

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
MARCH 10, 2014**

The March 20, 2014 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, Captain Kenneth Criner, Finance Director Linda Woody, Public Works Director Cecil R. Mason, Superintendent of Water Department Robert Deitrich, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, and Town Clerk Patricia H. Keatts. Absent were Public Works Director Cecil Mason and Town Planner Patrick Rust.

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.

There being no comments, the Mayor entertained a motion.

Motion Action Taken:

Motion was made by Vice Mayor Walker to approve the agenda as presented, with motion on the floor being seconded by Council Member Moyer. There being no discussion, let the record show that the 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

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

APPROVAL OF MINUTES

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

- February 10, 2014 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 Cundiff to approve the minutes as presented, with motion on the floor being seconded by Council Member Moyer. 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 Action Taken:

Motion was made by Council Member Stockton to approve the "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 came forward at this time.

OLD BUSINESS

A. Update on Veterans' Memorial Park

The Town Manager and Mr. Chris Fewster with Earth Environmental & Civil, Inc. presented to Council an update on the Veterans' Memorial Park, giving an overview of the planned repairs, and including a time-line of the estimated costs.

- Shoreline protection/box culverts at an estimated construction cost of \$422,350.
- Estimated related costs of \$135,635, such as: construction contingency at 10%; engineering services; inspection; and flood analysis – as built.
- Explained schematic of the proposed work.
- Explained how the 10, 20, 50 and 100 year flood works in accordance with the plan submitted, and how the Veterans' Memorial Park bank will be armored to help prevent if being affected by flooding.
- Will be presenting the estimated cost of repairs to Council as a capital item during the Fiscal Year 2015 budget review.
- Goal is to have project bid out and back to Council in June to award and start construction in July.

The Town Manager requested Council to bid the project out now without giving the okay to go forward with the project unless budget is in place. Confirmed to Council that funds thus far spent this year had already been appropriated by Council.

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

Motion Action Taken:

Motion was made by Council Member Love to approve the request to bid out the project, 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.

NEW BUSINESS

A. Review and consideration of request of Franklin County Historical Society

The Town Manager informed Council that Linda Stanley, Special Projects Coordinator

for Franklin County Historical Society, presented a request for Council's consideration of approval for their upcoming events:

1. The "Moonshine Express" is scheduled for Sundays, April 6th and 13th. Asking for permission to once again have the event take place in the parking lot area of the Rocky Mount Municipal Building, with them actually setting up the Saturdays prior to the event and cleaning up that Sunday evening.
2. The "Ghosts & More" is scheduled for Saturdays, October 18th and 25th. Asking for permission to once again have the event take place in the parking lot area of the Rocky Mount Municipal Building, with them actually setting up the Friday prior to the event and cleaning up the following Sunday.
3. In conjunction with the two above-mentioned events, requesting the Town of Rocky Mount to agree again to sponsor one or more of their tour buses at \$300 per bus.
4. The "Veterans' Day Memorial" is scheduled to take place on the Franklin County Courthouse lawn on Saturday, May 27th. Requesting permission to stop traffic from Main Street to Maple Avenue and from West Court Street to Floyd Avenue for the brief period of the program. The Chief of Police informed staff that he has no problem with the request to close the street.

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

Motion Action Taken:

Motion was made by Council Member Greer to approve all four requests, with motion on the floor being seconded by Council Member Love. Discussion ensued that the Town would be sponsoring two buses each for both events at a cost of \$300 each. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

- B. Review and consideration of request of Christian Heritage Academy to hold their annual Memorial Day race.

The Town Manager informed Council that Mr. Eric Miller with Christian Heritage Academy is requesting permission to hold their annual Memorial Day race on May 26, 2014. The Chief of Police confirmed to Council that the race would be during the same time frame and the same route used as in previous years, and that he has no problem with this request.

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

Motion Action Taken:

Motion was made by Council Member Stockton to approve the request 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 reducing the required number of members of the Microenterprise Board.

The Assistant Town Manager informed Council of the following:

- During the regular Council meeting of February 10, 2014, it was the decision of Council to expand the footprint of the microenterprise loan pool to any small business that wants to participate within the Town corporate limits. It was the decision of Council to continue to keep these types of loans under the current Façade Improvement and Microenterprise Loan Board that was in place during the Department of Housing & Community Development grant-funding Uptown Revitalization Project.
- The Microenterprise Loan Board was established as a seven-member board, but has operated as a six-member board for some time due to the resignation of Derwin Hall (banker position). The current Board members are: Board Chairman Gregory Walker, Serina Garst, Brenda Hunt (other banker position), Carolyn Johnson, Tillman Riddle, and Carol Tuning. Mr. Riddle has asked to be removed from the Board, and Ms. Garst has been unresponsive to meeting notices and other inquiries. Therefore, staff is requesting that the required number of members be reduced to five in order to streamline the Board, with this requiring that one additional person, preferably a banker, be appointed to the Board.

Council Member Cundiff stated he did not mind reducing the number, but would like to address the membership at some point and time.

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

Motion Action Taken:

Motion was made by Council Member Cundiff to reduce the current membership from seven to five, keeping the two bankers, with motion on the floor being seconded by Council Member Greer. Discussion ensued. Council Member Cundiff reiterated that he would like to discuss at a later time the current membership. The Town Attorney confirmed to the Mayor that the Microenterprise Board bylaws do not need to be changed to reflect the reduction in membership as the motion on the floor would take care of this. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

D. Review and consideration of setting a special Council meeting for the purpose of giving staff guidance in the preparation of the draft Fiscal Year 2015 Budget and Fiscal Year 2014-2019 Capital Improvement Plan (CIP).

Presented to Council by the Assistant Town Manager were three dates to consider holding a special Council meeting to give staff guidance in the preparation of the Fiscal Year 2015 and Fiscal Year 2015-2019 Capital Improvement Plan (CIP), being: Thursday – March 13th; Monday – March 17th; or, Tuesday – March 18th.

Consensus Action Taken:

It was the consensus of Council that the special Council meeting take place on Tuesday – March 18th at 5:00 p.m. in the Council Chambers. Town Clerk so noted.

COMMITTEE REPORTS

A. Public Utilities Committee

It was pointed out to Council by the Town Manager that the Public Utilities Committee had met on March 5, 2014 for the purpose of:

1. Reviewing and accounting requirements for revenue transfer from the Utility Funds to the Utility Capital Fund.

The Town Manager stated that the Committee recommended that the Town move what it has to-date and continue moving it on a monthly basis, then look at it again in the next 60 days. It was confirmed to Council that evidence of the transfer on paper should be in Council's next packet, then they should see it on a monthly basis.

2. Review of expenses charged to the General Fund, Utility Fund and Capital Fund.

The Town Manager stated that the Committee recommended that the Finance Director bring to Council a decision document in April or May to forgive the debt that the Utility Fund owes the General Fund.

3. Overview from the Town Manager of the current state of negotiations on the agreement between the Town of Rocky Mount, Franklin County and the Western Virginia Water Authority for the interconnection of the utility services.

The Town Manager confirmed to Council that at this time, no recommendation is being made by the Committee as this is an on-going contract negotiation with all parties involved. Further stated that he hopes to bring an update to Council sometime in April or May.

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.

On a unrelated matter, the Assistant Town Manager informed Council that the Town of Rocky Mount Board of Zoning Appeals had met to consider a variance for the new owners of The Grove to install a parking lot facing State Route 40 West that would accommodate 50 to 70 parking spaces for events, and the parking spaces would be a greener/natural parking lot made of natural material.

B. Rise 'N Shine Appearances

The Town Manager confirmed to Council that he was on the *Rise 'N Shine* show this morning and that the conversation was good between him and the host, Mr. Richard Shoemaker.

COUNCIL CONCERNS

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

CLOSED MEETING

At 7:30 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 (consideration of appointment to Microenterprise Board).
- 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 located on Sycamore Street within Rocky Mount Town Council corporate limits).
- 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 (legal briefing from staff).

At 8:38 p.m., motion was made by Council Member Cundiff 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 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 Love. 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 took place.

ADJOURNMENT

At 8:40 p.m., motion was made by Council Member Moyer to adjourn, seconded by Council Member Stockton and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk