

December 14, 2020

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 C. Saunders "Sandy" Roberson, Jr. presiding.

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

\*\**joining remotely*

Staff present: Rochelle Small-Toney, City Manager; Pamela O. Casey, City Clerk; Dorothy Brown Smith, Chief Communications and Marketing Consultant; Robin Cox, Communications Specialist; Mark Adcox, Video Production Specialist; and Richard J. Rose, City Attorney.

Other staff members in attendance, as needed, were: Ken Hunter, Assistant to the Manager for Budget and Evaluation; Will Deaton, Director of Development Services; Brad Kerr, Public Works Director; Charles Williams, Interim Police Chief; Elton Daniels, Assistant City Manager and Archie Jones, Director of Human Relations.

Security Officer: Police Sergeant Stephen Walker.

The Mayor called the meeting to order at 7:06 p.m. and requested a moment of silence.

**APPROVAL OF/ADDITIONS TO AGENDA (ADDED IN OPEN MEETING)**

Mayor Roberson stated he is aware of two additional items to be added to today's agenda as follows:

- Consideration of a request for water service outside the City limits (24-lots on Old Spring Hope Road near the intersection with Eastern Avenue; developer is requesting approval of agreement in advance to closing on the property); and
- Consideration of offer from Graham Douglas (\$40,000) for the purchase of 600 Hill Street

Motion was made by Councilmember Knight, seconded by Councilmember Blackwell and unanimously carried by roll call vote (7 ayes/0 nays) that the agenda be approved, as amended.

**APPROVAL OF MINUTES**

Motion was made by Councilmember Joyner, seconded by Councilmember Walker and unanimously carried by roll call vote (7 ayes/0 nays) that the minutes of a regular scheduled meeting of the City Council held November 9, 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 November 9, 2020. The minutes are as follows:

MINUTES OF A REGULAR SCHEDULED MEETING OF THE COMMITTEE OF THE WHOLE HELD MONDAY, NOVEMBER 9, 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 relative to the Coronavirus pandemic (COVID-19); meeting was available remotely*

**Meeting rescheduled from 5:00 p.m. to 4:00 p.m.**

MEMBERS PRESENT:

André D Knight, Mayor Pro Tem  
 Reuben C. Blackwell, IV  
 Richard Joyner  
 T.J. Walker\*  
 Lige Daughtridge  
 W.B. Bullock\*\*  
 Christine Carroll Miller\*\*  
 Mayor C. Saunders "Sandy" Roberson, Jr.

STAFF PRESENT:

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

\*Arrived at 4:20 p.m.

\*\*Participated remotely

\*\*\*Present as needed during open session

Security Officer: Sergeant Stephen Walker

OTHERS IN ATTENDANCE:

Dr. Jim Johnson, Jr., Kenan-Flagler Business School  
 Professor Jeanne Milliken Bonds, Kenan-Flagler Business School  
 Anthony Fox, Parker Poe  
 Kari Dunlap, Martin Starnes

OPENING OF MEETING

Mayor Pro Tem André D. Knight called the meeting to order at 4:05 p.m. and welcomed Dr. Jim Johnson.

LAND TRUST PROPOSED UPDATE - Dr. Jim H. Johnson, Jr. and Professor Jeanne Milliken Bonds, Kenan-Flagler Business School

Dr. Jim H. Johnson, Jr. from the Kenan-Flagler Business School introduced himself and Professor Jeanne Milliken Bonds also from the Kenan-Flagler Business School.

Dr. Johnson told the City Council the following three words describe a community that is able to remain attractive: diverse, equitable and inclusive.

He presented a PowerPoint presentation entitled "Core Elements of a Road Map for Inclusive and Equitable Development in Rocky Mount" and outlined the key points:

- Four "Pillars" of an Inclusive and Equitable Development Strategy:
  - o Community Land Trust
  - o Inclusive Supply Chain Management System
    - Contracting
    - Procurement
  - o Cross-Ward Community Mobilization and Engagement Strategy
    - Collective Ambition Training
    - Management Services Organization
  - o Impact Investing Strategies

Dr. Johnson called on Professor Bonds to lead discussion relative to a Community Land Trust.

Professor Bonds provided the Council with a diagram and explained the relationship between Neighborhood Association Management Services and Land Trusts. She outlined tools and strategies used by Land Trusts as: CDBGs, tax credits and corporate and institutional investment. She stated the key for a Land Trust (non-profit) is for the entity to own land to be used for developing or redeveloping/improving housing and providing an affordable path to home ownership. She added that secondary functions of Land Trusts are to provide homebuyer education classes, loans for repairs and energy efficiency work, training for youth and adults (specialty trades, construction, remodeling), green spaces and urban gardens and healthy aging.

Professor Bonds advised the City Council of two good Land Trusts in North Carolina (Wilmington and Asheville/Buncombe County). She indicated the lands trust can be extended to commercial property and can work with community organizations.

She explained how land trusts work adding that Community Land Trusts use capital to acquire/rehabilitate homes. Professor Bonds added that the capital can come from private donors, federal housing subsidies, city-owned property, community foundations and/or neighborhood associations. It was explained that property can be acquired from neighborhood associations and this would help to encourage people to purchase a home because they would pay for the structure, but if the property is later sold the real estate remains the property of the Land Trust.

Professor Bonds outlined the community land trust governance (Board of Directors) to be:

- Seven at-large representatives chosen for their experience;
- Seven resident representatives; and
- Seven public representatives and stakeholder intermediaries to represent the City, the CDC and the Redevelopment Authority

She told the Council that next steps would include:

- Reviewing the current housing and renovation costs for affordable housing parcels under consideration;
- Determining future potential properties available for a community land trust; and
- Assessing funding sources available and engaging community partners.

She added that it is also important to think about zoning and current ordinances relative to the impact on the land trust and for long-term viability.

The City Council was advised that additional steps would be to:

- Incorporate neighborhood associations as management services corporations to support the community land trust and neighborhood associations;
- Create boards drawn from community land trusts (one from each segment) and two neighborhood associations; and
- Identify professional management staff to be involved.

Professor Bonds stated the key is to establish a relationship between the land trust and the neighborhood association(s) and reported the primary function of the neighborhood associations' management services corporation to be:

- Procurement;
- Contracting;
- Financial Services;

- Oversight and inspection;
- Insurance; and
- Committee structure from neighborhoods - appearance, guidelines, etc.

Councilmember Walker arrived\*

Dr. Johnson told the Council the goal is for the neighborhood association(s) to ensure the land trust operates in an efficient and effective manner. He stated that Rocky Mount has an aging demography adding that a house is only affordable if you have the funds to pay for it. He added it is important to create opportunities for housing. Graphic models were provided and explained. Dr Johnson noted there are a significant number of boomer businesses in the City and those business owners may be thinking about retirement. He said a concern is how to ensure the businesses remain in the community.

Dr. Johnson said he thinks a wonderful opportunity exists for the City to be a leader and anticipated outcomes were identified as:

- A more inclusive, equitable and sustainable City;
- Core values and performance metrics that demonstrate a commitment to inclusive and equitable development;
- An effective supply chain management system that supports the growth and development of traditionally under-represented business enterprises; and
- A major investment tool that promotes shared prosperity by investing in ventures that improve living arrangements and overall quality of life of the working poor.

City Manager Rochelle Small-Toney told the Council she believes this is a brilliant and doable model and recommended the City embark upon the project. She suggested the make-up of existing boards be reviewed so that all is included under one umbrella and added there are a number of properties in the City that could be good candidates for the program.

Mayor Pro Tem Knight thanked Dr. Johnson and Professor Bonds for the presentation and invited Councilmember comments and questions. Mr. Knight reported that the next step would be for Council to direct the Manager and staff to develop a model for review, consideration and implementation. City Manager Rochelle Small-Toney suggested that she, City staff and the City attorney hold a discussion with the team from the Kenan-Flagler Business School and provide an update to the City Council at the first Committee of the Whole Meeting in 2021. Councilmember Blackwell requested that a timeline be provided as well and the Mayor Pro Tem added that at some point an inventory of potential properties (to include back taxes and geographical location) needs to be created.

**COMMITTEE RECOMMENDATION. By consensus, the City Council agreed to receive an update at the first Committee of the Whole in 2021.**

**DOWNTOWN HOTEL/GARAGE ASSESSMENT UPDATE - Attorney Anthony Fox, Parker Poe**

City Manager Rochelle Small-Toney advised the City Council that the City Council will need to enter into a Closed Session for attorney-client privilege for a portion of Attorney Fox's presentation.

The City Council was provided with a memorandum and independent legal assessment of the City's Downtown Development Structured Garage Project prepared by Attorney Anthony Fox. Mr. Fox provided information relative to the scope of his engagement, background of the project, the assessment process, an analysis of the project, along with findings relative to the City's compliance with: procurement requirements relative to selection of the developer; statutory requirements

pertaining to public-private partnership; financing of the project; and the City's authority to retain the current developer.

Mr. Fox provided the City Council with the following recommendations:

- Consider severing the relationship with Hunt Services given the pending indictment and period of uncertainty prior to resolution of Mr. Hunt's legal issues;
- Consider options and potential for exposure, in light of expectation of compensation of Hunt Services by the City should the relationship be severed, even though there does not appear to be a legal requirement to compensate Hunt Services;
- Explore soliciting requests for proposals on development of the City's Douglas Black Entertainment District Development Project and outline the City's contributions to the project;
- Communicate with the Local Government Commission (LGC) should the City decide to withdraw its application and evaluate the project and negotiate terms for resubmittal of the application in such a manner as would appeal to the LGC; and
- Consider a revised RFQ for the project opening it up to the public with an extended response time period.

Attorney Fox responded to questions from the City Council. He recommended a two-week time period for responses to an RFQ noting that the statute does identify a response time period.

Mayor Pro Tem Knight made comments clarifying that the City has complied with existing laws and that the project is a good project, whether the decision is made to continue with Hunt Services or engage another developer. He stated that the existing developer stepped up to the plate and looked at the Downtown and brought his vision to the Council even waiting through the audit process. He expressed his regret that the indictment has been entered against Mr. Hunt. Mayor Pro Tem Knight stated that notable members of the community have been indicted in the past and the City has continued to do business with them. He said he is sad to see that racism still exists in 2020.

At the request of the City Manager, the Council was provided with a visual simulation of the Downtown Development Project. She noted the project contemplates a pedestrian bridge.

**COMMITTEE RECOMMENDATION.** *Information only; no formal action.*

**CLOSED SESSION**

The Mayor Pro Tem stated the Council needs to enter into a closed session to discuss a matter concerning attorney-client privilege.

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**COMMITTEE RECOMMENDATION.** *Motion was made by Councilmember Joyner, seconded by Councilmember Daughtridge and unanimously carried that the City Council enter into Closed Session at 5:42 p.m.*

The minutes of the Closed Session shall be placed on file as **ESM-566** 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 6:33 p.m.

ANNUAL INDEPENDENT AUDIT REPORT - Kari Dunlap, Martin Starnes

City Manager Rochelle Small-Toney called on Finance Director Amy Staton to introduce the auditor.

Ms. Staton introduced Kari Dunlap with Martin Starnes and Associates to provide a presentation relative to the audit completed for the fiscal year ending June 30, 2020. The City Council was provided with the auditor's presentation and it was noted that the presentation is available on the City's website on the Finance Department's webpage.

Ms. Dunlap thanked the Council for allowing Martin Starnes to prepare the annual audit and the City's accounting staff for their cooperation and assistance during the audit preparation. She added that the Covid-19 pandemic presented some challenges. Ms. Dunlap gave a high-level brief PowerPoint presentation of the annual financial audit highlights.

Ms. Dunlap stated that audit staff is onsite twice a year but communicate with City staff during the year and communicate via email with the Mayor and Council during the audit process.

Ms. Dunlap stated the firm has examined the City's financial statements and in accordance with generally accepted auditing standards and the standards applicable to financial audits in *Government Auditing Standards* issued by the Comptroller General of the United States has rendered an unmodified (clean) opinion on all of the City's financial statements and compliance.

Ms. Dunlap outlined the following highlights of the audit:

- General Fund: revenues down to \$67,718,768; expenditures down to about \$65,607,735;
- Available Fund Balance (used by the LGC for comparison with other entities): increased from 36.72% in 2019 to 42.85% in 2020; average fund balance available across all municipalities = 46% (includes municipalities smaller and larger than Rocky Mount);
- Unassigned fund balance (amount left after all other restricted/committed/assigned levels are removed from fund balance) = increased from 23% to 26% (General Fund);
- Ad Valorem taxes (highest revenues) - increased from \$27,112,512 (2019) to \$27,730,817 (2020); increase of approximately 2%;
- Local Option Sales Tax - increased about 8%; continues to be up across the state - expect lower next year due to the pandemic);
- Intergovernmental Revenues (less local option sales tax and Powell bill) - decreased from \$8,712,803 (2019) to \$8,127,110 (2020);
- Sales and Services - increased from \$9,792,320 (2019) to \$10,300,303 (2020);
- **ENTERPRISE FUNDS:**
  - o Electric Fund: revenues and expenditures down; available fund balance up from \$12,604,344 (2019) to \$13,197,705 (2020);
  - o Gas Fund: revenues and expenditures down; available fund balance up (due to unused appropriations from prior year) from \$8,700,910 (2019) to \$9,563,106 (2020);
  - o Water Fund: revenues down/expenditures up; available fund balance up from \$4,964,927 (2019) to \$7,720,239 (2020) (due to unused appropriations from prior year);
  - o Sewer Fund: revenues down/expenditures up; available fund balance down from \$6,478,481 (2019; due to large unfinanced capital projects paid for from fund balance) to \$4,327,648 (2020);
  - o Stormwater Fund: revenues and expenditures up; available fund balance up from \$3,277,100 (2019) to \$3,616,261 (2020).

Ms. Dunlap invited and responded to questions from Councilmembers by saying:

- The goal is for Enterprise Funds to be self-sustaining though it is common to see a loss;
- No irregularities were identified in the City's processes/procedures relative to fund transfers; the risk assessment is audited and updated throughout the year and factored into the assessment; audit inquiries are sent to Council each year and they are the Council's open line of communication to the external auditor;
- Council was invited to contact her for additional questions.

**COMMITTEE RECOMMENDATION. Received report; no formal action**

**FUND BALANCE - Amy Staton, Finance Director**

Mayor Pro Tem Knight called on Finance Director Amy Staton to provide the City Council with a Fund Balance report.

Ms. Staton reported that the fiscal year ending June 30, 2020 has been audited and final fund balance numbers recorded. She stated that fund balance is the difference between assets and liabilities in each of the funds and her presentation will show available/spendable fund balances.

The City Council was provided with a fund balance report outlining the fund balance for the General Fund and all Utility Funds as follows:

**GENERAL FUND:**

- Actual = \$13M (20%; about \$39,000,000 increase; similar to 2019; reductions implemented during Covid-19 helped);
- Target = \$11.1M (17%; 2 months target)
- Minimum = \$6.6M (10%)

Ms. Staton provided a graph of the General Fund Balance percentages. She reported in 2010 there was an economic recession affecting the General Fund, but it has come back over time and has remained steady. She provided information relative to the following funds and responded to questions from Councilmembers:

**ELECTRIC FUND:**

- Actual = \$13.2M(16%);
- Target = \$10M (12%);
- Minimum = \$8.2M (10%);
- Rate Stabilization = \$14.8M (18%);
- Working Capital = \$3.3M (4%)

Ms. Staton told the Council the goal is to grow the rate stabilization funds each year and that they be used, as needed, to stabilize rates. She added that working capital can be used for unexpected capital projects.

**GAS FUND:**

- Actual = \$9.6M (41%; healthy rate);
- Target = \$6M (26%; well above the minimum);
- Minimum = \$2.3M (10%);
- Rate Stabilization = \$1M (4%)
- Working Capital = \$1.5M (6%)

**WATER FUND:**

- Actual = \$7.7M (62%; fund grew from \$5M in 2019);
- Target = \$4M (32%);
- Minimum = \$1.3M (10%);
- Working Capital = \$790K (6%)

**SEWER FUND:**

- Actual = \$4.3M (23%);
- Target = \$4M (22%);
- Minimum = \$1.9M (10%; above the minimal);
- Working Capital = \$170K (1%)

**STORMWATER FUND:**

- Actual = \$3.6M (75%; smallest fund but largest percentage);
- Target = \$510K (10%);
- Minimum = \$480K (10%);
- Working Capital = \$250K (5%)

Ms. Staton explained graphs of the funds and told the Council:

- Electric - in 2011-2012 fund was below the desired amount but has grown over time; rates are now appropriately set for weather volatility;
- Gas - incrementally improved over time; fund balance dipped in 2019 due to gas main project which was planned use; fund has come back up in 2020;
- Water - large project in last 3 years in which fund balance was used; some was reimbursed; fund has come back over time;
- Sewer - downward slide in last 3 years; staff is monitoring; sales are down resulting in revenues being down but operating costs going up; and
- Stormwater - incrementally growing.

Mayor Pro Tem Knight requested that the City Council be kept abreast relative to the health of the sewer fund. Ms. Small-Toney stated that staff does a good job of curtailing expenses however the sewer infrastructure is an aging infrastructure. She stated recommendations will be made to Council during the budget process for positioning this fund to meet challenges.

Ms. Staton told the Council that the Finance Department and Budget Office are working together and closely monitoring the impact of the Covid-19 Pandemic relative to revenues and expenditures and will keep the City Manager abreast of any changes or concerns. She added that current efforts to monitor and react appropriately are working.

**COMMITTEE RECOMMENDATION. Information only; no formal action.**

**ADJOURNMENT**

Without opposition, the Mayor Pro Tem adjourned the Committee of the Whole meeting at 6:57 p.m.

Motion was made by Councilmember Daughtridge, seconded by Councilmember Bullock and unanimously carried by roll call vote (7 ayes/0 nays) that the minutes and recommendations of the November 9, 2020 Committee of the Whole meeting be approved.

**COMMUNITY UPDATE BY CITY MANAGER**

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

- Wished all a safe and happy upcoming Holiday Season adding that the following will be closed in observance of Christmas and New Year's Day on Thursday and Friday, December 24-25 and Friday, January 1, 2021:
  - City Offices;
  - Business Services Center;
  - South Rocky Mount Community Center;
  - Booker T. Washington Community Center;

- RM Wilson Gymnasium;
- Rocky Mount Senior Center; and
- Imperial Centre for the Arts and Sciences

She stated Rocky Mount Public Works will collect garbage, recycling items and yard waste by regular schedule except for Fridays, December 25 and January 1. Items normally collected on those days will be collected the following Saturdays, December 26 and January 2 and Tar River Transit will not operate on December 26 and January 1.

- Reported that applications are currently being accepted for the 33<sup>rd</sup> Annual Martin Luther King Jr. Oratorical Competition that will be held, Saturday, January 9, 2021 at the Imperial Centre for the Arts and Sciences. Due to COVID-19 guidelines, the contest will take place via a virtual format, with only participants, staff and judges in attendance utilizing social distancing measures. The competition will be divided between youth in grades 6-8 and grades 9-12. Interested parties should return applications and consent forms by Tuesday, January 5, 2021 to the City of Rocky Mount Human Relations Department. Contact Archie Jones at 252-972-1180 or [archie.jones@rockymountnc.gov](mailto:archie.jones@rockymountnc.gov) for more information.
- Stated, as a reminder, the City of Rocky Mount's extended moratorium on disconnection of utility services due to COVID-19 hardships was lifted, effective, Monday, October 30. Staff is working with customers to work out reasonable payment arrangements on past due balances. Late fees will not be assessed for accounts until March 30, 2021. Business and Collections Services encourages payments via drive-thru at 224 S. Franklin St., online via [rockymountnc.gov](http://rockymountnc.gov) or by phone at 972-1250. The department is also working with customers who qualify for COVID-19 relief funds due to financial hardships. Proof of financial hardship via lost wages must be provided to receive federal COVID-19 relief funds.
- Noted that OIC continues to hold COVID-19 testing sites at the Rocky Mount Event Center. Those tested will need to bring their photo ID and insurance cards. Insurance is not required for testing. Testing days are Tuesdays, Thursdays and Saturdays from 10 a.m.-2 p.m. Registration can be performed prior to arrival by logging on to [oicrmhub.com](http://oicrmhub.com). Call 252-210-9856 for more information.

#### PETITIONS FROM THE PUBLIC

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

- ***Clint Williams:***
  - ***Said he is here to speak about conflicts of interest; read from the minutes of a City Council meeting on May 11, 2015 relative to the upset bid purchase of the China America Building and said the City Attorney may have been mistaken in his advice to Council relative to the vote on this issue and that another undisclosed issue is that OIC was represented by Attorney Lamont Wiggins relative to the purchase of the property; he voiced concern relative to the purchase price, tax payments and use of the property***

Councilmember Knight responded to comments made by Mr. Williams and the Mayor requested a return to decorum.

#### ***Brian Goodwin:***

- ***Said he was born and raised in Rocky Mount;***
- ***Said he is a professional baseball player with the Cincinnati Reds and for the past three years has held an annual baseball camp for children in Rocky Mount;***
- ***Said he played for the legendary Pat Smith, hall of fame coach with the most wins in North Carolina, and proposed a field at the Sports Complex be named after Coach Smith for recognition of his work in Rocky Mount and the surrounding community;***
- ***Responded to questions/comments from Councilmembers and indicated Coach Smith coached for Rocky Mount High School***

Councilmember Joyner requested the Mayor provide information regarding the process to be used when a petitioner insults the character of a Councilmember and the Mayor deferred to the City Attorney for response.

City Attorney Richard J. Rose responded that the public has a right to speak however cannot disrupt the meeting.

Councilmember Knight asked the City Attorney to provide more information and stated that what has been happening is Council is being attacked and the comments made are being reported in the newspaper. He said public attacks are not a requirement of service as a public servant and he will not sit quiet while Councilmembers are attacked.

The City Attorney responded that Council has a right to respond to comments but should be recognized by the presiding officer.

Discussion continued and comments were made by Councilmember Blackwell. He stated OIC has a comprehensive plan for the China American building and added he will not be intimidated or bullied and the comments he regularly receives are that OIC should keep doing what it is doing.

Councilmember Walker stated that name calling should not be allowed in Council meetings. Mayor Roberson stated it is not an easy task to serve as moderator adding he would like a conversation to be held with the City Attorney to gain insight and a clear understanding of how to define a disruption.

o ***Samuel Battle:***

- ***Spoke about Unity Cemetery and said the article in the paper about Ms. Rose was inaccurate;***
- ***Said he is concerned about the machine OIC has that is not up and running;***
- ***Said he has been in Rocky Mount his whole life and is not going anywhere;***
- ***Said it is time for Generation Z to rise up and time for current Councilmembers to step aside***

Mayor Roberson stated he would like to receive input from the City Attorney as to process for Council meetings. He said though Council may work or have relationships with other organizations it would be helpful if when addressing the Council that speakers speak about those things for which the Council can make a difference or have an impact and items of other significance can be referred to the Manager for investigation.

Councilmember Blackwell responded to comments by Mr. Battle and said OIC has a partnership with other organizations (Nash UNC and Nash Radiology) with regard to the mammogram machine and it is a joint venture. He said COVID-19 pushed the timeline back but he is pleased to report that OIC has served more than 8,000 citizens with COVID testing. He added that OIC has done its job well and employees are careful about what they do. He said they may not reach 100% every time, but they get accolades from those using their service. He said his team is qualified and professional and does what they say they will do.

- **Katheryn Zughbi:**
  - *Stated she resides in Rocky Mount;*
  - *Stated she started fighting crime 8 years ago and has learned a lot from her mentors who are local and state leaders and they have taught her to be more sensitive, impartial, empathetic, considerate and accountable;*
  - *Said she has posted not so nice things on her platform about the City, the City Council and City Manager and stated she was wrong for that and apologized;*
  - *Said she is happy about the direction the Police Department is going to be more transparent and combat crime;*
  - *Thanked all Councilmembers for action to make the City a safer, healthier and prosperous place to live and said she is available if there is anything she can do to help*
  
- **Johnny Cunningham:**
  - *Said he came today because of a social media lie and said he dances to nobody's drum and for him to be called a puppet for certain Councilmembers is not true; he said he respects Councilmembers Knight and Blackwell and they have upheld their promises to the impoverished black communities;*
  - *Said legal action should be taken against certain citizens and groups for disrespect on social media of Councilmembers, the City Manager and others;*
  - *Said racism and white supremacy are trying to destroy black leadership*
  
- **Nathlyn Ohree:**
  - *Said she is a Rocky Mount citizen and is here to thank the Council for all the City is doing to take care of her and others;*
  - *Said a crime occurred in November and when she called 911 the officers came out and took care of her and her neighbors;*
  - *Thanked Councilmembers who have assisted in providing food to residents during the pandemic;*
  - *Said the City responded quickly to her call to pick up leaves;*
  - *Said there is a trend in Western shows that greedy people destroy their own and said she hopes that spirit will be kept out of the Council Chamber and the City;*
  - *Thanked the Council for doing a superb job and for standing up for themselves when speakers come with agendas that are not positive; added Christmas decorations help to lift spirits*
  
- **Bronson Williams:**
  - *Said he is not sure what hardware/software is used to capture and make available COW meetings but there are concerns relative to audio levels; voiced appreciation for what is being offered;*
  - *Said there was a newspaper article some months ago about derogatory comments being made by a person on the City's Business Development Authority and added he feels a person on a City board should speak positively about the City; he added this person was appointed by the Mayor;*
  - *Said earlier tonight there was a mention of Unity Cemetery and stated one of the tasks of the Redevelopment Commission is to deal with blight in the community adding that Unity Cemetery is in a blighted state; said there are grant funds available for the repair/modification of cemeteries and he will be bringing that to the Redevelopment Commission soon; he said the deadline for the particular grant he is mentioning for possible grant funding up to \$150,000 is January 15;*
  - *Noted the sign-up sheet has a blank entitled "How would you like to see the issue resolved/handled" and suggested that speakers also bring potential solutions when identifying problems; thanked the Councilmembers for what they do*

- ***Nehemiah Smith:***
  - ***Thanked Councilmembers, the City and the City Manager for support of Mount Zion's inaugural "Feed the City" event on December 12, 2020 and thanked Mayor Roberson and Councilmember Blackwell for their assistance at the event; said volunteers from all over the City helped to make the event a success; he gave a special thanks to the Police Department and said more than 3,000 meals were served;***
  - ***Recited a quote by Adlai Stevenson, "a hungry man is not a free man" adding that a hungry man is a slave to need and said he is thankful to God for allowing those involved to free those who were hungry even for just one meal;***
  - ***Said a goal of Mount Zion to wipe out hunger and homelessness in the Happy Hill community;***
  - ***Asked all Councilmembers to continue to do the good job they are doing***

There being no other speakers, the Mayor closed the public petitions portion of the meeting.

#### **PLANNING BOARD RECOMMENDATIONS**

The City Council received the minutes and recommendations from a Planning Board meeting held November 10, 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:

#### **A. LAND DEVELOPMENT CODE AMENDMENTS/PUBLIC HEARING**

The Mayor opened a public hearing relative to the following Land Development Code amendments recommended for approval and found in compliance with the City's Comprehensive Plan by the Planning Board:

- Amendments to Chapter 1. DEFINITIONS AND CONSTRUCTION, Sec. 102. Terms and uses defined., Purpose: to add a new definition entitled "straddle dance" to prohibit straddle dances; and
- Amendments to Chapter 5. ZONING USE REGULATIONS, Section 507. Accessory Uses, C. Accessory Dwellings., Purpose: to amend existing requirements for accessory dwelling units to induce the creation of more accessory dwellings

No one from the public appeared and the Mayor declared the public hearing closed. Mayor Roberson stated written comments will be accepted up to 24 hours after the public hearing by submitting said comments to [pamela.casey@rockymountnc.gov](mailto:pamela.casey@rockymountnc.gov).

*NOTE: No comments were received.*

Motion was made by Councilmember Bullock and seconded by Councilmember Joyner that receipt of the Planning Board minutes be acknowledged and that the recommended amendments to the Land Development Code be approved.

Councilmember Daughtridg requested that the motion be amended to address the residency of the property owner in the main dwelling unit and stated he is generally in favor of the recommendation but has some concerns. Councilmember Miller added that she understands the need for additional affordable housing but is concerned about the deterioration in residential areas across the City.

Councilmember Bullock supported an amendment to the original motion to require that owners of the property reside in the primary dwelling for which the accessory dwelling was created.

Councilmember Knight stated he does not think property owners can legally be restricted as to property rental and asked the City Attorney for clarification. Mr. Rose stated that the City can mandate that the person residing in the accessory building be related to the principal owner.

Discussion was held and Mayor Roberson suggested the possibility that the matter be tabled until more information can be provided.

Motion was made by Councilmember Daughtridge and seconded by Councilmember Miller that consideration of the Ordinance amending the Land Development Code be postponed. Councilmember Blackwell questioned the objection to the amendment and Councilmember Daughtridge explained that he would like there to be a requirement that the owner of the property reside in the primary dwelling. Councilmember Blackwell stated this requirement could create a possible inequitable situation for income challenged people and Councilmember Daughtridge responded that he is concerned about the unintended consequences. Discussion continued and Councilmember Blackwell voiced support of the amendment adding that accessory dwellings would be subject to City ordinances and each accessory dwelling could be evaluated on a case by case basis. He stated he would like to test the recommended amendment and if concerns arise Council has the power to make changes as necessary. He said there is not enough affordable housing and he would prefer to err on the side of being liberal with plans for neighbors who have potential assets they cannot use and still keep neighborhoods solvent.

Councilmember Joyner voiced support for the amendment. Councilmember Daughtridge stated the Council first received the recommendation on Thursday and he thinks it would be prudent to learn what pitfalls and successes other municipalities and communities who have taken similar action have encountered and suggested consideration of the amendment be postponed until the January 2021 meeting.

In response to a question from Councilmember Knight, City Manager Rochelle Small-Toney stated the matter is on the agenda for consideration as a result of a recommendation by the Planning Board and added from her observation many of the properties are heir properties and the owners have passed away leaving heirs responsible for upkeep of the properties which are still livable but need repair. She said this is an intervention to stop decline in neighborhoods. She said the idea originated from the Atlantic Avenue Corridor Citizens Academy working with staff and the Planning Board. She clarified that often it is not possible for the owners to live in the main property because the property is heir property and approval of the amendment will provide a means for helping to provide assistance so the property will be lived in.

Councilmember Walker said he would like other cities to look at Rocky Mount and see its innovation and creativity and come to us for ideas and voiced support of the amendment.

Councilmember Miller questioned if the amendment would apply to the entire City and received an answer in the affirmative.

A vote on the motion to postpone failed by roll call vote (3 ayes/4 nays; Councilmembers Daughtridge, Miller and Bullock voted aye; Councilmembers Knight, Blackwell, Joyner and Walker voted nay).

A motion made by Councilmember Knight, seconded by Councilmember Blackwell carried by a roll call vote (4 ayes/3 nays; Councilmembers Knight, Blackwell, Joyner and Walker voted aye; Councilmember Daughtridge, Bullock and Miller voted nay) that the recommended amendments to Chapter 1. DEFINITIONS AND CONSTRUCTION, Sec. 102. Terms and uses defined. to add a new definition entitled "straddle dance" to prohibit straddle dances; and that Chapter 5. ZONING USE REGULATIONS, Section 507. Accessory Uses, C. Accessory Dwellings., to amend existing requirements for accessory dwelling units to induce the creation of more accessory dwellings be approved and that **Ordinance No. O-2020-57** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF ROCKY MOUNT** be adopted, as recommended.

Motion was made by Councilmember Bullock, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that receipt of the Planning Board minutes be acknowledged.

**FY 2020-2021 BUDGET ORDINANCE AMENDMENT/POLICE DEPARTMENT COMMUNITY ACTIVITIES**

Consideration was given to the following FY 2020-2021 Budget Ordinance Amendment appropriating \$1,500 in grant funds from a local business, Keystone Realty, to the General Fund for funding for Police Department community activities.

Motion was made by Councilmember Miller, seconded by Councilmember Daughtridge and unanimously carried by roll call vote (7 ayes/0 nays) that **Ordinance No. O-2020-58** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2020-2021 FOR POLICE COMMUNITY ACTIVITIES** be adopted.

**FY 2020-2021 BUDGET ORDINANCE AMENDMENT/2021 RESURFACING PROJECT**

Consideration was given to the following FY 2020-2021 Budget Ordinance Amendment appropriating Powell Bill reserves of \$3,000,000 for the FY 2021 Road Surfacing Project.

Motion was made by Councilmember Miller, seconded by Councilmember Daughtridge and unanimously carried by roll call vote (7 ayes/0 nays) that **Ordinance No. O-2020-59** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2020-2021 FOR FISCAL YEAR 2021 RESURFACING PROJECT** be adopted.

**FY 2020-2021 BUDGET ORDINANCE AMENDMENT/ELECTRIC MUTUAL AID REIMBURSEMENTS FOR HURRICANES DELTA AND ZETA**

Consideration was given to the following FY 2020-2021 Budget Ordinance Amendment appropriating reimbursement of \$247,862 for payroll expenses incurred in providing mutual aid to the cities of St. Martinville, Louisiana and Danville, Virginia relative to Hurricanes Delta and Zeta to facilitate restoration of their electric distribution systems.

Motion was made by Councilmember Miller, seconded by Councilmember Daughtridge and unanimously carried by roll call vote (7 ayes/0 nays) that **Ordinance No. O-2020-60** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2020-2021 FOR ELECTRIC MUTUAL AID REIMBURSEMENTS FOR HURRICANES DELTA AND ZETA** be adopted.

**ARBOR DAY FOUNDATION/2020 TREE CITY USA APPLICATION**

The City Council was advised that the Tree City USA program has been greening cities and towns across America since 1976 and is a nationwide movement that provides the framework necessary for communities to manage and expand their public trees. Council was further advised that more than 3,400 communities have made the commitment to becoming a Tree City and Rocky Mount has demonstrated its commitment to the orderly growth and appropriate placement of trees within the City. An application for the 2020 Tree City USA certification was provided to Council with a recommendation for approval of submission to the Arbor Day Foundation.

Motion was made by Councilmember Joyner, seconded by Councilmember Miller and unanimously carried by roll call vote (7 ayes/0 nays) that the Mayor be authorized to execute the application and staff be authorized to submit said application to the Arbor Day Foundation on behalf of the City.

**AMENDMENT/WATER TOWER LICENSE AGREEMENT/USCOC**

The City Council was advised that a water tower license agreement with USCOC of Greater North Carolina, LLC was approved on September 14, 2015 for installation of antennas on the Marigold Street water tower. Council was further advised that USCOC has requested the City's consent for placement of cellular telephone antennae on the Marigold Street Water Tower and removal of 3 panels; 6 RRUs and 1 Raycap and installation of 6 panels; 6 RRUs and 1 Raycap). It was noted that the added equipment will occupy the same centerline as the existing equipment; USCOC pays the City a monthly fee of \$2,318.54 with a 3% increase on October 1 of each year; and USCOC shall be responsible for repairs and any damages to paint on the interior or exterior of the tower during installation.

Motion was made by Councilmember Joyner, seconded by Councilmember Walker and unanimously carried by roll call vote (7 ayes/0 nays) that the water tower license agreement amendment be approved, and that the Mayor be authorized to execute the amendment on behalf of the City. The amendment will be filed with the original water tower license agreement (C-2015-23) in the office of the City Clerk.

**AMENDMENT/WATER TOWER LICENSE AGREEMENT/T-MOBILE**

The City Council was advised that on November 1, 1999 the City entered into a water tower license agreement with T-Mobile (formerly SunCom Wireless) to install antennas on the Airport Road water tower.

*A history of said water tower license agreements with Triton, SunCom/T-Mobile is as follows:*

- *Triton, PS Property Company (radio communications tower - C-99-30); (water tower agreement - Marigold Street - C-99-31);*

**Airport Road Water Tower**

- *C-99-62 - approved October 11, 1999 (new agreement moves equipment from radio tower (previously approved June 14, 1999 [C-99-30] to Airport Road water tower) - Triton, PCS Property Company; water tower license agreement dated November 1, 1999;*
- *First Amendment to C-99-62 - November 10, 2003 - Airport Road water tower agreement - Triton, PCS Property Company*
- *Second Amendment to C-99-62 - SunCom/T-Mobile (successor to Triton) - Airport Road water tower (effective October 22, 2010/approved by Council November 22, 2010)*
- *Third Amendment to C-99-62 - SunCom/T-Mobile (successor to Triton) - Airport Road water tower (approved September 24, 2018)*

The City Council was provided with a Consent Letter with T-Mobile (formerly SunCom Wireless) for modification of antenna facilities on the Airport Road water tower for removal of 3 AIR KRCII8023 antennas; 3 KRY 112 114/1 TMAs; replacement of 4 Hybrid lines; and installation of 4 RFS-APXVAALL24 antennas; 4 AIR6449 B41 antennas; 4 Radio 4449; and 4 Radio 4415.

The City Council was advised that T-Mobile pays the City a monthly rate of \$2,019.42 with a 3% increase on November 1 of each year; that installation will not exceed allowable limits; and that licensee will be responsible for any repairs or damages.

Discussion was held relative to review of City policy as it relates to the length of awarded contracts.

Motion was made by Councilmember Joyner, seconded by Councilmember Walker and unanimously carried by roll call vote (7 ayes/0 nays) that the Consent Letter be approved, and that the Mayor be authorized to execute same on behalf of the City. The Consent Letter will be filed with the original water tower license agreement (C-99-62) in the office of the City Clerk.

**NATURAL GAS MUTUAL ASSISTANCE AGREEMENT**

City Manager Rochelle Small-Toney advised the Council that there are numerous national associations that represent municipally owned gas utilities as well as investor-owned gas utilities and each association has a mutual aid agreement for their respective members. Ms. Small-Toney reported that in an effort to streamline the mutual aid process on a national level the American Gas Association (AGA), American Public Gas Association (APGA), Northeast Gas Association (NGA), Southern Gas Association (SGA) and MEA Energy Association (MEA) have developed a national mutual assistance agreement for emergency assistance. It was

noted that the City is a member of several of these associations and approval of said agreement was recommended in order to streamline the City's ability to respond to or request mutual aid.

Motion was made by Councilmember Miller, seconded by Councilmember Walker and unanimously carried unanimously by roll call vote (7 ayes/0 nays) that the Mutual Assistance Agreement with the American Gas Association (AGA), American Public Gas Association (APGA), Northeast Gas Association (NGA), Southern Gas Association (SGA) and MEA Energy Association (MEA) be approved and that the Mayor be authorized to execute the Agreement (**C-2020-30**) on behalf of the City.

**PROPERTY ACQUISITION/REAL PROPERTY - PARCEL NO. 3850-70-4447 (EDGECOMBE COUNTY)**

It was recommended that the City Council approve an appropriation of \$260,000 for the purchase of real property at 124 Atlantic Avenue, 126 Atlantic Avenue and 211 East Thomas Street (identified as Parcel No. 3850-70-4447 - Edgecombe County) which said purchase was approved by Council at the September 14, 2020 City Council meeting. A Purchase Agreement with the owners of said property, Herman Theoplus Jones and wife, Nina W. Jones, is filed in the Office of the City Clerk as C-2020-23.

Councilmember Miller requested the City Manager to explain the City's need for the property and City Manager Rochelle Small-Toney stated that the property is needed for the public purpose of replacement of a culvert in the vicinity of said property. Discussion was held and Councilmember Daughtridge stated it is his recollection that the plan is for the property to be used for parking as well and added he is opposed to the purchase of this property which could be used for affordable housing adding that the purchase by the City removes the property from the City's tax roll.

The City Manager responded reporting that the primary reason for the purchase is to repair a failing culvert. Discussion continued.

Motion was made by Councilmember Knight, seconded by Councilmember Blackwell and carried by roll call vote (6 ayes/1 nay; Councilmember Daughtridge opposed) that the appropriation of funds for acquisition of said property be approved and that the Mayor and/or City Clerk be authorized to execute any documentation as may be required on behalf of the City.

**BIDS/PRE-EVENT DEBRIS MONITORING**

The City Council received proposals for pre-event debris monitoring. Proposals were received and opened on September 19, 2020 after all necessary legal procedures had been implemented and the bid tabulation is on file in the office of the City Clerk as **BD-2020-21**. The solicitation was also posted on the City's purchasing webpage and on the North Carolina Interactive Purchasing System website.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0

nays) that the bid be awarded to Thompson Consulting Services for three (3) years with the option to renew for two (2) additional one (1) year terms and that the Mayor and City Clerk be authorized to execute the bid contract on behalf of the City. The fee for this service will be dependent upon the disaster event.

**RE-BIDS/WASTEWATER TREATMENT PLANT ELECTRICAL UPGRADE**

The City Council received the tabulation of bids received for the wastewater treatment plant electrical upgrade. Bids were received and opened on November 2, 2020 after all necessary legal procedures had been implemented and the bid tabulation is on file in the office of the City Clerk as **BD-2020-22**. The solicitation was also posted on the City's purchasing webpage and on the North Carolina Interactive Purchasing System website.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried that the bid be awarded to Triune Electric at a total cost of \$581,086 and that the Mayor and City Clerk be authorized to execute the bid contract on behalf of the City.

**RE-BID/FY 2021 ROAD RESURFACING**

The City Council received proposals for the FY 2021 road resurfacing project. Proposals were received and opened on November 23, 2020 after all necessary legal procedures had been implemented and the bid tabulation is on file in the office of the City Clerk as **BD-2020-23**. The solicitation was also posted on the City's purchasing webpage, the North Carolina Interactive Purchasing System website and the North Carolina Historically Underutilized Business Opportunity webpage.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that the bid be awarded to Barnhill Contracting at a total cost of \$4,139,195.10, plus a 10% contingency of \$414,000 and that the Mayor and City Clerk be authorized to execute the bid contract on behalf of the City. The Council was advised that Barnhill Contracting has proposed to subcontract 9.4% of the work in the amount of \$389,507.50 to MWBEs.

Councilmembers Knight and Blackwell voiced appreciation to the City Manager for movement to increase MWBE participation in the City and Councilmember Blackwell appreciated the business community and particularly Barnhill Contracting for support of the MWBE program.

**MAYOR PRO TEMPORE**

Mayor Roberson called for nominations for the office of Mayor Pro Tempore.

Councilmember Miller stated that for a number of years it has been the practice of Council to rotate the election of the Mayor Pro Tem from each side of the City and requested that precedent continue to be recognized and that the equitability of the practice be respected.

Councilmember Walker nominated Councilmember Richard Joyner and Councilmember Miller nominated Councilmember Lige Daughtridge for Mayor Pro Tempore for a one-year term to expire December 2021.

Roll call votes on the nominations were held with Councilmember Richard Joyner receiving a vote of 4 ayes/3 nays (Councilmembers Knight, Blackwell, Joyner and Walker voted in the affirmative) and Councilmember Daughtridge receiving a vote of 3 ayes/4 nays (Councilmembers Daughtridge, Bullock and Miller voted in the affirmative). An oath of office will be administered to Mayor Pro Tempore Richard Joyner just prior to the January 11, 2021 Committee of the Whole meeting.

Councilmember Miller congratulated Councilmember Joyner on the vote.

Mayor Pro Tem Joyner thanked the Council for their vote and thanked immediate past Mayor Pro Tem Knight for the exceptional job he has done as Mayor Pro Tem in 2020. Mayor Roberson joined Mayor Pro Tem Joyner in thanking Mr. Knight for his work as Mayor Pro Tem.

#### **APPOINTMENTS**

Councilmember Knight stated that a comment was made earlier in the meeting relative to a person serving on the Business Development Authority. Mayor Roberson responded that the comment was about someone he nominated for appointment to the Board. Councilmember Knight stated that the Mayor had asked for time and questioned if the Mayor needs more time for consideration of this matter. Mayor Roberson stated that Councilmember Knight is free to move for the person serving in the position to be removed but his preference would be for he and Mr. Knight to have a private discussion. Councilmember Knight stated he is willing to work with the Mayor.

No action was taken to fill the vacancies on the City's Boards, Commissions and Committees.

#### **ANNEXATION AND WATER SERVICE AGREEMENT (ADDED TO AGENDA IN OPEN MEETING)**

The City Council received an Annexation and Water Service Agreement (including an Irrevocable Petition for Annexation of Property) with Williams Builders of Rocky Mount, LLC for water and service for property outside the City limits as follows: 24 single-family lots identified as the Old Spring Hope Road Subdivision, Plat Book 35, Page 318-320, Nash County Registry. Council was advised that the agreement provides for connection of City water upon submission of an annexation petition and payment of required connection fees and outlines the agreement that the subdivision will be served by septic systems in lieu of sewer since City sewer is not available at this time. It was noted that the agreement further provides for a guarantee that the developer be responsible for repair of any damage to Eggers Road resulting from residential construction activities.

Motion was made by Councilmember Daughtridge, seconded by Councilmember Walker and unanimously carried by roll call vote (7 ayes/0

nays) that the Annexation and Water Service Agreement with Williams Builders of Rocky Mount, LLC (**C-2020-31**) be approved and that the Mayor be authorized to execute the same on behalf of the City.

**PROPERTY DISPOSITION/600 HILL STREET**

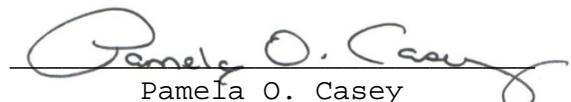
The Mayor and Council were advised that an offer of \$40,000 has been received from Graham Douglas for the purchase of City-owned property at 600 Hill Street and that the property is surplus to the City.

Motion was made by Councilmember Walker, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that **Resolution No. R-2020-44** entitled **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT AUTHORIZING AN UPSET BID PROCESS FOR PROPERTY OWNED BY THE CITY LOCATED AT 600 HILL STREET** be adopted. This resolution declares the property surplus and authorizes the City Clerk to advertise the offer for upset bids pursuant to GS 160A-269; and, further authorizes acceptance of the current bid and execution of instruments necessary to convey title to Graham Douglas in the event no upset bids are received.

*Note: No upset bids were received.*

**ADJOURNMENT**

Without opposition, Mayor Roberson adjourned the meeting at 8:48 p.m.

  
Pamela O. Casey  
City Clerk