

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
APRIL 8, 2013**

The April 8, 2013 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 Gregory B. Walker and Council Members
Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L.
Moyer, and Billie W. Stockton

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 David Cundiff, Finance Director Linda Woody, Public Works Director Cecil R. Mason, Town Planner Patrick Rust, Superintendent of Water Department Robert Deitrich, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, 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.

- Motion was made by Council Member Moyer to approve the agenda as presented, seconded by Council Member Cundiff and carried unanimously by those present.

SPECIAL ITEMS

The Mayor read for the record "Resolution in Honor of National Volunteer Week of April 21-27, 2013". Let the record show that those volunteers present received a standing ovation from the public attending the Council meeting, including Council and Town staff.

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 11, 2013 Regular Council Meeting
- March 20, 2013 Special Council Meeting

The Mayor asked if there were any changes to the draft minutes, and there being none, the Mayor entertained a motion.

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

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
 - Community Development
 - Finance Department
 - Fire Department
 - Police Department
 - Public Works Department
 - Waste Water Department
 - Water Department
- Bill List

There being no comments, the Mayor entertained a motion.

- Motion was made by Council Member Stockton to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Love. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

HEARING OF CITIZENS

Let the record show that no one had contacted the Town Clerk requesting to come before

Council to speak. At this time, the Mayor opened the floor to anyone wishing to come before Council at this time.

- Mark Lawhorne, introducing himself as Senior Pastor of Furnace Creek Baptist Church located at 975 Scuffling Hill Road, Rocky Mount, Virginia, with a personal address of 530 Miriam Drive, Rocky Mount, Virginia, came before Council stating he was opposed to the sale of alcohol at the music venue, although he was in favor of the music venue and has seen plans and believes the auditorium is one that Council can be proud of. He gave the Mayor several petitions of names that were against the sale of alcohol at the music venue, with the list showing various names of those living inside and outside of the Town corporate limits.
- Eric Ferguson, introducing himself as an individual who lives at 335 Cromwell Drive, Rocky Mount, Virginia, and also an attorney whose business is located at 305 Main Street, Rocky Mount, Virginia, came before Council stating he was not only opposed to the sale of alcohol at the music venue, but food and beverages as well; citing his reason for not selling the food as it would be competition for those restaurants in the area near the music venue who sells food (mentioning Pyramid Pizza as an example).
- Mark Stugelmeyer, introducing himself as the pastor of Lighthouse Baptist Church, giving an address of 55 Jason Street, Rocky Mount, Virginia, came before Council stating that he was opposed to the sale of alcohol at the music venue.

The Mayor stated that Council would certainly take their comments into consideration as Council proceeds with the music venue regarding the sale of alcohol and food.

OLD BUSINESS

A. Draft Western Virginia Water Authority (WVWA) Water Line Agreement

(Prior to the meeting, Council had received the draft Western Virginia Water Authority (WVWA) water agreement for an interconnection between the Town of Rocky Mount and Franklin County.)

The Town Manager informed Council of the following:

- This agreement was negotiated over the past four years, and was originally submitted to Council in 2009, with Council asking for some additional negotiations regarding financial contributions from the County in the event that capital expenses were needed to support pass-through extensions.
- The Franklin County Board of Supervisors also asked for some additional language regarding the guarantee of a pass-through connection.
- Franklin County Administrator Richard Huff and the Town Manager spent some time negotiating additional language that would meet these needs; and additionally, had a meeting with the Mayor of Town Council and Chairman of Franklin County Board of Supervisors to go over details where an agreement could be reached.

- Based on a final meeting with Mr. Huff in March of this year, staff believes that the document is as final as they can get, representing all parties' input, with this being reviewed by the Mr. James Jennings (legal counsel that the Town used for its annexation), and his recommendation is that it is favorable to the Town.
- The principle items are:
 - o The WVWA will connect to the Town's system and the Town will buy water from the WVWA to supplement its manufacturing ability.
 - o The County can extend the Town's system to serve County areas, with the Town getting credit for water used at these extension points at a rate that includes the water used times the Town's loss ratio.
 - o The Town has the right to determine any capital needs required to support the extensions.
 - o Given the amount of time since the last consideration of this agreement, Council may wish to have a discussion at this meeting (April 8th) and give staff guidance as to should this item be on the May Council agenda for formal approval.
 - o The County has indicated that they wish to extend utilities to additional areas (including sewer) and it is Mr. Huff's and the Town Manager's mutual hope that this agreement can be the framework around which future cooperative agreements are built.
 - It is likely that this would be the basis for a sewer agreement whereby the Town sells sewage treatment to the County and to the WVWA.
 - The Town already has the capacity to be a regional sewage treatment provider.

The Mayor stated that he has read through this document and there are too many "musts" and "wills"; therefore, he would like for the document to be reviewed by the Public Utilities Committee before it goes any further.

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

- o Motion was made by Vice Mayor Walker to send the document to the Public Utilities Committee for review, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

NEW BUSINESS

A. Presentation of Draft Fiscal Year 2014 Budget and Capital Improvement Plan (CIP)

(Prior to the meeting, Council had received the proposed draft Fiscal Year 2014 Budget and Capital Improvement Plan (CIP), which was prepared by the Town Manager and Finance Director.)

The proposed budget was presented to Council by the Town Manager, stating that staff is presenting for Council's consideration the proposed draft Fiscal Year 2014 Budget

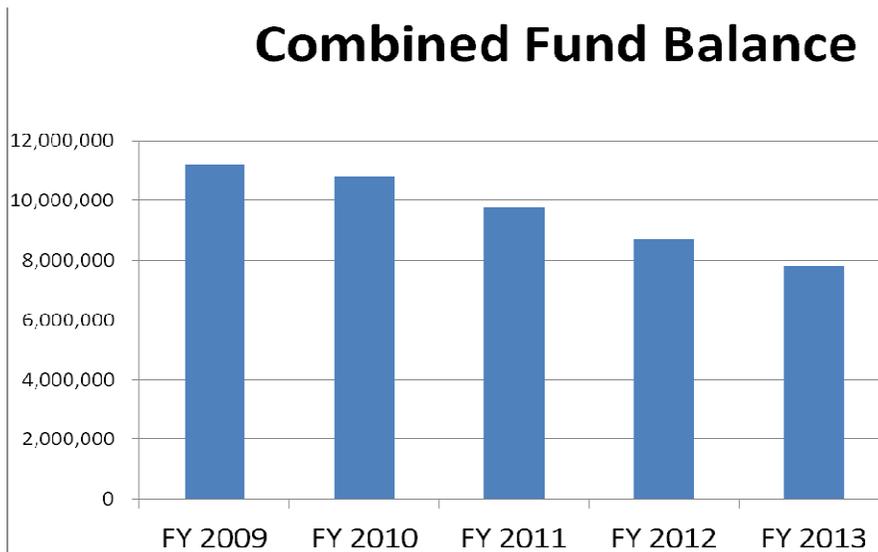
and CIP, with it being balanced in its current form, with revenues exceeding expenses by \$708,213.

A PowerPoint presentation was given by the Town Manager regarding Fiscal Year 2014 Budget as prepared by Town Manager and Finance Director:

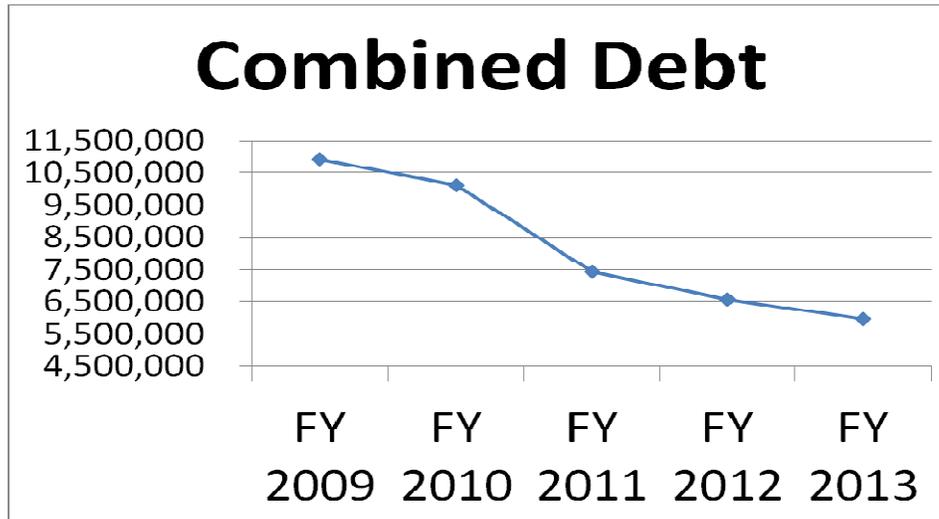
➤ The Capacity To Do:

- General Fund:
 - Revenues of \$9.15 million.
 - Including \$2.5 million of fund balance for music venue construction and \$450,000 of borrowing for a basketball facility.
 - Without these funds, the General Fund revenue is \$6.15 million with matching expenses.
 - Including \$163,000 deposit into fund balance and a \$50,000 contingency.
- Utility Fund
 - Revenues of 3.8 million.
 - Matching expense including:
 - \$445,000 deposited to fund balance
 - \$50,000 contingency
 - Reimbursement to the general fund for money spent on the Water Plant repairs in FY 2013
 - Careful budget management, utility rate stabilization and the improving of local economy created capacity to do – improving economic opportunity, fostering investment, building activity.
 - No proposed tax or fee changes.
 - Budget is balanced; revenues exceed expenses by \$708,213
 - Proposed surplus allocated as:
 - \$50,000 in contingency to general fund
 - \$50,000 in contingency to utility fund
 - Deposit to general fund balance of \$163,159
 - Deposit to the utility fund balance of \$445,054
 - These transfers to fund balance offset expenses in FY 2013 for Water Plant repairs and Police Department vehicles.
 - Doing so keeps the Town's fund balance healthy. This is also a step towards replenishing the fund balance as the Town begins approaching other capital projects in the near term.
 - This budget:
 - Sets funds aside for past and future expenses.
 - Implements Council's vision from citizen input (over five community meetings held).
 - Creates two new funds to provide transparency.
 - Utility Capital Fund (capital recovery fee goes into this fund).
 - Performance Venue Fund.
 - Invests in capital needed to prevent higher future expenses.
 - Public Works:
 - \$15,000 walk-behind asphalt roller.

- \$175,000 new street sweeper, one of the Town's greatest needs.
 - Utility Fund:
 - \$22,000 for Wastewater Treatment Plant pickup truck.
 - \$57,000 for combined SCADA system for Wastewater Treatment Plant and Water Treatment Plant.
 - \$10,000 for eight (8) valve controllers for Water Treatment Plant
 - Makes final payment of \$257,139 on Wastewater Treatment Plant original construction.
 - This budget moves toward finishing projects:
 - First Responders Memorial.
 - Guardrails and sidewalks revenue sharing projects (partially funded by Virginia Department of Transportation).
 - Pigg River Dam safety and Veterans' Park erosion control.
 - Water Treatment Plant electric upgrade.
 - Creates new opportunities and activity.
 - Transfers from the general fund.
 - \$2,500,000 for the Performance Venue renovation.
 - \$30,169 for the Performance Venue operations.
 - Construction of a lighted, restroom-equipment basketball court in the North Main Corridor to provide open, safe, positive activity as a community building activity (\$450,000 from borrowing). This comes from input given at the community meetings that implied that something was needed for the youth in that area.
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- Combined Fund Balance Chart:



- Combined Debt Chart:



- This budget:
 - Includes a 2.5% cost-of-living increase for employees.
 - Restores the normal Christmas bonus program.
 - Does not fund merit (performance based) raises.
 - Much of the cost-of-living increase is recovered from lower prices on insurance, as the Town is now going out on its own rather than acting cooperatively with Franklin County and schools.
 - Providing health insurance benefits similar to previous plan at lower cost.
- In summary:
 - Council's staff will continue to do the great things directed by Council.
 - This budget gives the Town the opportunity to do more while still responsibly using its available resources.
 - The projects the Town has funded will directly and indirectly contribute to the economy and opportunity available in Rocky Mount.
 - These projects return money from the fund balance to the community in an effort to create future growth and opportunity.

Let the record show there were no questions from Council, with the Mayor thanking the Town Manager for the presentation.

COMMITTEE REPORTS

A. Streets, Sidewalks & Streetlights Committee

(The Streets, Sidewalks & Streetlights Committee met on March 27, 2013 to review a request received from Brookside Swim Club, Inc.)

The Assistant Town Manager relayed to Council that staff had received a request from Brookside Swim Club, Inc. for improvement to the entrance of their swimming pool located on School Board Road. He reported that after the Streets, Sidewalks & Streetlights Committee had met on March 27, 2013 to review the request, it was the recommendation of the Committee to deny the request. As Chair of the Committee, Council Member Love stated it was more of a property issue than a street issue; therefore, reason for denying the request.

Let the record show that no motion was needed per the Mayor.

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 Council at this time.

B. Rise 'N Shine Appearances

Let the record show that the Town Manager appeared on the *Rise 'N Shine* show today.

COUNCIL CONCERNS

Let the record show there were no Council concerns at this time.

CLOSED MEETING

At 7:44 p.m., motion was made by Council Member Greer to go into *Closed Meeting*, and seconded by Council Member Moyer 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 (specifically: (1) Town Manager and Town Attorney offices; (2) reappointments to Planning Commission; (3) reappointment to Board of Zoning Appeals; (4) appointment to Economic Development Authority).
- 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 (property acquisition in downtown area).

- Section 2.2-3711(A).7 - Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter (Enterprise Zone).

At 9:15 p.m., motion was made by Council Member Love 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 Stockton and carried unanimously by those present.

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.

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 considered in the meeting by the public body was discussed. Motion was seconded by Council Member

Moyer. 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 2.2-3712 Code of Virginia. Voting yes were Vice Mayor Gregory B. Walker and Council Members Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L. Moyer, and Billie W. Stockton.

The Mayor reported that no action was taken.

ADJOURNMENT

At 9:18 p.m., motion was made by Vice Mayor Walker to adjourn, seconded by Council Member Moyer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk