeting in November.

COMMITTEE RECOMMENDATION. No formal action.

CITY EVENT/VENUE SPONSORSHIP POLICY - Natasha Hampton-Clayton

Assistant City Manager Natasha Hampton-Clayton provided the City Council with a new Administrative Policy entitled: "Policy: Event/Venue Sponsorships", Policy No. 11.35 to establish the guidelines for City events and venue sponsorship in accordance with City standards and brand management.

She reported that the City and/or official agents managing programs or facilities on behalf of the City will seek sponsors that further the City's mission by providing monetary or in-kind support for city programs or services. She added that the City recognizes that the public trust and perception of its impartiality may be damaged by sponsorships that are aesthetically displeasing, politically oriented or offensive to segments of the citizenry and a policy is needed to maintain the integrity of the City's image by defining the type of events allowed, provide guidance for how sponsorships shall be solicited and set forth guidelines for how sponsorships and/or naming rights are awarded.

It was recommended that the policy be recommended for adoption.

Discussion was held relative to the role of SFM and concerns voiced relative to naming rights and marketing. Assistant City Manager Hampton-Clayton told the Council SFM can market the facility, but it does not have the authority to enter into agreements. She noted the agreements flow through the City for approval.

Council held discussion relative to the importance of identifying sponsorships and naming rights values at an early date.

Ms. Hampton-Clayton stated the facility management is a collaborative effort and the current framework allows the City to ensure that booked events align with the City's branding. Councilmembers agreed that the City does not need to take any action that interferes with the revenue and projections provided by SFM in its proforma and it was noted that the DPAC is financially successful and is managed by an experienced third party.

Councilmember Blackwell requested that a follow-up conversation be held to discuss Event Center operations, i.e., catering, hiring, contracting and the like. Council was informed that SFM is responsible for all food in the facility from concessions to catering as a part of the proforma.

City Manager Rochelle D. Small-Toney stated the policy will be provided to Council at the next COW meeting along with an update from SFM. Councilmember Joyner requested that, when feasible, food items be locally sourced.

The City Manager informed Council that the City's employee appreciation event will be held at the Event Center on Tuesday, October 23 and will provide a test of the facility. Council was invited to

attend the event starting at 11 a.m. and to take a personal tour of the facility guided by former City Manager Charles Penny at 9:30 a.m.

Discussion was held relative to food to be provided at the Event Center opening event on Thursday, October 25.

COMMITTEE RECOMMENDATION. Motion was made by Councilmember Knight and seconded by Councilmember Blackwell to increase the number of free hot dogs to be served at the opening event from 75 to 2,000.

An alternate motion made by Councilmember Blackwell and seconded by Councilmember Joyner to allocate an additional \$2,500 for additional food for the Event Center opening; and, that marketing language relative to the first 75 attendees receiving free food be removed passed unanimously.

CLOSED SESSION. The Mayor requested a Closed Session for a personnel matter.

COMMITTEE RECOMMENDATION. Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried that the City Council go into Closed Session at 3:14 p.m.

The minutes of the Closed Session shall be placed on file as **ESM-506** at the end of **Minute Book 34** upon approval for release by the City Attorney.

REGULAR SESSION/RECESS. The Mayor Pro Tem convened the Committee in regular session at 3:55 p.m. and, by consensus, the Council agreed the Committee of the Whole Meeting would reconvene following the regular scheduled 4 p.m. City Council meeting.

COMMITTEE OF THE WHOLE RECONVENED

The Mayor Pro Tem reconvened the Committee of the Whole in regular session at 5:10 p.m. with the Mayor, Councilmembers and City Manager in attendance.

CLOSED SESSION

Motion was made by Councilmember Rogers, seconded by Councilmember Blackwell and unanimously carried that the City Council adjourn to Closed Session at 5:17 p.m. The minutes of the Closed Session shall be a continuance of the minutes identified as **ESM-506** to be placed on file at the end of **Minute Book 34** upon approval for release by the City Attorney.

REGULAR SESSION/ADJOURNMENT

The Mayor Pro Tem convened the Committee in regular session at 6:00 p.m. and there being no further business for the Committee of the Whole adjourned the meeting.

Motion was made by Councilmember Joyner, seconded by Councilmember Knight and unanimously carried that the minutes and recommendations from the Committee of the Whole be approved.

AD VALOREM TAX RELEASES

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

<u>YEAR</u>	<u>BILL NO.</u>	<u>NAME/ADDRESS</u>	<u>TAX</u>	<u>COMMENT</u>
<u>EDGEcombe COUNTY</u>				
2018	149	CARGO TRANSPORTERS INC PO BOX 339 CLAREMONT, NC 28610	534.73	CITY VALUE REDUCTION DUE TO APPEAL
		TOTAL RELEASE:	534.73	
2018	22439	WILLIAMS, LILLIAN E LOT 438 HILLSDALE 4 TH ADDITION ROCKY MOUNT, NC 27801	171.25	CITY ELDERLY/DISABLED EXEMPTION
		TOTAL RELEASE:	171.25	

Motion was made by Councilmember Blackwell, seconded by Councilmember Knight and unanimously carried that taxes over \$100 listed on Schedule B be approved for release and/or refund.

FY 2018-2019 GRASSROOTS ARTS PROGRAM GRANT

The City Council was advised that the Nash County Arts Council Grassroots Arts Program sub-grant panel has approved a grant award made possible by Nash Arts and the North Carolina Arts Council in the amount of \$4,000 to be used to support expenses related to solo artists exhibitions. Council was informed that staff requests permission to accept the grant, approval of the matching grant of \$4,000 and approval of a budget amendment.

Motion was made by Councilmember Miller, seconded by Councilmember Joyner and unanimously carried that the grant be accepted and that the Mayor and City Clerk be authorized to execute the grant agreement and any other required documentation or certificates on behalf of the City; that the matching grant be approved and that the following budget ordinance be adopted:

- **Ordinance No. O-2018-93** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2018-2019 FOR GRASSROOTS ARTS GRANT (\$4,000)**

WATER ASSESSMENT CONTRACT

The City Council received a water assessment contract with Brenda Phillips Tuten for water service to 205 Viverette Avenue (PIN #387318307800). Council was advised that the contract provides for water main, tap, meter and capacity fees in the sum of \$4,265 to be assessed against the property.

Motion was made by Councilmember Blackwell, seconded by Councilmember Watkins and unanimously carried that the assessment contract with Brenda Phillips Tuten for water service to 205 Viverette Avenue (**C-2018-29**) be approved and that the Mayor and City Clerk be authorized to execute the same on behalf of the City. This contract will be recorded in the Office of the Edgecombe County Register of Deeds.

BATTLEBORO APARTMENTS DRAINAGE PROJECT

The City Council received a municipal agreement with the North Carolina Department of Transportation (NCDOT) and a Cost Sharing and Easement Agreement with Isaac Smith, owner of Battleboro Apartments (4751 Hathaway Street) and Ginger S. Maynard, Agent, for the Battleboro

Apartments Drainage Project. Council was advised the project will involve replacement of a failing drainage system on the east side of US 301 across the property at 4751 Hathaway Street (Battleboro Apartments) and is estimated to cost \$75,000, which said cost will be shared equally between the NCDOT, the City and the property owner. Consideration was given to the following agreements:

- a. North Carolina Department of Transportation (NCDOT) - municipal agreement **(C-2018-30A)** (WBS Elements: 80089) - \$25,000; and
- b. Isaac Smith, Jr. (property owner) and Ginger S. Maynard (agent) - cost sharing and easement agreement - \$25,000 **(C-2018-30B)**

Motion was made by Councilmember Blackwell, seconded by Councilmember Watkins and unanimously carried that the municipal agreement with the North Carolina Department of Transportation (NCDOT) and cost sharing and easement agreement with Isaac Smith (owner) and Ginger S. Maynard (agent) be approved and that the Mayor and City Clerk be authorized to execute the same on behalf of the City.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:38 p.m.



Pamela O. Casey
City Clerk