

January 11, 2021

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; Brenton Bent, Water Resources Director*** and Richard J. Rose, City Attorney.

****present as required*

Security Officer: Police Sergeant Stephen Walker***; Senior Police Officer Andrew Crumpler; and Senior Police Officer Shawn Battle.

The Mayor called the meeting to order at 7:11 p.m. and requested a moment of silence.

APPROVAL OF MINUTES

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried by roll call vote (7 ayes/0 nays) that the minutes of regular scheduled meetings of the City Council held November 23 and December 14, 2020 be approved as submitted to the City Council prior to the meeting.

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

Councilmember Daughtridge requested that a closed session be added to today's agenda for discussion relative to a matter concerning attorney-client privilege.

Councilmember Knight requested that Council hold a discussion relative to concerns about local internet service provided by Suddenlink Communications.

By consensus, it was agreed to add the above matters to the meeting agenda.

COMMITTEE OF THE WHOLE MINUTES

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

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

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**
 Charles Williams**
 Archie Jones**
 Will Deaton**
 Brad Kerr**
 Elton Daniels**
 Richard J. Rose

**Participated remotely*

***Present as needed during open session*

Security Officer: Sergeant Stephen Walker

OPENING OF MEETING

Mayor Pro Tem André D. Knight called the meeting to order at 5:06 p.m.

ELECTION OF MAYOR PRO TEM/ADOPTION OF MEETING LIST - *Removed from agenda*

LAND DEVELOPMENT CODE AMENDMENT - ACCESSORY DWELLINGS - *Will Deaton, Director of Development Services*

The City Council was advised that at the November 10, 2020 virtual meeting of the Planning Board a public hearing was conducted after which the Planning Board recommended an amendment to the existing requirements for accessory dwelling units within the City's Land Development Code on the basis that such amendment conforms with the Atlantic Arlington Corridor Land Use Study and the Tier I: Together Tomorrow Comprehensive Plan.

Mr. Deaton shared the language of the existing requirements along with the recommended amendment. He presented a PowerPoint presentation and provided examples of drawings depicting accessory dwellings. Highlights of the PowerPoint presentation are:

- Affordable housing has been identified as an important benchmark in the City's comprehensive plan;
- Provisions for the allowance of accessory dwelling were added to the Land Development Code (LDC) in 2005;
- Advantages of accessory dwellings include:
 - Creating accessible and affordable housing options;
 - Helps to create mixed income neighborhoods;
 - Generates added property tax revenue with minimal impact to community services; and
 - Allows for seniors, single parents and families with grown children to remain in their home and neighborhoods and obtain extra income, security, companionship and services

The City Council was advised that the recommended amendment has the deliberate intention of increasing housing options and affordability and removes unenforceable, ambiguous and redundant barriers to encourage and induce the creation of more accessory dwellings.

It was noted that the Atlantic Arlington Corridor Land Use Study recommends review of existing standards for accessory dwelling to allow units to be occupied by residents other than relatives of the primary dwelling to increase affordable options.

Mr. Deaton responded to questions from the Mayor and Councilmembers. Councilmember Daughtridge stated that he is basically in

favor of the recommendation but voiced concern that there is no requirement for the owner of the primary dwelling to reside on the property. The City Attorney stated that use of the property can be regulated but it may be difficult to regulate how owners choose to rent their dwellings. He added there could be a requirement that the person or persons residing in the accessory dwelling be related to the property owner.

Discussion was held. Councilmember Blackwell stated he is not opposed to the recommendation but would be interested in seeing what other cities are doing.

Councilmember Knight stated that he believes the intent is to provide the property owner an opportunity to rent the accessory dwelling so that they might have additional income to maintain the property.

COMMITTEE RECOMMENDATION. Information only; no formal action

RESIDENTIAL TRAFFIC MANAGEMENT POLICY - Brad Kerr, Director of Public Works

The City Council was advised that, at Council's direction, staff has evaluated the current minimum criteria for installation of speed cushions and recommends changes to the evaluation methodology and criteria to expand the locations where speed cushion installations could be approved. Brad Kerr, Director of Public Works, reported that as a part of this effort staff is preparing to install speed cushions on Recreation Drive, as this location is abutted by public property and incorporates elements of Council's desired new criteria.

He advised that the current Residential Traffic Management (RTM) Administrative Policy was amended on October 10, 2016 to allow the use of speed cushions pursuant to a pilot study installation on Waterloo Drive. The Council was advised that the prior policy did not allow the use of speed humps due to concerns about the impact on emergency response vehicles and added that the speed cushion design allows emergency vehicles to straddle the hump thereby addressing emergency response concerns.

Mr. Kerr presented a PowerPoint presentation providing detail relative to the residential traffic management speed cushion criteria explaining current criteria and outlining traffic calming measures. The City Council was provided with a rendering of traffic calming measures. The Director of Public Works recommended the following based on input/feedback from the Council and industry research on best practices:

- Minimum eligibility criteria for 25 mph petition;
- Minimum eligibility criteria for Residential Traffic Management (RTM) Improvement Program;
- Points system for speed cushions or other constructed devices based on:
 - o 85th percentile speed above posted limit;
 - o Projected pedestrian activity;
 - o Crash history;
 - o Traffic volume; and
 - o Physical conditions (horizontal/vertical curves)

Mr. Kerr advised that there are currently two "safe routes to school" streets in the City: Baskerville and Williford.

The Council was provided with sample scoring from all residential traffic management requests from 2011 to the present. He added that current scoring is based on the same speed limit for an apples to apples comparison. It was recommended that future scoring be on a points-based system to determine eligibility and that a 45-point minimum score be required for a request to be eligible for speed cushions or other physical traffic calming devices. He added those streets scoring under

45 points would still be eligible for 25 mph speed limits and other measures. The Director of Public Works responded to questions from Councilmembers. Mr. Kerr reported that there is a plan to place speed cushions on Recreation Drive and that location meets the set criteria.

Councilmember Walker voiced appreciation for the update and for the placement of speed cushions on Recreation Drive.

In response to a question from Councilmember Joyner, Mr. Kerr explained the process for citizens to inquire about traffic calming measures and noted the first step is to contact the Traffic Engineering Division for a speed study and an evaluation.

Councilmember Daughtridg suggested that information be placed on the City's website similar to the chart provided to Council today and the Manager stated staff will look into that and also posting information about the process.

Councilmember Blackwell noted there was an accident in the vicinity of Atlantic and Grand Avenue over the weekend and questioned if the left turn signal had been activated for both Atlantic and Grand Avenue. Mr. Kerr responded by saying that staff would check into that.

Mayor Pro Tem Knight questioned if there are any updates on the Weathervane Community and Mr. Kerr advised that data is being collected but has not yet been analyzed.

**Note: Councilmember Miller stated she was not able to gain entry into this meeting until 5:54 p.m.*

Councilmember Miller thanked staff for the study and the report.

COMMITTEE RECOMMENDATION. Received report; no formal action

REVIEW OF FOURTH QUARTER FY 2020 AND FIRST QUARTER FY 2021 REVENUES AND EXPENDITURES - Kenneth Hunter, Assistant to the Manager for Budget & Evaluation

The City Council was provided with a report of revenues and expenditures for FY 2020 as of June 2020 and a report of revenues and expenditures for FY 2021 as of September 30, 2020 (2 quarters; 6-month period).

Assistant to the City Manager for Budget & Evaluation, Kenneth Hunter, provided a PowerPoint presentation providing the following highlights:

- GENERAL FUND
 - o Revenues exceed COVID-19 adjusted forecasts and have remained relatively stable
 - o Local Option Sales Tax remains strong
 - o Interest Earnings negated by Federal Reserve intervention
 - o Staff expenditures have been constrained and carefully managed
- REVENUE PERFORMANCE REVIEW
 - o 4th quarter FY 2020
 - Actual: \$15.304M
 - Revised: 12.616M
 - Difference: +21.3% (decline in performance relative to COVID-19, but not as significant as predicted; collections above forecast; allowed funds to be returned to fund balance;)
 - o 1st quarter FY 2021
 - Actual: \$10.627M
 - Forecast: 10.433M
 - Difference: +1.9%

- LOCAL OPTION SALES TAX
 - Chart provided and explained; most performed above forecast; however July 2020 negative due to charge back from prior fiscal year
- EXPENDITURE PERFORMANCE & OPERATING RATIO
 - Confident as trends continue funds will continue to be at or above forecast amounts
 - Staff has done an excellent job containing expenditures
- ENTERPRISE FUNDS (overall in good shape; have seen some decline)
 - Electric & Gas:
 - Sales declined compared to prior year;
 - Expenditures constrained due to COVID-19 in order to achieve year-end balance;
 - Capital activity is manageable
 - Water & Sewer:
 - Sales declined in water; increased in sewer;
 - Operating expenditures reflect related activity, minimized to achieve year-end balance;
 - Capital improvements continue
 - Stormwater:
 - Revenues meeting expectations;
 - Spending decreased;
 - Capital activity upcoming

Mr. Hunter noted that revenue will continue to be closely monitored. He stated that the adopted forecast projected improvement in the second quarter and ad valorem tax collection, which is primarily collected during the second quarter, is key.

He added that:

- Staff continues to hold the line on expenditures;
- Internal preparation of the CIP is underway; and
- Tracking of economic indicators continues (Local GDP; employment; wages & income)

The Council was provided with information relative to City-wide and MSA local employment statistics for the end of September 2020 and it was noted that the current City-wide unemployment rate is 12.5% and the Rocky Mount MSAM unemployment rate is 9.4%. A graph reflecting nonfarm employment for the Rocky Mount MSA was provided and Mr. Hunter reported that the City continues to work to grow in a positive direction.

The Assistant to the Manager for Budget & Evaluation responded to questions from Council and stated it is expected that a significant increase in employment will be seen as a result of the NCDMV move to Rocky Mount and CSX projects.

City Manager Rochelle Small-Toney recognized and appreciated staff efforts to reduce spending. Mr. Hunter thanked the Manager for her leadership and staff for making sure the City continues to run properly adding that staff is meeting challenges especially with regard to COVID-19.

COMMITTEE RECOMMENDATION. Information only; no formal action

CRIME STATISTICS FOR NOVEMBER 2020 - Charles C Williams, Interim Police Chief

Interim Police Chief Charles Williams provided the City Council with a PowerPoint presentation outlining the crime report for November 2020. He stated at his last report to Council he reported five significant events that occurred during a relatively short time period and added that four of the five have been resolved resulting in arrests

and the fifth is under investigation with strong leads. It was explained that today's presentation includes investigation outcomes for the violent crimes and related arrests and includes maps depicting the areas of shots fired, incidences of aggravated assault and murder and further highlights the efforts and successes of the Police Department to combat violent crime in the City.

Chief Williams provided the Council with a comparison of crime numbers by month and year to date compared to the same time periods as the preceding year and provided explanation. The comparisons by month (November 2019 with November 2020) and year were outlined as:

Crime	November 2019 / November 2020	2019 / 2020
Murder	3	-5
Rape	-1	-2
Com. Robbery	-1	-8
Ind. Robbery	-1	0
Agg. Assault	-3	224
Violent	-3	209
Commercial B&E	9	-4
Residential B&E	-8	-47
Non-residential B&E	5	8
Larceny	43	-6
MV Thefts	-1	-5
Arson	1	4
Property	49	-50
TOTAL	46	159

It was noted that in December of 2019 officers seized 309 weapons compared to December of 2020's seized weapons of 406. Interim Chief Williams stated this increase reflects the hard work of officers. Council was provided with a list of property crime cases cleared by arrest and a list of community events in which the Police Department participates as follows:

- Pack a patrol car (161 bags to date)
- Bearded Cops for Kids
- Cops and Kids (Christmas Gift Shopping)
- Wear Pink for Breast Cancer Awareness
- National recycling day and medicine drop off
- Veterans' services at Applebee's by Police Explorers

The City Council expressed appreciation to the men and women of the Police Department and asked questions. Interim Chief Williams responded to questions and concerns from Council noting that the Police Department is currently preparing a plan of action for more visibility including restricting time office to increase officers on the street. He added public service announcements and educational information will be disseminated relative to requests for public assistance and the illegality of firing weapons within the City limits. Chief Williams told the Council the Department is meeting regularly and looking at trends and is very concerned with both prevention and enforcement. He expressed appreciation to the Police Department's men and women for their hard work.

COMMITTEE RECOMMENDATION. Received report; no formal action

2020 CENSUS UPDATE - Archie Jones, Director of Human Relations

Mr. Jones provided the City Council with a PowerPoint presentation providing an overview of community outreach efforts to encourage citizens, especially in the hard-to-count census tracts to participate in the 2020 Census. He expressed appreciation to the following Community Outreach Team Members assigned to his office to assist with these efforts:

Lois Watkins - Community Outreach Coordinator;
 Theresa Stokes - Community Outreach Specialist; and
 Michele Cruz - Community Outreach Specialist

Mr. Jones explained the goal of the 2020 Census as: "to count everyone once, only once and in the right place" and outlined how the census data is used as follows:

- Distribution of more than \$675B annually in federal funds back to tribal, state and local governments;
- Redistricting of state legislative districts;
- Determining areas eligible for housing assistance and rehabilitation funding;
- Designing facilities for people with disabilities, the elderly and children;
- Emergency Response Services;
- Programs for families and children; and
- Senior Citizens' Programs and Services

He provided the Council with comparable self-response rates and outlined the national rate as 67%; North Carolina as 63.4% and Rocky Mount as 62.6%.

The hard-to-count census tracts were identified by Tract number and County and response rate by census tract as of October 16, 2020 was outlined. Mr. Jones identified marketing and outreach efforts and thanked the Communications and Marketing Office for the assistance provided. He reported that over 4,500 flyers were distributed throughout the community at over 60 events such as:

- COVID-19 Food Distributions
- Local businesses
- Church events
- Neighborhood events
- Property management offices

A list of specific events was provided as well as census deadlines. Mr. Jones voiced appreciation to numerous community partners for the assistance provided and provided a list of community partners to the City Council. He added that a number of neighborhoods were targeted for public service announcements.

The Human Relations Director responded to questions from Councilmembers.

Mayor Pro Tem Knight and the City Council thanked Mr. Jones, his department and the City Manager for the work they did to achieve this response rate.

Councilmember Blackwell noted that the City missed preparing a Legislative Agenda this year due to COVID-19 and indicated broadband needs to be on the next Legislative Agenda. Councilmember Daughtridge questioned details of recent action by the General Assembly as to broadband and Mayor Pro Tem Knight requested the City Manager research this matter for reporting to the Council.

COMMITTEE RECOMMENDATION. Received report; no formal action

CLOSED SESSION

The Mayor Pro Tem stated the Council needs to enter into a closed session to discuss matters concerning personnel and attorney-client privilege (pending litigation Harold Cox vs. City of Rocky Mount).

COMMITTEE RECOMMENDATION. Motion was made by Councilmember Joyner, seconded by Councilmember Daughtridge and unanimously carried that the City Council enter into Closed Session at 6:23 p.m.

The minutes of the Closed Session shall be placed on file as **ESM-568** at the end of **Minute Book 37** upon approval for release by the City Attorney.

REGULAR SESSION/ADJOURNMENT. The Mayor Pro Tem convened the Committee in regular session at 7:00 p.m. and, without opposition, adjourned the Committee of the Whole meeting.

Motion was made by Councilmember Walker, seconded by Councilmember Blackwell and unanimously carried by roll call vote (7 ayes/0 nays) that the minutes and recommendations from the December 14, 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:

- Invited the community to join the Human Relations Department as it welcomes social welfare and justice advocate Clara J. Ester as the keynote speaker for the 33rd Annual Martin Luther King Jr. Unity Program on Monday, January 18, 2021. She advised the event begins at 8 a.m. and will be broadcast live via YouTube. The Unity Breakfast will also feature speeches from the winners of the MLK, Jr. Oratorical Contest held virtually this past Saturday. Oratorical Middle School winner was Raven Whitaker, second place winner was Noah Martinez and third place winner was Chandler Logan. The High School winner was Jasmine Hill and second place went to N'yanna Sherrod. More information on the event can be found by visiting rockymountnc.gov.
- The Minority Women Business Enterprise (MWBE) program will hold a virtual workshop entitled, "The Numbers of Doing Business," from 10 a.m.-12:30 p.m. on Friday, January 22, 2021. Sessions will include "Basic Business Financials"; "Resources for Resilient MWBEs"; "Marketing on a Budget"; and "Loan Applications Made Easy." Registration information as well as more on the MWBE program is available at rockymountnc.gov.
- The Imperial Centre for the Arts and Sciences remains closed due to COVID-19 restrictions. The City Manager encouraged the community to sign up for free Virtual Arts Education Programs including Yoga, Creative Writing and Calligraphy and invited all to visit imperialcentre.org and rockymountnc.gov for more information.
- Reminded the public that the City's extended moratorium on disconnection of utility services due to COVID-19 hardship were lifted effective Monday, October 30. She added that staff is assisting customers to work out reasonable payment arrangements on past due balances and added that 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 Street, online via 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.
- She 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. 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:

- ***Johnny Cunningham:***
 - Said he watched the COW meeting on the City's Facebook page and Council is working hard; said he has been working hard himself power washing;
 - Said he shared the above because he has an issue with a member of the Business Development Authority and said he does not appreciate that member referring to him as an ex-convict and belittling the work he does; he added that the member also refers to a person working to renovate the Downtown in the same manner; requested that the City Council take action relative to this member;
 - Said information downloaded from the dark web is illegal material and asked the Council to take legal action against a specific individual for taking this action

- ***Fonté Lyles:***
 - Said he is a citizen of Rocky Mount and was born and raised here and graduated from Rocky Mount Senior High in 1992;
 - Said he then joined the military and went to school majoring in mass communications;
 - Said he then came back to Rocky Mount and started coaching and has been volunteering as a coach for the Rocky Mount High School football team for 9 years;
 - Said he wants to preserve Rocky Mount's rich history;
 - Said he has recently started a company called Lyles Media Group and has been trying to create positive content from the area;
 - Said he is here today to present an idea to create a digital historical board or something like that and wants to use his company to do this for the City and would be happy to work with any Councilmembers to get the idea off the ground

Councilmember Blackwell recommended he communicate with the purchasing department to learn how to become a vendor with the City. City Manager Rochelle Small-Toney told Mr. Lyles the City has his contact information and he can expect to hear from the Finance Director or Purchasing Manager.

- ***Samuel Battle:***
 - Said he has seen information on Facebook that indicates a local businessman received \$260,000 relative to the sale of real estate to the City and said he thinks that person deserves the money he received adding he has been in business in the City for 52 years and is a pioneer in the Black Community and others have received money for land purchases;
 - Questioned if the City has funding for renovation at Unity Cemetery and said some paths have been cleared so an assessment of the work needed to make repairs can be made; he added that some of the graves are in disrepair and added that numerous people have assisted in the cleanup effort;
 - Voiced concern relative to a mammogram machine that is not currently in use

Councilmember Blackwell said if someone has an issue or complaint with OIC they need to contact OIC directly.

- ***Cooper Blackwell:***
 - Said he is a Ward 4 resident;
 - Thanked Council for supporting the vision from the people that has enabled the capacity of some community members to be increased;

- Said the Black Action Committee has used its resources to cover the artists while they were onsite relative to donations and community support and thanked Larema Coffee House, Blanche’s Bistro and Dairy Queen for support;
 - Said an RFP process is underway currently and members of the community are able to apply by providing a giant sketch and answering some questions; he added the decision has been to propose that the project be relocated to the street in front of the Event Center to add value to an existing asset and that proposal has been approved; he explained the process that is underway and indicated painting should be completed this week if weather permits and they will move to the final stages prior to a community reveal;
 - Said the Rocky Mount Black Action Committee is grateful for the opportunity
- ***Nehemiah Smith:***
- Said it seems a lot of limited understanding is going around and some around processes and thinks part of that contributed to actions in Washington, DC recently;
 - Said some want things done right now but there is a process;
 - Said Unity Cemetery is a blight in his community but until there is a comprehensive plan and professionals assess the cemetery to see what needs to be done the City should give no funds to anyone until a comprehensive plan is created; said he would like to see community involvement and initiative;
 - Added that many organizations in the community continue to do great work and OIC is one of those; he said it takes time to get things done and when limited understanding exists some have a problem understanding that processes take time
- ***Nathlyn Ohree:***
- Said she was wondering what she could say to lift up the Council and community and the only thing she could come up with was the words of a song by James Weldon Johnson entitled “Lift Every Voice and Sing”; she recited the words of the song
- ***Bronson Williams:***
- Said about 6 years ago he addressed the City Council about the possibility of erecting a small resource center at Branch Street Park in the Ward 3 community; he said many youth in the community are faced with the difficulty of not having adequate internet service; he said while the City cannot be everything to everyone there are things the City can do to help expand opportunities for children;
 - Said as we look towards inclusion and equity he questions what children in Ward 3 do for access to resources; said many students are behind in virtual learning; he said he believes there is a business in the community he feels would be willing to partner with the City to make resources available and affordable;
 - Commended the City for the forward thinking to increase City Hall security and said in seeing the events that happened recently in Washington, DC it is his belief some living in the City have similar ideas as some of the DC rioters;
 - Said he is happy to see Council is voting on turning over ownership of the confederate monument;
 - Thanked Council for the work they do even in the midst of the pandemic

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 December 8, 2020. The minutes are on file in the office of the City Clerk.

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

The following action was taken upon the recommendations of the Planning Board:

A. PUBLIC HEARING/REZONING REQUEST

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 Creighton Companies, LLC to rezone +0.68 acres located at 850 and 860 Tiffany Boulevard from O-I to B-2

The Mayor recognized Andrew Petesche, attorney on behalf of Creighton Companies, LLC. Mr. Petesche told the Council he is available for questions.

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.

NOTE: No comments were received.

Councilmember Blackwell asked if the rezoning is approved this evening when construction will begin and the project completed. Attorney Petesche responded that it is estimated construction will begin mid to late summer and the project will open in 2022.

Motion was made by Councilmember Joyner, seconded by Councilmember Daughtridg and unanimously carried by roll call vote (7 ayes/0 nays) that **Ordinance No. O-2021-1** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

B. 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 13. MINIMUM DESIGN AND IMPROVEMENTS REQUIREMENTS, Section 1310. Assurance of improvements and inspection procedures, Purpose: to clarify responsibilities and guarantees pertaining to the subdivision bonding process to ensure completion of required improvements for major subdivisions in alignment with state statutes; and
- Amendments changing the name/title as follows throughout the Land Development Code and Code of Ordinances of the City of Rocky Mount:
 - to replace "Department of Engineering" or "Engineering Department" with "Department of Public Works"; and
 - to replace "Director of Engineering" with "Director of Public Works"

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.

NOTE: No comments were received.

Motion was made by Councilmember Walker, seconded by Councilmember Blackwell and unanimously carried by roll call vote (7 ayes/0 nays) that **Ordinance No. O-2021-2** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF ROCKY MOUNT** and that **Ordinance No. O-2021-3** entitled **ORDINANCE AMENDING THE CODE OF THE CITY OF ROCKY MOUNT** be adopted, as recommended.

INTERLOCAL AGREEMENTS/MANAGEMENT OF FUNDS FROM CORONAVIRUS RELIEF FUND (CFR)

The City Council was advised that the City was approved as the recipient of a total of \$260,000 of Coronavirus Relief Funds from Edgecombe County pursuant to its distribution of funds received from the State of North Carolina pursuant to Senate Law 2020-80. It was explained that this action serves to distribute funds provided to the State by the United States Department of Treasury under the Coronavirus Relief Fund (CRF), pursuant to the passage and adoption of the Coronavirus Aid, Relief and Economic Security (CARES) Act.

The City Council was further advised that on September 14, 2020 Council approved an Interlocal Agreement with Edgecombe County to receive the first allocation of \$125,000. The Council was provided with a revised Interlocal Agreement with Edgecombe County in order for the City to receive the revised total allocation of \$260,000 (includes first allocation).

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that the revised Interlocal Agreement be approved, and that the Mayor be authorized to execute same on behalf of the City. The revised agreement will be filed with the original interlocal Agreement (**C-2020-21**) in the office of the City Clerk.

Councilmember Daughtridge asked that Council be advised of the cumulative amount of CARES Act funding the City has received.

AD VALOREM TAX RELEASES

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

SCHEDULE A - acknowledge receipt of report of the following taxes under \$100 approved for release and/or refund by the City Manager:

<u>YEAR</u>	<u>BILL NO.</u>	<u>NAME/ADDRESS</u>	<u>TAX</u>	<u>COMMENT</u>
<u>EDGECOMBE COUNTY</u>				
2020	357	E Z MUFFLER SERVICE INC 180 S FAIRVIEW RD ROCKY MOUNT, NC 27801	1.71 0.17	CITY VALUATION PEN CORRECTION
		TOTAL RELEASE:	1.88	

SCHEDULE B - taxes over \$100 recommended for release and/or refund by the City Council:

<u>YEAR</u>	<u>BILL NO.</u>	<u>NAME/ADDRESS</u>	<u>TAX</u>	<u>COMMENT</u>
<u>EDGECOMBE COUNTY</u>				
2020	5808	HARDEN, LARRY D HARDEN, JANNIE B 1501 HARGROVE ST ROCKY MOUNT, NC 27801	308.25	ELDERLY/DISABLED EXEMPTION
		TOTAL RELEASE:	308.25	
<u>NASH COUNTY</u>				
2011	15985	KARMA ONE LLC DAYS INN 6710 6966 NC 4 BATTLEBORO, NC 27809	292.44 4.39	CITY FORECLOSURE INT
		TOTAL RELEASE:	296.83	
2020	1967	RIVERSIDE VETERINARY HOSPITAL ROBERT CAMERON 99 SUCCESS CT ROCKY MOUNT, NC 27804	1,230.25	CITY DUPLICATE BILL
		TOTAL RELEASE:	1,230.25	
2020	16239	RM COMMERCIAL LLC C/O BLACKWELL ST MANAGEMENT CO LLC 1121 FALLS RD ROCKY MOUNT, NC 27804	2,488.43	CITY VALUATION CORRECTION
		TOTAL RELEASE:	2,488.43	
2020	851	ROCKY MOUNT MILL LLC ATTN: CAPITOL BROADCASTING CO INC 2619 WESTERN BLVD RALEIGH, NC 27606	41,931.84	CITY VALUATION CORRECTION
		TOTAL RELEASE:	41,931.84	
2020	16237	ROCKY MOUNT MILL LLC ATTN: CAPITOL BROADCASTING CO INC 1151 FALLS RD ROCKY MOUNT, NC 27804	66,530.73	CITY VALUATION CORRECTION
		TOTAL RELEASE:	66,530.73	

Motion was made by Councilmember Daughtridge, seconded by Councilmember Walker and unanimously carried by roll call vote (7 ayes/0 nays) that receipt of the report from the City Manager of Schedule A

taxes approved for release and/or refund be acknowledged and that the tax releases and/or refunds listed on Schedule B be approved.

Councilmember Miller stated she had previously requested the property address to also be included in the information received by Council.

FY 2021 LEASE FINANCING/REIMBURSEMENT RESOLUTION

The Council was advised that the City intends to enter into a lease financing arrangement for the following projects budgeted in FY 2021:

Replacement of Equipment: Transformer Replacement - Old Mill Road Point of Delivery Station; Wastewater Treatment Plant Generation System; Tar River Reservoir Raw Water Aeration System; and Wastewater Treatment Plant Switch Gear & Motor Control Center - \$5,382,000

Motion was made by Councilmember Daughtridge, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that **Resolution No. R-2021-1** entitled **RESOLUTION DECLARING OFFICIAL INTENT OF THE CITY OF ROCKY MOUNT TO REIMBURSE EXPENDITURES MADE FOR THE REPLACEMENT OF EQUIPMENT** be adopted.

GRANT PROJECT ORDINANCE/ECONOMIC DEVELOPMENT PROJECT "TIRE"

The City Council was advised that the City's application to the North Carolina Department of Commerce's Building Reuse Program relative a \$500,000 grant for Project "Tire" was approved in November 2020 and funds were received by the City in December 2020. It was noted that no additional matching funds are required for this allocation.

Motion was made by Councilmember Miller, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that **Ordinance No. O-2021-4** entitled **GRANT PROJECT ORDINANCE/ECONOMIC DEVELOPMENT PROJECT "TIRE"** be adopted.

Councilmember Daughtridge stated it is his assumption there is a clawback provision in the agreement that calls for reimbursement by the City in the event the requirement relative to job creation is not performed as agreed. He questioned if the City has ever had to make such reimbursement because job creation requirements were not met. City Attorney Richard J. Rose noted that is the normal way such agreements work. City Manager Rochelle Small-Toney agreed adding that in the event such requirements were not met the State would have to call for reimbursement.

ANNEXATION NO. 318/1523 WEST MOUNT DRIVE

The City Clerk provided the City Council with a resolution certifying the petition for Annexation No. 318 - 1523 West Mount Drive as sufficient pursuant to G.S. 160A-31 to proceed with annexation of the contiguous parcel.

Motion was made by Councilmember Walker, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that the Department of Development Services be instructed to prepare the

required feasibility study on the proposed annexation and that the following resolutions be adopted:

- a. **Resolution No. R-2021-2** entitled **RESOLUTION OF CERTIFICATION OF RESULTS OF INVESTIGATION OF THE SUFFICIENCY OF PETITION FOR ANNEXATION OF A CONTIGUOUS AREA BY CITY CLERK OF THE CITY OF ROCKY MOUNT/ANNEXATION NO. 318 - 1523 WEST MOUNT DRIVE**; and
- b. **Resolution No. R-2021-3** entitled **RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A PROPOSED EXTENSION OF THE CITY LIMITS OF THE CITY OF ROCKY MOUNT TO INCLUDE ANNEXATION OF A CONTIGUOUS AREA/ANNEXATION NO. 318 - 1523 WEST MOUNT DRIVE** (schedules public hearing for February 8, 2021).

ANNEXATION NO. 319/1533 WEST MOUNT DRIVE

The City Clerk provided the City Council with a resolution certifying the petition for Annexation No. 319 - 1533 West Mount Drive as sufficient pursuant to G.S. 160A-58.1 to proceed with annexation of the non-contiguous parcel.

Motion was made by Councilmember Walker, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that the Department of Development Services be instructed to prepare the required feasibility study on the proposed annexation and that the following resolutions be adopted:

- a. **Resolution No. R-2021-4** entitled **RESOLUTION OF CERTIFICATION OF RESULTS OF INVESTIGATION OF THE SUFFICIENCY OF PETITION FOR ANNEXATION OF A NON-CONTIGUOUS AREA BY CITY CLERK OF THE CITY OF ROCKY MOUNT/ANNEXATION NO. 319 - 1533 WEST MOUNT DRIVE**; and
- b. **Resolution No. R-2021-5** entitled **RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A PROPOSED EXTENSION OF THE CITY LIMITS OF THE CITY OF ROCKY MOUNT TO INCLUDE ANNEXATION OF A NON-CONTIGUOUS AREA/ANNEXATION NO. 319 - 1533 WEST MOUNT DRIVE** (schedules public hearing for February 8, 2021).

WATER PURCHASE CONTRACT RENEWAL/TOWN OF NASHVILLE

The City Council was advised that the water purchase contract with the Town of Nashville entered into in 1980 expired on October 13, 2020 and a new contract was approved by the Town Commissioners on December 1, 2020. It was explained that the original contract was for a term of forty (40) years and had been amended on two occasions (August 1993 and October 1996). The Council was further advised of updates included in the new contract and it was noted that the substantive terms of the agreement remain unchanged as to: allocated volume (750,000 gallons per day); point of delivery; billing process; rates and payment dates; the Town's take or pay obligation (base loading); and cross connection prevention. Additionally, it was noted that the terms of the renewed contract commencing on December 1, 2020 shall exist and continue for four (4) separate, successive ten (10) year terms, each of which shall be self-renewing upon the same terms contained in the contract unless one party notifies the other not less than six (6) months prior to the end of the current 10-year term that it does not want to renew the contract.

Motion was made by Councilmember Daughtridge, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that the water purchase contract with the Town of Nashville (**C-2021-1**) be approved and that the Mayor and City Clerk be authorized to execute the same on behalf of the City.

Council discussed the term of the contract and questioned the forty (40) year time period. Water Resources Director Brenton Bent responded to questions. Mr. Bent noted that the prior contract was for a term of forty (40) years and the current contract is basically a renewal of the previous contract. He added that the terms can be renegotiated at the end of each 10-year period and further explained the contract is for wholesale water rates only and each budget season water rates are open for consideration by the City Council.

WATER ASSESSMENT CONTRACT

The City Council received a water assessment contract with Brandon Clarke and Etaf Hatu for water service to 1832 Willow Glynn Road (PIN #384111761765). Council was advised that the contract provides for prepayment of water meter and capacity fees of \$265 and for the remaining water main and tap fees of \$4,000 to be assessed against the property.

Motion was made by Councilmember Daughtridge, seconded by Councilmember Walker and unanimously carried by roll call vote (7 ayes/0 nays) that the assessment contract with Brandon Clarke and Etaf Hatu for water service to 1832 Willow Glynn Road (**C-2021-2**) be approved and that the Mayor and City Clerk be authorized to execute the same on behalf of the City. This contract will be recorded in the Office of the Nash County Register of Deeds.

MONUMENT TRANSFER AGREEMENT

The City Council received a monument transfer agreement with Robert Henry Ricks Camp 75 (SCV Camp 75) of the NC Sons of Confederate Veterans and the Bethel Heroes 636 North Carolina Division United Daughters of the Confederacy (UCD Bethel Heroes). The Council was advised that relocation of the confederate monument previously located on a parcel of land west of the Tar River owned by the Rocky Mount Mills to a location in Nash County will preserve and protect it from damage. It was noted that the SCV Camp 75 and the UDC Bethel Heroes shall be solely responsible for moving the monument and the City shall have no responsibility, obligations or liability and that the monument and stored portions must be removed from City property and delivered to the new site within one hundred twenty (120) days of the effective date.

Motion was made by Councilmember Knight, seconded by Councilmember Joyner and unanimously carried by roll call vote (7 ayes/0 nays) that

the monument transfer agreement (C-2021-3) be approved and that the Mayor be authorized to execute the same on behalf of the City.

CITY COUNCIL MEETING SCHEDULES (REGULAR AND COMMITTEE OF THE WHOLE)

Consideration was given by the City Council of 2021 City Council and Committee of the Whole (COW) meeting schedules.

Motion was made by Councilmember Blackwell, seconded by Councilmember Walker and unanimously carried by roll call vote (7 ayes/0 nays) that the 2021 meeting schedules be approved.

APPOINTMENTS

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

BROADBRAND EXPANSION/INTERNET SERVICE

Upon request of Councilmember Knight consideration was given to the preparation and adoption of a resolution supporting broadband expansion and voicing concern relative to local internet service in the City.

By consensus, the City Council directed that a Resolution relative to broadband service be prepared and placed on the agenda for the January 25, 2021 for consideration.

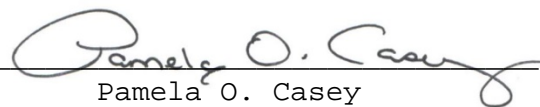
CLOSED SESSION

The Mayor stated that a Closed Session has been requested for a matter concerning attorney-client privilege.

Motion was made by Councilmember Joyner, seconded by Councilmember Miller and unanimously carried by roll call vote (7 ayes/0 nays) that the City Council go into Closed Session at 8:16 p.m. The minutes of the Closed Session shall be filed as **ESM-570** at the end of **Minute Book 38** upon approval for release by the City Attorney.

REGULAR SESSION/ADJOURNMENT

The Mayor convened the City in regular session at 8:28 p.m. and without opposition the meeting was adjourned at 8:29 p.m.



Pamela O. Casey
City Clerk