

October 12, 2020

The City Council of the City of Rocky Mount met this day in regular session in the George W. Dudley City Council Chamber of the Frederick E. Turnage Municipal Building with Mayor C. Saunders "Sandy" Roberson, Jr. presiding.

The Mayor called the meeting to order at 7:01 p.m. and called for a moment of silence for individual prayer.

Councilmembers present: André D. Knight, Reuben C. Blackwell, IV, Richard Joyner, T.J. Walker\*, Lige Daughtridg and Christine Carroll Miller\*.

*\*joining remotely*

Councilmember absent: W.B. Bullock.

Staff present: Rochelle Small-Toney, City Manager; Pamela O. Casey, City Clerk; Dorothy Brown Smith, Chief Communications and Marketing Consultant; Ken Hunter, Assistant to the Manager for Budget and Evaluation; Robin Cox, Communications Specialist; and Richard J. Rose, City Attorney.

Other staff members in attendance, as needed, were: Mark Adcox, Video Production Specialist; Will Deaton, Director of Development Services; JoSeth Bocook, Planning Administrator; and Stephanie Goodrich, Senior Planner.

Security Officer: Scoey Lewis, Police Corporal.

#### **APPROVAL OF MINUTES**

Motion was made by Councilmember Joyner, seconded by Councilmember Knight, and unanimously carried by roll call vote (6 ayes/0 nays) that the minutes of a regular scheduled meeting of the City Council held August 24, 2020 and of an emergency called meeting held September 14, 2020, be approved as submitted to the City Council prior to the meeting.

#### **COMMITTEE OF THE WHOLE MINUTES**

The City Council received the minutes from a regular scheduled Committee of the Whole meeting held September 14, 2020. The minutes are as follows:

#### **MINUTES OF A REGULAR SCHEDULED MEETING OF THE COMMITTEE OF THE WHOLE HELD MONDAY, SEPTEMBER 14, 2020 IN THE GEORGE W. DUDLEY CITY COUNCIL CHAMBER OF THE FREDERICK E. TURNAGE MUNICIPAL BUILDING WITH MAYOR PRO TEM ANDRÉ D KNIGHT PRESIDING:**

*NOTE: Participation limited due to Governor Roy Cooper's Executive Order banning gatherings of more than twenty-five (25) people relative to the Coronavirus pandemic (COVID-19); meeting was available via Microsoft Teams and Facebook Live*

#### **MEMBERS PRESENT:**

André D Knight, Mayor Pro Tem  
 Reuben C. Blackwell, IV  
 Richard Joyner  
 T.J. Walker (*arrived during closed session*)  
 Lige Daughtridg  
 W.B. Bullock\*  
 Christine Carroll Miller\*  
 Mayor C. Saunders "Sandy" Roberson, Jr.

#### **STAFF PRESENT:**

Rochelle D. Small-Toney  
 Pamela O. Casey  
 Dorothy Brown Smith  
 Ken Hunter  
 Amy Staton  
 Robin Cox\*\*  
 Mark Adcox\*\*  
 Richard J. Rose

\*Participating remotely  
 \*\* Staff in open session only

OTHERS PRESENT:

Mary Nash Rusher, McGuire Woods, LLP  
 Anthony Fox, Parker Poe

*Other City staff participated via MS Teams*

OPENING OF MEETING

Mayor Pro Tem André Knight called the meeting to order at 5:06 p.m. and announced that the City Council will enter into Closed Session to hold discussion relative to matters concerning attorney/client privilege.

**COMMITTEE RECOMMENDATION.** *Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried by roll call vote (6 ayes/0 nays) that the City Council enter into Closed Session at 5:07 p.m. for discussion related to matters concerning attorney/client privilege.*

The minutes of the Closed Session shall be placed on file as **ESM-561** at the end of **Minute Book 37** upon approval for release by the City Attorney.

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**REGULAR SESSION.** The Mayor Pro Tem convened the Committee in regular session at 6:45 p.m.

DOWNTOWN DEVELOPMENT PROJECT - ASSESSMENT

Mayor Pro Tem Knight reported that the Council has been in a closed session and desires to share the following information discussed in the closed session relative to the Downtown Development (hotel/parking garage) Project. He made the following remarks:

- The proposal that the City finance a 700-space parking garage to support the private investment of a 107-room tier one hotel, mixed-used retail and housing project on the Edgecombe County side of the City and around the newly built and open Downtown Event Center is a very significant economic development project that will bring over 700 much-needed jobs and tax growth to the City and Edgecombe County;
- This project is expected to infuse \$42.5M of investment into an area where the poverty rate is higher than the City and state;
- We continue to believe in and support the concept of this project and its components and the tremendous economic impact it will bring to the redevelopment of the Downtown and uplift to the City overall;
- The recent indictments against David Hunt of Hunt Services Incorporated, the City's development party, is unfortunate;
- This project has been stalled for over a year;
- It was stalled with a target investigation for which there were conclusive findings unrelated to this project;
- The City of Rocky Mount is in no way associated with or a party to the allegations brought against the development partner for the Downtown Development project yet there are those who for political reasons are attempting to tie the indictments in southern Mississippi to Rocky Mount;
- The sweeping and blameless condemnation by those attacking the credibility of the leadership of Rocky Mount because of an indictment against someone who is presumed to be innocent until proven guilty is a false and divisive narrative;

- It is a shame that a shadow is being cast that the City is not fiscally sound and run properly and this is not true;
- The call for the investigation into spending by the City for the Downtown Event Center and the proposed Development is also a part of a false and divisive narrative;
- The Downtown Event Center has been open and operational for almost two years and the process and financing of the Event Center was validated and approved by the Local Government Commission (LGC) in December 2016;
- I do not understand how a previously validated financing should be part of the so-called corruption investigation today in 2020;
- Needless to say, we as a Council and community must move forward together and not one step back;
- In order to remove any speculation of any impropriety or corruption regarding the Downtown Capital Lease for a garage proposal that is before the LGC and to validate the process followed under the guidance of City staff and counsel it is proposed that:
  - 1) The City Manager be directed to bring forth a plan at the September 28, 2020 regular meeting to assess the process used to prepare for the approval of the garage financing by the LGC; and
  - 2) To suspend the request to the LGC for approval of the financing of the garage until the assessment is completed.

**COMMITTEE RECOMMENDATION. Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried by roll call vote (7 ayes/0 nays) that: 1) the City accept the proposal of the Parker Poe law firm for assessment of the Downtown Development Project process; and 2) that the City make a request to the LGC for the suspension of consideration of the Downtown Development project (garage) until said assessment is complete.**

Councilmember Daughtridge clarified that while he agrees with suspending LGC consideration of the application for the project he does not completely agree with the statements made by the Mayor Pro Tem.

Councilmember Blackwell thanked Mayor Pro Tem Knight for his comments relative to unraveling the myth and coordinated political attack on the elected and appointed leadership of the City. He said:

- The allegations made by the State Treasurer were overreach adding there is no opposition to pausing and evaluating that all steps taken by the City are proper, but attempts to connect the City to activities alleged but not proven in southern Mississippi is completely inappropriate;
- There is no proof or evidence of such and nothing anyone can state or suggest showing that anyone has done anything other than to work on behalf of the citizens of the Rocky Mount community from the onset of discussions and dialogue about the project;
- For the last 10-15 years development of the Downtown has been at the forefront of City Council discussion and has continued to be a primary issue;
- It is important that the City be able to compete with other cities in the region and state and across the south and that it has a vibrant Downtown;
- Rocky Mount is one of the few cities without a Downtown hotel with a major flag and when the City was presented with a phenomenal opportunity for such a venture Council asked the Manager and the City staff team to vet the project which was brought to the Council in response to its vision to invest in the Event Center;
- Projects Council dreamed would happen some years after the Event Center was established occurred in only months after the Event City opened in the fall and by spring an active prospect was wanting to help build and develop Downtown Rocky Mount;

- Council is distressed by the information obtained relative to the City's development partner and he prays Mr. Hunt did not do anything inappropriate, that he is not found guilty and wishes the best for him;
- To take this opportunity to further divide the community and try to create a myth of corruption and inappropriate behavior or action is political and unconscionable;
- He knows people are trying to win seats but questioned why someone would want to win something at the expense of an entire community and City and added that is no win - it is a loss and is unfair; and
- He is thankful the City has a great team of attorneys with high ethics that have proven themselves and have appeared time and again before the LGC and have had successful projects in Rocky Mount and across the State.

Councilmember Blackwell thanked the City Manager, Finance Director and team for their due diligence and said though it is believed there have been no issues with the process, the City plans to retain one of the best legal minds in the State (Parker Poe) to assess the process to be sure every i was dotted and every t crossed. He said he is not much concerned with what the State Treasurer feels at this point because he has already made his vote and should be ineligible to participate in the decision. Mr. Blackwell added that the State Auditor should also not be allowed to participate in the decision relative to the project because time and again she has made public statements disparaging individual Councilmembers and trying to create an impression that the City of Rocky Mount is not well managed. He added there is no proof of that and it is not true, and the City is vibrant, progressive and responsible.

City Manager Rochelle D. Small-Toney stated she wants to make sure the public is aware of the economic impact of the Downtown Development Project. She reported that:

- The area poverty rate for the neighborhoods surrounding the Douglas Block is 30.2%; however the poverty rate for the entire City of Rocky Mount is 21% and poverty rate for the State of North Carolina is 14%;
- A project that is going to bring \$42.5M of investment into the community is significant and will also bring well over 717 direct, induced and indirect jobs during construction resulting in a total investment of \$100.8M which is significant for this community and, in particular, for the residents who live around the proposed development site;
- Once completed the project is expected to grow the tax coffers (general fund) of Edgecombe County by close to \$1M annually and grow the City's coffers close to \$600M annually adding "that is not hay";
- This is why the City Council continues to push for approval of the capital lease for the project so this community can realize what everyone calls the "Great American Dream"; and
- This community deserves it; it has waited for years as Downtown has been abandoned and if people want to see change happen here, they need to step forward and keep this project moving forward.

Mayor Pro Tem Knight thanked the Manager for her comments and said he hopes citizens realize this is an attack on the Council and leadership by the Nash County Commissioners, Nash County Travel and Tourism, the State Auditor's Office and the State Treasurer and is a recurrence of 1898 to assassinate the character of a majority African-American leadership.

#### ADJOURN

Without opposition, the meeting was adjourned at 7:01 p.m.

Motion was made by Councilmember Blackwell, seconded by Councilmember Daughtridge and unanimously carried by roll call vote (6 ayes/0 nays) that the minutes of a regular scheduled Committee of the Whole meeting held September 14, 2020 be approved as submitted to the City Council prior to the meeting.

**COMMUNITY UPDATE BY CITY MANAGER**

City Manager Rochelle Small-Toney provided the following community update. The Manager:

- Congratulated the following latest recipients of the City Manager's Award: Water Resources employees, William Harkins and Timothy Richardson; Public Works employee, Tyrone Hedgepeth; and Energy Resources employee: Terry Johnson. She stated each was honored during a recent meeting of the City's Executive Leadership Team and added she recognizes employees on a quarterly basis who perform outstanding work and excel in the City's core values of Customer-Centered Service, Professionalism, Respect, Teamwork and Support and Leadership.

Ms. Small-Toney added that the above employees were specifically recognized for:

- Mr. Harkins - development of a communications plan to improve the transition of sampling duties from operations to the laboratory;
- Mr. Richardson - showing concern for his co-workers;
- Mr. Hedgepeth - for ensuring a safe work environment; and
- Mr. Johnson - for spontaneously fixing a bicycle chain for a pair of youths

The City Manager stated that award nominations for this quarter are currently open and invited all to visit [rockymountnc.gov](http://rockymountnc.gov) and click on the City Manager's Award Banner to nominate a deserving employee.

- Thanked the following 12 linemen from the City's Energy Resources Department who were currently in St. Martinville, Louisiana assisting with Hurricane Delta: Benji Turner, Casey Temple, Spencer Leonard, Doug Tant, Sammy Moss, Ryan Black, Andy Hicks, Steve McBride, Josh Fore, Brandon Jones, Brantley Anderson, Danny Cobb and Nick Delbridge. She added they left on Thursday, October 8 in answer a mutual aid request.
- Stated that after more than 28 years of service to the citizens of Rocky Mount, Chief George Robinson is set to retire from the Rocky Mount Police Department, effective, December 1. She said the retirement ends a distinguished career for Chief Robinson, who began as a Patrol Services Officer in 1992 before working his way through the ranks. She noted that Chief Robinson was named the Department's Interim Police Chief on January 1, 2019 and promoted to the position permanently in March of 2019.

The Manager outlined the following accomplishments during Chief Robinson's tenure as Police Chief:

- Adopted and implemented national "Eight Can't Wait" policies to reduce the possibility of officer excessive force incidents
- Mandated additional officer training for situation de-escalation
- Enhanced the department's racial sensitivity training by enrolling sworn and non-sworn members of the department for TRRUTH (Taking Race Relations and Understanding to Heart) training
- Educated members of the City's Executive Leadership Team via Active Shooter Training
- Led City-wide Human Trafficking Education
- Finalized and implemented the Department's IBIS forensics system, which can help link crime data in a more accurate and expedient timeframe
- Reinstated the Department's Homeland Security Task Officer position
- Hired a full-time Cold Case Investigator
- Implemented a Police Athletic League, which allows area youth to participate in sports leagues while interacting with members of the Department

- Began the Flag Football Turkey Bowl Tournament

Ms. Small-Toney said Chief Robinson has served the Rocky Mount Police Department with the highest degree of integrity and knowledge and is a consummate and all-around professional who has been a servant-leader. She added she has enjoyed him playing a critical role on the City's executive leadership team and the Police Department has benefitted from his years of experience, knowledge and integrity, particularly since he assumed the role of Chief in 2019. She said all wish Chief Robinson well during his retirement.

- Reminded all the City is sponsoring an inaugural "Fall Cleanup" the week of October 11 and citizens are encouraged to clean up and discard household items which can be placed at the curb for collection. She said all week long, residents can place household waste or bulk items, with the exception of hazardous materials, on the curb for City collection. This collection is in addition to regular weekly household pickup. Items may include, but are not limited to, furniture, stoves, refrigerators and small lawn equipment. These materials should be separated and placed away from fire hydrants, poles, wires and vehicles. All items will be collected during residents' regular pickup day.

She added on Saturday, October 17, from 8:30 a.m. until noon, the City will host a City-wide Cleanup Day. Residents participating in the Clean-Up Day activities will be provided with safety equipment, protective vests, gloves and masks. These items can be secured from neighborhood organization leaders. All COVID-19 social distancing and mask coverings will be enforced. Waste collection will return to regular schedules Monday, October 19. She added a number of departments will volunteer.

- Noted that OIC continues to hold COVID-19 testing sites at the Specialty Care Center. Those tested will need to bring their photo ID and insurance cards. Insurance is not required for testing. Testing days are Tuesdays and Thursdays from 10 a.m. to 2 p.m. Registration can be performed prior to arrival by logging on to [oicrmhub.com](http://oicrmhub.com). The OIC Our Mobile Unit (MAHC Unit) is also testing throughout the community each weekday from 10 a.m. to 2 p.m. The Mobile Unit schedule can be found daily on OIC's Facebook page @ OICofRockyMount. Residents can call 252-210-9856 for more information.
- Reminded all that Census 2020 has been extended to October 31. The Census will determine funding for housing programs, schools, hospitals, economic development and much more in our community. She extended a special thank you to Lois Watkins, Theresa Stokes and Michele Cruz, who under the leadership of Human Relations Director Archie Jones, are coordinating the Census efforts in our community. She stated if citizens have not already done so, they can respond online, by phone or by mail and, for more information or to respond, can visit [2020census.gov](http://2020census.gov).

**AWARDS PRESENTATION/AMERICAN PLANNING ASSOCIATION-NORTH CAROLINA  
MARVIN COLLINS CITIZEN PLANNER, SMALL AREA PLAN AND GREAT  
TRANSFORMATION**

The Council was informed that the American Planning Association - North Carolina (APA-NC) Marvin Collins Planning Awards program annually recognizes agencies and individuals that have completed outstanding plans, programs and projects; have excelled as planning students; or have made notable contributions to the planning profession. It was noted that after review of nominations, the APA-NC has selected the City, Rocky Mount Mills and resident/advocate, Sue Perry Cole, as recipients of the 2020 Marvin Collins Planning Award in the areas of Small Area Plan for the Atlantic-Arlington Corridor Study, Great Transformation and Citizen Planner.

APA-NC Representative, Bynum Walter, presented awards to Mayor C. Saunders Roberson, Jr.; City Manager Rochelle D. Small-Toney; Director

of Development Services Will Deaton; Planning Administrator Joseth Bocook; Senior Planner Stephanie Goodrich; and Citizen Planner Sue Perry Cole and photographs were taken.

Ms. Sue Perry-Cole read a prepared statement and stated she is extremely honored and humbled to receive such a prestigious award. She thanked Bynum Walter and members of the Commission for this recognition. She added it was not her sole effort that has brought her here tonight to receive the award and many neighbors in the DownEast community and other under-resourced neighborhoods in the City are concerned with improving conditions where they live but need to learn how they can influence development decisions impacting their communities.

Ms. Perry-Cole recognized City Manager Rochelle Small-Toney for her leadership, Assistant City Manager Natasha Hampton and various Development Services staff for extraordinary efforts to work directly with community stakeholders to ensure voices, values and priorities that impact neighborhood residents were fully incorporated in planning and initiation. She stated for transformational change to happen policymakers and other local leaders must be willing to create transparent, policymaking processes to establish authentic connections with residents who know the communities where they live well and such actions can and will undergird the credibility of local decision-making processes and are invaluable to ensuring participatory engagement in policy development and implementation that prioritizes inclusiveness and equitable outcomes. She thanked APA-NC and all present for the award.

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

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

- ***Clint Williams:***
  - Said he is here to speak regarding matters affecting everyone with an interest in Rocky Mount being the best City it can be;
  - Told Councilmember Daughtride he appreciates his hard work and efforts;
  - Said Nationally organizers have canceled events at the Event Center along with smaller events being canceled; he said it is being proposed to look out to 2021 for scheduling of public events but the Event Center is a \$48M property owner's taxpayer burden that has sat dormant for most of 2020; he said when local organizers have tried to book for 2021 they are finding the Event Center has doubled prices, raised fees on non-event days and priced the local market out of contention; said this is vile and punitive to the citizens and businesses in the City that want to fill the calendar for events; questioned why the Event Center would be cruel and harsh to locals who are going back to the Shrine Club and Nash Community College and looking forward to the Doubletree's Gateway Center opening;
  - Questioned who will use the hotel and parking deck when programs of local interest have been pushed away;
  - Questioned how much the cyberattack has cost the City (taxpayers); said citizens have an expectation of knowing what is being done with their money;
  - Said light bills matter and on today's agenda there is an item regarding the collection of utility bills; said the City appears to be in the hole over \$3M and citizens have a right to expect the people making decisions about their utility bills or how their property taxes are being spent are in good standing themselves and each

Councilmember should disclose their current property tax status and utility account balances for personal and commercial operations; said the fiscal year ended in June 2020 and if any balances were written off for Councilmembers or their family they would no longer be on the account

- ***Bronson Williams:***

- Said the idea of being knowledgeable of the duties and responsibilities has always been a focus area of his and the belief that teamwork makes the dream work;
- Said he saw a video (by a Councilmember) that appeared to be an attack on the City Manager that suggested information was not being made available and that perhaps he was the only one treated differently; said as divided as the City is we do not need elected leadership painting a false expression of perceived emotional effect;
- Said we are facing uncertain times and the cornerstone of the City is to have sound fiscal responsibility;
- Said Dr. Martin Luther King, Jr. once talked about a moral responsibility to supersede man's law;
- Asked the Council to look at alternative methods to reduce the \$3M the City faces in past due utility bills and suggested a "Pay Something" campaign and encouraging people to pay it forward by increasing collection to the WARM program; said this campaign would encourage people to pay what they can vs. cutting off utilities;
- Said people are still dealing with the effects of the Coronavirus;
- Encouraged Council to look at how to do a positive ad campaign;
- Said after seeing some of the negative things some positive spin is needed;
- Said he knows Council has a heart of compassion and true empathy for citizens

- ***Nehemiah Smith, Jr.:***

- Said he has addressed sundry issues from behind the Council podium to include: inequity in the Fire Department; confederate monuments and implicit racism associated with them and those who support them; why Black Live Matter and potholes;
- Said tonight he addresses an issue that is paramount to all others previously addressed: empathy;
- Said he speaks for the single parent who has lost their job or is working on a schedule of drastically reduced hours; for the student who is just getting by or not at all as they come to navigate the perils associated with virtual learning; for the business owner who is juggling the dream that became reality and household needs; for the charitable organizations who remained committed to their causes to help but are stretched beyond their abilities to do so;
- Said these are unprecedented times beyond the trappings of a singular financial crisis and natural disaster and Covid-19 has exacted a toll that was unforeseen and is unforgiving;
- Said many people are at their whit's end and even the faithful are asking God why and how long and to consider disconnecting utilities for the most vulnerable in our society during this unprecedented time is unfathomable;
- Said we are approaching a season in which we see many going through depression associated with the holidays and that is being compounded with the stress and apprehension associated with a global pandemic;
- Said disconnections may speak to what is financially expediate but questioned if they speak to what is morally right;
- Said unless our minds are collectively reprobate he believes we all know what is right; he suggested that a campaign be created called "pay something" and that the City create ads and other information for customers to instruct them how to mitigate their utility bills in an equitable way adding that is being empathetic;
- Read verses from Philippians and 1 Corinthians [10:24]

- ***Nathlyn Ohree:***

- Said she is here in honor of Indigenous Peoples Day;
- Stated this land is my land and this land is your land and we have to live in it together and it is not anyone's personal land;
- Said the more that anyone has the more that is required;



- Said we are also our brother's keepers and there are some who have very little therefore it is the responsibility of those who have more to help those people and even support those people;
- Said she is here to encourage all to consider we are all in this world together and it is our responsibility to remain human, civil and considerate and if we have more of something than someone else we should give of what we have and not take away from those who don't have
- **Samuel Battle:**
  - Said MLK, Jr. Park has another sink hole (second one in 8 months); questioned how much it cost to repair the previous sink hole and said someone needs to figure out why that is happening because it is tearing the park up and is going to upset the statue located in the park if it is not repaired;
  - Said the City should provide funding for a Boys and Girls Club in Edgecombe County;
  - With regard to a light bill of \$47,000 - said the City should disconnect utilities for anyone not paying their bill;
  - Said there are 47 vacant houses on Branch Street (Ward 3);
  - Said there was a softball tournament this week that was pushed towards Nashville because the City wanted too much money;
  - Said OIC owns 10% of the Event Center and is not giving back to the community;
  - Said Edgecombe County needs assistance and Edgecombe County citizens are not going to vote or complete census information until they receive assistance;
  - Said Joe Biden has locked up more black people than anyone and people better wake up;
  - Said there are 4 pastors on the Council and they better do right by God; said Edgecombe County citizens need help

Councilmember Knight stated that the Mayor read the guidelines which prohibited personal attacks but did not and should have addressed Mr. Battle's comments and personal attacks against Councilmembers. He said Mr. Battle does not vote and does not pay a utility bill and he does not have to respond to Mr. Battle's comments.

Councilmember Blackwell said he almost shut his ears to "Fool Talk" because you cannot argue with that.

**ANNEXATION NO. 317 - 762 VESTAL ROAD (NON-CONTIGUOUS)**

The Mayor opened a public hearing relative to Annexation No. 317 and recognized staff to explain the feasibility study prepared in connection with the annexation by the Department of Planning and Development. Will Deaton, Director of Development Services, explained the report, noting, if approved, the property will become a part of Ward 3 and concluded by recommending approval of the annexation. A copy of the report is on file in Annexation No. 317 in the office of the City Clerk.

No one appeared and the Mayor declared the public hearing closed and noted written comments will be accepted up to 24 hours after the public hearing in accordance with NCGS 166A-19.24 and such comments can be submitted to the City Clerk. Upon question from Councilmember Miller, City Attorney Richard J. Rose explained the change is a part of the Act to Provide Aid to North Carolina in Response to the Coronavirus Disease 2019 (COVID-19) Crisis enacted by the General Assembly for modifications to the laws governing meetings of public bodies, voting and quorum rules for City and County governing boards.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried by roll call vote (6 ayes/0 nays) that receipt of the feasibility study be acknowledged and that **Ordinance No. O-2020-37** entitled **ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT/ANNEXATION NO. 317 - 762 VESTAL ROAD** be adopted.

**PLANNING BOARD RECOMMENDATIONS**

The City Council received the minutes and recommendations from a virtual Planning Board meeting held September 22, 2020. The minutes are on file in the office of the City Clerk. The following action was taken upon the recommendations of the Planning Board:

**PUBLIC HEARING/REZONING REQUEST**

Mayor C. Saunders Roberson, Jr. called on staff to provide a report and Director of Development Services Will Deaton gave an overview of the request and recommendation of the Planning Board.

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 Michael J. Hurt for the rezoning of ±1.61 acres at 1720 Thomas A. Betts Parkway from A-1 to R-6MFA

No one appeared and the Mayor declared the public hearing closed and noted written comments will be accepted up to 24 hours after the public hearing in accordance with NCGS 166A-19.24 and such comments can be submitted to the City Clerk.

Motion was made by Councilmember Joyner, seconded by Councilmember Daughtride and unanimously carried by roll call vote (6 ayes/0 nays) that **Ordinance No. O-2020-38** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

**PUBLIC HEARING/REZONING REQUEST**

Mayor C. Saunders Roberson, Jr. called on staff to provide a report and Director of Development Services Will Deaton gave an overview of the request and recommendation of the Planning Board.

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 Michael J. Hurt for the rezoning of ±0.69 acres at 816 Nashville Road and 1286 West Raleigh Boulevard from O-I and B-1 to O-I5

No one appeared and the Mayor declared the public hearing closed and noted written comments will be accepted up to 24 hours after the public hearing in accordance with NCGS 166A-19.24 and such comments can be submitted to the City Clerk.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried by roll call vote (6 ayes/0 nays) that **Ordinance No. O-2020-39** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

PUBLIC HEARING/REZONING REQUEST

Mayor C. Saunders Roberson, Jr. called on staff to provide a report and Director of Development Services Will Deaton gave an overview of the request and recommendation of the Planning Board.

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 George Barnes for the rezoning of ±1.88 acres at 14554 U.S. 64 Alternate West from R-10 to B-5

The Mayor recognized Brent Purdum of Triangle Site Design who appeared on behalf of the Petitioner to answer any questions Council might have. There were no questions and no one else from the public appeared relative to the rezoning request. Mayor Roberson declared the public hearing closed and noted written comments will be accepted up to 24 hours after the public hearing in accordance with NCGS 166A-19.24 and such comments can be submitted to the City Clerk.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried by roll call vote (6 ayes/0 nays) that **Ordinance No. O-2020-40** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

OPTION TO PURCHASE/EDGECOMBE GENCO PROPERTY

The City Council was advised that Coastal Plain Land, LLC (CPL) obtained an Option to Purchase approximately 84.5 acres of property located on Old Battleboro Road in Edgecombe County in the City of Rocky Mount for \$32,000,000 which said property adjoins property owned by CSX Transportation, Inc. The City Council was further advised that:

- on or about April 6, 2020 CPL paid an initial option fee of \$20,000 for a six-month option to purchase the property and has or will extend the term of the Option Agreement for an additional six-month term through April 6, 2021 for the payment of an additional option fee of \$25,000 with the total option fee of \$45,000 to be credited against the purchase price for the property, if the option is exercised; and
- CPL obtained the Option Agreement with a view to assigning it to the City to be used for economic development and the City desires to acquire the Option Agreement to have the right to purchase the property when needed for an industrial site.

Mayor C. Saunders Roberson, Jr. opened a public hearing relative to the proposed appropriation and expenditure of funds (\$45,000) relative to the acquisition of the option to purchase said property.

No one appeared and the Mayor declared the public hearing closed. It was noted written comments will be accepted up to 24 hours after the public hearing in accordance with NCGS 166A-19.24 and such comments can be submitted to the City Clerk.

Motion was made by Councilmember Blackwell, seconded by Councilmember Knight and unanimously carried by roll call vote (6 ayes/0 nays) that **Resolution No. R-2020-32** entitled **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT AUTHORIZING THE ACQUISITION OF AN OPTION TO PURCHASE THE EDGECOMBE GENCO PROPERTY** and that **Ordinance No.O-2020-41** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2020-2021 FOR GENCO PROPERTY** be adopted.

**MORATORIUM/DISCONNECTION OF UTILITY SERVICE DURING THE COVID-19 PANDEMIC**

The City Council was provided with a resolution rescinding the moratorium on the disconnection of utility service for nonpayment and no assessment of late fees for a limited time for residential and small business customers during the COVID-19 pandemic which was approved at a Special Called City Council meeting on March 19, 2020.

The City Manager was asked to provide additional information and recommendations. She reported that she and staff took into consideration families who are suffering financially and there are programs in place to provide assistance. She stated at some time the health of the fund and needs of the community needs to be balanced. She added that the moratorium has extended past the Governor's Executive Order which terminated on July 30. The City Manager stated at this time staff is seeking direction from the City Council. She called on Latasha Hall, Interim Director of Business and Collection Services to provide further information.

Ms. Hall told the Council that the Business and Collection Services Office has been working with the Department of Community and Business Development to finalize plans to assist families affected by COVID-19 using CDBG-CV Covid funding and working with allotted funds in the General Fund to assist families struggling to make utility payments. She advised that the City has partnered with various faith-based and non-profit organizations to assist customers facing hardship. She added the City is continuing to offer payment arrangements and will continue to offer payment arrangements up to six months and will not charge late fees or penalties until March 2021 pursuant to the Governor's Executive Order. She reported that customers are receiving the necessary payment arrangements they need, and staff is working with customers on extended payment plans. She told the Council customers are being asked to pay what they can and they are also being reminded of existing account balances.

Councilmember Miller requested a copy of the planned schedule used for assisting customers to outline details relative to interest and penalties.

Members of the City Council made comments and Ms. Hall responded to questions.

Ms. Hall stated that an intake process will need to be determined and available funds will need to be identified. She added that the

most concern is for customers with past due balances of 61 to 120 plus days. She explained the recovery rate can be lower without the necessary assistance in place.

Ms. Hall clarified that in order to comply with the guidelines for use of COVID-19 and supplemental funding customers will need to provide proof of hardship and information as to whether they suffered a total or partial loss of income. She provided detail relative to how her staff will work with customers with late utility bills and told the City Council that as long as customers have a signed payment agreement on file and abide by the agreement they will not be at a risk for disconnection. She stated that staff will work with customers in the event a modification of the payment agreement is needed.

The City Manager told the Council the City can be proud of its response to customer needs during the COVID-19 pandemic.

Councilmember Joyner thanked OIC for its construction trades effort and Councilmember Blackwell explained the program and thanked the City and OIC's partners involved who make it possible for home repair.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried by roll call vote (6 ayes/0 nays) that **Resolution No. R-2020-33** entitled **RESOLUTION APPROVING RESCINDING THE MORATORIUM ON DISCONNECTION OF UTILITY SERVICE DURING THE COVID-19 PANDEMIC** be adopted.

**AMENDMENT/WATER TOWER LICENSE AGREEMENT**

City Manager Rochelle Small-Toney advised the City Council that the City entered into a Water Tower License Agreement dated December 1, 2010 with T-Mobile (formerly SunCom Wireless) to install antennas on the Marigold Street water tower. It was noted that Schedule 1 of the agreement allows for the expansion of permitted use with consent from the City. The Council was provided with a consent letter submitted by T-Mobile requesting the City's consent to modify the antenna facility in order to install three (3) additional antennas and six (6) radios; three (3) hybrid cables; swap out three (3) antennas; remove three (3) tower mounted amplifiers; disconnect six (6) coax cables and perform cabinet upgrades. The Council was advised that T-Mobile pays a monthly fee of \$1,860.31 with a 3% increase on July 1 of each year.

Councilmember Daughtridge questioned if T-Mobile will be responsible for any damage to the water tower. The City Attorney responded that he would have to review the original agreement, but in his opinion, T-Mobile would be responsible for any damage. Discussion was held.

Motion was made by Councilmember Daughtridge, seconded by Councilmember Blackwell that the amendment to the water tower license agreement be approved.

A Motion was made by Councilmember Miller and seconded by Councilmember Daughtridge that the Motion be amended to clarify that

approval is contingent upon the City Attorney’s review of the original contract and a determination that T-Mobile would be responsible for any damage to the water tower and the City’s equipment pursuant to the agreement.

Councilmember Blackwell questioned if there has been any past history of damage to water towers and the City Attorney responded he is not aware of any damage and that the action requested is an amendment to the original contract adding the base agreement remains the same.

Further discussion was held.

The Mayor restated the amendment to include a review of the original contract by the City Attorney to confirm there is indemnification and liability language relative to the water tower and property damages.

Motion was made by Councilmember Miller seconded by Councilmember Daughtride that the amendment be approved. Councilmembers voting in favor of the motion were Councilmembers Walker, Daughtride and Miller. Councilmembers voting against the Motion were Knight, Blackwell and Joyner. The Mayor broke the tie by casting his vote in favor of the motion and the motion carried by roll (4 ayes/3 nays).

A vote on the original motion to approve the Consent Letter/Agreement with T-Mobile and authorize the Mayor to execute the same on behalf of the City unanimously carried by roll call (6 ayes/0 nays). The vote for Councilmembers Walker was recorded in the affirmative pursuant to NCGS 160A.75. The Consent Letter/Agreement will be placed on file in the City Clerk’s Office with Water Tower License Agreement - Marigold Street (C-1999-31).

**GRANT PROJECT ORDINANCES/HOUSING PROGRAMS**

The City Council was advised that the City facilitates multiple housing grant programs involving the use of City, State and Federal funds. Funding allocations were identified as:

PROGRAM	CITY (General Fund)	STATE/FEDERAL	TOTAL
Urgent Repair	\$150,000	\$100,000	\$250,000
Housing Repair	\$125,000	\$164,316	\$289,316
Housing Rehab Matching Grant	\$225,000	\$0	\$225,000
TOTAL	\$500,000	\$264,316	\$764,316

The City Council was provided project ordinances to appropriate funds and increase appropriations, as applicable.

Motion was made by Councilmember Knight, seconded by Councilmember Blackwell and unanimously carried by roll call vote (6 ayes/0 nays) that the following project ordinances be adopted:

- **Ordinance No. O-2020-42** entitled **GRANT PROJECT ORDINANCE - 2020-2021 URGENT REPAIR PROJECT** - appropriates funds from North Carolina Housing Finance Agency (\$100,000) and General Fund (\$150,000) for the Urgent Repair Program - \$250,000
- **Ordinance No. O-2020-43** entitled **GRANT PROJECT ORDINANCE AMENDMENT - 2020-2021 CDBG PROJECT** - increases appropriations to the Community Development Block Program Grant Fund for the Housing Repair Grant Program (\$125,000 - from General Fund)

The vote for Councilmember Walker was recorded in the affirmative pursuant to NCGS 160A.75.

**ROCKY MOUNT TRANSIT/GRANT AGREEMENTS AND PROJECT ORDINANCES**

The City Council was advised that the City has been awarded funding allocations from the Federal Transit Administration (FTA) and the North Carolina Department of Transportation (NCDOT) through funding provided by the Coronavirus Aid, Relief and Economic Security (CARES) Act. It was explained that the Federal Transit funding applies to the Tar River Transit's urban operations and the North Carolina Department of Transportation funding applies to the Tar River Transit's rural operations and no matching funds are required. It was recommended that Council approve/adopt the associated grant agreements and project ordinances.

Motion was made by Councilmember Knight, seconded by Councilmember Joyner and unanimously carried by roll call vote (6 ayes/0 nays) that the grant agreements be approved and that the Mayor and City Clerk be authorized to execute same and all other required documentation/certifications on behalf of the City; and that the following project ordinances be adopted:

- a. **URBAN OPERATING** - \$4,367,324
  - **Ordinance No. O-2020-44** entitled **GRANT PROJECT ORDINANCE/URBAN TRANSIT CAPITAL CARES ACT PROJECT** - appropriates \$2,386,422 - Capital; and
  - **Ordinance No. O-2020-45** entitled **GRANT PROJECT ORDINANCE/URBAN TRANSIT OPERATING CARES ACT PROJECT** - appropriates \$1,980,902 - Operating
- b. **RURAL OPERATING:**
  - **Ordinance No. O-2020-46** entitled **GRANT CAPITAL PROJECT ORDINANCE/RURAL TRANSIT OPERATING CARES ACT PROJECT** - appropriates \$1,140,950 (\$377,450 previously approved; \$763,500 additional funding)

**ELECTRIC SERVICE AGREEMENT/FROZEN FOOD EXPRESS**

The City Council received an electric service agreement with Frozen Food Express that outlines the terms and conditions for the purchase of electric power for their facility at 3051 North Church Street.

Motion was made by Councilmember Joyner, seconded by Councilmember Daughtridge and unanimously carried by roll call vote (6 ayes/0 nays) that the electric service agreement with Frozen Food Express (**C-2020-24**) be approved and that the Mayor and City Clerk be authorized to execute the same on behalf of the City.

**FY 2020-2021 PUBLIC SERVICE AWARDS/CDBG**

The City Council was advised that the City's CDBG public service allocation for FY 2020-2021 is \$78,996. It was explained that six (6) proposals were received seeking \$105,600 in funding.

Council was further advised that:

- The total amount of CDBG funds obligated for public service activities must not exceed 15% of the annual grant allocation;

- A request for proposals was issued to local nonprofit organizations from August 10 to September 11, 2020, a public notice was published in the local newspaper for three (3) weeks and posted on the City's webpage; and
- According to HUD guidelines, all proposals must meet the following primary objective of the CDBG program:
  - o The development of viable urban communities by providing decent housing and a sustainable living environment and expanding economic opportunities for persons of low and moderate income

The City Council was provided with criteria for eligibility along with a list of eligible CDBG activities. The recommendations for FY 2020-2021 Public Service Awards in the amount of \$78,996 were outlined as follows:

- a) Boy & Girls Club of the Tar River Region - \$15,396;
- b) Buck Leonard Association for Sports & Human Enrichment - \$17,600;
- c) My Sister's House - \$15,000;
- d) My Sister's House - \$6,000;
- e) Ripple Effects - \$15,000; and
- f) United Community Ministries (Community Shelter) - \$10,000

In response to a citizen comment made during the public petitions portion of the meeting, Councilmember Knight stated the City does not dictate where organizations chose to locate. He said the Boys & Girls Club does a phenomenal job working youth and reported that the Booker T. Washington Recreation Center and South Rocky Mount Recreation Center, owned by the City, are located in Edgecombe County.

In response to a question from Councilmember Miller, City Manager Rochelle D. Small-Toney confirmed that the non-profits receiving funding have to meet HUD stringent monitoring requirements.

Councilmember Joyner thanked the Manager for working with United Community Ministries during the difficult time of the pandemic.

Motion was made by Councilmember Knight, seconded by Councilmember Joyner and unanimously carried by roll call vote (6 ayes/0 nays) that the funding requests be approved, as recommended and that the City Manager and/or Mayor and City Clerk be authorized to execute funding agreements and/or any required documentation (**C-2020-25**) on behalf of the City.

#### **TEMPORARY STREET CLOSING**

The City Council received a request from Kevin McLaughlin for a temporary street closing for a Downtown Rocky Mount Outdoor Halloween Celebration (*ordinance adoption requirement of NCDOT standards*):

- Along Tarboro Street (US 64 Business East) from SE Main Street to Washington Street, from 3:00 p.m. until 11:00 p.m. on Saturday, October 31, 2020

Motion was made by Councilmember Miller, seconded by Councilmember Knight and unanimously carried by roll call vote (6 ayes/0 nays) that the temporary street closing be approved and that **Ordinance No. O-2020-47** entitled **ORDINANCE OF THE CITY COUNCIL OF THE**



**CITY OF ROCKY MOUNT DECLARING A TEMPORARY ROAD CLOSURE FOR DOWNTOWN ROCKY MOUNT OUTDOOR HALLOWEEN CELEBRATION** be adopted.

**CONTRACT/THIRD PARTY COLLECTIONS**

The City Council received a recommendation for the utilization of a third-party collection agency to assist with collections.

Latasha Hall, Interim Director of Business and Collections Services presented a PowerPoint presentation providing detail supporting the recommendation to utilize a third-party collections service and award the contract for same to Professional Recovery Consultants.

The Council was advised that City staff will continue to handle collections on delinquent accounts until all internal measures have been exhausted, at which time the account(s) will be referred to the third-party. It was noted that in addition to handling delinquent accounts, staff will continue with the North Carolina debt setoff program submissions and handle the work required to submit accounts to the collection agency and related follow-up and management. The City Council was further advised that costs associated with the collection service is 16.54% of debt collected.

Ms. Hall responded to questions posed by Councilmembers.

Motion was made by Councilmember Daughtridge, seconded by Councilmember Knight and unanimously carried by roll call vote (6 ayes/0 nays) that use of a collection agency for third-party collections be approved and the contract for same awarded to Professional Recovery Consultants; that the Interim Director of Business and Collection Services to authorized to work with the third-party collection agency to develop a contract; and that the Mayor and City Clerk be authorized to execute the contract (C-2020-26) on behalf of the City.

**APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES**

Motion was made by Councilmember Daughtridge, seconded by Councilmember Joyner and unanimously carried by roll call vote (6 ayes/0 nays) that the following appointments/re-appointments be approved:

- **Board of Adjustment** (three-year term expires June 30, 2023):
  - Re-appoint George Patrick Zammiello, Jr. (Alternate)
- **Central City Revitalization Panel** (three-year terms expire June 30, 2023):
  - Re-appoint:
    - Virginia Davis - Central City Business Owner
    - Roslyn J. Haynes - Rocky Mount Historic Preservation Commission
    - Dennis Barnes - Member-at-Large
    - Tarrick Pittman - Member-at-Large
    - David Farris - Ex-Officio Member
- **Community Appeals Board** (unexpired three-year term expires June 30, 2022):
  - Appoint Judy M. Verdejo (Ward 5) - *contingent upon receipt of personal history form*

- **Martin Luther King, Jr. Commission** (unexpired three-year term expires June 30, 2023):
  - Re-appoint Lucy L. Taylor (Ex-Officio)
- **Redevelopment Commission** (unexpired three-year term expires June 30, 2025):
  - Appoint Bronson Williams
- **Tree Advisory Board** (unexpired four-year term expires June 30, 2021):
  - Appoint Glen Douglas (Ward 2; lives in Ward 6, but will serve in the Ward 2 position)
- **Workforce Housing Advisory Commission** (three-year term expires June 30, 2023)
  - Re-appoint Kim Eng Koo, MD (Ward 6)

Councilmember Knight suggested the roles of the members of Tree Advisory Board be expanded adding there are a number of trees dying in the Edgemont area. He stated he has noticed that trees are sometimes trimmed on one side and said he thinks the City should provide guidance to the tree trimming companies. The Mayor suggested this topic be added to the agenda for a Committee of the Whole meeting.

Councilmember Miller advised that the Tree Advisory Board makes recommendations to the City Manager relative to trees and shrubbery on City property but has no role relative to private property. She noted that tree trimming is a function of Energy Resources and agreed that the manner in which trees are trimmed is a concern.

#### **COUNCILMEMBER COMMENTS - COACH MICHAEL WRIGHT**

Councilmember Blackwell told the Council he has learned of the death of Coach Michael Wright. He requested prayer for the family and stated Coach Wright made a difference in South Rocky Mount, was a force in his community, a father figure to many young men, was a phenomenal athlete, raised athletes and inspired individuals to become athletes.

Councilmember Knight noted that Mr. Wright is highlighted in the Black Light Project and suggested the "Wright" banner relative to that project be retained in the City's permanent collection.

#### **COUNCILMEMBER COMMENTS - RESPONSE TO PUBLIC PETITION**

Councilmember Joyner requested the City Manager respond to public comments made relative to the Event Center and Sports Complex.

City Manager Rochelle D. Small-Toney responded by saying the Event Center is a City facility and, as such, is subject to City policy and regulations relative to use of same. She stated plans are being made relative to planning for the time when the facility will be open to the public and it is hoped that will be soon and this is a problem throughout the country. She stated pursuant to COVID-19 guidelines the facility cannot be used currently for groups exceeding 25 which limits the type of activities that can currently be held. She stated she finds it hard to believe that requests to use the facility in the future are being denied. She stated she will be coming back to

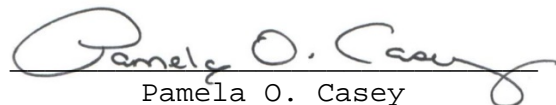
the City Council for direction once the regulations in place relative to COVID-19 are rescinded.

Mayor Roberson suggested that this topic be placed on the agenda for a Committee of the Whole for discussion.

Councilmember Knight stated the City Manager should feel free to and is empowered to respond to inaccurate or untrue comments made during the public petition portion of Council meeting.

**ADJOURNMENT**

Motion was made by Councilmember Joyner, seconded by Councilmember Knight and unanimously carried by roll call vote (6 ayes/0 nays) that the meeting adjourn at 9:06 p.m.

  
Pamela O. Casey  
City Clerk