

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
FEBRUARY 11, 2013**

The February 11, 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, 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. Lieutenant of Investigations Kenneth Criner and Corporal of Investigations Josh Harris attended in the absence of Chief of Police David Cundiff.

The Mayor led the *Pledge of Allegiance*.

The Mayor recognized students attending the Rocky Mount Town Council meeting that were government students of Mrs. Shepherd and Mr. Lynch of Franklin County High School.

APPROVAL OF AGENDA

Prior to the meeting, Council had received the agenda for review and consideration of approval.

- Motion was made by Council Member Love to approve the agenda as presented, seconded by Council Member Stockton 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 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:

- January 14, 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 was made by Council Member Cundiff to approve the Council meeting minutes as presented 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.

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 was made by Council Member Cundiff to approve the draft *Consent Agenda*, 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.

HEARING OF CITIZENS

Let the record show that no one had contacted the Town Clerk requesting to come before Council to speak. At this time, the Mayor opened the floor to anyone wishing to come before Council at this time. Let the record show none came forward.

OLD BUSINESS

A. Proposed Draft Ordinance Amending Chapter 22, Article II, Division 2 of the Code of the Town of Rocky Mount, Virginia (2002), In Part, and Providing for Changes to the Weed and Trash Ordinance in the Town of Rocky Mount

(Prior to the meeting, Council had received for review and consideration a draft ordinance amending Chapter 22, Article II, Division 2 of the Code of the Town of Rocky Mount, Virginia (2002), in part, and providing for changes to the Weed & Trash Ordinance in the Town of Rocky Mount. The Planning Commission met on February 5, 2013 to review the proposed changes to the weed and trash ordinance, with a recommendation to Council for approval as presented (6-0 vote with Planning Commission Member Derwin Hall being absent).

The Assistant Town Manager came before Council, presenting the following:

- Per Council's request, the Planning Commission had reviewed and made recommendations to Council regarding the weed and trash portion of the Town Code.
- The Town Attorney worked with staff to prepare the draft ordinance, and the Planning Commission during their meeting of February 5, 2013 considered it.
- The Planning Commission provided its input in December to shape the draft ordinance and after its review during the February 5, 2013 meeting, they recommended by a vote of 6-0, with one member absent (Derwin Hall), that Council adopt the proposed draft ordinance.

A PowerPoint presentation of the proposed changes were presented to Council by the Assistant Town Manager, with him highlighting the following:

- New features of the ordinance consisted of:
 - o Shorter notice and posting time frames
 - lower weed height = earlier calls for services
 - shorter notice periods – quicker Town response
- No second notice between April and November; Town will fix the problem and charge accordingly.
- Increased civil penalties or new \$50 administrative fee.
- High misdemeanor classification for repeat offenders.
- Wider mowing swath for large lots (50' from all property lines).
- Explained the process of weed and trash complaint response process.
- Explained the accounting for costs.

- Went over how the process would be tracked:
 - o Community Development Office will calculate and send bills.
 - o Finance Office will track payments and report back to Community Development Office when payments are received.
 - o Community Development Office will keep a running spreadsheet of all complaints and will share with Council as part of their weekly Council packet.

The Town Attorney confirmed to Council that the revisions were modeled after the City of Roanoke, Virginia's ordinance.

Discussion ensued regarding the mowing swath for large lots (50' from all property lines), with Vice Mayor Walker commenting that he believed this was too much.

Discussion also ensued regarding how lots would be treated if they are used for agriculture, with discretion being used.

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

○ Motion was made by Council Member Cundiff to approve the draft ordinance as presented, with motion on the floor being seconded by Council Member Moyer. Let the record show that the motion on the floor passed five to one, with Vice Mayor Walker voting in opposition to the motion on the floor.

NEW BUSINESS

A. Formal Presentation by Town Auditors

(Prior to the meeting, Council had received for review and consideration the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012. The Finance & Human Services Committee had met earlier this date at 6:00 p.m. to receive a more detailed report by the Town auditors, Robinson, Farmer, Cox Associates.)

Deanna Cox with the firm of Robinson, Farmer, Cox Associates (Town auditors) presented to Council the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012. She pointed out the following:

- Had met prior to Council meeting with the Finance & Human Services Committee.
- Referenced the independent auditor's report letter, which is a letter to those charged with the governance of the Town (members of Town Council), which sums up the audit. Pointed out that there were no disagreements with management.
- Referenced the pictorial financial overview charges; specifically, that the state average per capita, with the Town being one of the lowest.

- Went over the state and government revenues.
- Went over functional expenditures by fiscal year, and for the most part, this really shows that expenditures have tracked upward, but not significantly; specifically mentioning that the Town in 2010 had significant street projects, then expenditures came back down to normal; in 2011, public safety equipment purchases were made (i.e., fire truck purchase); and also a bond that year.
- Mentioned the revenue source for 2012 for intergovernmental, and that local funds are going to have to pay for expenditures in the future.
- Town does have an unqualified opinion again this year, which equates to a report card for audit. The Town would receive an "A". Auditors did not have to make any materialistic adjustments, and the finding from last year came off.
- Town has a healthy fund balance for a town its size.
- Town management is doing a fine job.

Let the record show there were no questions from Council.

Chair of the Finance & Humans Services Committee Billie Stockton informed Council that the Committee recommends acceptance of the audit as presented.

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

○ Motion was made by Council Member Stockton to accept the audit 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.

B. Proposed American Electric Power (AEP) Rate Agreement

(Prior to the meeting, Council had received for review and consideration the proposed American Electric Power (AEP) rate agreement in order to extend existing current rates paid by the Town.)

The Town Manager informed Council of the following:

- In 2009, the Town of Rocky Mount, along with other localities in Virginia served by AEP, negotiated a rate agreement with AEP with the services of legal counsel funded by all the members in common through the Virginia Municipal League (VML) and Virginia Associations of Counties (VACo).
- The contract recently expired and the same team began the process of negotiating a renewal. While the renewal is being negotiated, an extension of the existing agreement was proposed and accepted by each side. The proposed contract modification extends the current rates paid by the Town, with the exception of streetlights, to April of 2013, with a possible six-month extension.
- The streetlight tariff was adjusted to grant AEP \$200,000 of additional revenue across all localities (representing an increase of approximately 2%).
- AEP's original position was for a significant increase of a 6% streetlight increase.

- On the whole, the localities involved feel that the legal team negotiating with AEP secured a good deal.
- To continue receiving the Town's discounted electric rate, the Town must execute an extension to the original contract. Staff asks for Council's authorization to execute the proposed extension on behalf of the Town.

The Town Manager confirmed to Council that using the six-month extension for negotiating room helps in case it fails, with AEP continuing using their current rates.

Let the record show there were no questions from Council.

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

○ Motion was made by Vice Mayor Walker for the Town Manager to execute the AEP agreement to extend the original contract until negotiations can be settled, in hopes the Town gets a better rate, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

C. Request of Rocky Mount Beautification and Urban Design (BUD) Commission

(Prior to the meeting, a letter had been received by the Town Clerk from Rocky Mount Beautification and Urban Design (BUD) Commission for Council's review and consideration the appointment of Aaron S. Burdick as a voting member of the BUD Commission as requested by Chairman Lorinda Lionberger.)

On behalf of the BUD Commission, the Town Manager presented a request from Chairman Lorinda Lionberger for the appointment of Aaron S. Burdick to a three-year term as a voting member of the BUD Commission. It was confirmed to Council that Mr. Burdick has agreed to serve. It was pointed out by the Town Manager that Mr. Burdick is the current Executive Director for West Piedmont Planning District Commission.

Council Member Greer stated that he believes Mr. Burdick is a good choice to serve on the BUD Commission.

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

○ Motion was made by Council Member Greer to approve the request of the BUD Commission for the appointment of Mr. Aaron S. Burdick to serve the three-year term 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.

D. Request of Child Advocacy Center

(Prior to the meeting, a letter had been received by the Town Clerk from the Child Advocacy Center for Council's review and consideration a request to hold their annual "Johnny CASA 5-Miler-5k Run/Walk Event" within the Town.)

Mr. Johnny Nolen came before Council on behalf of the Child Advocacy Center located in Rocky Mount requesting to hold the annual "Johnny CASA 5-Miler-5k Run/Walk Event" in Rocky Mount to benefit the Child Advocacy Center located at 300 South Main Street, Rocky Mount, Virginia on Saturday, October 12, 2013. He further commented that the past seven years the event has been held at the Lakewatch Plantation in Moneta, Virginia, but due to circumstances beyond his control, it was best that they bring the event into the Town corporate limits in hopes that they may attract more runners. As of right now, there are plenty of walkers that attend the event, but they need more runners.

He further pointed out the following:

- All net proceeds will go directly to the CASA Center.
- Has talked with the Chief of Police and Assistant Chief of Police regarding the date and route, and they have no problem with what is being proposed.
- Went over the time element and proposed route for the event.

Council Member Greer stated that he believes that this is a great idea.

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

○ Motion was made by Council Member Greer to approve the request of Mr. Johnny Nolen, 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 be those present.

E. Request of Outlaw Car Cruisers Club

(Prior to the meeting, a letter had been received by the Town Clerk from Outlaw Car Cruisers Club for Council's review and consideration for them to hold their annual car show and Cruise-In events in downtown Rocky Mount, and request of closure of streets during these events.)

On behalf of the Outlaw Car Cruisers Club, Mr. Ray Agee came before Council requesting: (1) permission to hold their annual car show downtown to benefit several non-profit organizations on Sunday, May 26, 2013, from 1:00 p.m. to 4:00 p.m., with a rain date of Sunday, June 2, 2013, during the same time; (2) permission to have two Cruise-Ins downtown at the same location on Saturday, June 29, 2013, and August 31, 2013, starting at 5:30 p.m.; and (3) permission to close Franklin Street and streets intersecting it, beginning at Arrington Flowers and ending at the stoplight intersection of the Rocky Mount Post Office for both the annual car show and the Cruise-Ins. He also

stated that the Chief of Police has looked at the request for both events and sees no problem with both requests being held downtown, along with no problem in closing the streets as the annual car show will take place on Sundays; and even though the Cruise-Ins will take place on Saturdays, they will be after businesses close.

The Town Manager thanked Mr. Agee for having these type of events that bring people into Town.

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

○ Motion was made by Council Member Love to approve all of the requests made by Mr. Ray Agee on behalf of Outlaw Car Cruisers Club, 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.

F. Proposed Fiscal Year 2014 Budget and Capital Improvement Plan (CIP) Schedule

(Prior to the meeting, Council had received for review and consideration the proposed Fiscal Year 2014 Budget and Capital Improvement Plan (CIP) schedule as prepared by the Finance Director.)

The Town Manager presented the proposed schedule on behalf of the Finance Director, stating that since the audit is now completed, the next thing for Council to consider is the budget events, with the process being presented to Council beginning this week, with a possible approval of budget by Council as early as May, per the schedule forecast prepared by the Finance Director. He further stated that after talking to several Council members, dates on the schedule may need to be tweaked.

Council Member Love requested that the first budget work session be moved to perhaps another date. It was the consensus of Council that it be moved to Thursday, April 11, 2013.

The Town Manager also commented that he and the Finance Director believe the proposed budget is a fairly straight forward, clean document that meets Council's expectations; and if Council has any input, to please let them know.

Let the record show that it was the consensus of Council to accept the proposed budget schedule with the one correction showing that the first budget work session will be moved to Thursday, April 11, 2013.

COMMITTEE REPORTS

A. Finance & Human Services Committee

Let the record show that the Finance & Human Services Committee met prior to the

Council meeting to hear a presentation from the auditors regarding the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012, with item being discussed under "New Business", with Council approving the acceptance of the audit as presented.

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

Let the record show that Assistant Town Manager Matthew Hankins appeared on the *Rise 'N Shine* show this morning.

MISCELLANEOUS

The Assistant Town Manager updated Council on the Enterprise Zone, stating that he and other localities had met with legislatures in Richmond, Virginia to try to have them consider extending the timetable, but were unsuccessful due to the fact that they had found out that other larger localities along the eastern seaboard would not be getting their Enterprise Zones if the smaller localities did. Unless there is an intervention from the state, the Town's Enterprise Zone will expire by the end of 2013. But in the meantime, he and his staff are trying to work with the existing businesses in the Town's Enterprise Zone to make sure they take advantage while they can before the end of the year.

COUNCIL CONCERNS

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

CLOSED MEETING

At 7:45 p.m., motion was made by Council Member Greer to go into *Closed Meeting*, and seconded by Council Member Love and carried unanimously to discuss the following:

- 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 (consultation with Town Attorney).

At 8:30 p.m., motion was made by Vice Mayor Walker 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 Greer 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 Moyer. 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 was taken.

ADJOURNMENT

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

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk

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