

May 13, 2019

The City Council of the City of Rocky Mount met this day in a regular session scheduled for 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, 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; Chris Beschler and Natasha Hampton-Clayton, Assistant City Managers; Jessie Nunery, Media Relations Specialist; Lori Cairo, Chief Internal Auditor; Paula Carbone, Senior Internal Auditor; Will Deaton, Director of Development Services; Debbie Baines; Senior Zoning Officer; William (Buck) Pittman, General Supervisor, Water and Sewer Services Division; George Robinson, Police Chief; Ken Hunter, Budget and Evaluation Manager; Mark Adcox, Video Production Specialist; Brad Kerr, Public Works Director; Brenton Bent, Director of Water Resources; Donald Perry, Assistant City Engineer - Water Resources; Wanda Alford, Personnel Technician; Amy Staton, Director of Finance; Nicki Gurganus, Accounting Manager; Rich Worsinger, Director of Energy Resources; Elton Daniels, Director of Parks and Recreation; Kim Batts, Deputy City Clerk; and Richard J. Rose, City Attorney.

Members of the Public Works and Water Resources Departments and Police and Fire Departments.

Security Officer: Police Sergeant L. S. Parker, Jr.

The Mayor called the meeting to order and called on Councilmember Richard Joyner 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 regular scheduled meeting of the City Council held April 22, 2019 were approved as submitted to the City Council prior to the meeting.

PUBLIC WORKS WEEK

Mayor David W. Combs read a proclamation proclaiming the week of May 19-25, 2019 as "Public Works Week" in the City of Rocky Mount and presented the Proclamation to Public Works Director Brad Kerr and Water Resources Director Brenton Bent. The Mayor and City Manager joined Mr. Kerr and Mr. Bent and members of the Public Works and Water Resources Departments for a photograph.

SPECIAL RECOGNITION

Mayor David W. Combs presented a certificate in recognition and appreciation of 28 years of commitment to the Keep America Beautiful

Advisory Board of Nash & Edgecombe Counties to Mae Parker, as a City of Rocky Mount At-Large Member. Mayor Combs thanked Mrs. Parker for her service and he and the City Manager Rochelle Small-Toney joined her for a photograph.

PETITIONS FROM THE PUBLIC

The Mayor outlined the guidelines for petitions from the public and opened the meeting for public petitions. Mayor Combs recognized the following individuals and a summary of comments is outlined below:

- ***Mae Parker:***
 - Said the City is in a community citizen crisis;
 - Said she hopes each Councilmember will make a decision to make our City better before the end of her life
- ***Nehemiah Smith:***
 - Referred to “dogs that wouldn’t hunt” prior to the hiring of “blue bloods” for an investigation and now waiting on the “state auditor hound” to hunt
 - Said all this reminds him of the song “Nothing from Nothing Leaves Nothing”;
 - Said we should roll up our sleeves and get back to doing what is best for all citizens of Rocky Mount;
 - Said if you stop feeding dogs that won’t hunt they will starve
- ***Warren Daughtridge:***
 - Said he is certain the results of the review today will show nothing blatantly illegal but not necessary examples of servant leadership, just like parking in a space designated for someone else - it is not technically illegal, but it doesn’t make it right
 - Said he draws on the life lessons learned from his parents, grandparents and his pastor when referring to being called out recently by a local blogger and said if you can’t say something positive don’t say anything at all so rather than legitimizing a rebel rouser and letting his family down he will stay positive
 - Stated the group he has formed has a mission to take a group of children to see the ocean for the first time and 38 children have earned their way;
 - Said he started the group “Love Rocky Mount” intending to break down barriers and begin dialogue among diverse people groups and one conversation led to the beach trip and a fund-raising effort to pay for it
 - Said hundreds have joined he group and have designed a logo illustrating the love for Rocky Mount and desire to bridge the community gap
 - Referred to a series of sermons at his church and said he would ask every week if the mission of Love Rocky Mount reflects the compassion of God;
 - Said he recently contacted two Councilmembers and to one of the most prominent ministers in the City to see if they would sit down with him and begin dialogue but has not heard back from them;
 - Said he will continue his attempts include contacting the City Manager;
 - Said there will be resistant but together we can prevail and make a difference and urged all to remember “if God is for us, who can be against us”
- ***Clark Covolo:***
 - Questioned how long the Nexen Pruet report is, if Council has read the report and if the public will be able to receive a printed copy of the report;
 - The Mayor referred the question to the City Attorney who stated he believes it is the intent of Council to release the report once they have reviewed it
- ***Samuel Battle:***
 - Voiced concern relative to a sink hole at Martin Luther King Park;
 - Said his second concern is a shooting in the Hillsdale neighborhood; he said there have been shootings for the past three weeks and the Councilmember in the Ward needs to take care of that;
 - Questioned why certain Councilmembers were not present at the CSX ribbon cutting recently;

- Said if Councilmembers are not doing what they are supposed to do they should step aside;
- Addressed comments to Councilmember Knight – “if you have something to say to me we can go outdoors”

Councilmember Joyner stated that Council has asked that petitions from the public not include personal attacks or name calling and stated Council would appreciate citizens conducting themselves in such a way when addressing the issues.

Councilmember Knight said he will appreciate it, as Council conducts themselves in a respectful manner, that when personal attacks occur the Mayor take authority and rule that person out of order.

- ***Jewel Williams:***
 - Said she is in full support of the Workforce Housing project, once environmental concerns are investigated and cleared;
 - Said having just completed an excellent Citizen’s Academy that she has complete faith in the City’s leadership and leaders of the various departments and learned a lot; she encouraged citizens to confirm information they hear and to consider attending a Citizen’s Academy, Police Academy and/or Fire Academy;
 - Asked all to consider the big picture and think about the City in 20 years with people with various backgrounds are living, working and playing in Downtown Rocky Mount;
 - Said she has come back after 10 years of being away and has seen changes that impress her
- ***Susan Perry Cole:***
 - Said she is speaking from the perspective of a citizen of one of the 14 under-resourced neighborhoods;
 - Said there was a big story in the Sunday News and Observer about action being considered in Raleigh and Durham for the proposal of a housing bond to address the housing affordability crisis in those communities;
 - Said there is a housing affordability crisis in Rocky Mount;
 - Said over 37% of families in Rocky Mount are cost burdened, meaning they are spending over 30% of their income on housing;
 - Said they are very encouraged by conversations with executive leadership under the supervision of the City Manager and the residents in the 14 neighborhoods have banded together and are making recommendations to the City;
 - Said they are looking for the City to join with them in partnership and are not here to attack or criticize but to ask for partnership to uplift these neighborhoods so that all can have a better quality of life and recommended the City look at terms like inclusive, address inequities and equitable development in the revitalization of the City;
 - Concluded by saying the residents are willing to work with the City and to carry some of the burden and want to be good partners and good citizens
- ***Dr. Adrian Wood:***
 - Said she grew up in and loves Rocky Mount;
 - Spoke about an incident recently wherein she visited the City Manager’s office and took a photo from the doorway of the Manager’s private office resulting in the Manager having the Police come to escort her out of the Manager’s suite
 - Said she has never had the Police called on her;
 - Said she does not align herself with people who look like her but cares about this City and said it is now the City of Demise
 - Encouraged people not to pit races against races
- ***Nathlyn Ohre:***
 - Said she is the 3rd vice president of the Rocky Mount Branch of the NAACP;

- Said the mission of the NAACP is to secure the political, educational, social and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons
 - Said over the years the NAACP has and will continue to follow these guiding principles and is the most respected civil rights organization in the country;
 - Expressed her hope that the citizens of the City will realize that this is a new day in the life of the City;
 - Said the City has a new generation of college graduates who are seeking new and improved jobs and affordable housing;
 - Encouraged the City Council to move forward on behalf of the citizens, young and old;
 - Said as a resident of the Edgewcombe side of Rocky Mount she is looking forward to improving the pride on her side
- ***Johnny Cunningham:***
 - Commended Mae Parker for her humble, loving, kind service to the City and said he has always been inspired by her drive for the betterment of the community;
 - Said he was once described as a pit bull (cute and cuddly) but said you have to watch a pit bull because he will turn on you; said the hunting dog you have to pay attention to is the one lying in the corner;
 - Said he is back and is not alone; said he is back for unity and after all the begging, crying and kicking the cries were heard and the pleas fell upon caring, loving, humble strangers;
 - Referred to Bible scripture saying “beware of how you entertain strangers” because some may entertain angels unaware;
 - Thanked Love Rocky Mount for helping him to be a new man and said without them he would not be able to stand here today and say unity is going to prevail and love is going to stand
- ***Jackie King:***
 - Said she is representing the Rocky Mount Branch of the NAACP and serves as the first Vice Chair;
 - Repeated the mission of the NAACP previously stated and said the vision is to ensure a society in which all individuals have equal rights without discrimination based on race;
 - Said she has worked with Sue Perry Cole and the Community Academy for Workforce Housing;
 - Said she is among those taking a stand to support the Council in improving the quality of life in underserved neighborhoods and these citizens care about the Workforce Housing Development and affordable housing, about the Atlantic and Arlington Corridor Study, about jobs coming to Edgewcombe County, Downtown Development, success of the Event Center, the local public school systems, expansion of Medicare and Medicaid and about the politics of local government;
 - Said they care and their voices matter
- ***Saladin Muhammad:***
 - Said he has been in Rocky Mount for 40 years and in that time, it has not been the City on the Rise;
 - Said when you look at the Edgewcombe side of Rocky Mount you cannot with good conscious say it has been the City on the Rise;
 - Said almost 40 years ago there had to be a lawsuit to address the issue of democracy here in the City because the community, particularly the African American community, did not have the democratic right to vote for people in their wards;
 - Said since that time there has been deep anger by people who are offended because there is some expression of exercising black political power;
 - Said black political power is not opposed to white people; it is addressing the inequities that communities have experienced for years;
 - Said unless we are willing to unite to resolve those inequities, to talk about unity means very little;
 - Said he is hearing people say yes sir and yes ma’am and he welcomes that;

- o Said the community needs more than good greetings and needs a City Council of all genders, races and nationalities to make the tough decisions to address the problems that have kept us divided;
- o Said he hopes this City Council shows the guts to do that

The Mayor closed the public petitions portion of the meeting.

REPORT FROM NEXSEN PRUET/COMPREHENSIVE EMPLOYMENT - MANAGEMENT REVIEW

Mayor Combs stated that some months ago as a result of issues identified in the newspaper and comments from the public the City Council hired a company named Nexsen Pruet to conduct a comprehensive employment - management review. He stated they are here this evening to go over those findings. Mayor Combs reported that the Council has not received a final report, but once that is received and reviewed by the City Attorney the Council will meet to determine the next steps to be taken.

Mayor Combs introduced Ken Lewis with Nexsen Pruet. Mr. Lewis stated he is a member of the Law Firm of Nexsen Pruet and is here tonight with his colleague, Bridget Blinn-Spears. He provided information relative to the law firm and stated they were requested to conduct a review of the City Manager and are here tonight to present a summary of that review.

Mr. Lewis stated the firm was asked to review six items: City morale, turnover, hiring practices, compensation, financial management and HUD and during the course of that review two other items were identified: Human Resources and perception of bias.

He explained the process for the review and stated that during the course of the investigation they interview 65 witnesses for over 150 hours. He noted the individuals interviewed included the City Manager, City Council, lead team, middle managers, supervisors, nonsupervisory employees, individuals identified by the City Council and City Manager; witnesses calling directly from email or Facebook posts; and witnesses calling the hotline on topics relevant to the review.

The following summary of findings was presented:

- Morale
 - Generally
 - Frontline and low-level employees feel heard and included
 - Middle management feels excluded and disconnected
 - Senior management is mixed, but most of the Lead Team reports low morale
 - Low morale is impacted by:
 - o Rumor of the list
 - o Resistance to change in management direction and style
 - o Communication challenges
 - High morale is impacted by:
 - o Opportunities to interact directly with upper management
 - o Attention to longstanding concerns around equality in career opportunities

The List Rumor

- Rumor preexisted the newspaper report. Original version included John Jesso, Rich Worsinger, Jonathan Boone and Brad Kerr
- No substantiation of the rumor
 - Departures of Jesso and Boone were voluntary
- Rumor itself has done significant damage
 - Boone spread the rumor before and after newspaper publication
- Turnover
 - Turnover after a significant change at the top of an organization is common
 - City Manager has not terminated anyone
 - Assistant City Managers departed for larger cities at similar pay
 - One department head had attributed departure to his belief in the list rumor and that he was purportedly listed
 - Community Development has experienced significant turnover predating the most recent change in its leadership
- Hiring
 - No substantiation of race bias concerns about City Manager's hiring
 - City Manager has hired diverse group of candidates from both race and gender
 - City Manager articulates reasonable business-related reasons for each direct hire unrelated to their protected characteristics
 - City Manager is addressing ongoing concerns regarding race bias in historical hiring and promotion
- Compensation
 - City is currently engaged in pay and classification study
 - Performed last study a decade ago
 - Current ranges not competitive for key positions
 - City ordinances allow discretion by City Manager, and she has not exceeded her authority in hiring
- Financial Management
 - Spending on the City Manager's office was approved by Council and came in under budget
 - Most witnesses had few concerns about financial management, and those concerns raised were primarily focused on disagreement with priorities that are within the City Manager's discretion
 - No evidence the City Manager has failed to obtain Council approval when required
- HUD
 - Audit in 2013
 - Numerous subsequent desk monitoring reviews
 - August 2018 review of FY2015
 - Returned \$178,186.50
 - Implemented policies, procedures, worksheets and checklists
 - Annual monitoring of RMECDC
- OTHER
 - Human Resources
 - Historical concerns with racial bias in hiring and promotion practices
 - Historical concerns with effectiveness of department around recruitment, screening, complaints, grievances and retaliation

- Perception of racial bias were not substantiated
 - City Manager experienced significant issues with resistance to her direction and incidents of explicit insubordination by direct reports
 - City Manager's frustration and directness are not well received by some of Lead Team

Ms. Blinn-Spears reported that the primary reason for the brevity of the report is anonymity. Mayor Combs questioned if they investigated the information contained in the newspaper reports and was told they did not.

The Mayor stated that the state audit is still underway, and he does not know when that may be completed.

CONSENT AGENDA

A. TEMPORARY STREET CLOSINGS (recommended for approval):

- 1) Request by Donald Dantzler, on behalf of the Germantown Celebration Committee, for permission to close the 1000 Block of New Street (intersects at Beamon Street) to the 1300 Block of Luper Street (intersects at Beamon Street) and the 1100 Block of Boone Street from 2:00 p.m. to 6:00 p.m. on Saturday, May 25, 2019 for the Committee of Germantown Celebration; and
- 2) Request from Steve Yetman, City Engineer, for temporary street closings for the Annual Juneteenth Community Empowerment Festival (*ordinance adoption requirement of NCDOT standards*):

(temporary closures of N. Church Street from W. Thomas Street to Falls Road; Gay Street from N. Church Street to N. Franklin Street; W. Goldleaf Street from N. Church Street eastward for 150 feet; one lane closure on N. Franklin Street from Falls Road to Gay Street; and detour of traffic on N. Church Street onto W. Thomas Street and N. Grace Street on Friday, May 31, 2019 from 12:00 p.m. until Saturday, June 1, 2019 at 10 p.m.)

B. FY 2019 PROJECT ORDINANCE AMENDMENT:(recommended for adoption)

- **Ordinance No. O-2019-19** entitled **OCCUPANCY TAX PROJECT AMENDMENT** (increases appropriations in the Occupancy Tax Fund - funds scheduled FY 2019 transfer to the General Fund appropriated in FY 2019 adopted Annual Operating Budget - \$500,000)

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried that the Consent Agenda be approved inclusive of adoption of **Ordinance No. O-2019-20** entitled **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT DECLARING A TEMPORARY ROAD CLOSURE FOR ANNUAL JUNETEENTH COMMUNITY EMPOWERMENT FESTIVAL** and adoption of the recommended project amendment.

ANNEXATION NO. 314 - CSX TRANSPORTATION

The Mayor recognized City Manager Rochelle D. Small-Toney to explain the feasibility study prepared in connection with the annexation by the Department of Planning and Development. The City Manager called on the Director of the Department of Development Services Will Keaton. Mr. Keaton explained the report and concluded by recommending approval of the annexation. A copy of the report is on file in Annexation No. 314 in the office of the City Clerk.

The Mayor opened a public hearing relative to Annexation 314 and no one appeared. The Mayor declared the public hearing closed.

Motion was made by Councilmember Blackwell, seconded by Councilmember Watkins and unanimously carried that receipt of the feasibility study be acknowledged and that **Ordinance No. O-2019-21** entitled **ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT/ANNEXATION NO. 314 - CSX TRANSPORTATION, INC.** be adopted.

BUDGET REVIEW 2019-2020

The City Council considered the following budget review work session schedule related to the proposed 2019-2020 budget:

- Wednesday, May 8 - 2020-2024 Proposed CIP Document Distributed to City Council
- Monday, May 13 - Presentation of 2020-2024 Proposed CIP During Committee of the Whole
- Thursday, May 16 - Proposed FY 2020 Budget Distributed to City Council
- Thursday, May 23 @ 4 p.m. - Presentation of FY 2020 Budget and Council Work Session (Committee Room)
- Tuesday, May 28 - Council Work Session Following the 4 p.m. Regular Council Meeting
- Wednesday, May 29 @ 4 p.m. - Council Work Session (Committee Room)
- Monday, June 3 @ 4 p.m. - Council Work Session (Committee Room)
- Wednesday, June 5 @ 4 p.m. (if necessary) - Council Work Session (Committee Room)
- Monday, June 10 @ 7 p.m. - Public Hearing on the Budget During Regular City Council Meeting (Council Chamber)
- Monday, June 24 @ 4 p.m. - Budget Adoption During Regular City Council Meeting (Council Chamber)

Motion was made by Councilmember Rogers, seconded by Councilmember Miller and unanimously carried that the schedule be adopted.

PROPERTY ACQUISITION/UNDEVELOPED LOTS RELATIVE TO SUBSTATION 7 REBUILD

The City Council was advised that the project to rebuild Substation 7 includes replacement of the adjacent electric transmission infrastructure and required the purchase of unimproved real property east of the substation. Council was further advised that during the transfer of ownership of property to the City two (2) additional lots were inadvertently transferred and the property owner was not compensated for the two (2) additional lots valued at \$250 each.

City Manager Rochelle Small-Toney told the Council the combined tax value of all four lots for the transmission line realignment is \$1,250 and the property owner has requested \$1,500 as compensation for the two lots inadvertently transferred to the City.

It was requested that the City Council authorize the purchase of the two additional parcels (#3759-40-1691 and #3759-40-2616) for the price of \$1,500.

Motion was made by Councilmember Joyner, seconded by Councilmember Rogers and unanimously carried that acquisition of the two additional lots at the recommended price be approved.

REAL PROPERTY EXCHANGE

The City Council was advised that it is the intent of the City to enter into an Exchange Agreement that provides for the transfer of City property located at 2305 N. Wesleyan Boulevard for the purpose of securing the right to purchase properties owned by Log Cabin Homes (LCH) located on the east side of Middle Street and 410 N. Pearl Street through June 30, 2026. Council was further advised that the intent of the agreement is to secure rights for the Monk to Mill Trail Project until such time that NCDOT project funding is available to complete the purchase.

Council was provided with an Option Agreement and Exchange Agreement. It was noted that the Exchange Agreement provides for the transfer of City property at 2305 N. Wesleyan Boulevard, appraised at \$61,000 as a non-refundable option fee and, in return, the City will receive exclusive rights to obtain properties owned by Log Cabin Homes (LCH) at a fixed price throughout the term of the agreement.

By consensus, consideration of this item was deferred until the May 28, 2019 City Council meeting.

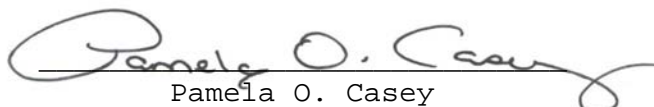
DOWNTOWN DEVELOPMENT PROGRAMMING REQUIREMENTS (ADDED TO AGENDA IN OPEN MEETING)

The City County was advised that there is a critical need for a Downtown project and associated program requirements and recommended that the City facilitate an investment in the Douglas Entertainment and Business District in the Downtown area near the recently development Event Center to include a mix of commercial and residential uses. She stated that the proposed project should include four development components: a minimum 100-bed name brand hotel; a minimum of 20,000 square feet of retail space; a minimum of 60 residential condo/apartment units; and an above-ground parking garage(s) to provide no less than an estimated 840 parking spaces in one or more structures and should be a public-private project provided until NCGS 143-128.1C(b) with a developer identified through a request for qualifications process.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that the programming requirements be approved and that staff be authorized to release a request for qualifications for the proposed public-private partnership development.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:04 p.m.


Pamela O. Casey
City Clerk