

**ROCKY MOUNT TOWN COUNCIL  
REGULAR MEETING MINUTES  
NOVEMBER 9, 2015**

The November 9, 2015 regular meeting of the Rocky Mount Town Council (hereafter referred to as "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:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- P. Ann Love
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton

The following staff members were also present:

- John Boitnott, Town Attorney
- Tim Burton, Wastewater Treatment Plant Superintendent
- Ken Criner, Chief of Police
- Bob Deitrich, Water Treatment Plant Superintendent
- Rebecca Dillon, Interim Executive Assistant
- C. James Ervin, Town Manager
- Josh Gibson, Town Planner
- Amy Gordon, Assistant Finance Director
- Matthew Hankins, Assistant Town Manager
- Mark Lovern, Lieutenant, Rocky Mount Police Department
- Cecil Mason, Public Works Director
- Linda Woody, Finance Director

The meeting was called to order by Mayor Steven C. Angle.

**PLEDGE OF ALLEGIANCE**

Mayor Angle led in saying the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Agenda amended to include:

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.

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.

Remove the approval of draft minutes for October 12, 2015 meeting.

**Motion: To approve the agenda as amended**

**Motion By: Vice Mayor Walker**

**Second: Council Member Snead**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Amended agenda approved by a unanimous vote**

### **SPECIAL ITEMS**

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

### **PUBLIC HEARINGS**

Let the record show there were no public hearings.

### **APPROVAL OF MINUTES**

Let the record show there were no minutes presented for approval.

### **APPROVAL OF CONSENT AGENDA**

This month's consent agenda consists of the following items:

- (1) **Miscellaneous Action:** None at this time
- (2) **Miscellaneous Resolutions/Proclamations:** None at this time
- (3) **Department Monthly Reports**
  - Community Development Department
  - Finance Department
  - Fire Department
  - Police Department
  - Public Works Department
  - Wastewater Department
  - Water Department

**Discussion: None**

**Motion: To approve the consent agenda as presented**

**Motion By: Vice Mayor Walker**  
**Second: Council Member Stockton**  
**Motion Discussion: None**  
**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**  
**Nays: None**  
**Action: Consent agenda approved by a unanimous vote**

## **HEARING OF CITIZENS**

Let the record show that prior to the meeting, there was no person who requested to speak during the "Hearing of Citizens" segment of the meeting.

Mayor Angle opened the floor to any other citizens wishing to speak. Let the record show no one came forward.

**OLD BUSINESS:** Let the record show there was none at this time.

## **NEW BUSINESS**

- A. ***New Business Item No. 1:*** The YMCA is holding an annual 5K race on January 23, 2016, and is requesting the closure of streets following the same course as last year. This route has been reviewed by the police department.

**Motion: To approve the street closure for the YMCA annual 5K race being held on January 23, 2016.**

**Motion By: Council Member Snead**

**Second: Vice Mayor Walker**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Request approved by a unanimous vote**

- B. ***New Business Item No. 2:*** The Wal-Mart Foundation has awarded the Rocky Mount Police Department a community grant of \$2,000 to be used to fund local children's activities under the Community Policing Initiative. A supplemental appropriation is needed.

**Motion: To accept the grant and approve the supplemental appropriation**

**Motion By: Council Member Love**

**Second: Council Member Stockton**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Request approved as presented by a unanimous vote**

- C. ***New Business Item No. 3:*** The Virginia Department of Motor Vehicles has awarded the

Town of Rocky Mount Police Department a selective enforcement – alcohol grant for \$5,103 to purchase three RADAR units. There is no required Town match. A supplemental appropriation is needed.

**Motion: To accept the grant and approve the supplemental appropriation**

**Motion By: Council Member Snead**

**Second: Council Member Love**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Request approved as presented by a unanimous vote**

- D. ***New Business Item No. 4:*** The Department of Justice has awarded the Town of Rocky Mount Police Department a total grant of \$4,520 to purchase eight ballistic vests. The Department of Justice share is \$2,260 with the matching Town share also being \$2,260. A supplemental appropriation is needed.

**Motion: To accept the grant and approve the supplemental appropriation**

**Motion By: Council Member Moyer**

**Second: Vice Mayor Walker**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Request approved as presented by a unanimous vote**

- E. ***New Business Item No. 5:*** Staff proposes a one or two day Council Planning Retreat in February or March, using the meeting facilities at the Harvester.

**General Discussion:** Town Manager Ervin informed Council that a facilitator has been approached and has agreed to participate in the retreat, recommending 1 ½ to 2 days. Mayor Angle requested that Town Manager Ervin give Council possible dates for February and March 2016 to choose from.

- F. ***New Business Item No. 6:*** Fire Chief Jeff Rakes will give an overview of the fire at Exchange Milling including highlights of the Town's Response and some of the key items that made this battle successful.

**General Discussion:** Chief Rakes gave highlights of the fire call and thanked public works and the water department for their incredible assistance; he advised Council that over 1,000,000 gallons of water was used to extinguish the fire. Council thanked the fire department as well as public works and water department for their hard work and dedication.

Town Manager Ervin showed appreciation to Council for having the vision and careful planning to build the infrastructure and invest in the resources that allowed the departments to be able to manage such a tragic event.

## COMMITTEE REPORTS

The Public Facilities and Special Events Committee met on October 27, 2015 to consider the proposed security updates to the Municipal Building. This item was referred to committee from the October Town Council meeting. The committee generally recommended the improvements but could not develop a consensus as to how to move forward. The committee asked that the entire Council consider this item at a work session at the November 9<sup>th</sup> meeting.

General Discussion: Town Manager Ervin stated that the work session is being held tonight.

The Finance and Human Services Committee met on November 5, 2015 to review and make recommendations on three items:

- **Credit Card Fees:** The Finance Director has been advised that per our credit card acceptance agreements, passing on a convenience fee to a customer that presents a card for payment is not allowed. The committee recommends to cease charging a convenience fee for in-person payment transactions in the, but continue to charge the fee for telephone payments.

General Discussion: Town Manager Ervin stated there had been ample discussion by the committee regarding this issue. Finance Director Woody added that our insurance carrier has stated they would not represent us in a potential legal matter since this would constitute a breach of contract or possible fraud. If the Town ceases charging a convenience fee all together, Finance Director Woody estimates an apparent cost to the Town of \$2,500 per year. Staff feels this is a cost of doing business and a convenience for our citizens. Town Attorney Boitnott believes there is a state code which would allow us to be able to charge a convenience fee for actual costs incurred for in-person transactions. He will research further and provide an opinion to Council next month regarding this issue. Until then, it is recommended by Council to temporarily cease charging a convenience fee for in-person transactions only. Customers who pay by phone would still incur the charge.

**Motion: To temporarily suspend the convenience fee for in-person transactions while waiting on opinion from town attorney.**

**Motion By: Council Member Stockton**

**Second: Council Member Love**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Motion approved by a unanimous vote**

- **YMCA Loan:** The YMCA is in need for funds to replace pool heaters due to a citation from the Fire Marshall. The committee recommends taking no action at this time to see if the County of Franklin will fund this repair as it is their building.

General Discussion: Town Manager Ervin recapped what the committee discussed, recommending to wait and see if the County utilizes funds to address this issue before the Town considers this item.

- Christmas Bonuses: The committee recommended a bonus for employees and asked that a closed session meeting be scheduled for the November 9<sup>th</sup> meeting to discuss in detail.

General Discussion: Town Manager Ervin stated that this item will be discussed in closed session this evening.

## **OTHER MATTERS & CONCERNS**

Town Manager Ervin appeared on *Rise and Shine Franklin County* this morning, with Mr. Dick Shoemaker as host.

## **CLOSED MEETING & ACTION**

*Enter Closed Meeting:*

**Motion:** To go into closed session under the Virginia Code Section cited below

**Time:** 7:36 p.m.

**Virginia Code Sections:**

**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.

**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.

**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.

**Motion By:** Council Member Moyer

**Second:** Council Member Snead

**Motion Discussion:** None

**Ayes:** Cundiff, Love, Moyer, Snead, Stockton, Walker

**Nays:** None

**Action:** Meeting convened into a closed session by a unanimous vote

*Certificate of Closed Meeting Discussion:*

**Council certified unanimously that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting. No action was taken during the closed meeting.**

*Whereas, the Rocky Mount Town Council has convened a closed meeting on Monday, October 12, 2015 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 (1950), as amended, 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: To give each full-time employee a \$250 bonus each part-time employee a \$125 bonus each.**

**Motion By: Vice Mayor Walker**

**Second: Council Member Stockton**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Motion approved by a unanimous vote**

*Exit Closed Meeting and Reconvene into Work Session:*

**Motion: To reconvene back into open session and begin work session**

**Time: 7:56 p.m.**

**Motion By: Vice Mayor Walker**

**Second: Council Member Stockton**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Meeting reconvened into open session and work session began**

## **WORK SESSION**

The Public Facilities and Special Events Committee met on October 27, 2015 to consider the proposed security updates to the Municipal Building. This item was referred to committee from the October Town Council meeting. The committee generally recommended the improvements but could not develop a consensus as to how to move

forward. The committee asked that the entire Council consider this item at a work session at the November 9<sup>th</sup> meeting.

General Discussion: Town Manager Ervin reviewed the security updates provided to Council regarding the municipal building. It was the consensus of Council to do the following:

- Hire Spectrum Design for architectural services, providing recommendations and sketches of proposed design changes to allow for the security updates.
- Call a special meeting of Council that would involve taking a tour of Roanoke County's recent security updates. Council will then discuss further what changes they would like see occur to the municipal building.

**Motion: To hire Spectrum Design and call a special meeting to visit Roanoke County's recent changes to building security.**

**Motion By: Council Member Love**

**Second: Vice Mayor Walker**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Motion approved by a unanimous vote**

## **ADJOURNMENT**

**Motion: To adjourn meeting**

**Time: 8:34 p.m.**

**Motion By: Council Member Stockton**

**Second: Council Member Love**

**Motion Discussion: None**

**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**

**Nays: None**

**Action: Adjourned by a unanimous vote**

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Steven C. Angle, Mayor

ATTEST:

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Amy D. Gordon, Acting Town Clerk