

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
AUGUST 11, 2014**

The August 11, 2014 regular 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, P. Ann Love, Robert L. Moyer, Jon W.
Snead, 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, 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.

Let the record further show that Assistant Town Manager/Community Development Director Matthew C. Hankins (and Planning & Zoning Administrator) was not present due to being out-of-town.

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 Love to approve the agenda as presented, with motion on the floor being seconded by Council Member Snead. There being no discussion, let the record show that motion on the floor passed unanimously by those present.

SPECIAL ITEMS

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

PUBLIC HEARING(S)

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:

- July 14, 2014 regular Council meeting
- July 21, 2014 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 Action Taken:

Motion was made by Council Member Snead to approve the draft minutes as presented, with motion on the floor being seconded by Council Member Stockton. There being no discussion, let the record show 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 Action Taken:

Motion was made by Council Member Cundiff to approve the "Consent Agenda" as presented, with motion on the floor being seconded by Vice Mayor Walker. There being no discussion, let the record show 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 prior to the Council meeting 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 came forward.

OLD BUSINESS

A. Review and consideration of request of implementing erosion repair plan in Fiscal Year 2015 at Veterans' Memorial Park.

The Town Manager informed Council that the Town has spent the last 2.5 years reviewing the erosion at Veterans' Memorial Park. He pointed out the following:

- Town anticipated implementing the Town's erosion repair plan this fiscal year and has budgeted approximately \$500,000 to accomplish this work based on cost estimates provided the Town.
- The project was put out to bid in June 2014, but the lowest bid price was approximately \$850,000 (a summary of the bids were provided to Council prior to the Council meeting).

The Town Manager informed Council that staff needs Council's guidance on how to proceed with this project, presenting to them three possible options:

1. Carry the current funding forward to the next fiscal year and delay the project.
2. Take the funding shortfall out of the fund balance.
3. Use debt to do the entire project (or the unfunded portion) and place the budgeted funds back into fund balance.

Discussion ensued between Council and Town Manager regarding: how long is the current permitting that is in place now good for; would like to see another alternative, as another alternative may be less than what has been bid so far; if the cost analysis was correctly done; contacting another engineering firm to give the Town a brief regarding fixing the problem; and if local folks could do the work, with Town Manager explaining how this could not be done at this time due to the company downsizing.

Let the record show no motion was necessary, but consensus action was taken.

Consensus Action Taken:

It was the consensus of Council that the Town Manager get in touch with Thompson & Litton engineering firm and have them give the Town a brief regarding fixing the erosion of the bank at Veterans' Memorial Park, which included questions regarding lifespan of permitting already in place, along with Town Manager contacting Franklin County to see if they will cost share this project.

B. Review and consideration of approval of proposal to repair roof leaks for the Rocky Mount Volunteer Fire Department located at Emergency Services Building on North Main Street.

The Town Manager (in the absence of the Community Development Director) stated the following:

- The Community Development Director had presented to Council prior to the Council meeting a synopsis of the history of the roof leaks that have occurred at the North Main Street Fire Department building, along with a proposal from McNeil Roofing, Inc. outlining the scope of work, which totaled \$33,800.
- Funds are in capital budget to have this work done.
- Staff has reviewed the issues that were pointed out by Mr. Williams of McNeil Roofing, Inc. and believe the repairs to be necessary and emergency in nature; and furthermore, the costs to be in-line with what staff would expect from the bid.
- The Community Development Director and Fire Chief both ask that Council consider accepting the proposal as an emergency bid and authorize the Town Manager to execute the proposal in order to have the repairs begin September 2014 and be completed in time for winter.

The Fire Chief confirmed to Council that McNeil Roofing, Inc. has done a good deal of work for the Town and he has all the confidence in the world in them to do the work as proposed.

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

Motion Action Taken:

Motion was made by Vice Mayor Walker to approve the Town Manager to proceed with executing the agreement as proposed in the amount of \$33,800, with motion on the floor being seconded by Council Member Snead. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

NEW BUSINESS

A. Review of new duties for Rocky Mount Police Department personnel.

Prior to the meeting, Council had received proposed changes to the Virginia State Code § 37.2-808 and § 37.2-810 that outlined new duties for police departments.

The Chief of Police presented the following:

- Recent changes to § 37.2-808 and § 37.2-810 have increased the amount of time required for law enforcement officers to transport and detain individuals subject to emergency custody orders.
- Additionally, Virginia state's Attorney General has opined that it is the duty of the local law enforcement agency to provide such transportation and detention supervision services, and as such, the Town's police department will be transporting

- periodic detainees in areas outside of Rocky Mount.
- The Town's police department will monitor these transports and supervision duties, and will address them with a staffing plan in next year's budget. For the remainder of the current fiscal year, these needs will be met with staff available and overtime hours.
 - Confirmed that if the person they are transporting lives in-town, the Town's police department has to transport them under the new state's mandated policy.

Discussion ensued between Council, Chief of Police and Town Manager on how the police department is currently handling this new state mandate.

Let the record show no motion was needed as this was for informational purposes only.

B. Review and consideration of approval of draft resolution in lieu of bond for Virginia Department of Transportation (VDOT) revenue sharing project for State Route 40 East sidewalk project that is required by Virginia Department of Transportation.

Prior to the meeting, Council had received a draft resolution in lieu of bond for Virginia Department of Transportation (VDOT) revenue sharing project for State Route 40 East sidewalk project that is required by VDOT.

The Town Manager and Town Planner presented the following:

- VDOT has certain right-of-ways and the Town has agreements with VDOT to work within those right-of-ways when needed to do so.
- In the past, the Town has been required to have a bond to work within VDOT's right-of-ways.
- VDOT has given the Town permission to submit a resolution in lieu of the bond (similar to when the Town's Public Works Director does sewer and water line work), with the Town being personally responsible for any damages, without having to post a bond. The Town Planner confirmed to Council that VDOT did not elaborate on what specific damages the Town would have to take care of.

Discussion ensued regarding the recently opened Dollar Tree store located on State Route 40 East. The Town Manager confirmed that the sidewalk at that location was installed by Dollar Tree and not the Town. Discussed also Town staff putting in new traffic pattern signs at the store location for about four months, and after that time, Town staff will re-evaluate the flow of traffic in that area.

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

Motion Action Taken:

Motion was made by Vice Mayor Walker to approve draft resolution 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.

- C. Review and consideration of approval of draft resolution to extend Virginia Department of Transportation's (VDOT) bond moratorium, with a letter of credit from the Town of Rocky Mount for Economic Development Access Program projects to establish qualifying investment from August 2, 2014 to August 2, 2016.

Prior to the meeting, Council had received a draft resolution to extend Virginia Department of Transportation's (VDOT) bond moratorium, with a letter of credit from the Town of Rocky Mount for Economic Development Access Program projects to establish qualifying investment from August 2, 2014 to August 2, 2016. The Town Manager did not elaborate on the draft resolution.

There being no comments, the Mayor entertained a motion.

Motion Action Taken:

Motion was made by Council Member Cundiff to approve 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.

COMMITTEE REPORTS

A. Public Utilities Committee

The Town Manager informed Council of the following:

- The Public Utilities Committee met on July 23, 2014 to continue consideration of the potential well sources on the Town's property located at 345 Donald Avenue (Rocky Mount Municipal Building).
- The Committee instructed Town's staff to contact the initial well driller for a flow rate analysis and while that analysis was being performed, for staff to sample and thoroughly test the water, which staff has scheduled to do next week.
- Once the results of these tests are known, the Committee agreed to meet again to determine if a contract should be signed with one of the Town's engineering partners for further study. A meeting of such may take place within the next two to three weeks.

The Town Manager confirmed to Council Member Cundiff that this would not be coming out of the Utility Capital Project Fund, but instead out of the Water Treatment Plant Operating Fund.

Also briefly mentioned by Council Member Cundiff (who is also Chair of the Public Utilities Committee) was that any further drilling will not be taking place close to the Municipal Building where the current drilling took place, but away from the building and further out from the parking lot area.

Let the record show that no action was taken.

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

A. Referrals to Planning Commission from Town Council

The Town Planner confirmed to Council there were no referrals at this time.

B. Rise 'N Shine Appearances

The Town Manager confirmed to Council that he appeared on the *Rise 'N Shine* show this morning.

COUNCIL CONCERNS

Vice Mayor Walker recognized Town Planner Patrick Rust at this time due to Mr. Rust turning in his resignation, effective at the end of August (2014), as he will be moving back to North Carolina so he and his wife can be with their families. Vice Mayor Walker thanked Mr. Rust for the work he has done for the Town and wished him the very best.

The Town Planner confirmed to Vice Mayor Walker that he would be getting the maps Vice Mayor Walker had requested some time ago for the closed chambers before his last day of working for the Town.

CLOSED MEETING

At 7:38 p.m., motion was made by Council Member Moyer to go into *Closed Meeting*, and seconded by Vice Mayor Walker 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 (appointments to the Microenterprise Loan Board).

At 8:30 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 Cundiff 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 Snead. 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, P. Ann Love, Robert L. Moyer, Jon W. Snead, and Billie W. Stockton.

The Mayor reported the following action taken place.

Motion Action Taken:

Motion was made by Vice Mayor Walker to appoint Brenda Hunt, Becky Grindstaff and Carol Tuning to the Microenterprise Loan Board, with motion on the floor being seconded by Council Member Cundiff. There being no discussion, let the record show the motion on the floor passed unanimously by those present.

ADJOURNMENT

At 8:33 p.m., motion was made by Council Member Stockton to adjourn, seconded by Council Member Love and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk