

October 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.

Staff present: Rochelle Small-Toney, City Manager; Pamela O. Casey, City Clerk; Elton Daniels, Assistant City Manager; Jessie Nunery, Interim Communications, Marketing and Public Relations Director; Robin Cox, Communications Specialist; Chris Beschler, Director of Energy Resources; Peter F. Varney, Interim Director of Community & Business Development; Brad Kerr, Public Works Director; Kena Cofield-Jones, Humans Resources Director; Will Deaton, Development Services Director; Archie Jones, Director of Human Relations; Gregory Cotten, Chief Technology Officer; Joel Dunn, Parks and Recreation Director; Latasha Hall, Director of Business and Collections Services; Abdul Baloch, Chief Internal Auditor; Tracey Drewery, Assistant Chief of Administration & Planning (Fire Department); Keyana Walston, Management Analyst; Corey Mercer, Fire Chief; Ken Hunter, Assistant to the City Manager for Budget and Evaluation; Tim Farmer, Operations Manager, Public Works Department; Kim Batts, Deputy City Clerk and Richard J. Rose, City Attorney.

*NOTE: Public participation limited relative to the Coronavirus pandemic (COVID-19); meeting was accessible remotely via FaceBook and the City's YouTube Channel. A number of staff members relocated to allow additional space for the public.*

Security Officers: Police Sergeant Stephen Walker and Senior Police Officer, Shawn Battle.

The Mayor called the meeting to order at 7:02 p.m. and requested all to stand to observe a moment of silence.

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

Mayor Roberson asked if there were any additions or deletions to the agenda adding he is aware of the need to add a closed session for a personnel matter.

Mayor Roberson announced that the City Council is scheduling a Special Called Committee of the Whole meeting for Monday, October 18, 2021, at 4:00 p.m. to be held in the Nash Room, Second Floor of the Rocky Mount Event Center for the purpose of discussion relative to redistricting.

**APPROVAL OF MINUTES**

Motion was made by Councilmember Joyner, seconded by Councilmember Walker and unanimously carried that the minutes of

a regular re-scheduled Committee of the Whole meeting held September 13, 2021, be approved as submitted to the City Council prior to the meeting. The minutes of the regular rescheduled Committee of the Whole meeting are set out below:

**MINUTES OF A REGULAR RE-SCHEDULED MEETING OF A COMMITTEE OF THE WHOLE HELD MONDAY, SEPTEMBER 13, 2021, IN THE GEORGE W. DUDLEY CITY COUNCIL CHAMBER OF THE FREDERICK E. TURNAGE MUNICIPAL BUILDING WITH MAYOR PRO TEM RICHARD JOYNER PRESIDING:**

*NOTE: Participation limited relative to the Coronavirus pandemic (COVID-19)*

MEMBERS PRESENT:

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

MEMBER ABSENT:

Reuben C. Blackwell, IV

OTHERS PRESENT:

Caroline Mackie, Poyner Spruill  
 Bill Gilkeson, Demographer

Security Officers: Stephen Walker  
 and Shawn Battle

STAFF PRESENT:

Rochelle D. Small-Toney  
 Pamela O. Casey  
 Jessie Nunery  
 Mark Adcox  
 Robert Hassell  
 Robin Cox  
 Archie Jones  
 Ken Hunter  
 Elton Daniels  
 Joel Dunn  
 Greg Cotten  
 Todd Gardner  
 Candice Kirtz  
 Kena Cofield-Jones  
 Keyana Walston  
 Corey Mercer  
 Latasha Hall  
 Will Deaton  
 Peter Varney  
 Kelly Cook  
 Tracey Drewery  
 Brad Kerr  
 Michael Roupp  
 Chase Norwood  
 Brenton Bent  
 Abdul Baloch  
 Kevin Harris  
 Richard J. Rose

**OPENING OF MEETING**

Mayor Pro Tem Richard Joyner called the meeting to order at 4:05 p.m. and called on the City Manager. City Manager Rochelle D. Small-Toney requested a closed session at the end of the Committee of the Whole meeting for matters concerning economic development and attorney-client privilege.

Ms. Small-Toney called on City Attorney Richard J. Rose to introduce the first presenter.

**1. 2021 CITY OF ROCKY MOUNT REDISTRICTING - Caroline Mackie, Poyner Spruill**

City Attorney Richard J. Rose introduced Caroline Mackie, a partner with the Poyner Spruill law firm, to provide a presentation from the Local Redistricting Service relative to the guiding principles for redistricting of the City Council wards for the upcoming 2022 municipal election.

Ms. Mackie introduced demographer, Bill Gilkeson. She told the Council she is here today to talk to them about the criteria for the re-districting, provide an overview and answer any questions they may have.

She told Council the guiding principles or criteria will serve as instructions to the demographer and will be used to prepare the plans adding that some of the principles will be legal requirements. She stated the Council they will need to make a decision as to whether they want 1, 2 or 3 plans/options. Ms. Mackie added that there will be a public hearing on the proposed criteria at the September 27, 2021, City Council meeting.

She presented a PowerPoint presentation outlining the guiding principles (criteria) for the redistricting as follows:

- REQUIRED GUIDING PRINCIPLES:
  1. To comply with one-person, one-vote constitutional principles, every district's total population should be within plus or minus 5% of the ideal district size
    - o All seven wards will have to be within plus or minus % of the idea ward size and the City population will be divided by seven to obtain the ideal size
    - o One person/one vote is non-negotiable
    - o The first goal is to equalize population; the second goal will be consideration of race (though race cannot predominate if there is not a constitutional reason)
  2. Minority voting strength should not be diluted, but race should not unnecessarily predominate
- ONE-PERSON, ONE-VOTE
  - o City's population imbalance:
    1. Ward 1 = -6.75%
    2. Ward 2 = -13.23%
    3. Ward 3 = -2.22%
    4. Ward 4 = -3.28%
    5. Ward 5 = +8.88%
    6. Ward 6 = +11.97%
    7. Ward 7 = +4.61%
  - o Wards 3, 4 and 7 were noted to be within plus/minus 5%
  - o Wards 1, 2, 5 and 6 are out of the plus/minus 5% range;
  - o Wards 1 and 2 have lost population and Wards 5 and 6 have gained population
  - o Even if the Council decides to make as few changes as possible to bring the districts into compliance, the census blocks will be split
- OPTIONAL GUIDING PRINCIPLES
  1. In order to minimize voter confusion, districts should retain their current configuration, to the extent possible ("core preservation");
  2. Alternatively, the existing district lines should not be considered except to the extent legally required ("blank slate")
  3. Follow natural boundaries and physical features, such as roads or waterways, to the extent possible (certain landmarks can be considered, if identified)
  4. Use precincts as building blocks for the district, to the extent possible (instructions can be given to keep precincts whole; avoid voter confusion and easier for the Boards of Election)
  5. Recognize and respect neighborhood boundaries
  6. Recognize and respect communities of interest, to be defined by Council with public input (very broad; can mean economic communities, cultural communities, ethnic communities, university communities, etc.); certain groups of people who live close together that should be kept together; very important to many)
  7. Avoid the pairing of incumbents in the same district (avoid pairing current Councilmembers in the same district; easier with core preservation)

8. Consider areas of potential future population growth (Council will need to advise if there are planned multi-family communities or areas in which growth is expected over the next 10 years; likewise, if population is expected to decrease the group will need to be advised so that wards can be kept in balance);
9. Districts should be reasonably compact, to the extent possible (harder for cities to meet; generally measured by looking at districts; also, mathematical measurements can be done and have both benefits and disadvantages)

Councilmember Knight arrived\*

Councilmember Daughtridg requested the PowerPoint presentation be provided to Council and suggested it be placed on the City's website.

Ms. Mackie invited the City Councilmembers to share any information they think should be considered in the redistricting. She explained there are two alternatives from which Council will need to choose:

1. Core preservation - using the existing ward lines the demographer makes few changes with the goal to bring the wards within a plus/minus of 5%, plus correcting census block issues (limits voter confusion); or
2. Blank slate - Start with a blank slate and not consider current ward lines to draw new wards based on the guiding principles adopted

She added a third alternative would be to follow natural boundaries and physical features (roads, waterways, etc.) and they will need to be advised if there are certain landmarks that should be dividing lines for current or future wards.

She invited input and questions from the Council.

Councilmember Daughtridg stated that recognizing and respecting neighborhood boundaries is important. He voiced a desire for core preservation as much as possible.

Councilmember Knight suggested that the Planning Department may be able to assist in predicting growth. He said growth is expected and with the I-95 exchange more growth can be expected in Wards 5, 6 and 7. He said it is hoped growth will come due to the Kingsboro Industrial Park. He stated the City is struggling with affordable housing in that area.

In response to a question from Councilmember Walker, Ms. Mackie stated the City has retained Poyner Spruill as legal counsel and Bill Gilkeson as the demographer and both she and Mr. Gilkeson are part of a group identified as The Local Districting Service who work with local governments. She added the local governments will be required to commit to open meetings adding that no election data will be used (open/non-partisan process).

Councilmember Knight voiced support for the Local Districting Service saying they have a lot of experience.

In response to an earlier question from Councilmember Daughtridg, Mr. Gilkeson reported that the population in Rocky Mount as of April 1, 2020, was 54,341, down from 57,477 in the 2010 census.

Discussion continued.

Ms. Small-Toney asked if a schedule of the steps can be provided to the Council. She said this information is important to share with the public. Ms. Mackie outlined the schedule to include:

September 27, 2021	Public hearing on guiding principles
October 11, 2021	Provide draft maps to Council and present proposed plans
October 25, 2021	Public hearing on proposed plans
November 8, 2021	Adoption of new ward map
November 12, 2021	Deadline by which City must notify Boards of Elections whether new map can be delivered by November 17, 2021
December 17, 2021	Option to extend deadline for cities (Boards of Elections would need to be notified; would change filing period)

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

**2. AFFORDABLE HOUSING STRATEGIC PLAN UPDATE – Jayson Dawkins**

City Manager Rochelle D. Small-Toney stated the next item on the agenda is the monthly update on the affordable housing strategic plan. She introduced Policy Analyst Jayson Dawkins to provide an update.

Mr. Dawkins told the City Council the purpose of the Affordable Housing Strategic Plan is to create a menu of potential options to address absence of affordable housing in the City; preserve and rehabilitate existing housing stock and improve the homeownership and rental marketplace. He presented a PowerPoint presentation outlining the following:

- Who needs affordable housing:
  - Fire, Police, Teachers, Nursing Assistants, Cashiers, Fast Food Workers and Wait Staff – all represent examples of salaries that fall near the 80% AMI (\$34,200) as a single person
- Current affordable housing strategic plan recommendations:
  - Financial support:
    - Creation of a Housing Trust Fund – bylaws & articles of incorporation to be presented to Council
    - Creation of an Acquisition Fund and creation of a Preservation Fund – to be established and maintained by Housing Trust Fund
    - Creation of Community Land Trust (CLT)– staff will present organizational documents at future Council meeting; Dr. Johnson and Professor Bonds will host two community/stakeholder meetings (September 9 and 16) to present step-by-step presentation and answer questions relative to the CLT
    - Passage of General Obligation Bond – staff and financial consultants analyzing existing and future City debt capacity and affordability
    - Implementation of Residential Production Program – program information posted on Downtown website; application process open; staff will send communications to Downtown property owners with properties suitable for residential development and updating incentives; preparing brochures and marketing

- o Land Assembly:

- Increase construction of multi-family housing near major transit stations - staff is compiling list of suitable vacant properties
- Implement Tax/Lien Foreclosure Policy - paralegal continued researching complexity of foreclosures; staff developing scoring method for qualifying properties within focused neighborhoods
- Implement Receivership Program - staff does not recommend due to cost of service, length of receivership program and difficulties in identification of receivers

Mr. Dawkins explained staff's recommendation to not pursue Receivership as a possible recommendation for the Affordable Housing Strategic Plan.

The City Council was advised that staff continues to work on the implementation process for the remaining recommendations in the Rocky Mount Housing Strategic Plan and was provided with the following update on the progress.

**The Housing Trust Fund (HTF)**

- Staff continues to finalize the HTF's articles of incorporation and bylaws to be presented to Council for approval at an upcoming meeting;
- The Acquisition Fund and Preservation Fund will be established and managed through the HTF

**The Community Land Trust (CLT)**

- Staff continues collaboration with Dr. Jim Johnson and Professor Jeanne Bonds from UNC-Chapel Hill on program implementation;
- The City will hold two community and stakeholder meetings on Thursday, September 9<sup>th</sup>, in the City Council Chamber and Thursday, September 16<sup>th</sup>, at the Booker T. Theater, both at 6:00 p.m.;
- Dr. Johnson and Professor Bonds will present a step-by-step guide and answer potential questions related to the CLT at the meetings;
- Staff is finalizing the organizational documents for Council's approval at a later Council meeting and will continue the process of identifying potential development projects for the CLT

**Financial Support Recommendations**

- Staff continues to analyze the City's existing and future debt capacity relative to the passage of a general obligation bond;
- The City Council adopted the Residential Production Program Grant policy recommendations at the July 26, 2021, City Council meeting; staff has updated the information on the Downtown website and applications are available;
- Information will be provided to Downtown property owners with properties suitable for residential development;
- Staff is exploring various tools to market incentives for the Downtown

**Land Assembly Recommendations**

- *Increased construction of multi-family housing near major transit stations - staff is compiling an inventory of the*

vacant properties near major transit stations to study the viability of placing housing in those corridors;

- *Implement a tax/lien foreclosure* - staff has developed a scoring method to identify qualifying properties in the targeted neighborhoods; the point system for eligible properties depends on location, the severity of delinquent debt, length of time under code and economic impact on the City
- *Implement a Receivership Program* - staff has concluded after conversations with the City's attorneys that the length of the receivership process, designation of potential receivers and uncertainty of legal costs would make a "Receivership" difficult to implement; additionally, the City would have no authority over the receiver's actions regarding the sale of the property once the receivership process is complete and the program is not recommended;
- *Private Property Receivership*" - the City Council received a memo from Jayson Dawkins, Policy Analyst, to the City Manager outlining information relative to NCGS 160D-1130, Vacant Building Receivership, which became law on June 25, 2018, and became effective October 1, 2018.

#### **Planning Improvement Recommendation**

- *Revised Density Bonus Policy* - staff will be adopting bonuses in commercial and residential districts based on area median income (AMI) and is using the City of Asheville as a model to develop the City's policy; staff will present the Land Development Code (LDC) amendment at the September 14<sup>th</sup> Planning Board meeting;
- *Revised Minimum Parking Requirements* - staff is amending the Land Development Code (LDC) to allow flexibility from the City's parking requirements with an approved parking demand analysis, establishment of maximum automobile parking space requirements; permitting reduced parking space minimums in specific setting and introducing standards for bicycle parking; the Planning Board has approved the amendment;
- *Increase Promotion of Accessory Dwelling Unit Policy* - Development Services will work with the Communications, Marketing and Public Relations Department to market all planning improvement recommendations outlined in the strategic plan;
- *Residential Housing in Commercial Districts and Revisions and Additions to the Existing Definitions for Dwelling in the Land Development Code* - approved by the City Council on August 9<sup>th</sup>

#### **Innovative Recommendations**

- *Utilizing Solar Energy for New Construction and Home Rehabilitation* - staff is conducting research and will present a revised policy on incorporating solar energy to City Council at the October 11<sup>th</sup> Committee of the Whole meeting;
- *Utilizing Green Building Practices for New Construction and Home Rehabilitation* - staff researched potential strategies to incorporate into the affordable housing construction and rehabilitation efforts; strategies include transitioning all City facilities to green energy, providing incentives to residential homeowners, commercial and industrial businesses to encourage them to adopt more green alternatives and implementing modular, pre-fabricated and kit homes in the Affordable Housing Strategic Plan

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

**3. MINORITY/WOMEN BUSINESS ENTERPRISE PROGRAM (MWBE) - Aaron Harris**

Aaron Harris, MWBE Coordinator, provided the City Council with the FY 2021 Annual Report relative to the MWBE Business Enterprise program and provided an overview of the program, an update on the City's spend, and goals and results including program status and milestones.

Mr. Harris presented a PowerPoint presentation outlining the mission and vision of the MWBE program including: program roles and program functions and provided the annual report.

He outlined MWBE trends from FY2017 - FY2021 (including increases by year) and current City spend by department as:

<b>Fiscal Year</b>	<b>MWBE Participation</b>	<b>Increase</b>
FY2021	5.63%	191
FY2020	2.91%	101
FY2019	.88%	84
FY2018	1.62%	30
FY2017	1.34%	

<b>DEPARTMENTS MEETING GOALS</b>	<b>MWBE INCREASE</b>
Neighborhood Redevelopment	11%
City Clerk	40%
City Manager's Office	77%
Community Development	18%
Development Services	45%
Fire	15%
Human Relations	62%
Human Resources	48%
Park & Recreation	23%
Public Works	13%
<b>DEPARTMENT GOALS UNMET</b>	<b>MWBE SPEND</b>
Mayor/Council	5%
Business & Collection Services	5%
Energy Resources	1.5%
Finance	5%
Police	4%
Technology	7%
Water Resources	5%

Mr. Harris outlined strategies for low performance, barriers addressed by the program, the incubator purpose, potential program growth and MWBE outreach efforts and opened the floor for questions from Councilmembers.

The Council was advised that staff is reaching out to small businesses, but it is difficult to assist them with business development. The City Manager advised that the MWBE program is currently a one-person operation and falls under Purchasing and additional resources will be required in order for the program to be more robust. Mayor Pro Tem Joyner suggested a collaboration with the community colleges/Wesleyan. Councilmember Daughtridge added that the Chamber of Commerce may also provide assistance and suggested reaching out to the Rural Center adding there is a lot of expertise available. Discussion continued.

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

**4. FY 2021 4<sup>th</sup> QUARTER (UNAUDITED) REVENUE & EXPENDITURES - Ken Hunter**

City Manager Rochelle D. Small-Toney introduced Ken Hunter, Assistant to the City Manager for Budget & Evaluation, to provide a report relative to FY 2021 4<sup>th</sup> quarter revenue and expenditures. Ms. Small-Toney told the Council the report is unaudited but provides a snapshot of how the last fiscal year ended.

The City Council was provided with a report of revenues and expenditures for FY 2021. Mr. Hunter told the Council that the report of revenues and expenditure provides information for the City's primary general government and enterprise funds and all funds remain in sound condition as of June 30, 2021, the end of the 4<sup>th</sup> quarter of FY 2021. He added that throughout the 4<sup>th</sup> quarter General Fund revenues remained stronger than forecast for the year to date. He reported that:

- Ad valorem taxes grew 3.6% compared to FY 2020 and were 3.2% over the FY 2021 COVID-adjusted forecasts;
- Local option sales tax grew 9% and ended 29% greater than forecast (increase can be tied to increase in sales tax base and online purchases);
- Departments did an excellent job managing expenditures and there was no increase;
- Other current revenue groups finished FY 2021 higher than projected, with the exception of Interest Earnings, which declined more dramatically than projected due to the wide scope of Federal Reserve intervention in available securities markets and Sales and Services, which declined due to continued implementation of COVID-related restrictions and closures; and
- End of year balance = \$7,374,150 (revenues over expenditures; includes transfer of motor vehicle permit fees to General Fund)

Mr. Hunter advised that expenditure activity in FY 2021 finished well within budgeted levels enabling the City to achieve significant contributions to fund balance and reserves across multiple funds. He reported that:

- Electric and gas revenues finished the fiscal year above budgeted forecasts;
- Water revenues remained slightly below last year's level;
- Sewer sales increased due to the impact of significant rainfall

The Assistant to the City Manager for Budget & Evaluation presented a PowerPoint presentation that included:

- Revenue performance review = FY 2021 - Actual =\$70.656M; Budget forecast = \$66.980M; Difference = +5.6%
- Graphs of ad valorem taxes (actual compared to forecast and vehicle ad valorem actual compared to forecast), local option sales tax; and General Fund Operating Ratio

Mr. Hunter provided the Council with information with regard to the current local employment statistics and workforce and wage details.

Councilmember Daughtridge questioned if sales tax from in-person and online sales could be separated, and Mr. Hunter stated when he looked last week the State had not separated it. He responded to other questions.

The City Manager stated that the City finished FY 2021 in a strong position as a result of reductions in expenditures adding that the City Council adopted a conservative budget.

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

5. OVERVIEW OF ECONOMIC DEVELOPMENT ADMINISTRATION/AMERICAN RESCUE PLAN AND BBBRC PHASE 1 APPLICATION - Ken Hunter

Ken Hunter, Assistant to the City Manager for Budget & Evaluation, presented a PowerPoint presentation and advised the City Council that the Economic Development Administration (EDA) of the U.S. Department of Commerce received \$3B from the American Rescue Plan Act (ARPA) "to assist communities nationwide in their efforts to build back better by accelerating the economic recovery from the Coronavirus Pandemic and building local economies that will be resilient to future economic shocks." He told the Council the funding would enable large, transformational investment at the local and regional levels, more flexible spending, and emphasis on equity. The Council was advised that Rocky Mount is in the Atlanta Region of the EDA.

He reported that the funds have been divided into competitive grant programs open to a variety of local agencies, including municipal governments. He told the Council the program with the earliest application deadline is the Build Back Better Regional Challenge (BBBRC) with a Phase 1 deadline of October 19, 2021. Mr. Hunter noted that staff is preparing an application for the program which is designed to expand local capacity for food processing manufacturing and enabling greater accessibility in this industry for minority-owned businesses. The Council was advised that the City is eligible and plans to apply for four of the six grants and information relative to the grants was provided:

PROGRAM	FUNDING AVAILABLE	MAXIMUM GRANT	MATCH REQUIRED	APPLICATION DEADLINE
BBBRC	\$1B	Phase 1 = \$500,000 Phase 2 = \$75M	Phase 1 = 0% Phase 2 = 20%	Phase 1 = 10/19/21 Phase 2 = 3/15/22
Good Jobs Challenge	\$500M	\$25M	10% - 20%	1/26/2022
Economic Adjustment Assistance	\$300M	\$10M	20%	Rolling: no later than 3/15/22
Travel, Tourism and Outdoor Recreation	\$240M	\$10M	20%	Rolling: no later than 3/15/22

Mr. Hunter explained that grant matches for certain programs may be facilitated through the leveraging of additional funds which will likely include a combination of financing and state grants. He added that EDA requires the BBBRC application align with goals established in the local region's Comprehensive Economic Development Strategy (CEDs). The Council was provided with information relative to the growth cluster focus, potential projects and preliminary costs estimates (\$60M; cannot use ARPA funds). It was explained that:

- the following CEDs for the area were developed by the Upper Coastal Plain Council of Governments and City staff and are believed to align with the proposed projects:
  - o Build on the Region's Competitive Advantages and Leverage Marketplace; and
  - o Create Revitalized, Healthy and Resilient Communities
- the City would serve as lead applicant in the pursuit of the BBBRC grant;
- Staff is reaching out to local agencies and jurisdictions for support and partnership; and
- Next Steps include:
  - o Upon Council approval, staff will prepare a Phase 1 application for the BBBRC Program and submit same for Council consideration at the October 11, 2021, meeting;
  - o Staff will coordinate with regional partners;

- o Upon approval the application would be submitted to EDA no later than October 18, 2021;
- o Staff will work with the state and the Golden Leaf Foundation to identify potential matching funds for utility and infrastructure improvements in order to construct shell buildings (greatest challenge); and
- o Prepare plans and applications for other eligible EDA ARPA grant programs.

Councilmember Knight questioned who the staff coordinator would be and was advised that Mr. Hunter has been identified for that role. Councilmember Daughtride questioned why Nash County is not a partner and was advised that the Carolinas Gateway Partnership is a key economic partner and Nash County is not a member. Mayor Pro Tem Joyner requested to be involved in conversation relative to the application process as to food policy.

Discussion continued and Mr. Hunter responded to questions. City Manager Rochelle Small-Toney clarified that it is the consensus of Council to authorize staff to move forward with preparation of the Phase 1 application. Mr. Hunter added the draft application will be a part of the October 11, 2021, COW package. Councilmember Daughtride requested that if a vote is requested on October 11 that Council receive the information earlier to have time to digest the information. The City Manager stated a Special Meeting could be scheduled, if necessary.

**COMMITTEE RECOMMENDATION. By consensus, Council authorized staff to prepare the application as presented for Council's consideration.**

#### 6. CRIME STATISTICS - Robert Hassell

Police Chief Robert Hassell presented a summary of city-wide crime numbers to the City Council for August 2021. It was noted that the presentation covers crime incidents throughout the City currently and in comparison, with the prior year during the same time period. The Council was advised that crime numbers are tracked by the FBI and shared with the Bureau of Justice Statistics for tracking purposes and the presentation includes investigation outcomes for violent crimes and related arrests. The presentation also included maps depicting areas of shots fired, incidences of aggravated assault and murder and highlighted efforts and successes of the Police Department to combat violent crime.

Chief Hassell advised the Council that crime numbers have decreased in all categories for the third month. An overview of Chief Hassell's PowerPoint presentation includes:

- National Incident-Based Reporting System (NIBRS) Part 1 crime comparisons by type were provided. Total crime numbers by months and years were reported as:

Crimes/NIBRS Part 1	August 2020	August 2021	+/-	YTD 2020	YTD 2021	+/-
Total	193	175	-18	1296	1188	-108

- August 2021 crime numbers for murders, aggravated assault and shooting into occupied building(s)/vehicle(s) (map of locations provided):
  - o Aggravated assault cases and investigations:
    - Aggravated assault cases = 26
    - Aggravated assault victims = 47
    - Number cases with multiple victims = 11
    - Aggravated assault arrests = 5
    - Aggravated assault cases cleared = 4
  - o Case Dispositions (total = 26):
    - Cases cleared by arrest = 3

- Inactive cases = 7
- Open cases = 15
- Incident cleared = 1
- \*Gang related = 1
- o Crime Report:
  - Murder, aggravated assault and shooting into occupied building/vehicle: total victims = 47
  - \*Victims with injuries = 14
  - \*Victims without injuries = 33
- o ShotSpotter and Citizen calls City-wide:
  - Shots fired = 52
  - Calls resulting in shell casings found = 29
  - Number shell casings found = 181
  - Number of Firearms Seized = 33
  - Number firearms seized (year to date) = 276
  - Weapon violation arrests = 7
- Community Involvement:
  - o **Police Athletic/Activity League** - sponsoring and coaching a softball and baseball skill development team with Parks and Recreation
  - o **Community events** - participated in the Morning Star Church fund and fellowship event and the Community Day hosted by His Way Ministry; have received official "Pals" designation
  - o **Active Shooter Training** - working to complete City-wide department training (only 2 departments remaining)
  - o **Summer Night Lights** - completed Summer Night Lights events on August 27 and participated in the end of summer event on August 28

Councilmember Joyner thanked Chief Hassell for the Department's participation in the Daughtridge Park celebration. Councilmember Knight questioned what Chief Hassell has found to be his greatest challenge in the four months he has been in Rocky Mount, his plans for assessment/action and what Council can do to support him. Chief Hassell responded that the Department is looking at new technology relative to citizen awareness/education and said he will be talking with the City Manager about some possibilities. He thanked the Council for their support and said he cannot think of anything that is needed currently adding that he has received a lot of support from the Manager and Council. Mayor Pro Tem Joyner thanked the Chief for his work and effort to build moral and protect the City.

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

**CLOSED SESSION**

A closed session was requested for discussion relative to matters concerning economic development and attorney-client privilege.

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**COMMITTEE RECOMMENDATION. Motion was made by Councilmember Daughtridge, seconded by Councilmember Miller, and unanimously carried that the City Council enter into Closed Session at 6:07 p.m.**

The minutes of the Closed Session shall be placed on file as **ESM-588** at the end of **Minute Book 37** upon approval for release by the City Attorney.

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**REGULAR SESSION/ADJOURNMENT.** Motion was made by Councilmember Daughtridge, seconded by Councilmember Miller, and unanimously carried the Committee return to regular session at 6:21 p.m. and the Committee of the Whole meeting was adjourned.

*A printed copy of the PowerPoint presentations are on file in the office of the City Clerk.*

**COMMUNITY UPDATE BY CITY MANAGER**

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

- Began her report by alerting utilities customers that due to an issue with a vendor, utility bills are on a delayed mailing schedule. She stated that staff is working diligently with the vendor to resolve this issue. All utility billing statements that have not been received with an end of October or November due date will not be subject to late penalties. Customers may contact 972-1250 to request the amount of a bill and due date. Customers can make payments with a representative, online or in person at the Business Services Center. She apologized for the inconvenience.
- Advised that the City's Community and Business Development Department is assisting residents through the application process of the Housing Repair Program, which began today and runs through November 12. Eligible homeowners may be able to qualify for a grant of up to \$12,500 for rehabilitation improvements for houses at least 50 years old. To apply, those interested may pick up an application on the first floor of City Hall or call 972-1100 to request a copy by mail. Forms may also be downloaded from the City's website at [rockymountnc.gov](http://rockymountnc.gov).
- Stated that applications are also available for the Small Business Assistance Block Grant program through CARES Act funding. An applicant checklist and required documentation details are available at [rockymountnc.gov](http://rockymountnc.gov) on the Community and Business Development page at [rockymountnc.gov](http://rockymountnc.gov).
- Encouraged citizens to get involved with a number of opportunities available at the Imperial Centre for the Arts and Sciences including auditions for the December production of Sanders Family Christmas. Auditions will take place this week, Wednesday October 13 and Thursday, October 14 from 6 to 8:30 p.m. All ages are welcome to audition. Contact Imperial Centre staff at 972-1575 for more information. Also, visit [imperialcentre.org](http://imperialcentre.org) for a list of fall arts education programs, many of which are free, including Mommy+Me Arts, Clay Arts Afterschool, and more.
- Reported that Emergency Rental and Utility Assistance is now available via Community Development Block Grant COVID-19 funds from the U.S. Department of Housing and Urban Development. Eligible families must have been financially impacted by COVID-19 due to job loss, reduction in hours or pay, furlough or other documented pandemic-related hardships. For more information, call 252-442-8553 or email [housingcenter@embarqmail.com](mailto:housingcenter@embarqmail.com) or [cas@rockymountnc.gov](mailto:cas@rockymountnc.gov).

**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:

- ***Curmilus Dancy:***
  - *Requested the guidelines relative to public comment be revised to bring order to the meetings and remove threats;*
  - *Said members of the local NAACP have attended many meetings over the years and watched how some use the public comment portion of the meeting to disrespect Council, City staff, citizens and others;*

- *Said that anyone speaking who fails to abide by the guidelines outlined by the Mayor should be asked to leave the podium immediately;*
- *Said during the NAACP's last meeting the need to review guidelines of City Council meetings was discussed and members stated they did not feel safe attending the meetings because they feel the Mayor and Council allow citizens to disrespect them;*
- *Said the NAACP members feel some comments are threatening and feel Councilmembers being threatened need to acknowledge they feel threatened, and this matter needs to be taken seriously by the Council, City Attorney and Police;*
- *Said he can relate to an incident where he too felt threatened and met with the Police Chief at the time; and*
- *Said the NAACP hopes the Council will revisit the guidelines, but nothing has changed*

Mayor Pro Tem Joyner asked if there were recommendations for changes and Mr. Dancy said the NAACP feels the Council should address the matter along with the City Attorney since it is a legal matter and did not make any recommendations.

○ ***Nehemiah Smith:***

- *Said there is a call afoot for the City Manager's head on a platter and an incessant cry from the misinformed and agenda-driven mob to crucify her and yet when her predecessors are taken into consideration it's hard to remember any calls for their total and complete annihilation;*
- *Said former City Manager Bill Batchelor insisted that a City worker be arrested for taking a suit of clothes that had been placed on a trash heap and was responsible for the City's only sanitation workers strike;*
- *Said former City Manager Steve Raper with the help of others allowed Gary Weeks to make pig cookers and deer stands on the taxpayers' dime;*
- *Said Charles Penny was demonized for developing and seeing through the Event Center;*
- *Added he has yet to hear anyone say crucify them, but some want to utterly destroy the current City Manager and do so in a most humiliating way;*
- *Said the Manager has made mistakes, but all have fallen short;*
- *Questioned the difference in the current Manager and her predecessors adding he dares not say it is a racial issue but can say she is being held to a standard that the City is yet to hold a man to who has held the same position or because she has more power than a woman should have; or because some are willing to carry out the enemy's agenda or because blood lust outweighs capacity for love; and*
- *Said he is glad he serves a God to sits high and looks low and knows the evil intent that lurks in the hearts of men and though some are attempting to slay her, prays she will continue to trust Him*

○ ***Nathlyn Ohree:***

- *Said she is a proud resident of the beautiful City of Rocky Mount, North Carolina and it is important to look at things with the proper perspective;*
- *Said no one person in the audience has the authority to hire or fire anyone in this room and there is a process for that;*
- *Said to come to this podium and suggest that anyone be removed from their office without going through the proper procedures that have already been established is out of line, disrespectful and unacceptable;*
- *Said Rocky Mount has grown and continues to grow despite what white or black people say and if a black or white person is not helping the City grow, then they need to stop throwing stumbling blocks in the way of those who are advancing the City;*

- *Said some have very strong opinions, but opinions are not worthwhile if citizens are not looking out for each other;*
  - *Said in the final analysis, citizens will let Council know what they think at the ballot box when voting for leaders;*
  - *Encouraged Councilmembers to continue to lead the City using their best ability adding if they make a mistake, own up to it and try harder and work together because together we rise and divided, we fall;*
  - *Said the City Manager is ultimately responsible for ensuring the success of the decisions made by the City Council;*
  - *Encouraged all who notice a need for improvement or development to call the appropriate City Councilmember or department, make a report or request and follow up with the department until the request is addressed;*
  - *Said being rude and disrespectful is unacceptable;*
  - *Said the City Manager has done a superior job of helping the City stay focused and continue advancing in the middle of a pandemic and God sent her here for such a time as this and she is truly grateful for the Manager's expertise and wisdom in the area of city management; and*
  - *Thanked God for Rochelle Small-Toney and the current City administration*
- ***Shante Batts:***
- *Said she lives in Rocky Mount;*
  - *Said she does not know anything positive about the City because she has been coming to Council meetings and has been to everybody in the City trying get help for her son who was arrested on a driving charge and when the Police finished the arrest was for murder;*
  - *Talked about her son and said she could have lost her son;*
  - *Said her son's baby is almost one year old;*
  - *Said she came to the Council meeting showing her son received an honor certificate from high school and had never been in trouble;*
  - *Said her son is sitting in jail for a crime that he didn't even commit, and he was just going on about his business;*
  - *Said she is sick of everybody overlooking the problem and came to ask the Police Department to go back through their records to re-examine her son's case and release him;*
  - *Said nobody has the right to shoot at anyone and there is a problem with kids, crime and gangs;*
  - *Said over 60 young black men have been killed in Rocky Mount so don't tell her this is a good place; said she taught her son not to take a life of someone doing nothing to you;*
  - *Said the Police are not going to punish the kids that shot up her truck and caused the little boy to die in the yard;*
  - *Said this has been going on since November and the Police need to look for witnesses who can say what happened and the wrong kids are locked up; and*
  - *Said her son is under a \$100,000 secured bond for robbing fish tables and he did not do that*
- ***Jacqueline Barnes:***
- *Said she is a former City employee;*
  - *Said in January 2019 she stood in this Council Chamber in support of an embattled City Manager and spoke out in support of her and at the time she was proud of her but tonight as she sits, ironically unable to stand, in a wheelchair and regrets every word she spoke about the City Manager;*
  - *Said she has a total understanding of what was allowed to happen to her, that it was taken as a joke by some, misrepresented as a race thing by a few, invalidated by others and questioned by many;*

- *Said she is not the only one but just happened to be the first to report it in 2019;*
- *Said Council is aware of that and maybe if the white employee from Parks and Recreation will report him it will give her complaint more credence, but she can understand why that employee may not;*
- *Said the City Manager lied to her and left her in the lion's den unaware and with no one caring what was happening to her;*
- *Said if a qualified third-party investigation were conducted as recommended, no one would be discussing this right now and the many nights she has held deep discussions with her husband and parents would be a distant memory;*
- *Said maybe if she was a woman of a different hue, things would have been handled much differently and much more responsibly but none of that matters now; and;*
- *Said maybe she would not have had to retire due to extra mental stress from a job that she loved because someone chose to abuse his power, and another refused to exercise hers*

***Samuel Battle:***

- *Said he is told the other person is a white person;*
  - *Said citizens are first, then the Council and then the Manager and Council has put the Manager over the citizens;*
  - *Said he hopes at election time no one in the City will vote for any current member;*
  - *Said those running for City Council need to let citizens know what side they are on because they heard the young lady's allegations of what the assistant City Manager did;*
  - *Said he watches as some from the NAACP come and turn up their nose adding the City will always be divided and he is one of the haves not;*
  - *Said if this man were in another city he would be gone;*
  - *Said two years ago sanitation workers were being recognized and given money but current ones receive nothing;*
  - *Said Ms. Barnes is not lying and worked for the City for 20 years;*
  - *Said God didn't bring anyone here, but the City Council did, and the Council should be ashamed; and*
  - *Said he does not support the Council*
- ***Quatosia Hill:***
- *Said she is here on behalf of the Holly Street community to thank the City Council, Parks and Recreation and Mr. Dunn and Mr. Allen from South Rocky Mount for the fun night the kids had;*
  - *Said it was last minute, but they heard her cry for the kids and made it happen and they are very grateful;*
  - *Thanked the Police Department and Jabaris Walker and also thanked the City for the lights that were put out at the park adding you can see through the park and a lot of the older people are loving it because you can really see, and it's lit up;*
  - *Asked the City to continue to stand with them and said they have one more event on October 31 that is a trunk or treat event in the park; and*
  - *Thanked the City on behalf of the Holly Street community*

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

Councilmember Blackwell said all on City Council and the Mayor and City Manager have been very respectful and have attempted to be open to the process of any allegation of wrongdoing by any member of the City. He said as it relates to this particular issue, several Councilmembers have had concerns about the process and are concerned

when anyone feels their rights have been violated. He asked the City Attorney about the process and where the City is in relation to the complaint that Ms. Barnes has filed. He said the Council cannot make commentary or statements and as elected officials are not involved in the details. He asked the City Attorney to share what can be shared.

City Attorney, Richard J. Rose, stated that the City does not tolerate discrimination, harassment, bullying or retaliation in any matter, shape, or form against employees, or applicants for employment and in support of this position, the City has written policies with respect to equal employment opportunity, harassment, and discrimination. Each City employee is made aware of these policies during orientation when the employee meets with his supervisor, the policies are given out and they're gone over during this orientation period, and the conditions of employment are explained to each new employee. In addition, the City circulates periodic reminders of the policies to the employees and under these policies, employees are instructed to report alleged discrimination to the Director of Human Resources and alleged harassment or bullying to their managers, supervisors or to the Human Resources Department. Managers and supervisors are required to forward complaints to the Human Resources Department. The complaint is fully investigated by Human Resources. If the investigation determines that discrimination, harassment or bullying or retaliation has occurred, in violation of these policies, appropriate corrective action is taken.

He said the allegations made by Jacqueline Barnes are part of an Equal Employment Opportunity Commission charge filed by Ms. Barnes against the City and are part of a confidential proceeding now pending before the EEOC. The City has filed its response to these charges and is now awaiting a response from the EEOC. Based on what has been able to be determined, the policies have been followed in this case.

**CONSENT AGENDA**

• **FY 2021-2022 ORDINANCE AMENDMENTS (recommended for approval):**

Consideration was given to the following budget ordinance amendments that:

- a. appropriates funds (\$856,679) in the Electric Fund for a replacement generator for substation 9;

- b. transfers drug forfeiture funds in the Canteen Agency Fund (\$369,980) to a Special Revenue Fund - as *recommended by the Governmental Accounting Standards Board*; and
- c. appropriates funds in the General Fund (\$7,500) for purchasing a K-9 Officer for the Police Department - *funds derived from AKC Reunite Adopt A K-9 Cop Grant*

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that the following budget ordinances be adopted:

- a. **Ordinance No. O-2021-79** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2021-2022 FOR SUBSTATION 9 REPLACEMENT GENERATOR;**
- b. **Ordinance No. O-2021-80** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2021-2022 FOR CORRECTION TO CANTEEN AGENCY FUND;** and
- c. **Ordinance No. O-2021-81** entitled **ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 2021-2022 FOR PURCHASING OF POLICE K-9.**

**PUBLIC HEARING/ECONOMIC DEVELOPMENT - EDGECOMBE GENCO PROPERTY**

The City Council was advised that the City proposes to appropriate and expend City funds to extend the term of an option to purchase property for economic development and that a public hearing is required pursuant to N.C.G.S. 158-7.1 and has been properly noticed. City Attorney Richard J. Rose provided the Council with a Resolution for consideration.

The City Council was informed that the second option agreement with Edgecombe Genco LLC for the acquisition of land for economic development expired October 6, 2021, due diligence for this project is ongoing and additional time is necessary to complete the process and financing. The Council was advised that negotiations are ongoing for a third amendment to the option agreement which, unlike the earlier option fees, will not be applied to the purchase price for the property. The City has previously paid total option fees of \$55,000 which will be applied to the purchase price if the option to purchase is exercised. Council was advised that the third option will extend the term through December 31, 2021.

Mayor Roberson opened a public hearing relative to the extension of the option to purchase the Edgecombe Genco property and recognized the following individuals:

- o ***Adrienne Copeland:***
  - Told the Council she thinks options to purchase property is speculating which is gambling and there are better ways to spend tax dollars;
  - Said \$55,000 for a deal that might not go through and could be lost could better be spent purchasing lots, through the use of eminent domain and foreclosing on properties in order to get a real return on the property by selling it to people who pay taxes; told the Council to stop gambling; and
  - Said all proposed redistricting maps should be provided to the public for consideration
- o ***Ernest Taylor:***
  - Told the Council he is an Environmental Services employee; and
  - Thanked the Council for what they do for the City

Mayor Roberson asked Mr. Taylor if his remaining comments were related to the public hearing regarding the option agreement and Mr. Taylor indicated they were not. The Mayor explained the public petitions portion of the meeting has closed.

No one else appeared and the Mayor closed the public hearing.

City Attorney Richard J. Rose reported that:

- After the resolution in the agenda package was prepared the terms of the deal changed and Edgcombe Genco is not willing for the \$10,000 option fee to be applied against the purchase price if the option is exercised;
- They are agreeable to the existing option which allows for the existing \$55,000 previously paid to be applied to the purchase price if the option is exercised;
- There are some issues that are still being negotiated with respect to getting the improvements off the property; and
- The resolution provided grants authority for the Mayor, Manager and City Attorney to enter into the third option if the current issues are resolved or the matter could be brought back to Council to consider at a future meeting.

Motion was made by Councilmember Walker, seconded by Councilmember Blackwell and unanimously carried that **Resolution No. R-2021-48** entitled **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKY MOUNT AUTHORIZING A SIX (6) MONTH EXTENSION OF THE OPTION TO PURCHASE THE EDGECOMBE GENCO PROPERTY** be adopted, as amended. This resolution authorizes the Mayor to execute the Third Amendment to the Option to Purchase. The Options to Purchase will be filed in the Office of the City Clerk as **(C-2021-16)**.

#### **PLANNING BOARD RECOMMENDATIONS**

The City Council received the minutes and recommendations from a Planning Board meeting held September 14, 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**

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 Ben Braddock to rezone ±8.14 acres at 4024 Sunset Avenue from R-15 to B-2

Will Deaton, Director of Development Services, gave an overview of the request.

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

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that **Ordinance No. O-2021-82** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

**B. 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 Patrick Ignacio to rezone  $\pm 0.25$  acres at 108 N. Winstead Avenue from O-I to B-2CD

Will Deaton, Director of Development Services, gave an overview of the request and noted the applicant is present to answer any questions Council may have.

Mayor Roberson recognized the following individuals for comment:

○ ***Phyllis “Cookie” Watson:***

- Told the Council she is a retired real estate broker and a state certified residential appraiser;
- Said she lives directly across from 108 N. Winstead Avenue and on the corner of Gail Drive and Dorman Road and her home faces the property being considered for rezoning;
- Stated the property was a horse pasture when she moved to her home in the early 1970’s and the property was previously rezoned to O&I on the condition that a variance be provided and that a driveway never be placed on the property;
- Said the restrictive covenants were changed without her knowledge and a driveway was installed;
- Said the previous owner opened the driveway and people were circumventing the stop light and cutting through the property;
- Stated the corner she lives on is a blind corner and it is difficult to see around the corner and people were cutting through to avoid two stoplights which increased the traffic, which is a safety hazard, especially since people walk in her neighborhood;
- Said if the rezoning is approved it will increase traffic and the gate will likely be removed;
- Said the previous owner put up a gate because of the traffic and asked that the gate not be removed;
- Said the lights from the parking lot shine into her kitchen door and people drive there all times of the day and night to leave their timesheets in the mailbox at the Home Health Center;
- Requested that the rezoning be reconsidered; said she is not opposed to O&I because the business closes at 5 or 6 p.m.
- Said the requested conditional use will allow too many uses for the property and is opposed to the additional traffic; and
- Requested if the rezoning is granted that there be a requirement to leave the gate in place

○ ***Ed Baker:***

- Told the Council he resides at 108 Dorman Street beside Ms. Watson;
- Said the traffic is getting terrible in that location and there is about 10 or 12 parking spaces; and
- Joined Ms. Watson in her request to require the gate to remain closed in the event the request is granted

○ ***Patrick Ignacio:***

- Told the Council he makes and pushes drugs in a legal way;
- Said the City should be proud to have Ward’s Specialty Pharmacy in the City because they are the only compounding pharmacy in a 40-mile radius;
- Said Ward’s Pharmacy has been a community partner since the eruption of the pandemic and is a source for disinfectant, because they made hand sanitizer during the time no one had hand sanitizer, are a source of masks, disinfectants, hydroxychloroquine and ivermectin; are a resource to the community and do not disrupt the community;
- Said they operate from 9 a.m. to 6 p.m. and have 20 to 30 cars enter their parking lot daily;

- Said he is a Rocky Mount resident and respects the speakers but sometimes wonders if the gate on the property will become a liability to the City in the event there is a house fire by impeding passage; and
- Said the pharmacy wants to continue to be a community partner and assist people

Ms. Watson, Mr. Baker, Mr. Ignacio and the Director of Development Services, Will Deaton, responded to questions from Councilmembers.

Mr. Deaton said there were discussions at the Planning Board meeting about previous conditions that may have applied to the gate but ultimately was not a consideration and was not voted on by the Planning Board. He added the applicant is willing to amend the request to allow for conditions but there could be ingress and egress issues.

Councilmember Daughtridge stated one thing he regrets from being on the Planning Board is the decision not to have a stoplight installed in the area near Dunkin Donuts and Pizza Hut because it is one of the most dangerous intersections in the City. He said he is familiar with this location and would rather be on the side of caution because the fear in changing zonings and issues is that the future cannot be predicted, and it is important to maintain the health of neighborhoods. He added he is not necessarily opposed to the conditional uses but would like to see an agreement for the gate to remain closed at all times.

Councilmember Blackwell asked for clarification relative to the gate mentioned and Ms. Watson pointed out the location of the gate on the map shown. Ms. Watson explained the restrictive covenants agreed to in the 1970's were later amended without her knowledge.

Mayor Roberson stated he is not unfamiliar with deed restrictions and questioned the result if the rezoning is not approved.

The Director of Development Services explained that the nature of the business relative to compounding requires the amendment adding Ward's Specialty Drugs is not a standard pharmacy.

Councilmember Joyner questioned if the gate can be required to be closed and Mr. Deaton stated the conditions could be amended.

City Attorney Richard J. Rose suggested the matter be reconsidered by the Planning Board.

Councilmember Knight suggested there be research relative to the prior restrictive covenants.

No one else from the public appeared and the Mayor declared the public hearing closed.

Motion was made by Councilmember Daughtridge, seconded by Councilmember Joyner and unanimously carried that the matter be referred back to the Planning Board for further consideration.

**C. 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 Peter Varney on behalf of the City of Rocky Mount to rezone +55.52 acres at the intersection of Peele Road and Thomas A. Betts Parkway [having PIN 384200922115] from A-1 to I-1

Will Deaton, Director of Development Services, gave an overview of the request.

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

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that **Ordinance No. O-2021-83** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND MAP OF THE CITY OF ROCKY MOUNT** be adopted.

**D. 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:

- Amend the Land Development Code (LDC) to define affordable housing and provide a density bonus for residential development that includes affordable housing
  - Chapter 1 entitled "DEFINITIONS AND CONSTRUCTION," Sec. 102. Terms and uses defined; adds text relative to definition for Affordable Housing in alphabetical sequence
  - Chapter 6 entitled "DISTRICT DIMENSIONAL STANDARDS," Sec. 605. Affordable Housing Density Bonus. (adds text relative to permitting of Affordable Housing Density Bonus)

Will Deaton, Director of Development Services, gave an overview of the requested amendments.

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

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that **Ordinance No. O-2021-84** entitled **ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF ROCKY MOUNT** be adopted.

**HOME RECONCILIATION AGREEMENT**

The City Council was advised that the Down East HOME Consortium was formed in 1995 in order for the two counties and most of the municipal jurisdictions to receive funding through HUD's HOME Investment Partnership Program. The City serves as the Lead entity and is responsible for ensuring compliance. During 2013 through 2016 the City spent the HOME funds allocated to the various member jurisdictions for housing improvement projects in the City and last year staff calculated the amounts the City should return to the various jurisdictions and drafted "reconciliation" agreements.

The Council was further advised that Edgecombe County signed the agreement, but Nash County did not and over the past few months staff has more accurately calculated the amount that should be returned to member jurisdictions and reviewed the calculations with the members. The "reconciliation" agreement between the City, Edgecombe County, Nash County and Tarboro has been revised and the main terms are as follows:

- The City will return HOME funds as shown below:
  - **Funding Allocations:**

JURISDICTION	ALLOCATION
Nash County	\$1,201,429
Edgecombe County	601,764
Town of Tarboro	125,991

- **Management of funds:** Nash and Edgecombe Counties will manage the allocations for the member jurisdictions that lie within their respective boundaries and Nash County will manage the full allocation for the Town of Sharpsburg.
- **Lead Entity:** The parties acknowledge the City serves as the Lead Entity and is responsible for ensuring compliance with HUD guidelines and regulations.
- **Communication:** The City agrees to meet monthly with HOME Program Staff in each county and the Town of Tarboro to monitor progress and advise and assist with compliance.
- **Advancement of funds:** The City, as Lead Entity, agrees to advance HOME funds in increments to ensure expeditious payment to contractors and agents of the Counties and Town.

Motion was made by Councilmember Blackwell, seconded by Councilmember Joyner and unanimously carried that the HOME Investment Partnership Fund Reconciliation Agreement (**C-2021-32**) be approved and that the City Manager and City Clerk be authorized to execute the same on behalf of the City.

#### **CDBG AND HOME GRANT AGREEMENTS/GRANT PROJECT ORDINANCE**

The City Council was advised that staff has received notice of approval of the following HUD grants:

- CDBG - \$514,419;
- HOME Investment Partnerships - \$407,772; and
- HOME-American Rescue Plan - \$1,476,477

Council was further advised that the CDBG and HOME funds will be used in accordance with the Annual Action Plan previously approved and the Down East HOME Consortium will need to prepare a plan for the use of the HOME-American Rescue Plan funds.

The City Council was provided with a proposed budget for the HOME-ARP funds, grant agreements and a grant project ordinance for receipt and disbursement of the funds (\$1,476,477). Council was advised that the Edgecombe County allocation includes funding for the following Consortium member jurisdictions: Conetoe, Pinetops and

Princeville in addition to the unincorporated areas of Edgecombe County.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that the grant agreements be approved and that the Mayor and City Manager be authorized to execute the grant agreements on behalf of the City; and that **Ordinance No. O-2021-85** entitled **GRANT PROJECT ORDINANCE/2021-2022 HOME AMERICAN RESCUE PLAN GRANT PROJECT** be adopted.

**PROPERTY DISPOSITION - 206 and 210 NORTH PINE STREET AND 114 SOUTH TILLERY STREET**

The City Council was notified that the City has received an offer from Kevin Jones to purchase City-owned property consisting of a house and lot at 210 North Pine Street and a vacant lot adjacent at 206 North Street along with a structure consisting of four (4) apartments and a lot at 114 South Tillery Street.

It was recommended that the Council acknowledge receipt of Mr. Jones' offer and adopt a resolution to intent to enter into a right to purchase and affordable housing agreement. The main terms of the proposed agreement were outlined as:

- 1) Improvements: The proposed owner must secure all permits and complete the rehabilitation of the houses within eighteen (18) months of entering into the agreement;
- 2) Financing: The prospective owner must secure the financing required to accomplish the rehabilitation and cannot use the property as collateral;
- 3) Affordable housing: The deed conveying the lots to the prospective owner will contain restrictive covenants requiring that the houses be occupied for at least ten (10) years by households wherein the annual income (adjusted for family size) is not more than eighty percent (80%) of the Rocky Mount area median income and will be accompanied by a promissory note secured by a deed of trust;
- 4) Insurance: The prospective owner must provide evidence of casualty insurance for full replacement value and liability insurance for \$1,000,000; and
- 5) Sales price: The City will convey the property for each lot after the Certificates of Occupancy are issued.

Motion was made by Councilmember Walker, seconded by Councilmember Joyner and unanimously carried that the terms of the Home Purchase Agreements with Kevin Jones be approved, and that **Resolution No. R-2021-49** 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 206 and 210 NORTH PINE STREET AND 114 SOUTH TILLERY STREET** be adopted. This resolution authorizes the City Clerk to advertise the offer for upset bids pursuant to G.S. 160A-269 until such time as a qualifying higher bid has been received, with no upset bid, and at such time the amount of the

final high bid shall be reported to the City Council for consideration of approval. The Council reserves the right of the City to withdraw the property from sale at any time prior to closing and the right to reject all bids at any time.

**PROPERTY DISPOSITION - 659 WEST RALEIGH BOULEVARD**

The City Council was notified that the City has received an offer from Billy Coppage to purchase City-owned property consisting of a residential structure and lot at 659 West Raleigh Boulevard.

It was recommended that the Council acknowledge receipt of Mr. Coppage's offer and adopt a resolution of intent to enter into a right to purchase and affordable housing agreement. The main terms of the proposed agreement were outlined as:

- 1) Improvements: The proposed owner must demolish the existing structure within six (6) months and would have another twelve (12) months following the six-month demolition period to build a new residential structure. (Proposed owner plans to use the new structure either as an office for a non-profit agency or as a home for residential occupancy);
- 2) Financing: The prospective owner must secure the financing required to accomplish the rehabilitation and cannot use the property as collateral;
- 3) Affordable housing: The deed conveying the lot to the prospective owner will contain restrictive covenants requiring that the house be occupied for at least ten (10) years by households wherein the annual income (adjusted for family size) is not more than eighty percent (80%) of the Rocky Mount area median income and will be accompanied by a promissory note secured by a deed of trust;
- 4) Insurance: The prospective owner must provide evidence of casualty insurance for full replacement value and liability insurance for \$1,000,000; and
- 5) Sales price: The City will convey the property for the lot after the Certificate of Occupancy is issued.

Motion was made by Councilmember Walker, seconded by Councilmember Joyner and unanimously carried that the terms of the Home Purchase Agreement with Billy Coppage be approved and that **Resolution No. R-2021-50** 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 659 WEST RALEIGH BOULEVARD** be adopted. This resolution authorizes the City Clerk to advertise the offer for upset bids pursuant to G.S. 160A-269 until such time as a qualifying higher bid has been received, with no upset bid, and at such time the amount of the final high bid shall be reported to the City Council for consideration of approval. Council reserves the right of the City to withdraw the property from sale at any time prior to closing and the right to reject all bids at any time.

**BUILD BACK BETTER REGIONAL CHALLENGE (BBBRC) GRANT/PHASE I**

The City Council was provided with a Phase 1 grant application for the Economic Development Administration (EDA) Build Back Better

Regional Challenge (BBRC) Grant which focuses on growing the local food manufacturing cluster.

The Council was advised that, if the Phase I grant is awarded, the City will receive \$500,000 from the Economic Development Administration (EDA) to cover expenses associated with technical assistance services required in the development of a Phase 2 grant and that no City match will be required for receipt of Phase 1 funds. Additionally, the City Council was advised that if the City is awarded a Phase 2 grant anticipated to be \$60,000,000, it will be responsible for a 20% match of \$12,000,000. It was explained that the necessary match for the grant will be facilitated through the leveraging of additional funds for the construction of three (3) proposed shell buildings, which will likely include a combination of financing and state grants for necessary infrastructure and utility improvements.

It was noted the City will serve as lead applicant in pursuit of the grant and staff is currently working with the following jurisdictions and agencies to establish a required Coalition: Edgecombe County, Town of Tarboro, Town of Nashville, Rocky Mount Area Chamber of Commerce and Carolinas Gateway Partnership. Additional partners were identified as: Opportunities Industrialization Center (OIC), Rocky Mount Edgecombe CDC, NC Cooperative Extension, Edgecombe Community College, Nash Community College, North Carolina Wesleyan College, Ripe Revival, Inc., Partner Capital (CDFI), Black Business Matters Initiative and Rocky Mount Food Council.

Motion was made by Councilmember Joyner, seconded by Councilmember Walker and unanimously carried that the application be approved and that staff be authorized to submit the grant application; that the Mayor, City Manager and City Clerk be authorized to execute the grant application and any other required documentation and certifications, including the subsequent grant agreement on behalf of the City.

**BID/BUSINESS SERVICES CENTER RENOVATION A&E DESIGN AWARD**

The City Council was informed that qualifications were received and opened on August 10, 2021, for the Business Services Center Renovation Design (re-roofing, storefront replacement and toilet upgrades) after all necessary legal procedures, including newspaper advertising, had been implemented. The solicitation was also posted on the City's purchasing webpage, the North Carolina Interactive Purchasing System website and the North Carolina HUB Opportunity website and the bid tabulation is on file in the office of the City Clerk as **BD-2021-29**.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried the bid contract be

awarded to Oakley Collier Architects as the highest qualified firm, at a total cost of \$95,000 and that the Mayor be authorized to execute the bid contract on behalf of the City. The Council was advised that Oakley Collier Architects will subcontract 20% with a MWBE.

**BID/ONE (1) USED 2007 CATERPILLAR 3516C DIESEL PACKAGE GENERATOR SET**

The City Council received a recommendation for the purchase of one (1) used 2007 caterpillar 3516C diesel package generator set in accordance with NCGS 143-129(e)(10) which allows "used equipment" to be purchased without seeking competitive bids. Bid documentation is on file in the office of the City Clerk as **BD-2021-30**.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that the bid be awarded to Gregory Poole Power Systems at a cost of \$800,635.17 plus \$56,044.46 for sales tax, for a total cost of \$856,679.63 and that the Purchasing Division be authorized to issue a purchase order for the equipment in accordance with the Council's award.

It was noted that the City is receiving \$684,230 in insurance reimbursement costs and the net cost to the City for the equipment is \$172,449, which includes the \$100,000 deductible, removal and installation costs as well as sales tax.

**BID/ONE (1) JOHN DEERE TRACTOR BOOM MOWER**

The City Council received a recommendation to purchase one (1) John Deere Tractor Boom Mower through the Sourcewell Group Purchasing Program, a competitive group purchasing program that serves education and government agencies nationally through competitive bidding and offers competitively obtained purchasing solutions, pursuant to N.C.G.S. 143-129(e)(3).

The Public Works Department is requesting the purchase of one (1) John Deere Tractor Boom Mower based on contract #052417-AGI-Roadway Maintenance Equipment, with related accessories, attachments, materials and supplies, a bid awarded by Sourcewell.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that the purchase of one (1) John Deere Tractor Boom Mower at a total cost of \$195,912.40 from Quality Equipment, an authorized representative for Alamo Group (TX), 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 with the bid documentation in the office of the City Clerk as **BD-2021-31**.

**BID/ONE (1) JOHN DEERE 210G EXCAVATOR**

The City Council received a recommendation to purchase one (1) John Deere 210G Excavator through the Sourcewell Group Purchasing Program, a competitive group purchasing program that serves

education and government agencies nationally through competitive bidding and offers competitively obtained purchasing solutions, pursuant to N.C.G.S. 143-129(e)(3).

The Public Works Department is requesting the purchase of one (1) John Deere 210G Excavator based on contract #032119-JDC-Heavy Construction Equipment with related accessories, attachments and supplies, a bid awarded by Sourcewell.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that the purchase of one (1) John Deere 210G Excavator at a total cost of \$255,782.10 from James River Equipment 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 with the bid documentation in the office of the City Clerk as **BD-2021-32**.

**BIDS/ONE (1) STEEL PUSHOUT TRANSFER TRAILER**

The City Council received copies of the tabulation of bids received for one (1) Steel Pushout Transfer Trailer for the Public Works Department based on Contract #TR11-18 for Equipment, Cargo and Specialty, a bid awarded by HGACBuy Cooperative Purchasing, a unit of local government that strives to make the governmental procurement process more efficient by establishing competitively priced contracts for goods and services and providing the customer service necessary to help its members achieve their procurement goals. Bid documentation is on file in the office of the City Clerk as **BD-2021-33**.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that the bid be awarded to B&C Body Company based on the HGACBuy Cooperative Purchasing contract at a total cost of \$107,300.62 and that the Purchasing Division be authorized to issue a purchase order for the equipment in accordance with the Council's award.

**BIDS/CITY HALL 2<sup>ND</sup> AND 3<sup>RD</sup> FLOOR RENOVATIONS**

The City Council received and opened proposals for City Hall 2<sup>nd</sup> and 3<sup>rd</sup> floor renovations on September 23, 2021, after all necessary legal procedures had been implemented. The solicitation was also posted on the City's purchasing webpage and on the North Carolina Interactive Purchasing System website and the bid tabulation is on file in the office of the City Clerk as **BD-2021-34**.

Motion was made by Councilmember Joyner, seconded by Councilmember Blackwell and unanimously carried that the bid be awarded to H.G. Reynolds Company, Inc. as the lowest responsive responsible bidder, at a total cost of \$591,000, (second floor - \$349,000; third floor - \$197,000) and that the Mayor and City Clerk be authorized to execute the bid contract on behalf of the City.

**SPECIAL CALLED COMMITTEE OF THE WHOLE MEETING SCHEDULED**

The City Council considered scheduling a Special Called Committee of the Whole Meeting for Monday, November 1, 2021, at 6:00 p.m. in the George W. Dudley City Council Chamber, Third Floor of the Frederick E. Turnage Municipal Building for the purpose of holding a public hearing relative to redistricting.

Motion was made by Councilmember Joyner, seconded by Councilmember Daughtride and unanimously carried that the Special Called Committee of the Whole Meeting be scheduled for Monday, November 1, 2021, at 6:00 p.m.

**APPOINTMENTS**

Motion was made by Councilmember Daughtride, seconded by Councilmember Blackwell and unanimously carried that Councilmember Richard Joyner be re-appointed to the Transportation Advisory Committee for a term to expire on June 30, 2023.

No action was taken to fill the remaining vacancies.

**CLOSED SESSION (ADDED IN OPEN MEETING)**

The Mayor requested a Closed Session to discuss a personnel matter.

Motion was made by Councilmember Joyner, seconded by Councilmember Knight and unanimously carried that the City Council enter into Closed Session at 8:15 p.m. for the purposes stated. The minutes of the Closed Session shall be filed as a part of ESM-590 at the end of Minute Book No. 37 upon approval for release by the City Attorney.

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**REGULAR SESSION**

The Mayor convened the meeting in regular session at 8:57 p.m. and there being no further business, the Council meeting was adjourned.

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Pamela O. Casey  
City Clerk