

**ROCKY MOUNT TOWN COUNCIL  
MEETING MINUTES  
March 9, 2015**

The March 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 meeting was called to order by Mayor Angle.

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 present:

- John T. Boitnott, Town Attorney
- Tim Burton, Waste Water Treatment Plant Superintendent
- Kenneth Criner, Chief of Police
- Robert Dietrich, Water Plant Superintendent
- C. James Ervin, Town Manager
- Matthew C. Hankins, Assistant Town Manager
- Cecil Mason, Public Works Director
- Charles Robertson, Fire Chief
- Stacey Sink, Town Clerk

**PLEDGE OF ALLEGIANCE**

Mayor Angle led in the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Angle asked for any addition or corrections to the presented agenda. Council Member Cundiff noted that he would like to amend the agenda to include a public discussion regarding the \$480,940.02 deficit of the Harvester Performance Center under old business.

Council Member Moyer noted that he would like to add a discussion of the Farmers' Market under old business.

Motion: To approve the agenda as amended

Motion By: Council Member Stockton

Second: Council Member Love

Action: The amended agenda was approved by a unanimous vote

### **SPECIAL ITEMS**

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

### **PUBLIC HEARING**

Let the record show there were no public hearings held at this time.

### **APPROVAL OF MINUTES**

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

- **February 9, 2015 - Rocky Mount Town Council regular meeting minutes**
- **February 18, 2015 - Rocky Mount Town Council special meeting minutes**

Mayor Angle asked if there were any additions or corrections to the presented draft minutes, and being none, entertained a motion.

Motion: To approve the minutes as presented

Motion By: Council Member Snead

Second: Council Member Love

Motion Discussion: None

Ayes: Cundiff; Love; Moyer; Snead; Stockton; Walker

Nays: None

Action: Let the record show that the February 9, 2015 and February 18, 2015 minutes were approved as presented by a unanimous vote

### **APPROVAL OF CONSENT AGENDA**

Prior to the meeting, Council received, for review and consideration of approval, a list of consent agenda items, which consists of any miscellaneous resolutions, proclamations, miscellaneous action items, departmental monthly reports, and the bill list. This month's consent agenda consists of the following:

-Departmental Monthly Reports: Community Development Department, Finance

Department, Fire Department, Police Department, Public Works Department, Waste Water Department, Water Department

There being no discussion, Mayor Angle entertained a motion.

Motion: To approve the consent agenda as presented

Motion By: Council Member Stockton

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff; Love; Moyer; Snead; Stockton; Walker

Nays: None

Action: Let the record show that the consent agenda was approved by a unanimous vote

### **HEARING OF CITIZENS**

Let the record show that prior to the meeting, one citizen requested to speak before Council during the "Hearing of Citizens" portion of the meeting. Mayor Angle called upon **Gale Scott of 150 Cromwell Drive, Rocky Mount** to come forward to speak.

Ms. Scott thanked Council for all that it does. She is grateful that Council has the desire to seek divine guidance before its meetings. Referencing recent articles in the newspaper, Ms. Scott encouraged the Council members to be the ones to pray before the meetings instead of members of the community, as the Franklin County Board of Supervisors does.

Let the record show that no other member of the public came forward to speak.

### **OLD BUSINESS**

#### ***Old Business Item No. 1: Resolution by the Rocky Mount Town Council Legislative Prayer***

Staff Report By Town Manager Ervin: Council Member Moyer has asked Town Council to consider opening its meetings with a prayer. The Town Attorney and Town Manager have consulted with the Virginia Municipal League (VML) and other local government attorneys in order to assist Council in establishing, if it so chooses, a legal meeting prayer policy.

The "Legislative Prayer" guidance document included from the Virginia Municipal League (included in the meeting documents) summarizes the opportunities and pitfalls associated with establishing an opening meeting prayer. The core challenge is the establishment clause in the first amendment of the United States Constitution that guides all levels of government not to make any law regarding the establishment of a

religion. VML offers the following guidelines regarding meeting prayers in local governments in Virginia:

- The prayer should be given by a person other than a member of the governing body.
- Individuals wishing to deliver a prayer should have an opportunity to sign up to do so, thereby allowing all faiths the chance to participate.
- The prayer should be given to the governing body and not those in attendance, and participation by those attending the meeting should not be sought.

With these guidelines in mind, the draft policy included in the meeting documents is submitted for Council's review.

NOTE: This item was continued from the February 2015 meeting.

General Discussion:

Mayor Angle: Noted that in reading through the VML information, VML hit on a few things about why the organization suggests a council member not offer the prayer. He asked the town manager to recap the information.

Town Manager Ervin: Noted that the challenge goes back to the establishment clause of the U.S. Constitution. For the Council, being a governing body and delivering a prayer gets dangerously close to the establishment clause. This is why VML feels it is best for a member of the governing body not to give the prayer.

Council Member Moyer: Asked to withdraw his motion for prayer before a council meeting.

Mayor Angle: Clarified that there is currently no motion on the floor to withdraw. Council's options are to either act on the business item or not act on it. Not acting would mean no vote and the business item would die as it is.

Hearing no additional comments, Mayor Angle entertained a motion. Let the record show there was no motion offered and no action was taken.

***Old Business Item No. 2: Discussion regarding Rocky Mount Farmers' Market***

Council Member Moyer: Noted that four or five months ago, Council voted to install signs on the market stating that that area was for market customers only and on the other side, one hour parking. As of today, there are no signs.

Town Manager Ervin: Advised that signs have been ordered from Indigo Signs, and he was not aware the signs had not been installed. Advised he will follow-up with Indigo and Council tomorrow.

**Old Business Item No. 3: Discussion regarding Harvester Performance Center deficit**

Council Member Cundiff: Noted that Council was made aware in February of a Harvester deficit of \$480,940.02. Thinks that at that time Council should have also made a decision as to how it intended to eliminate the deficit, but that was not done. As it stands now, Council has given a blank check to the people who are in charge and Council has no control over it, other than Council gets the bill. The situation is being fueled by the idea that it is other people's money and it doesn't seem to matter how much is spent. It is his feeling that the taxpayers' money should not be used to subsidize this venue. The question at hand is: what is Council going to do about it? There is money already in the budget, and Council expected to lose some money in the first year, but Council did not expect to lose \$0.5 million. There are contingency funds built into the budget of \$50,000. The Town is already committed for January, February and March, whatever has been spent will have to be paid.

**Motion By: Council Member Cundiff**

**Motion:** That the \$50,000 in the contingency fund/general fund be the only amount that is available to pay the Harvester expenses for April, May and June, with the fiscal year ending June 30, 2015, rather than getting it entangled in another year's budget. The motion is to limit the remaining losses to the \$50,000.

**Second By: Council Member Moyer**

**Motion Discussion:**

- Mayor Angle: Clarified his understanding of the motion to be that for the months of April, May and June, the only support given to the Harvester by the Town will be in the amount of \$50,000. This was confirmed by Council Member Cundiff.
- Angle: Understands Council Member Cundiff's concerns, but thinks that something people tend to overlook is that in last calendar year, January through April were all expenditures. There was no income at all and Council knew that up front. Council has asked staff to look at several adjustments to things like ticket pricing and service charges. Questioned if this has been put in place yet.
- Assistant Town Manager Hankins: Several things have been done to address the shortfalls such as charging a premium for the first few rows of seats on the bigger shows. Staff has been working hard to increase the number of large shows, cutting back on advertising, and also looking at all line items. The gap is closing as discussed in February. It closed to \$35,000 in that month. Making progress and expects to continue to do so.
- Angle: Pointed out that also, because of the Harvester, revenue has been generated from meals, sales, and lodging tax. Additionally, noted that Franklin County operates its parks and recreation department in a deficit every year.
- Town Manager Ervin: Confirmed that Franklin County's annual budget is \$1 million for the parks and recreation operation. Noted that there are a lot of moving parts to a budget. Last year, the Town lost \$0.25 million with its water and sewer rates. The year before that was more. The even-handed solution to these issues is a long term look at costs and revenues, so that an operation is not crippled. Similarly, the Town would not

have gone in five years ago and cut expenses with the utilities to match the underperforming revenue. The consensus staff is operating under with the Harvester is that it will gradually target the sweet spot that retains the economic development aspects of the Harvester and at the same time limits the taxpayers' exposure. The Town is eight months into a 36-month process. Reminded Council that the Town loses \$200,000 per year picking up trash. There are a lot of things the Town does because it is making an investment in the community. Every year, the Town spends all of the dollars its gets to do good things. The Harvester is an example of this. He is nervous about attempting to restrain something that appears to be making a \$2.5 million impact on the local economy. Noted that the Town spent \$3 million buying and developing the Cox property and it has netted the taxpayer nothing. The Harvester is getting substantial returns compared to every other investment the Town has made. It will take time for the Harvester to grow and get out of the shelter, but it is still no where near being a drag on tax revenue to the extent that the Cox property has been. Council has competent people making good decisions. To come up with a arbitrary metric for the Harvester instead of the utilities or refuse collection operation is something he would rather do in a serious worksession so that Council can have a uniform philosophy.

- Angle: Agreed that placing a \$50,000 limit over three months would be handcuffing the Harvester. He would like the Harvester staff to do what they can to reel back expenses.
- Council Member Love: Especially advertising.
- Hankins: Getting more into social media advertising and also trying to make up the expenses on the revenue side.
- Cundiff: Council had a report through September that showed a \$298,000 loss, and at that time was told there would be an increase in ticket fees and in ticket pricing, but that has not happened.
- Hankins: Have not added an extra \$1.00 to the ticket fee because the costs are currently being covered and there is a similar concern to the finance department issue of overcharging for the fees. However, that increase remains a possibility. Also looking at another ticketing provider that will help to cut costs. Meeting coming up in two weeks where staff will review a new product offered.
- Cundiff: Wants the Harvester to be a success, but also needs to be cognizant that the Town needs to preserve the people's money as much as possible. Feels that now staff has a blank check and Council needs to limit the exposure.
- Hankins: Disagrees that staff has a blank check. The Harvester has a budget, which was approved by Council last year for Fiscal Year 2015. Right now, he expects for the Harvester to end the year operating within its budget. The \$480,000 loss is for the calendar year, January – December, but the support year is not the same. The deficit is caused by issues on the revenue side.
- Walker: Agrees with Council Member Cundiff in that he is not impressed with the deficit. He is surprised by it, but was not so naïve as to expect that it would not lose any money. Last meeting they did discuss ways to curb the monthly \$50,000 average loss. It came down in January significantly, and he hopes it came down in February. He likes the idea of restraints but does not think it can just be cut that quickly and that soon. Confirmed with Assistant Town Manager Hankins that staff is on the same page

Council where advertising, ticket pricing, and security are concerned, and that staff is doing whatever possible to decrease expenses, including watching the payroll clocks and making sure that people are going home as soon as their time is up.

- Hankins: Confirmed that he is meeting with his staff every week to keep eyes on the expenses.
- Love: Questioned how confident staff is that they can stay within the \$1.12 million budget for the Harvester, with Assistant Town Manager Hankins confirming "very confident."
- Ervin: Thinks that this budget will be stuck to prior to the end of the fiscal year. What Council Member Cundiff's point is and what staff is hoping for, is a larger offsetting revenue item. Right now, it appears that this "department" will land under what it was anticipated to cost for the year. The challenge then is to grow the brand, get better acts, and have volume. Trending towards it. 98% of shows make some kind of profit, and they need to be grown to the point that some of the back of the house expenditures are covered.
- Hankins: Still searching for sponsors to underwrite shows.

Ayes: Cundiff, Moyer

Nays: Love, Snead, Stockton, Walker

Action: Let the record show that the motion on the floor was defeated

## **NEW BUSINESS**

### **New Business Item No. 1: Presentation of Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2014**

Staff report by Town Manager Ervin: Deanna Cox, with the audit firm Robinson, Farmer, Cox Associates presented the formal annual financial report for the Town of Rocky Mount.

General Discussion: Ms. Cox was happy to report that the Town received a clean audit report. The only audit comments were related to the Harvester Performance Center and they were minor in nature. The auditors were very pleased to find that the Harvester's controls are good.

Council Member Stockton: Advised that he is satisfied with the overall rating and thinks the Town is on the right track.

There being no further discussion, Mayor Angle entertained a motion.

Motion: To approve the Town of Rocky Mount's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2014 as presented.

Motion By: Council Member Stockton

Second: Council Member Cundiff

Motion Discussion: None

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

Nays: None

Action: Let the record show that the own of Rocky Mount's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2014 was approved as presented

***New Business Item No. 2: Discussion regarding Virginia Municipal League Supper to be held at the Harvester Performance Center in April 2015***

Staff report by Town Manager Ervin: The Virginia Municipal League holds regional dinners throughout the state as a method of encouraging localities to meet and network over a shared topic of interest. The schedule of regional dinners was given to Council in the monthly packet. Of note is the event on Thursday, April 16, 2015, at 6:00 p.m., what will be held at the Harvester (in the downstairs meeting space). The Town is playing host to this event for VML, and the topic will be "Economic Development." Town Manager Ervin encourages members of Council to attend. Staff also plans to invite members of the Economic Development Authority and the Planning Commission to attend the dinner.

General Discussion: None

***New Business Item No. 3: Discussion of options for the Depot - Community & Hospitality Center***

Staff report by Town Manager Ervin: The Town has been operating the Depot as a visitors' center with paid part time staff. The budget for the Depot in the current fiscal year is \$36,000, which is predominately salaries and utilities. An annual report detailing the visitation and rental of the Depot from March 26-November 30, 2014 is attached. Based on current utilization, staff recommends that the visitor center not be opened in the spring and that some of the staff and publication resources that were invested there be used to greet and guide visitors at the Harvester, consolidating the two operations into one facility. This can be done on a test basis for the spring and summer.

Concurrently, staff proposes that a dialogue with Ferrum College be created to potentially turn the visitors' center into a small business incubator (with potential partnerships for Ferrum students that are interested in entrepreneurial endeavors).

Staff seeks Council's input on these recommendations and guidance as to how Council envisionsthe future of the Depotand a location for visitors to the Town.

General Discussion:

Council Member Moyer: If the Town partner's with Ferrum would it still be a visitor center?

Assistant Town Manager Hankins: The idea for a business incubator would be a shared secretary for whatever businesses are in the incubator and it could still be operated at a visitors' center. He met with Dr. Braaten two weeks ago. The end game of the experiment would be to try to keep some of the Ferrum students in uptown or downtown area.

Town Manager Ervin: Advised Council did not need to make a decision today, but could think about the issue and get back with staff on ideas.

Let the record show that no action was taken.

***New Business Item No. 4: Overview of Crooked Road events for Mountains of Music Homecoming***

Staff report by Town Manager Ervin: The localities along the Crooked Road will hold a region-wide celebration/event under the common umbrella name of "Mountains of Music Homecoming" from June 12 to June 20, 2015. The Town will be aggressively participating, as will the County and other partner community entities. He called upon Assistant Town Manager Hankins to present an overview of the events scheduled to date.

Hankins: The Crooked Road would like to take advantage of the tourist season and the Crooked Road Board has received grants in excess of \$4 million to advertise for this festival, along with \$100,000 to put toward 40 concerts and over 70 musical events at affiliated venues. There will also be a cultural attraction component such as "Antique Farm Days," etc. The Town's new event is trying to reenact Old Court Days on June 13th. The goal is to try to bring visitors to travel along the length of the Crooked Road. The event will rely on partnerships and sponsorships. Two events are scheduled at the Harvester on June 17th and June 20<sup>th</sup>, and also a couple more shows with local artists performing traditional music. Funding requests from Court Days will be discussed during April meeting, requesting support for advertising. This is a new venture with a lot of moving parts. The community will see benefits here in Rocky Mount, especially in hospitality and restaurant revenues. Printed materials and a website will be available.

This presentation was for informational purposes only.

General Discussion: None

***New Business Item No. 5: Review and consideration of contract award to Waco, Inc. for sodium hypochlorite water treatment project***

Staff report by Assistant Town Manager Hankins: For a number of safety and security reasons, the water treatment industry is moving away from the use of chlorine gas for

the disinfection of water. The water department has been working with a consulting engineer and the Virginia Department of Health to facilitate the switch over from gas to liquid sodium hypochlorite. At this time, the plant has approved designed plans and has received a number of qualified bids for the project. After a review of the bids by Town staff and the consulting engineer, staff has chosen Waco, Inc. to do the work required. Waco, Inc.'s bid of \$129,000 was the lowest of five bids that ranged up to \$190,000. \$130,000 was budgeted for the project. This is important to him as the town manager because he has had some employees injured by the old process.

#### General Discussion:

Mayor Angle: Confirmed with the town manager that this funding is already in the budget.

Water Treatment Plant Superintendant Dietrich: Noted that there has been a lot of interest in the project. Ten companies came to the pre-bid meeting, and he received six or seven good, qualified bids.

There being no further discussion, Mayor Angle entertained a motion.

Motion: To accept the bid and go ahead with the installation

Motion By: Council Member Cundiff

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff; Love; Moyer; Snead; Stockton; Moyer

Nays: none

Action: The motion to approve the bid and begin the installation was approved by a unanimous vote

### **COMMITTEE REPORTS**

Let the record show there were no committee reports at this time.

### **OTHER MATTERS & COMMENTS**

***Referrals to Planning Commission:*** Let the record show there were no referrals to Planning Commission at this time.

***Rise and Shine Franklin County:*** Let the record show that Town Manager Ervin appeared on the Rise and Shine Franklin County show with host Richard Shoemaker this morning.

### **COUNCIL CONCERNS**

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

### **CLOSED MEETING**

#### *Entering Closed Meeting:*

**Motion:** To go into closed session to discuss a personnel matter under Section 2.2-3711(A).1

**Time:** 8:03 p.m.

**Motion By:** Council Member Stockton

**Virginia Code 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.

**Second:** Council Member Walker

**Motion Discussion:** None

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

**Nays:** None

**Action:** Motion to go into closed meeting approved by a unanimous vote

#### *Exiting Closed Meeting:*

**Motion:** To come out of closed meeting and to reconvene into open session

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

**Motion By:** Council Member Stockton

**Second:** Council Member Cundiff

**Motion Discussion:** None

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

**Nays:** None

**Action:** Motion to come out of closed session and reconvene in open session approved by a unanimous vote

#### *Declaration of Closed Meeting Discussion:*

**Motion:** To certify that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting

**Motion By:** Council Member Stockton

**Second:** Council Member Cundiff

**Motion Discussion:** None

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

**Nays:** None

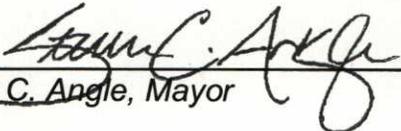
**Action:** The Mayor swore to adopt the motion on the floor by Council Member Stockton and reported that no action was taken during the closed meeting

*Certificate of Closed Meeting:*

*Whereas, the Rocky Mount Town Council has convened a closed meeting on Wednesday, March 9, 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

**ADJOURNMENT**

There being no further business to discuss, Mayor Angle entertained a motion to adjourn.

**Motion By:** Vice Mayor Walker

**Second:** Council Member Love

**Motion Discussion:** None

**Action:** Meeting adjourned at 8:37 p.m. by a unanimous vote

  
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 Steven C. Angle, Mayor

ATTEST:

  
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 Stacey B. Sink, Town Clerk

SBS/