

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
SEPTEMBER 9, 2013**

The September 9, 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, 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, Deputy Clerk Stacey B. Sink, and Town Clerk Patricia H. Keatts.

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.

The Assistant Town Manager requested the agenda be amended to include under “Closed Session” item pertaining to Section 2.2-3711(A).5 – Discussion concerning a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community.

The Mayor requested the agenda be amended to remove item “A” under “New Business” regarding a group of local businesses wishing their request to be withdrawn at this time and and to be brought back at a later date.

Motion action taken:

Motion was made by Vice Mayor Walker to approve the agenda as amended, with motion on the floor being seconded by Council Member Stockton and carried unanimously by those present.

SPECIAL ITEMS

There were no special items at this time.

PUBLIC HEARING

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:

- August 12, 2013 regular Council meeting minutes
- August 13, 2013 special Council meeting minutes

The Mayor asked if there were any changes to the draft minutes. Council Member Cundiff stated that page 5301 of the draft minutes needed to be corrected to show that the interest rate was actually 4.57% and not 5%. The Town Clerk so noted. There being no further changes, the Mayor entertained a motion.

Motion action taken:

Motion was made by Council Member Love to approve the Council draft meeting minutes as presented with the noted correction, with motion on the floor being seconded by Council Member Cundiff and carried 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 Vice Mayor Walker to approve the draft *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:

- Miss Elizabeth Williams of 675 Rolling Hill Drive, Rocky Mount, Virginia, representing Girl Scout Troup 3078, came before Council regarding waiver of the Farmers' Market rental fees for their use of the Farmers' Market on Saturday, September 14th, from 10:00 a.m. to 2:00 p.m. to help promote the Girl Scouts "First Annual Local Farm Awareness" event, and also to benefit her in obtaining one of her Girl Scout badges. She explained to Council that they would be working with the other vendors in helping to promote local farmers, and that all the proceeds will be going to her Girl Scout Troop 3078.

The Assistant Town Manager explained that Miss Williams has been working with the Farmers' Market Manager Dorothy Cundiff and he believes they have worked out the details, and that he also will be glad to work this out with them. Also discussed what the amount of the fees being waived would be, which is about \$225.

The Mayor requested that in the future, Council should receive a little more notice in advance for them to consider such waivers.

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

Motion action taken:

Motion was made by Council Member Greer to approve the request, 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.

OLD BUSINESS

- A. Review funds set aside in Fiscal Year 2013-2014 Budget for Rocky Mount Town employee Christmas bonuses.

The Town Manager informed Council that they had set a policy to consider holiday bonuses annually and to make a determination based on the budget at the time rather than including a specific target figure in the budget, and that \$32,026 is set aside in the current budget for bonuses. He further stated that staff needs Council's guidelines on: (1) should a holiday bonus be issued this year; and (2) if so, what are the guidelines that should be used to determine the amount of the bonus.

There was discussion from Council on the amount to be given and how to distribute it.

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

Motion action taken:

Motion was made by Council Member Cundiff to approve giving a \$300 Christmas bonus to all Town employees, with motion on the floor being seconded by Council Member Greer. Discussion ensued. The Mayor stated it had been discussed giving the Town employees either \$300 or \$400; also, discussed using the left-over amount in the budget for the Christmas party, or as a carry-over of the remaining funds into next year. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

NEW BUSINESS

- A. Review request of group of local businesses for the establishment of a significant outdoor business, music or tourism event in downtown Rocky Mount.

Let the record show that this request was withdrawn at the beginning of this Council meeting at the request of the group of local businesses.

- B. Review request of United Way of Franklin County for the waiver of rental fees for them to hold their annual kick-off event at the Farmers' Market.

The Town Manager informed Council that a request had been received from the United Way of Franklin County asking for waiver of the Farmers' Market rental fees for their upcoming United Way Kick-off for 2013, with the event being held at the Farmers' Market on September 12th from 5:00 p.m. to 8:00 p.m.

The Assistant Town Manager went over what the event will be, such as: music, food, and fund raising. He further stated that the event has been coordinated with the Farmers' Market Manager Dorothy Cundiff. Also confirmed that the money for fees collected goes back into the Town's funds and are not tied to the profit that the Farmers' Market Manager makes for managing the Farmers' Market (this is a budgeted item).

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

Motion action taken:

Motion was made by Council Member Greer to approve the request, 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.

- C. Review request of Blue Ridge Association for Sickle Cell Anemia to hold a walk-a-thon on September 28, 2013.

Mary Mack (representing Blue Ride Association for Sickle Cell Anemia) came before Council requesting to be able to hold the Sickle Cell Walk-a-thon scheduled for September 28th, with the event starting at the Mary Elizabeth Park in Rocky Mount. Mrs. Mack went over the proposed route. She confirmed that they would not be walking in the street, but using the sidewalk area. The Chief of Police confirmed that he does not have a problem with this request.

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

Motion action taken:

Motion was made by Council Member Greer to approve the request, with motion on the floor being seconded by Council Member Moyer. There being no discussion, let the record show that the motion on the passed unanimously by those present.

- D. Review request of Town of Rocky Mount's Water Department Superintendent for supporting resolution to accompany for funding from the Virginia Department of Health Drinking Water Financial and Construction Assistance Program.

The Town Manager pointed out the following:

- A supporting resolution is needed to accompany an application for funding from the Virginia Department of Health (VDH) Drinking Water Financial and Construction Assistance Program (FCAP).
- This application for a planning grant will cover the entire cost of a Preliminary Engineering Report (PER) that will evaluate and describe in details the costs, benefits and methods of interconnection between the Town of Rocky Mount's existing water system and Western Virginia Water Authority water system.
- Specifically, the PER would determine the necessary infrastructure that would be required to accomplish the interconnection, including, but not limited to, items such as pipe length and size, meter vaults, pumping facilities, pressure relief valves, SCADA controlled valves, creek crossings, meters, additional water treatment needs, water compatibility issues, and design and permitting requirements. Detailed cost estimates will be generated as well.

Council and Town Manager reviewed how this had been discussed in the past and that this would be seeing what the costs would be down the road; trying to target those unforeseen things; and getting State funds to pay for this study rather than initiating Town funds; and that nothing in this states it will be binding upon the Town.

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

Motion action taken:

Motion was made by Vice Mayor Walker to approve the request, with motion on the floor being seconded by Council Member Greer. Let the record show that voting in favor of the motion on the floor were Vice Mayor Walker and Council Members Cundiff, Greer, Love, and Stockton. Voting in opposition to the motion on the floor was Council Member Moyer. Let the record show that the motion passed five to one in favor of the motion on the floor.

E. Retiree & Student Volunteer Program update regarding the use of student volunteers.

Deputy Clerk Stacey Sink gave an update on the student portion of the Retiree & Student Volunteer Program, pointing out the following:

- During the inception of the Retiree & Student Volunteer Program (RSVP) in April 2010, it was the desire of staff to be able to have student volunteers to be an integral part of the program, but were not able to obtain any through the public school system.
- Recently, several of the retiree volunteers have not been able to assist the Town due to sicknesses and illnesses; so at this time, the focus has been looking for student volunteers that are home schooled students.
- This summer, staff was successful in obtaining home schooled students and one public school student ranging in age of 14 to 15. Each one was brought in as a group and taken through an orientation training.
- Even though this was a little more challenging for staff to train, the students were mentored by the retirees themselves.
- Their training consisted of: training on computers in areas that they were not familiar with; learned to write a business letter; taught how to take phone messages; and gained basic office experience.
- Two of the student volunteers have the desire to still volunteer during the home school time; two others want to continue also; and one is in the public school sector.
- The students so far have contributed 200+ volunteer hours.
- The student volunteer program has been overall successful.
- By having student volunteers, staff gave them the opportunity to see what citizens and government are above.

F. Review of appointments to the Town of Rocky Mount's Economic Development Authority,

The Assistant Town Manager informed Council that there are two positions on the Economic Development Authority (EDA) Board coming up for reappointment, being: Adam Lynch and Ann Dillon, with both terms expiring September 30, 2013, with both agreeing to be reappointed. He further stated that staff requests Council to reappoint Mr. Lynch and Mrs. Dillon to the EDA Board for an additional four-year term.

Council Member Cundiff requested that since the EDA does not meet regularly, that this item be tabled until next month's October Council meeting. There was discussion regarding if the matter could be tabled, with it being determined by the Town Attorney that it could be carried over as long as Council desires it to be so.

There was discussion regarding some Council members wanting the to see the matter dealt with now.

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

Let the record show that there were several motions taken:

First motion: Motion was made by Council Member Cundiff to set the matter aside until October, with motion the floor being seconded by Council Member Moyer. A roll call vote was taken: voting in favor of the motion on the floor were Council Members Cundiff, Love and Moyer; voting in opposition to the motion on the floor were Vice Mayor Walker and Council Members Greer and Stockton, with Mayor Angle breaking the tie vote by voting in opposition to the motion on the floor. Let the record show that the motion on the floor failed four to three.

Second motion: Motion was made by Vice Mayor Walker to reappoint Adam Lynch and Ann Dillon to the Economic Development Authority Board as presented, with motion on the floor being seconded by Council Member Greer. Discussion ensued regarding voting on Mr. Lynch and Mrs. Dillon's reappointment separately. Let the record show that Vice Mayor Walker amended his motion to vote on each appointment separately, with amended motion on the floor being seconded by Council Member Greer.

Let the record show that the Mayor presented each name separately before Council to vote on, with the following taking place:

- Vice Mayor Walker submitted for reappointment Mrs. Ann Dillon: every member of Council member agreed to the reappointment.
- Vice Mayor Walker submitted for reappointment Mr. Adam Lynch: Council Member Cundiff abstained due to personal reasons; Council Member Moyer voiced a "no" to reappoint Mr. Lynch; remainder of Council members agreeing to the reappointment.

- G. Review and consideration of approval of write-offs for the Town of Rocky Mount:
- Delinquent utility bills
 - Delinquent real estate taxes
 - Delinquent property taxes

The Town Manager informed Council that presented before Council at this time for consideration of approval are the annual requests to write-off various debts to the Town, which include uncollectable taxes for real estate, personal property and utility.

He pointed out the following:

- The Town's auditors ask that the Town follow a specific schedule for debt write-offs so that the Town's net receivables are fairly represented to a potential bond buyer.
- In simple terms, the expectation is that the Town will show an amount likely to be collected on the Town books so that potential bond buyers have a realistic view of the debts the Town can collect.
- To keep this figure accurate, the Town auditors asks that the Town annually write-off debts that appear uncollectible and simply present a potentially false view of the Towns' financial portfolio.
- This year the amounts are:
 - o Real Estate Taxes: \$2,509.06
 - o Utility Billing Balances: \$6,621.49
 - o Personal Property Taxes: \$3,933.53

The Finance Director confirmed that her department sends out at least two notices on the real estate and property taxes, and the utility bills go out each month showing what is owed; could do court action if Council so chooses, but the costs can exceed what is already owed; and that although the bill is written off, the person is not free from paying it, but the Town is just not pursuing it.

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

Motion action taken:

Motion was made by Council Member Cundiff to write off the delinquent utility bills, delinquent real estates taxes, and delinquent property taxes as presented, 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.

COMMITTEE REPORTS

A. Finance & Human Services Committee

The Finance and Human Services Committee met on August 27, 2013 to review three items.

The following items that were discussed was presented by the Town Manager:

1. Review of Town of Rocky Mount maintaining a Governmental §457(b) Deferred Compensation Plan for the exclusive benefit of its employees and beneficiaries in relation to Roth contributions.

The Committee recommended that the Town allow staff to adopt additional 457(b) plans from time-to-time as the needs of the employees dictated and recommended that Council adopt the presented draft resolution adopting a third 457(b) plan.

2. Review employer match for Governmental §457(b) Deferred Compensation Plan.

Upon reviewing the existing Town match program for the employee retirement options as detailed by the Finance Director in a memo directed to Council prior to the Council meeting, the Committee recommended to Council that the Town expend the remaining funds from the Anthem CD transfer and advise the employees that it is likely that there will be no additional or ongoing Town match for these programs once these funds expire; and to the extent that these funds expire in the current fiscal year, the Committee agreed that the Town should continue the match until June 30, 2014, but that no new funds be included in the Fiscal Year 2015 budget.

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

Motion action taken:

Motion was made by Council Member Stockton to eliminate the §457(b) deferred compensation plan and make no new funds in the budget for contribution for retirement as presented, with motion on the floor being seconded by Council Member Love. There being no discussion, let the record show that the notion on the floor passed unanimously by those present.

3. Update on review of elimination of Town of Rocky Mount vehicle decals and time line to accomplish the same.

The Committee received an update from staff regarding the progress towards eliminating the Town vehicle decal. A draft ordinance is being presented to Council regarding the elimination. The Committee recommended that the draft ordinance mirror Franklin County in regards to exceptions, but that antique vehicles with designated plates be exempt from the fee and exempt from the personal property tax.

There was discussion regarding how Franklin County was handling the antique vehicles and how best the Town could handle this also. It was determined that once the Town finds out about the antique vehicle decals, the ordinance would be revised, and the revised code or different ordinance will be brought back to Council for consideration of action.

The Finance Director confirmed to Council that there would be a license fee on the statements that would be mailed and would take place of the normal decal fee that was being charged, and that these license fees will not change.

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

Motion action taken:

Motion was made by Vice Mayor Walker to approve the elimination of the decal fees as discussed, 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.

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

The Town Manager appeared on the *Rise 'N Shine* show this morning.

COUNCIL CONCERNS

A. Council Member Cundiff stated the following:

1. Recognized Mr. Harold Ingram with Haywood Jewelers for 60 years of being in business with the Town of Rocky Mount.
2. Should not allow any political and/or campaign signs on any Town-owned property, specifically mentioning the Farmers' Market. The Town Manager stated that in keeping with Federal guidelines, no campaign signs are allowed on government property and if staff sees them, they are removed. Discussion ensued on the best way to handle this. The Assistant Town Manager stated that the rules for the Farmers' Market are posted on site, and he believes they state that no political signs are allowed. He further mentioned that his office has a letter going out to those that are campaigning soon to let them know what the Town Code states about this matter.

CLOSED MEETING

At 8:10 p.m., motion was made by Council Member Moyer to go into *Closed Meeting*, and seconded by Council Member Greer and carried unanimously to discuss the following:

- Section 2.2-3711(A).5 – Discussion concerning a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (expansion of an existing business located in the Rocky Mount/Franklin County Industrial Park).

At 9:00 p.m., motion was made by Council Member Greer 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 Love 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 Stockton. The Mayor swore to adopt the motion on the floor by Council Member Love 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 9:02 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Love and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk