

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
OCTOBER 14, 2013**

The October 14, 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, Captain Kenneth Criner (in lieu Chief of Police David Cundiff), Town Planner Patrick Rust, Superintendent of Water Department Robert Deitrich, Fire Chief Charles Robertson, and Town Clerk Patricia H. Keatts.

Absent due to being on vacation were: Finance Director Linda Woody, Public Works Director Cecil Mason, and Superintendent of the Wastewater Plant Timothy Burton.

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 action taken:

Motion was made by Council Member Stockton to approve the agenda as amended, with motion on the floor seconded by Council Member Greer and carried unanimously by those present.

SPECIAL ITEMS

Let the record show there were no special items at this time.

PUBLIC HEARING

Let the record show the Mayor recessed the meeting to hold the following public hearing.

- A. Request of EHS Support Services for a special use permit to offer on-site mental health counseling services at its new location at 230 South Main Street, Rocky Mount, Virginia, known as Franklin County Tax Map and Parcel Number 2070058800.

The Planning & Zoning Administrator came before Council, stating the following:

- Went over the specifics of EHS Support Services (EHS) request as submitted.
- Currently, the agency offers mental health support services to clients in their homes or their community.
- This location where they want to relocate at 230 South Main Street is currently zoned CBD-Central Business District, and pursuant to Article 29-2 of the Town's Zoning and Development Ordinance, outpatient mental health centers are a use-by-special exception in this district.
- EHS plans to begin with providing this service one day a week, most likely Tuesdays, with only one or two providers offering the service. According to EHS, office hours for services will be 8:30 a.m. to 5:00 p.m., with clients being scheduled between 9:00 a.m. and 3:00 p.m. The parking lot adjacent to the building will accommodate the services of the office.
- The Planning Commission considered this request at its regular meeting of October 1, 2013, with two speakers addressing the public hearing. The first speaker was the applicant, and the second speaker did not object to the use being located at this site. The Planning Commission recommended by a 7-0 vote that Town Council approve the request as presented, without conditions.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request. Let the record show that no one came forward to speak at this time.

There being no further comments, the Mayor reconvened the meeting back into open session and entertained a motion.

Motion action taken:

Motion was made by Council Member Greer to approve the special use permit request of EHS Support Services as presented, 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.

APPROVAL OF MINUTES

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

- September 19, 2013 Regular Council Meeting

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

Motion action taken:

Motion was made by Council Member Greer to approve the draft minutes as presented, with motion on the floor being seconded by Council Member Moyer. There being no comments, 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
 - National Business Women's Week Proclamation
 - Virginia Tobacco Indemnification Commission (TIC) Grant Funding Resolution
- Miscellaneous Action
- 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 action taken:

Motion was made by Council Member Greer to approve the draft *Consent Agenda* as presented, 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's Office wishing to come before Council to speak.

At this time, the Mayor opened the floor to anyone wishing to come forward to speak. Let the record show that no one forward to speak at this time.

OLD BUSINESS

A. Review and consideration of approval of bid for sound and light equipment at the Harvester Performance Center.

The Assistant Town Manager pointed out the following:

- One major contract remains to be let to complete the work at the Harvester Performance Center. The Town had requested proposals from qualified vendors to install the audio-visual equipment necessary to stage a wide variety of shows at the Town's performance venue.
- As Council knows, requests for proposals are not straight bids based on price alone, but allows the Town to evaluate the best short-term and long-term value represented by the respondents.
- Town staff received complete responses from two vendors, both based in Roanoke, Virginia. Over the past week, he, along with the architect and the music venue manager, have reviewed the proposals from the two companies, which had nearly identical pricing for the overall project. Both initial projects were within \$4,000 of one another in total price, and both are within the budget allocated by Council during its March 2013 special Council meeting, but are on the high end of what he would expect to pay and still be able to complete the outfitting of the building, including the seating, appliances, and furniture. The final price can be negotiated and reduced by refining or eliminating some of the optional equipment needed, particularly for the lower level.
- Mr. Gary Jackson (Town's music venue manager) has already sat down with both suppliers to determine whether the Town can achieve savings within the proposals, and based on those conversations, the Town should be able to drop both into an acceptable price range. The current monetary value of the project is \$266,000, and he expects that the Town will be able to reduce that cost further through careful negotiations.
- After reviewing the proposals, the staff and architect unanimously recommend the Town negotiate and enter into a contract with Stage Sound of Roanoke, Virginia. This recommendation is made after evaluating the responses based on best overall value, ability to meet the construction deadlines, comparisons of like projects as referenced in their response, experience in developing world class performance space, installer qualifications, experience in selling and guaranteeing the equipment specified in the bid specifications, and warranty, replacement and loaner programs.
- All of these criteria lead Town staff to the conclusion that, for this project, Stage Sound is the most qualified company and represents the best value to the Town of Rocky Mount and the Harvester Performance Center.

The Assistant Town Manager requested that Council authorize him to negotiate and enter into a contract with Stage Sound of Roanoke, Virginia to provide audio and visual equipment, installation, support and training necessary to complete the Town's performance center.

There was brief discussion between Council and the Assistant Town Manager regarding Stage Sound's commitment to the project and how their reputation is to make sure the equipment is performing right and that staff is properly trained.

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

Motion action taken:

Motion was made by Council Member Greer to enter into contract with Stage Sound for the necessary equipment for the Harvester Performance Center, 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 four to two, with Council Members Cundiff and Moyer voting in opposition to the motion on the floor.

NEW BUSINESS

A. Review and consideration of approval of request of Community Partnership for Revitalization (CPR) to hold two annual events.

The Town Manager relayed to Council that Community Partnership for Revitalization had submitted two requests, being:

- Tree lighting ceremony to be held at the Franklin County Courthouse on November 29, 2013 from 5:00 p.m. to 6:30 p.m.
- “Come Home to a Franklin County Christmas” on December 6, 2013 from 5:00 p.m. to 9:00 p.m., and street closures at the intersection of Franklin Street and Diamond Avenue through the intersection of Franklin Street and East College Street (at the Farmers’ Market).

The Town Manager confirmed to Council that these were the same events as in previous years, with the identical street closures as last year.

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

Motion action taken:

Motion was made by Council Member Greer to approve both requests, with motion on the floor being seconded by Vice Mayor Walker. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

B. Review and consideration of request of Girl Scouts of Franklin County requesting waiver of Farmers’ Market rental fees to hold their “Founders’ Birthday” on October 25, 2013.

Angie Shirley, representing Girl Scouts of Franklin County, came forward regarding her request, stating the following:

- Trying to promote Girl Scouts of Franklin County.
- The Farmers’ Market is a very good location for high visibility to the public to hold their “Founders’ Birthday”.
- Their event will take place on Friday, October 25, 2013, from 5:00 p.m. to 8:30 p.m., and would include Girl Scouts of all ages.
- Their time element will not interfere with the vendors that are already at the Farmers’ Market.

- Went over the events that will take place.
- Asking the girls to bring non-perishable items that will be donated to a local food bank.

The Town Manager confirmed to Council that the Managing Director of the Farmers' Market has confirmed that the Market is available that evening.

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

Motion action taken:

Motion was made by Council Member Greer to approve the request, with motion on the floor being seconded by Council Member Stockton. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

C. Review and consideration of awarding Town of Rocky Mount's paving bid for Fiscal Year 2013-2014.

The Town Manager informed Council that the Town has received three bids on the Fiscal Year 2013-2014 street paving project, with it being staff's recommendation that the Town award Patterson Brothers Paving a "Notice of Award" and "Notice to Proceed", as they have met the requirements as specified in the bid documents and also came in as the lowest bid at a cost of \$370,740.50. The bid for the parking lot for Jubal's Retreat is included in the above quoted price at a cost of \$29,151.

The Town Manager pointed out that it is staff's belief that the work Patterson Brothers Paving will perform will meet the Town's specifications and qualifications.

The Town Manager confirmed that as of right now, the paving of the parking lot of Jubal's Retreat will not be paved until all documentation is negotiated and binding by the property owners; also confirmed that the paving may take place in the spring of next year at the preference of the Public Works Director.

There was also brief discussion regarding the Virginia Department of Transportation (VDOT) grant and those funds (if awarded) in relation to the Scuffling Hill project. The Town Planner confirmed to Council that it is his understanding that this may take place sometime this winter, and the Town should see work beginning next month on the guardrails.

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

Motion action taken:

Motion was made by Council Member Greer to approve the request to proceed with "Notice of Award" and "Notice to Proceed" to Patterson Brothers Paving for Fiscal Year 2013-2014 in the amount as stated, 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.

D. Review and consideration of draft “Resolution of Support by the Town of Rocky Mount, Virginia for Franklin County Solid Waste Management Plan, 2013”.

The Town Manager reported that Franklin County, along with their engineering consultants, have prepared a “Revised Franklin County Solid Waste Management Plan, 2013” in accordance with State regulations (prior to the meeting, Council had received a copy of the plan). Presented to Council for their review and consideration was a draft “Resolution of Support by the Town of Rocky Mount, Virginia for Franklin County Solid Waste Management Plan, 2013”. The Town Manager confirmed that the Town has historically supported the revision of the County’s solid waste management plan. He also confirmed that this does not impact the treatment of the Town’s leachate, and that the Town does a year-to-year agreement on the treatment of the County’s leachate, and so far, it has been a good relationship.

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

Motion action taken:

Motion was made by Council Member Moyer to approve the draft resolution as presented, with motion on the floor being seconded by Council Member Stockton. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

E. Presentation by Town Manager of the “Certificate of Achievement for Excellence in Financial Reporting” award by the Government Finance Officers Association (GFOA) that is being presented to the Town of Rocky Mount.

The Town Manager informed Council that since the Finance Director was not able to attend the meeting due to being on vacation at this time, he would like to hold off on this presentation until the November regular Council meeting. Council so noted.

F. Review and consideration of approval of draft resolution regarding letter of credit with Virginia Department of Transportation in relation to Weaver Street extension.

The Town Manager presented the following:

- The Virginia Department of Transportation (VDOT) is requiring a letter of credit for \$334,000, which is the amount of the grant awarded to the Town in 2009 to extend Weaver Street into the Cox property in the joint County/Town industrial park. Carter Bank and Trust provided the original letter of credit in June 2009, but it expired in September 2013.
- Carter Bank and Trust will provide another letter of credit in force until the new VDOT expiration date of August 2, 2014. The local Carter branch is appealing to their corporate office to waive the fees.
- The Town’s Community Development staff is working with VDOT to determine whether Empire Foods will qualify as the Town’s investment. While staff is not optimistic that VDOT will count this as the Town’s qualifying investment, staff is trying. Staff is also continuing to work to attract a new industrial tenant to the Cox property site. In the meantime, the Town is required to maintain its letter of credit as security in the event the Town is required to repay the \$334,000 investment VDOT

made to the Town's project through the Bonded Road Program. Staff is seeking legislative action from Delegate Charles Poindexter and Senator William (Bill) Stanley to delay repayments due under the program.

The Town Manager confirmed that it is staff's expectation that the cost being charged from Carter Bank and Trust will either be waived or cost \$250; and if not, about \$3,000 to \$4,000 if Town goes out with a regular commercial bank. The Assistant Town Manager explained to Council the short turnaround for this to take place was due to the information erroneously being sent to Franklin County Administration Office from VDOT instead of directly to the Town.

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

Motion action taken:

Motion was made by Council Member Greer to approve the draft resolution 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.

Council Member Greer brought up the subject regarding signage on Weaver Street regarding the Cox property that the Town can create and install; along with a better sign on U.S. Highway 220 advertising the County/Town industrial park. There was discussion on how best to address the placement of the signs.

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

Motion action taken:

Motion was made by Council Member Greer to approve the installation of signage as discussed, with motion on the floor being seconded by Council Member Love. There was discussion that the sign for Weaver Street would be no problem, but the one for US. Highway 220 may be a problem as it is on VDOT property and trees will have to be cut. The Town Manager stated that he will open up conversations with VDOT regarding this matter. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

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 at this time.

B. Rise 'N Shine Appearances

The Assistant Town Manager appeared on the *Rise 'N Shine* Show this morning.

COUNCIL CONCERNS**A. Council Member Love**

1. Several residents have brought to her attention that the trash is not being picked up by the Franklin County Jail trustees in the East Court Street area. The Town Manager stated he will discuss this with the Town's Chief of Police to see if he can contact the Franklin County Sheriff regarding this matter.
2. Requested update regarding the sidewalks and crosswalks project on State Route 40 East. The Town Planner stated that this was still going through VDOT review, with a concern over timing of the signals and signal for the crossing light. He further stated that he will see if can get the sidewalks installed, even if the crosswalks are delayed. There was discussion on how this will be paid, with it being confirmed by the Town Manager that the Town is doing the labor as part of the revenue sharing.

B. Council Member Moyer

1. Questioned when the Town will not have decals displayed on the vehicles and when the deadline was for having them removed, with the Town Manager replying that it takes place when someone pays their personal property taxes, with the clock being reset from December to December basis; also that the Town is expected to be hit by some questions from citizens regarding the realigning of the three remaining months that are left on the Town decals as being paid for (same as County was hit with), with Council having the right to change deadlines.
2. Questioned why the *Roanoke Times* does not mention that the Town is the eastern gate to the Crooked Road when they do articles pertaining to it. The Assistant Town Manager informed Council that he has pointed out to the *Roanoke Times* reporters and other news media that the Town is the eastern gate, but he believes that part of the problem is that initially, the Town was not part of the Crooked Road, but part of this misinformation and misunderstanding will go away once the Town has its signature venue.

C. Council Member Greer

1. Stated that he has been approached by two people about the road going into Byrd Cemetery, in that it is not paved and has gullies. There was discussion regarding if the road belonged to Johnny Ferguson, and how best to address this issue. The Town Manager stated he will check with the Public Works Director to see if the Town can put some gravel in the high spots and have it graded. The Town Planner also was directed to look into seeing who owned the road, whether it belongs to the Town or Mr. Ferguson.

CLOSED MEETING

At 7:45 p.m., motion was made by Council Member Love to go into *Closed Meeting*, and seconded by Council Member Greer 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, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body (appointments to boards, committees and commissions).

At 8:30 p.m., motion was made by Council Member Greer 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 Moyer 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 Moyer 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 Greer. The Mayor swore to adopt the motion on the floor by Council Member Moyer 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 no action was taken.

ADJOURNMENT

At 8:32 p.m., motion was made by Council Member Love to adjourn, seconded by Council Member Stockton and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk

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