

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
APRIL 12, 2010**

The April 12, 2010 regular Council meeting of the Rocky Mount Town Council was held in the Council Chambers of the Rocky Mount Municipal Building located at 345 Donald Avenue, Rocky Mount, Virginia at 7:00 p.m. with Mayor Steven C. Angle presiding. The following members of Council were present:

Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker

The meeting was called to order by Mayor Angle.

For the record, the following were present: All members of Town Council as noted, Town Manager C. James Ervin, Assistant Town Manager/Community Development Director Matthew C. Hankins (and Planning & Zoning Administrator), Town Attorney John T. Boitnott, Chief of Police Erik Mollin, Finance Director Linda Woody, Fire Chief Posey W. Dillon, Public Works Director Cecil R. Mason, Community Partnership for Revitalization Executive Director Katie McElroy, and Town Clerk Patricia H. Keatts.

The Mayor led the *Pledge of Allegiance*.

**APPROVAL OF AGENDA**

Prior to the meeting, Council had received the agenda for review and consideration of approval.

The Mayor stated that the agenda needed to be amended to include the following:

- Need to add approval of the draft March 24, 2010 Special Council Meeting minutes (draft minutes were in the Council packet, just left off of the agenda itself).
- Council Member Lester requested to add under "Old Business" discussion regarding the Diamond Avenue Extension issues.
- Motion was made by Council Member Greer to approve the agenda as presented, seconded by Council Member Lester and carried unanimously.

**SPECIAL ITEMS**

- For the record, the Mayor read a resolution honoring the memory of former Rocky Mount Town Council Member James Oliver Cooper, who had just recently passed away. As staff could not find any living relatives of Mr. Cooper to present said resolution to, the Mayor asked the Town Clerk to contact Franklin County Historical Society to see if they could do research on this to find any living relatives. The Town Clerk so noted.
- The Mayor recognized several Franklin County High School students from the government class of Mrs. Shepherd.

**PUBLIC HEARING**

Let the record show there were no public hearings at this time.

**APPROVAL OF MINUTES**

Prior to the meeting, Council had received for consideration of approval the following draft minutes:

- March 10, 2010 Regular Council Meeting
- March 23, 2010 Special Council Meeting
- March 24, 2010 Special Council Meeting

The Mayor asked if there were any corrections, and there being none, the Mayor entertained a motion.

- Motion was made by Council Member Lester to approve the draft Council meeting minutes as presented with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously.

**APPROVAL OF CONSENT AGENDA**

The approval of the *Consent Agenda* consists of approving any miscellaneous resolutions/proclamations, miscellaneous action, departmental monthly reports, and bill list that were submitted prior to the meeting for Council's review and consideration.

- Miscellaneous Resolutions/Proclamations (none at this time)
- Miscellaneous Action (none at this time)
- Departmental Monthly Report
- Bill List

There being no discussion, the Mayor entertained a motion.

- Motion was made by Vice Mayor Dillon to approve the *Consent Agenda*, with motion on the floor being seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

### **HEARING OF CITIZENS**

- Mr. Don Cooper of 115 Patterson Avenue, Rocky Mount, Virginia, came before Council voicing his concern over what he perceived to be high electricity charges by American Electric Power (AEP). He mentioned that his niece just received a monthly bill for \$3,000 and that he had received one for \$1,500. He requested that Council look into the high cost of electricity by AEP to see if they could do something about. The Mayor explained to Mr. Cooper that the Town has no control over utility rates, but he is sure a lot of people share his concern. He further mentioned to Mr. Cooper that all Council could do was forward his concerns on to AEP.

### **OLD BUSINESS**

A) Anderson & Associates, Inc. Proposed Agreement for Pigg River Dam Consulting

It was brought to Council's attention by the Town Manager that Anderson & Associates, Inc. had provided the principle engineering and permitting assistance for the Town's recent work on the Blackwater River dam serving the Town's Water Plant. He further mentioned that the Town has requested them to prepare an estimate of fees to assist the Town with the following for the Pigg River Dam:

- Brief Council and Town staff on options for the dam, including costs and permitting fees.
- Use previously completed engineering work done for Franklin County to apply for a permit application for modification of the dam.
- Submit an application for permitting on behalf of the Town based on the course of action elected by Council.

The Town Manager shared with Council that the cost estimate for these services would be \$7,500, and if Council approves, the funds for these services would come from the Town's contractual services budget account.

There was discussion between Council and the Town Manager regarding the best way to approach this. It was the consensus of Council to have Anderson & Associates, Inc. come before Council to present what they are proposing to do, and for the Town Manager to ask them if they would do this on a hourly basis. The Town Manager so noted.

B) Request of Council Member John Lester to Revisit the Diamond Avenue Extension Issues

Council Member Lester stated that it is his understanding that Franklin County was to receive a \$250,000 grant for Federal funding from Congressman Tom Perriello's Office to help on the Diamond Avenue Extension project (which is in the County of Franklin), and that Franklin County did not accept the funding due to not knowing what funding may be coming from the Virginia Department of Transportation (VDOT) for this project. Council Member Lester requested that the Town Manager elaborate on this.

The Town Manager briefed Council regarding him contacting Franklin County as authorized by Council to see if the Town and County could jointly do this project, but the County was at a point that they could not tackle this project due to the declining economy. He pointed out that the proposed \$250,000 was for the engineering work, not the actual construction. He also explained to Council that the VDOT funds would in theory be separate from the Federal funds. He confirmed also to Council that if the Town was to do this project, the Town would have to use VDOT revenue sharing funding, which is typically used for the Town's own road work.

The Mayor indicated that Council Member Lester may need to direct his questions to the County Administrator, and not the Town Manager.

Council Members Lester and Greer both stated that this project does not need to die, but something needs to be done, even though it is in the County.

The Town Manager was instructed by the Mayor and Council Member Lester to: (1) get more accurate information from the County Administrator and from VDOT to see if there was an overlap of funding; and (2) see if it is too late to get the Federal funding, and if they will take a 50% match. The Town Manager so noted.

**NEW BUSINESS**

A) Presentation of Proposed Fiscal Year 2011 Budget

Prior to the meeting, Council had received the proposed Fiscal Year (FY) 2011 Budget.

The Mayor informed everyone that there would be two budget work sessions on the Fiscal Year 2011 Budget, with those work sessions being scheduled for April 19 and April 26, both at 4:00 p.m., with work sessions to be held at the Rocky Mount Municipal Building.

The Town Manager thanked the Finance Director, department heads, and staff for their input on the proposed budget.

A PowerPoint presentation was presented to Council by the Town Manager on the proposed budget. The following are highlights from that presentation:

- **FY 2011 Budget Realities**
  - Costs are increasing, revenue is down
  - Initial projections expect FY 2011 revenues to fall by \$790,000
  - Since 2005, electricity costs have increased 74%
  - In the same time period, 64% increase in health care costs
- **Utility Fund Structural Imbalance Worsens the Revenue Picture**
  - Went over loss since 2005
  - Loss does not include depreciation
  - This budget is very challenging as it is constantly taking out of other funding to balance the utility funding
  - Town has been making up loss by taking one-half million dollars from the meals tax fund and putting it in the utility fund
  - All total, still about \$700,000 since 2005 being taking out of the bank, or having to use other funds
  - Utility fund "profit" is Town's future investment in the system
  - No "profit" means no money to ensure the future viability of utilities
- **Expenditures by Category**
  - Administration and Community Development: \$954,122 (11%)
  - Public Safety: \$1,610,101 (19%)
  - Public Works: \$1,454,890 (17%)
  - Insurance contributions and Contingency: \$315,352 (4%)
  - Debt service: \$2,798,464 (32%)
  - Water treatment and distribution: \$944,089 (11%)
  - Wastewater collection and treatment: \$515,728 (6%)
- **Revenue from all Sources**
  - Bond proceeds: \$1,650,084 (19%)
  - Taxes: \$3,307,735 (39%)
  - Interest earned and charges for services: \$333,863 (4%)
  - State aid: \$1,366,568 (16%)
  - Water use charges: \$1,135,876 (13%)
  - Wastewater use charges: \$798,620 (9%)
- **Tax Reduction Initiative**
  - New BPOL fee structure – small businesses are exempt from a pre-sales rate if total sales are less than \$100,000
  - Provides both short-term and long-term tax relief to preserve viability of small businesses in Rocky Mount

- Closing the Budget Gap
  - De-funding two positions, both of which went unfilled throughout FY 2010
  - Reducing the Town's share of employee health care contributions - \$20/\$40/\$60 impact
  - Line-item cuts by the departments on top of significant cuts in the past two years
  - Increases in water and sewer rates (approximately \$3.00 a month for a residential user)
  - Ten cents tax on each pack of cigarettes sold within the Town (approximately revenue of \$125,000 annually)
  - Again sacrificing significant needs to balance the operating budget, a trend which should not continue in FY 2012
  
- In Summary
  - This is a deep recession, but one which the national trend is reversing. The Town's economy typically follows 12-18 months after the national economy.
  - The Town remains in great fiscal health with ample reserves for emergencies. This proposed budget does not use reserves to fund operational expenses.
  - The Town's utilities should pay for themselves and provide adequate cushion for capital development. The Town should not be a profit center, but should be able to get to that zero point.
  - The Town should strive to complete its Uptown Revitalization and fill available retail and commercial space with entrepreneurs.
  - With new industries coming on-line and looking to locate in the Town, the Town should be optimistic about turning the corner.

The Town Manager thanked Council, employees, department heads, the Finance Director and Assistant Town Manager for their input and assistance in preparing the FY 2011 budget. He further stated to Council that the proposed budget is a balanced document and he looks forward to fine tuning it.

The Mayor thanked the Town Manager, Finance Director and all the staff that have worked on the budget. He further reminded everyone of the two budget work sessions, and also that the public hearing on the budget is scheduled for June 7, 2010 at 7:00 p.m.

**B) Snow Removal from Town Sidewalks&**

The Town Manager stated that the Town has received many complaints regarding the clearing of sidewalks during the past winter, further informing Council of the following:

- The Town has 15 miles of sidewalks and most were impassable from December 19<sup>th</sup> to well into February due to repetitive winter storms.

- Some complaints were directed at the Town by individuals who perceived it as a Town responsibility, while others complained about property owners and tenants who did not clear their walks.
- The Town has no ordinance requiring property owners to clear their sidewalks, or to prevent them from piling snow cleared from parking areas on sidewalks.
- The State of Virginia gives localities the authority to require the removal of snow in Section 15.2-1115 of the Code of Virginia.
- A review of similar size localities in the Commonwealth indicates that most have snow removal ordinances that require snow to be cleared off sidewalks.
- The Town's current policy is to create safe travel by focusing on snow removal efforts on streets. Once the streets are open, snow is removed from the on-street parking areas in uptown and downtown. Any property owner or tenant in uptown-downtown that has cleared their sidewalk prior to the arrival of the Town crew will have that snow hauled away with the snow removed from the parking areas.

The Mayor indicated that this past winter had unusual snow fall, and the Town's first concern should be for the safety of having streets cleaned, and he does not see the need to move forward with an ordinance.

It was the consensus of Council to not go forward with an ordinance for snow removal from sidewalks.

C) Christian Heritage Academy Request

In the absence of anyone being present on behalf of Christian Heritage Academy, the Town Manager presented their request asking permission from Council to hold their annual "Heritage Classic 5K" that will take place on Memorial Day, May 31:

- The race will begin at 9:15 a.m. and will last approximately one hour.
- The course begins on the campus of Christian Heritage Academy and goes up the hill of Glenwood Drive, with the runners/walkers turning left onto Scuffling Hill road and going down the left side of the road until they reach Rakes Road, and at that point, they will turn around and return to the campus of the school, again staying on the left side of the road.
- The school will have people posted on the race course to slow traffic down for the safety of runners, and the Rocky Mount Police Department Chief of Police has always had officers helping to monitor the event.
- The Virginia Department of Transportation has been supportive by lending large orange signs which will be posted on Scuffling Hill Road that warn drivers to be prepared to stop.

The Chief of Police confirmed to the Mayor that he has not been contacted by the school yet, but that this is basically the same thing they do every year and he sees no problem with it.

Council indicated that the Chief of Police will need to contact the school to make sure safety concerns are being addressed, with the Chief of Police so noted.

There being no further discussion regarding this matter, the Mayor entertained a motion.

○ Motion was made by Council Member Greer to approve the request, with motion being seconded by Council Member Lester, with Council Member Lester amending the motion on the floor to include that the request be approved pending approval of the Chief of Police. There being no discussion, let the record show that the motion on the floor passed unanimously.

D) Street Paving List as Submitted by Public Works Director

The Public Works Director submitted a list of Town streets that need to be paved prior to June 30, 2010, and once approved, will put out to bid. Council Member Lester questioned that since Franklin County is vacating their buildings in the courthouse area on East Court Street, if the parking on East Court Street could be removed and the street widened when paved. The Town Manager stated that even though the County employees have mostly moved into their new location on Franklin Street, he stills sees people using those on-street parking spaces.

The Mayor requested that a Streets, Sidewalks & Sanitation Committee be called in order to look into the request of Council Member Lester, with the Town Clerk so noting.

The Public Works Director stated that if the paving list is approved, he planned to bid out as quickly as possible; hopefully, within 30 to 45 days.

There being no further discussion, the Mayor entertained a motion.

○ Motion was made by Vice Mayor Dillon to approve the street paving list as presented by the Public Works Director, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously.

E) General Engineering Service Draft Agreements

Council was informed by the Town Manager that the Town had solicited for bids for general engineering services and the current agreements have expired. He further informed Council that after receiving eight proposals, the Town had selected five engineering firms, with some being local, to provide non-exclusive engineering services to the Town for the next two years. Council had received prior to meeting a copy of the draft agreements for their review. The Town Manager pointed out that each engineering firm had expertise that could benefit the Town.

The Town Manager confirmed to the Mayor that there was no cost factor to enter into the agreements, but it would allow him to be able to have work done under a general agreement. He further stated that the language in the agreements was the same used in the last several years.

Council Member Lester questioned the Town Manager on what necessitates getting an engineering firm to look at a project, with the Town Manager stating that it is any project that the Town cannot use their own staff to do in-house or not having staff that has the expertise to do.

There being no further discussion, the Mayor entertained a motion.

○ Motion was made by Council Member Walker to approve the general engineering services agreements as presented, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously.

F) Bargains, Boogie & Barbecue Annual Event

The Town Manager's Office had received a written request from Mrs. Arlene Jones, Event Coordinator for the annual Bargains, Boogie & Barbecue event, to hold their annual event on June 26, 2010.

Let the record show that Mrs. Jones did not appear before Council to present their request, so the Town Manager presented on her behalf the following that was submitted in her letter for Council consideration of approval:

- Bargains: community yard sale in the parking lots of Franklin Glass and Angle Hardware from 8:00 a.m. to 2:00 p.m.; shortly after 2:00 p.m., Goodwill Industries truck will come to pick up any unsold, unwanted items.
- Boogie: concert/dance beginning at 7:00 p.m. and ending at 10:00 p.m., or so.
- Barbecue: cook-off at the Farmers' Market, West Church Street, and Franklin County parking area located behind Cox's store. The committee is currently seeking people who would like to showcase their barbecuing skills in a friendly competition. Awards will be given according to decisions of the judges. This year, competition will be allowed to sell competition meats beginning at midday and continuing through the event.
- Franklin Street to be closed from High Street to Claiborne Avenue, and all entrances into that area for the concert/street dance.
- Use of the Farmers' Market (Friday and Saturday) and the fee of the Market area and kitchen be waived. Some of the barbecue teams may want to set up Friday during the day and will be staying overnight.
- West Church Street be closed from Franklin Street to the entrance of the Library. This is the area between Still Essence Photography Studio and StellaOne Bank. Last year this area was not needed, but will be used if needed as an overflow area for barbecue teams in order to keep all teams in a close area and not widely spread out.

There was much discussion between Council and the Town Manager regarding portions of her requests, with Council instructing the Town Manager to get the following questions answered by Mrs. Jones before Council could make a decision on her requests:

- What are the times the committee want Franklin Street/Claiborne Avenue and West Church Street closed?
- Has the committee discussed the proposed street closures with the businesses that will be impacted?
- Has the committee obtained non-profit status or are they associated with a non-profit? Are they doing this event in association with a non-profit, and if so, how will the proceeds be used?
- Does the committee or their associated agency (if any) have insurance for this type of event?

Due to Mrs. Jones not being present to answer questions and concerns raised by Council, it was the consensus of Council to table her request until the April 19, 2010 Council meeting, and for the Town Manager to invite Mrs. Jones to said meeting so these questions and concerns could be addressed. The Town Manager so noted.

G) Nominations for Virginia Municipal League Policy Committee

The Town Manager informed Council that the Virginia Municipal League (VML) is now accepting nominations for its 2010 policy committees. He further informed Council that they could nominate two individuals to a committee, and if two are nominated, at least one nominee must be a governing body member. It was further pointed out by the Town Manager that he has served on the Community and Economic Development Committee for the last two years.

The Mayor asked that any Council member wishing to serve on one of the VML committees to fill out the form they had been given and give to the Town Clerk before the deadline date so she can send in the appropriate forms to VML.

H) Franklin County Bassmaster Elite Event

Debra Weir, Franklin County Parks & Recreation Tourism/Special Events Manager with Franklin County Commerce & Leisure Services, came before Council introducing herself to some Council members that had been elected while she was serving in Iraq. Mrs. Weir wanted to inform Council that the County would be holding the upcoming Bassmaster Elite that is scheduled for April 15-18, 2010, which will take place at the Parkway Marina in Huddleston, Virginia. She went over the various activities that will be going on during the event and invited Council to come and participate. She further stated that she appreciates the Town and Council for their continued support.

The Mayor thanked Mrs. Weir for all her hard work.

I) Community Partnership for Revitalization Virginia Main Street Award

Katie McElroy, Executive Director for Community Partnership for Revitalization (CPR) came before Council stating that her and the Town Manager had attended the 25<sup>th</sup> Anniversary Virginia Main Street awards dinner in Lynchburg, Virginia, with the Town receiving the "Strategic Innovation" award for the '5 on Us' program. She further stated that CPR had received a lot of good response regarding this program. She thanked Council members for allowing this program to exist, with her presenting Council the award.

The Town Manager stated that the Town may have started a trend, referencing what residents had received recently in the mail from Wal-Mart, which was a \$5.00 '5 on Us' card. He further stated that it was neat to see other folks getting on board with the same concept the Town had in helping its retailers and residents. The Town Manager thanked Mrs. McElroy and the Town's Finance Director Linda Woody for all their hard work in making the Town's '5 on Us' successful.

The Mayor thanked Mrs. McElroy for coming up this program and for all her hard work.

**COMMITTEE REPORTS**

Let the record show there were no committee reports at this time.

**OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES**

A) Referrals to Planning Commission from Town Council

Let the record show there were no referrals to the Planning Commission from Town Council at this time.

B) Rise 'N Shine Appearances

It was pointed out that the Town Manager had appeared on the Rise 'N Shine show.

**COUNCIL CONCERNS**

- The Vice Mayor relayed that one of Rocky Mount's 16-year veteran volunteer fire fighter has been diagnosed with terminal cancer, and that the Rocky Mount Fire Department was conducting a fund raiser to help him and his family with the medical bills. It was also pointed out that he has a wife and four children. The fund raiser will take place on

Saturday, April 17, at the fire department on North Main Street. Several events will take place that day, which mainly consists of: pancake breakfast; yard sale items; tickets being sold for a chance on hand crafted dulcimer that was donated; car wash; hot dog lunch; and the Wright Kids volunteering to come to play music. He encouraged everyone to try to attend to help this family out.

The CPR Director asked for flyers of the fund raiser so she can put them in the packets going out to participants in the upcoming "Chug for the Jug" event. The Town Clerk indicated she could provide her with the flyers.

### **CLOSED MEETING**

At 8:20 p.m., motion was made by Council Member Lester to go into *Closed Meeting*, and seconded by Vice Mayor Dillon and carried unanimously to discuss the following:

- Section 2.2-3711(A).1 - Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body (Town Manager's performance).
- Section 2.2-3711(A).3 - Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (industrial development; State Route 40 West; uptown area; Needmore).
- Section 2.2-3711(A).5 - Discussion concerning a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (economic development).

At 9:30 p.m., motion was made by Council Member Seale to come out of *Closed Meeting* and to reconvene the meeting back into open session, with motion on the floor being seconded by Council Member Greer and carried unanimously.

### **CERTIFICATE OF CLOSED MEETING**

Whereas, the Town of Rocky Mount Council has convened a *Closed Meeting* on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires certification by this council that such *Closed Meeting* was conducted in conformity with Virginia Law;

Now, Therefore, Be It Resolved that the Rocky Mount Town Council hereby certifies that, to the best of each members' knowledge: (1) only public business matters lawfully exempted from open meeting requirements under this chapter and (2) only such public business matters as were identified in the motion by which the *Closed Meeting* was convened were heard, discussed, or considered in the meeting by the public body.

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Steven C. Angle, Mayor

- Motion was made by Council Member Greer certifying that: (1) only public business matters lawfully exempted from open meeting requirements under this chapter was discussed; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or consider in the meeting by the public body was discussed. Motion was seconded by Council Member Lester. The Mayor swore to adopt the motion on the floor by Council Member Greer that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker.

The Mayor reported that no action was taken.

### **ADJOURNMENT**

At 9:33 p.m., motion was made by Vice Mayor Dillon to adjourn, seconded by Council Member Greer and carried unanimously.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

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