

August 2, 2021

The City Council of the City of Rocky Mount met this day in a Special Called session scheduled for 5:00 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 D. Small-Toney, City Manager; Pamela O. Casey, City Clerk; Elton Daniels, Assistant City Manager; Jessie Nunery, Interim Director of Communications and Marketing; Mark Adcox, Video Production Specialist; Robert Hassell, Police Chief; Brad Kerr, Public Works Director; Brenton Bent, Water Resources Director; Gregory Cotten, Chief Technology Officer; Corey Mercer, Fire Chief; Will Deaton, Development Services; Michael Roupp, Assistant Chief of Operations; Paula Carbone, Senior Internal Auditor; Joel Dunn, Parks and Recreation Director; Tracey Drewery, Assistant Fire Chief of Administration and Planning; and Richard J. Rose, City Attorney.

Security Officer: Senior Police Officer, Shawn Battle.

The Mayor called the meeting to order at 5:02 p.m. and announced the purpose of the special called meeting being consideration of a lease. Mayor Roberson called on City Manager Rochelle D. Small-Toney to explain the lease.

**LEASE AGREEMENT/D'CHILL SPOT LLC**

City Manager Rochelle D. Small-Toney explained that the matter before Council today is consideration of a resolution authorizing the lease of City-owned property at 207-211 East Thomas Street (previously occupied by the Prime Smokehouse) to D' Chill Spot, LLC for a term of one (1) year. She advised that either party may terminate the lease upon not less than ninety (90) days prior written notice to the other party. The main terms of the lease were outlined as:

- Term: one (1) to commence August 2, 2021;
- Rent: \$38,004 annually; no rent shall be due for the first three (3) months of the term; thereafter rent of \$3,167 per month shall commence with the fourth (4<sup>th</sup>) month and continue through the end of the term or earlier upon termination of the lease.

Councilmember Knight questioned the urgency of calling a special meeting to approve the lease and the City Manager responded that the City Council's next meeting is not until August 9, 2021, and the tenant wants to celebrate a Jamaican holiday prior to such time.

Councilmember Miller questioned under what terms is the tenant able to make modifications to the inside of the property. Ms. Small-Toney

responded by saying staff has been making modifications to the property for several months and thought it constructive to allow this tenant to move forward with leasing the property at this time because they had had an opportunity for a lease elsewhere and it was the desire to keep the tenant within the City.

\*Councilmember Blackwell arrived

Councilmember Daughtridge voiced a concern that while this lease is for one (1) year that any modification to the lease agreement extending the term should come back to Council for approval and be properly noticed, if the new term is longer than one (1) year. City Attorney Richard J. Rose said the statute allows approval of leases for one (1) year without the need to publish notice and if the tenant desires to continue the lease beyond such time the process would start over. He reiterated that either party has the right to terminate the lease upon notice. Councilmember Daughtridge stated in his opinion it is prudent to advertise should the lease agreement be extended beyond the one (1) year term.

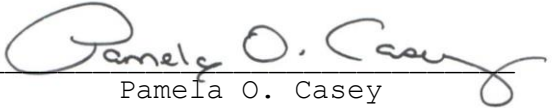
\*Councilmember Walker arrived

Additional discussion was held.

Motion was made by Councilmember Knight, seconded by Councilmember Blackwell and unanimously carried that **Resolution No. R-2021-37** entitled **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT AUTHORIZING THE LEASE OF PROPERTY FOR A ONE (1) YEAR TERM** be adopted. This resolution provides for the lease of city-owned property at 207-211 East Thomas Street to D' Chill Spot and authorizes the City Manager to execute the lease agreement **(C-2021-28)** on behalf of the City.

**ADJOURNMENT**

There being no further business, the City Council meeting adjourned at 5:12 p.m.

  
Pamela O. Casey  
City Clerk