

April 12, 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.

*NOTE: Participation limited due to Governor Roy Cooper's Executive Order relative to the Coronavirus pandemic (COVID-19)*

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

Staff present: Rochelle Small-Toney, City Manager; Pamela O. Casey, City Clerk; Dorothy Brown Smith, Chief Communications and Marketing Consultant; Mark Adcox, Video Production Specialist; Jessie Nunery, Media Relations Specialist; Will Deaton, Development Services\*; and Richard J. Rose, City Attorney.

*\*present as required*

The Mayor called the meeting to order at 6:57 p.m. and requested a moment of silence in prayer for families and victims of violent crime and particularly for Johnny Cunningham.

#### **APPROVAL OF MINUTES**

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried that the minutes of a regular scheduled meeting of the City Council held March 22, 2021 and a Special Called Committee of the Whole meeting held March 29, 2021 be approved as submitted to the City Council prior to the meeting.

#### **COMMUNITY UPDATE BY CITY MANAGER**

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

- Announced in celebration of Fair Housing Month, on Thursday, April 22<sup>nd</sup> at 10 a.m., the Human Relations Department, in conjunction with the Fair Housing Project of Legal Aid of North Carolina, will host a virtual Fair Housing and Landlord-Tenant Rights Webinar. Discussion topics will include who must comply with fair housing, who is protected by the Federal Housing Administration (FHA), Landlord-Tenant rights, mobile homes and the eviction process in North Carolina. Advanced registration is required for this FREE seminar. To register visit [rockymountnc.gov](http://rockymountnc.gov).
- Reported that the City's Business and Collections Services Department is utilizing the Community Development Block Grant CARES Act to assist utilities customers within the City limits who meet income requirements. The program is designed to assist with helping pay utility bills for low-to-moderate income households impacted by the loss of income due to the COVID-19 pandemic. Eligible households may receive up to \$500 toward delinquent City of Rocky Mount utilities that became due after March 31, 2020 and remain unpaid. For more information on eligibility requirements, visit [rockymountnc.gov](http://rockymountnc.gov) or contact the City's Business Services Center at 972-1250.
- Advised that the City's Community and Business Development Department is currently accepting applications for the Small Business Assistance Grant Program. All interested and eligible small businesses with 25 or fewer employees, based in the City

of Rocky Mount, are encouraged to apply for CARES Act Community Development Block Grant (CDBG-CV) funding to assist in the preparation, prevention and response to coronavirus. For more information or to download an application, visit [rockymountnc.gov](http://rockymountnc.gov) or call the Community Development Administrator at 252-972-1178.

- Reported that the City's Tar River Transit service is offering free rides to COVID-19 vaccination sites for those with scheduled appointments to "drive-up" sites. Transportation is available from 8 a.m.-5 p.m. Monday-Saturday to vaccination sites located in Nash and Edgecombe Counties. Citizens who are interested in transportation to and from vaccination sites may call Tar River Transit at 252-972-1174, 252-972-1514, 252-972-1515, 252-972-1516 or 252-972-1517. All appointments need to be scheduled the day before the trip. Healthcare facilities may also call and schedule transportation on behalf of their patients. Free rides will be available until at least June 30, 2021. Visit [tarrivertransit.org](http://tarrivertransit.org) regarding more information about general routes and services.
- Announced that the Communications, Marketing and Public Relations office has relaunched the video format of City Beat. The weekly discussions are designed to provide another platform for residents to receive the latest City news and information, and the episodes will feature guests including City staff, City leaders and elected officials. Episodes will be streamlined to be more social media friendly. Episode locations will vary throughout the City. Broadcast platforms include a Spotify podcast, the City's Facebook page as well as the CITY-TV 19 YouTube page. Suddenlink cable subscribers will also be able to view the episodes on Tuesdays and Thursdays on Channel 19 at 4 a.m., 6 p.m. and 11 p.m.

#### **AUTISM AWARENESS & ACCEPTANCE MONTH**

The Mayor presented a proclamation declaring April 2021 as Autism Awareness & Acceptance Month to Barbara Batts. Ms. Batts thanked the Mayor for this recognition and stated there are several organizations in the City that support autism and job seeking for children and adults with autism. She added she is thrilled to be accepting this proclamation on behalf of the Twin County Autism Family Support Group started three years ago at Englewood United Methodist Church. Ms. Batts made additional comments and Mayor Roberson and the City Manager joined her for a photograph.

#### **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:

- ***Samuel Battle:***
  - ***Paid respect to Johnny Cunningham and said he is going to miss him coming to City Council meetings to speak; said he respected him for saying what he had to say along with some others who are/were outspoken such as Pastor Elbert Lee, Lewis Turner and Reverend Thomas Walker;***
  - ***Said the killing in Rocky Mount is out of hand; he called the names of some who have been murdered and the date of their death;***
  - ***Said solving unsolved murders should be number one instead of housing***
- ***Nehemiah Smith, Jr.:***
  - ***Recognized the absence of Johnny Cunningham by saying "has anyone seen my old friend, John" and making additional comments about Mr. Cunningham;***

- *Suggested we continue to do the work Mr. Cunningham was doing because he is taking a well-deserved rest adding, if so, he thinks we will find a better Rocky Mount and be a better people*

#### **PLANNING BOARD RECOMMENDATIONS**

The City Council acknowledged receipt of draft minutes and recommendations from a Planning Board meeting held March 9, 2021. 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. PUBLIC HEARING/REZONING REQUEST**

Mayor C. Saunders "Sandy" Roberson, Jr. 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 Jerry Pittman to rezone ±0.614 acres located on Avalon Road from R-6MFA to R-8

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

*NOTE: No public comments were received.*

Motion was made by Councilmember Joyner, seconded by Councilmember Daughtridge and unanimously carried that **Ordinance No. O-2021-20** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

#### **B. PUBLIC HEARING/REZONING REQUEST**

Mayor C. Saunders "Sandy" Roberson, Jr. 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 Ted Heilbron of Kelly Development Company to rezone ±6.035 acres located on East Raleigh Boulevard, off Glory Drive, from R-10 to R-6MFA

Ted Heilbron of Kelly Development Company appeared and thanked the City Council for its consideration of the project. He said the plan is to build an 84-unit low-income tax credit housing project. He added there is an application into the North Carolina Housing Finance Agency and the developer hopes to receive an award in August and break ground early next year. Will Deaton, Director of Development Services, told the Council that staff recommends approval based upon the recommendation by the Planning Board.

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

*NOTE: No public comments were received.*

Motion was made by Councilmember Daughtridge, seconded by Councilmember Blackwell and unanimously carried that **Ordinance No. O-2021-21** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

**C. PUBLIC HEARING/REZONING REQUEST**

Mayor C. Saunders "Sandy" Roberson noted two Councilmembers have requested a ruling from the City Attorney as to their ability to vote on this rezoning request and called on City Attorney Richard J. Rose for comment.

The City Attorney stated some Councilmembers are affiliated with OIC and added he will outline North Carolina law relative to the Councilmembers' ability to vote on zoning matters. He said, by law, a Councilmember is prohibited from voting on a zoning matter ONLY if the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. He said he has spoken with the members and does not believe there will be a direct, substantial and readily identifiable financial impact on the members.

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 Calvin Balance with OIC of Rocky Mount to rezone ±4.08 acres located at 436 North Pearl Street from I-2 to B-2

Darrell Terry with OIC appeared and reported that OIC is developing the property as a multi-use facility with office, retail, rental space and industrial usage for a distribution warehouse.

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

*NOTE: No public comments were received.*

Motion was made by Councilmember Joyner, seconded by Councilmember Walker and unanimously carried that **Ordinance No. O-2021-22** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

**ASSESSMENTS/HOUSING CODE ENFORCEMENT/PUBLIC HEARING**

The Mayor opened a public hearing relative to assessments proposed to be levied to recover costs incurred by the City in connection with Housing Code Enforcement on the following properties:

- a. 332 N. Howell Street
- b. 101 Heron Street
- c. 509 N. Vyne Street
- d. 500/502 Clyde Street

No one from the public appeared relative to the assessments and the Mayor declared the public hearing closed.

Motion was made by Councilmember Walker, seconded by Councilmember Blackwell, and unanimously carried that **Resolution No. R-2021-17** entitled **RESOLUTION CONFIRMING ASSESSMENTS** be adopted.

**AWARD OF DUTY SIDEARM**

The City Council received a recommendation for the award of a duty sidearm and badge to Lieutenant Beth Carlton who retired from the Rocky Mount Police Department on April 1, 2021 with more than 27 years of service.

Motion was made by Councilmember Daughtridge, seconded by Councilmember Joyner and unanimously carried that award of duty sidearm and badge be approved.

**FY 2021 INSTALLMENT PURCHASE CONTRACT - EQUIPMENT**

The City Council was advised that requests for proposals (RFPs) were received and opened on March 17, 2021 to provide an installment financing contract for the purpose of financing the purchase of equipment listed on RFP 2021IFC-1 in the amount of \$4,434,000 for 59 months. It was noted the RFP was mailed to 13 firms with 4 responding and staff recommends the Council adopt a resolution authorizing the execution and delivery of the installment financing for the following equipment:

- **59-month term (\$4,434,000)**
  - \$1,285,000 - Transformers at Old Mill Road Point of Delivery Station
  - \$2,400,000 - Wastewater Treatment Plant Generation System
  - \$167,000 - Tar River Reservoir Raw Water Aeration System
  - \$582,000 - Wastewater Treatment Plant Switch Gear & Motor Control Center

The Council was advised that the most favorable rate was received from Banc of America Public Capital Corp. which proposes to finance purchase of the equipment at the fixed interest rate of .7617% for the 59-month term.

Motion was made by Councilmember Joyner, seconded by Councilmember Walker and unanimously carried that the proposal of Banc of America Public Capital Corp. be accepted and that **Resolution No. R-2021-18** entitled **RESOLUTION APPROVING A PROPOSAL FROM BANC OF AMERICA PUBLIC CAPITAL CORP. TO FINANCE THE ACQUISITION OF VEHICLES AND EQUIPMENT** be adopted.

This resolution authorizes the Mayor, the Finance Director and the City Manager, or any one of them, to execute and deliver an installment financing agreement consistent with the BAPCC Proposal, to execute certificates and documents, and to take all such further action as may be considered necessary or desirable to carry out the financing of the equipment as contemplated by the BAPCC Proposal and this resolution.

**ANNEXATION NO. 321/3583 S. HALIFAX ROAD (NON-CONTIGUOUS)**

The City Council received a petition from Janice G. Howell, acting by and through her duly appointed Attorney-in-Fact, Michael Eugene Martin, for annexation of a non-contiguous parcel at 3583 S. Halifax Road.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried that receipt of the petition be acknowledged and that **Resolution No. R-2021-19** entitled **RESOLUTION ORDERING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF A PETITION FOR ANNEXATION OF A NON-CONTIGUOUS AREA INTO THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT - ANNEXATION NO. 321 - 3583 S. HALIFAX ROAD** be adopted.

**NEIGHBORHOOD STABILIZATION PROGRAM (NSP)/SIGNATORY AUTHORITY**

The City Council was advised that the City has funding available for drawdown from the Neighborhood Stabilization Program and in order to access the funds it is necessary to adopt a resolution and update the signatory form and certification authorizing execution.

Motion was made by Councilmember Walker, seconded by Councilmember Blackwell and unanimously carried that **Resolution No. R-2021-20** entitled **RESOLUTION AUTHORIZING EXECUTION OF REQUISITION OF FUNDS FORMS FOR THE NEIGHBORHOOD STABILIZATION PROGRAM** be adopted and that the City Clerk be authorized to execute the required certifications. This resolution authorizes Amy Staton, Director of Finance; Nicki Gurganus, Accounting Manager; and Rochelle D. Small-Toney, City Manager, to execute the requisition for funds forms.

**STREET NAME CHANGE/BLUE HAWAIIAN DRIVE TO WOLF ROAD**

City Manager Rochelle D. Small-Toney advised the City Council that the City's Street Name Review Committee has completed a review of a street name change request from Wolf Xray Corporation and recommends approval of the requested street name change from Blue Hawaiian Drive to Wolf Road.

Motion was made by Councilmember Blackwell, seconded by Councilmember Daughtridge and unanimously carried that **Resolution No. R-2021-21** entitled **RESOLUTION APPROVING STREET NAME CHANGE FROM BLUE HAWAIIAN DRIVE TO WOLF ROAD** be adopted.

Councilmember Knight asked to be advised of the process for changing the name of streets. He reported that over a year ago a request was made to rename a portion of Battle Street to Shehadeh Street. He said he does not know if the request has been stalled or ignored adding that he has asked about it several times without receiving a response. Mr. Knight said Mousa Shehadeh is a part of the Arab community and has been every involved in the City with the Human Relations Commission and if there is a problem with the request the problem needs to be stated.

Mayor Roberson invited the City Manager to provide a response and Councilmember Knight stated he does not want a response but wants the matter handled. The Manager stated it will be addressed.

**BIDS/BUSINESS SERVICES HVAC REPLACEMENT PROJECT**

The City Council was advised that proposals were received and opened on February 19, 2021 for the Business Services HVAC Replacement Project, after all necessary legal procedures had been implemented, including advertisement, the solicitation was also posted on the City's purchasing webpage and on the North Carolina Interactive Purchasing System website and the proposals are on file in the office of the City Clerk as **BD-2021-4**. The City Council was further advised that the lowest responsible bidder, Matthews Mechanical, is a women-owned business.

Motion was made by Councilmember Knight, seconded by Councilmember Joyner and unanimously carried that the bid be awarded to Matthews Mechanical at a total cost of \$162,800 and that the Mayor and City Clerk be authorized to execute the bid contract on behalf of the City.

**BID/MEADOWBROOK PARK RECREATION AND PLAYGROUND EQUIPMENT**

The City Council received a recommendation for the purchase of recreation and playground equipment for the Meadowbrook Park Playground through Omnia Partners, Public Sector, a cooperative purchasing organization for state and local government, K-12 education, colleges and universities. The City Council was advised that all contracts available have been competitively solicited and publicly awarded by a government entity serving as the lead agency while utilizing industry best practices and processes and that group purchasing programs are an exception to competitive bidding under N.C.G.S. 143-129(e)3.

The Parks and Recreation Department is requesting the purchase of recreation and playground equipment for Meadowbrook Park Playground based on RFP #269-2017-028, a bid awarded by Omnia Partners, Public Sector.

Motion was made by Councilmember Knight, seconded by Councilmember Joyner and unanimously carried that the purchase of recreation and playground equipment for Meadowbrook Park Playground at a total cost of \$90,239.30 from Kompan, Inc. be approved and that the Purchasing Division be authorized to issue a purchase order for the equipment in accordance with the Council's award.

Bid documentation for this purchase will be filed in the office of the City Clerk as **BD-2021-5**.

**APPOINTMENTS**

The Mayor reported that City Manager Rochelle D. Small-Toney is designating the following appointees to the Carolinas Gateway

Partnership: Councilmember T.J. Walker as the public member and H D. Pope as the private member.

Councilmember Blackwell volunteered to serve in the unexpired position on the Tar River Transit Governing Board. This unexpired term shall expire December 31, 2022.

Councilmember Daughtridge volunteered to serve in the unexpired position on the Upper Coastal Plain Brownfield Coalition Steering Committee.

Motion was made by Councilmember Walker, seconded by Councilmember Joyner and unanimously carried that:

- Councilmember Blackwell be appointed to the Tar River Transit Governing Board; and
- Councilmember Daughtridge be appointed to the Upper Coastal Plain Brownfield Coalition Steering Committee.

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

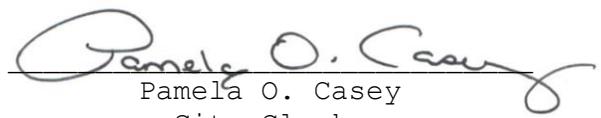
#### **COMMENTS**

Councilmember Joyner thanked all Councilmembers, the City Manager, staff and delegates for their participation in the City Council retreat adding that Council is looking forward to receiving action plans.

Mayor Sandy Roberson joined with Councilmember Joyner in appreciating those who planned the City Council retreat adding the retreat went off seamlessly.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:35 p.m. without objection.

  
Pamela O. Casey  
City Clerk