**17318**

**Roanoke Rapids City Council**

**July 1, 2014**

The regular meeting of the City Council of the City of Roanoke Rapids was held on the above date at 5:15 p.m. at the Lloyd Andrews City Meeting Hall.

Emery G. Doughtie, Mayor

Carl Ferebee, Mayor Pro Tem

Suetta S. Scarbrough)

Carol H. Cowen)

Wayne Smith)

Joseph Scherer, MPA, MS, City Manager

Lisa B. Vincent, MMC, City Clerk

Gilbert Chichester, City Attorney

Kathy Kearney, Deputy City Clerk/Human Resources Manager

MeLinda Hite, Finance Director

Andy Jackson, Police Uniform Captain

Larry Chalker, Public Works Director

John Simeon, Parks & Recreation Director

Kelly Lasky, Planning & Development Director

Stacy Coggins, Fire Chief

Christina Caudle, Main Street/Development Director

Ernest C. Bobbitt, Council Member

Tommy Hathaway, Police Chief

Mayor Doughtie called the meeting to order and opened the meeting with prayer.

With no one indicating a conflict of interest with any of the items on the agenda, motion was made by ­­­­­­­­­­­Councilwoman Cowen, seconded by Councilman Smith and unanimously carried to adopt the business agenda for July 1, 2014.

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**Roanoke Rapids City Council**

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Mr. Gerald Lynn McDaniel of 701 Carolina Street, Roanoke Rapids, NC, holding up a *Roanoke Rapids Daily Herald* newspaper with the headlines “What’s in a road?”, stated this article is about area officials protesting the exclusion of US Highway 158 from the list of strategic transportation corridors being compiled by the North Carolina Department of Transportation. He stated he looked up exclude and it means to keep out, to not include, and exclusive means snobbish, selective, permitting only certain people or things. He stated some take this to mean that Raleigh does not care and that we have been written off the map. Mr. McDaniel stated some people believe that this happens to northeastern North Carolina all the time as mentioned by Mr. James Pierce in the article. He stated one of the reasons given for US Highway 158 being excluded was because there are not enough activity centers and tourism along the highway.

Mr. McDaniel stated Roanoke Avenue has become a logging path. He stated log and chip trucks travel up and down Roanoke Avenue all day. He stated he is not sure this is the type of traffic we want on the Avenue.

Mr. McDaniel stated he wants to assure the Mayor that he is not advertising but there is life after tolling. He stated a lot of people say they hate tolls. He stated he despises them but there has got to be a way to get something out of them. He explained that he asked a restaurant owner on the Avenue if he would be willing to give $5.00 back at the cash register if he could fill his restaurant up with people. He stated this person said yes but when asked about tolls, people say no. Mr. McDaniel stated I-95 is an aorta of money. He stated Exit 173 was built because the interstate ended there. He stated tolls are the way to float all boats.

Mayor Doughtie reminded Mr. McDaniel that he had exceeded his time limit and thanked him for his comments.

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Mr. McDaniel apologized and indicated he would be back to discuss this topic again.

Motion was made by Councilwoman Scarbrough, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve the June 11 and June 17, 2014 Council Minutes.

A ballot vote was taken and City Clerk Vincent announced that Tina Gregory, Kathy White and Mike Kelly received the unanimous vote for appointment to the Canal Museum Advisory Committee and Mike Green received the unanimous vote for appointment to the Roanoke Canal Commission.

Motion was made by Councilwoman Cowen, seconded by Councilman Smith and unanimously carried to appoint Tina Gregory, Kathy White and Mike Kelly to the Canal Museum Advisory Committee and to appoint Mike Green to the Roanoke Canal Commission.

City Manager Scherer stated Charter Communications, parent company of HPI Acquisition Co., LLC (current franchise holder), has recently been acquired by Comcast. He pointed out that the current franchise which expires in March of 2016 requires the City to consent to any transfer of control of the franchise.

City Manager Scherer stated a resolution approving the transfer of control has been provided to Council for consideration. He pointed out that the City followed this same process in 1999 when Charter Communications acquired Helicon Cable Communications.

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Mayor Pro Tem Ferebee stated no changes have been made in the terms of the franchise agreement.

City Manager Scherer stated that is correct. He stated the current franchise will remain in place.

Councilman Smith stated Charter used to give a senior citizen discount. He asked if anyone knows what changed with that.

City Manager Scherer stated he does not know but will check with the company about that issue.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Scarbrough and unanimously carried to adopt the following resolution:

**CONSENT TO ASSIGNMENT AND CHANGE OF CONTROL**

**WHEREAS,** HPI Acquisition Co., LLC (“Franchisee”) is the duly authorized holder of a franchise, as amended to date (the “Franchise”), authorizing Franchisee to serve the City of Roanoke Rapids, NC (the “Franchise Authority”) and to operate and maintain a cable television system therein; and

**WHEREAS,** Charter Communications, Inc. (“Charter”) is the ultimate parent company of Franchisee; and

**WHEREAS,** on April 25, 2014, Charter and Comcast Corporation (“Comcast”) entered into the Comcast/Charter Transactions Agreement (the “Agreement”), pursuant to which the Franchisee, through a restructuring under Charter’s ownership, will become CCO Transfers, LLC (“New Franchisee”) and immediately thereafter will become a wholly-owned subsidiary of Comcast (the “Transaction”); and

**WHEREAS,** Franchisee has filed an FCC Form 394 with the Franchise Authority with respect thereto; and

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**WHEREAS,** the Franchise Authority has considered and approves of the Transaction.

**NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:**

1. The foregoing recitals are approved and incorporated herein by reference.

2. The Franchise Authority consents to the Transaction.

3. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the pro forma assignment of the Franchisee and change of control of the New Franchisee to Comcast has been duly and validly taken.

4. Comcast or New Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Comcast; (b) restructure debt or change the ownership interests among existing equity participants in Comcast; (c) pledge or grant a security interest to any lender(s) of Comcast’s assets, including but not limited to, the Franchise, or of interest in Comcast, for purposes of securing any indebtedness; and (d) sell equity interests in Comcast or any of Comcast’s affiliates.

5. Upon closing of the Transaction, New Franchisee shall remain bound by the lawful terms and conditions of the Franchise.

6. This Resolution shall be deemed effective upon adoption.

7. This Resolution shall have the force of a continuing agreement with New Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of New Franchisee and Comcast.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2014.

Emery G. Doughtie, Mayor

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ATTEST:

Lisa B. Vincent, City Clerk

City Manager Scherer reported on a recent Peanut Belt RPO meeting that he and Councilman Bobbitt attended. He stated discussion centered on the new point system the North Carolina Department of Transportation is using to designate funding for road projects. He stated based on DOT’s definition, this new system is intended to reinforce economic development but in his opinion, it does not foster new economic development.

City Manager Scherer stated the need to widen US Highway 158 from I-85 to the coast has been discussed for many, many years. He stated we have been told that our region, which is comprised of Divisions 1 and 4, will receive $2 million over the next 10 years for road projects. He stated the RPO will have to figure out what projects it can afford to fund. City Manager Scherer stated the US Highway 158 widening project is a very expensive project and will probably not be funded.

City Manager Scherer stated we need to let our legislators and DOT know that this system does not have a positive impact on northeastern North Carolina.

City Manager Scherer reported that the Library was recently awarded a $1,500.00 grant from the Upper Coastal Plain Council of Governments for the purchase of books.

City Manager Scherer reported that the Public Works Department is basically finished with the maintenance work at Rochelle Pond and we have received a few positive comments from the residents.

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City Manager Scherer stated staff will be monitoring the approach of Arthur, the first tropical storm of the year. He stated at this point, we expect minimal impact but will continue to monitor it.

City Manager Scherer reminded everyone that municipal offices will be closed on Friday in observance of Independence Day. He emphasized personal safety when enjoying fireworks, water sports and grilling. He stated all have a potential for serious injuries.

Councilman Smith asked City Manager Scherer if we have started advertising the sale of the Theatre.

City Manager Scherer stated he is working with a few folks to find a commercial agent that is willing to work with a local agent.

Councilman Smith asked about a time frame.

City Manager Scherer stated he hopes to have something for Council to review in the next month or so.

Mayor Doughtie recognized Khai Hoang, the new reporter from the *Roanoke Rapids Daily Herald* assigned to cover City meetings, activities, etc.

There being no further business, motion was made by Councilwoman Cowen, seconded by Mayor Pro Tem Ferebee and unanimously carried to adjourn.



7/15/2014