

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

The February 10, 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, Captain Kenneth Criner (in lieu of Chief of Police David Cundiff), Finance Director Linda Woody, 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. Absent were Public Works Director Cecil R. Mason and Chief of Police David Cundiff.

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.

Motion action taken:

Motion was made by Council Member Stockton to approve the agenda as amended, seconded by Council Member Love 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 the Mayor recessed the meeting to hold the following public hearing:

- Consideration of the disposition of real property located between the old line as shown on the subdivision plat of Clarke Addition and shown on Sheet 6 of the plans for Route 220, State Highway Project 7220-157-101, RW-201, and the existing right-of-way line on the south side of North Main Street (Route 220 Business), and the existing right-of-way line on the east side of Goodview Street. Refer to Tax Map and Parcel Number 207-00-048.00 according to the current Land Books of Franklin County.

The Town Attorney presented to Council a brief synopsis regarding the history of the parcel, stating that in 2002, Franklin Welding had approached the Town about a sliver of land that had been abandoned after the Goodview Street had “teed” up with North Main Street during the Virginia Department of Transportation (VDOT) Route 220 Business project, with them requesting the Town to quit-claim this piece of property to them, which was already a part of their property since the 1960’s. At that time, the Town agreed to do so, but found out that VDOT had not conveyed that portion of land to the Town. In 2007, the Town received the quit-claim deed from VDOT, with the Town passing a resolution for the abandonment of the property so it could be given to Franklin Welding. Recently, a representative of Franklin Welding visited the Town Attorney’s office to relay that they were not able to find a recorded deed. Upon investigation by the Town Attorney’s office, this was found to be correct. At this time before Council is a “house cleaning” detail to quit-claim the property to Franklin Welding. In consultation with Franklin Welding’s attorney, they requested a public hearing to be held, although one is not necessarily required by the state code; but to comply with Franklin Welding’s legal counsel, a public hearing was set prior to acting on execution of instrument to quit-claim and adjust the boundary line to new street right-of-way.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request. Let the record show that no one came forward to speak.

There being no further comments, the Mayor reconvened the meeting back into open session and entertained a motion.

Motion action taken:

Motion was made by Council Member Greer to approve the disposition of real property 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 MINUTES

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

- January 13, 2014 Regular 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 Greer to approve the draft minutes as presented, with motion on the floor being seconded by Vice Mayor Walker. There being no comments, 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
- Miscellaneous Action
- 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 Love to approve the draft *Consent Agenda* 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.

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. Review and consideration of request of Wastewater Treatment Plant Superintendent for approval of 2014 intern position that is participating in the Environmental Science Major Program from Ferrum College in Ferrum, Virginia.

The Superintendent of the Wastewater Treatment Plant came before Council stating the following:

- Council had requested that he look into an intern position for this program for the Wastewater Treatment Plant.
- Council authorized an intern from Virginia Western Community College that was participating in the wastewater training program during their regular Council meeting of December 9, 2013, and at that time, there was only one person from Virginia Western Community College that qualified for the intern position, and at this time, she has not returned the application to the Town.
- He looked into Ferrum College to see what they had available, and they do have someone through their Environmental Science Major Program.
- Requesting Council's authorization to allow him to offer the internship during the summer to Ferrum College (will be 400 hours used for semester credit).
- The funds for this position have already been placed in the Town's current budget, not to exceed \$10,000. There will be a need to have funds in 2014-2015 budget to carry the intern position past June 30, 2014.

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

Motion action taken:

Motion was made by Council Member Cundiff to approve to employ the intern for the summer months through Ferrum College, 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.

NEW BUSINESS

- A. Review and consideration of request of Franklin County Parks & Recreation to allow them to hold their annual "Chug for the Jug, 5K, Kids Fun Run and Carilion Health Walk"

Marcia Cramblitt, Recreation Programs Manager for Franklin County Parks & Recreation, came before Council asking for permission to hold their annual "Chug for the Jug, 5K, Kids Fun Run and Carilion Health Walk" on Saturday, April 29, 2014, starting at the Rocky Mount Farmers' Market. Mrs. Cramblitt confirmed that the Rocky Mount Police Department has approved their proposed route. She also stated that this year the event will be starting one hour earlier (7:30 a.m.) per the request of the Police Department to ensure safety purposes for the runners. She also mentioned that they have great sponsors for the event.

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

Motion action taken:

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

B. Review and consideration of request of Outlaw Cruisers Car Club to allow them to hold their annual event.

It was reported by the Town Manager that a request had been received from Mr. Ron Guertin, President of the Outlaw Cruisers Car Club, for the Town to allow them to hold their annual car show on Sunday, May 25, 2014, from 1:00 p.m. to 4:00 p.m. in downtown Rocky Mount (with a rain date of Sunday, June 1, 2014, during the same time); also permission to have a Cruise-In or car show on Saturday, August 30, 2014, from 5:30 p.m. until 8:00 p.m. (no rain dates); and to also be granted permission to close Franklin Street and the streets intersecting it beginning at Arrington Flowers and ending at the stoplight intersection of the Post Office for both the car show on May 25th and the Cruise-In on August 30th. It has been confirmed that the Rocky Mount Police Department has seen the requests and have given their approval.

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

Motion action taken:

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

C. Review and consideration of request of Rocky Mount Beautification and Urban Design (BUD) Commission for appointment of Glenna Moore as a voting member of the BUD Commission

The Town Planner stated that BUD Commission Chairman Ann Cook is requesting Council's review and consideration of appointing Glenna Moore to serve a three-year term as a voting member on the BUD Commission. The Town Planner confirmed to Council that Mrs. Moore has consented to serving.

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

Motion action taken:

Motion was made by Council Member Stockton to approve the appointment of Glenna Moore to the BUD Commission as requested, 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.

D. Review and consideration of approving Town of Rocky Mount Fiscal Year 2015 Budget and Capital Improvement Plan schedule.

The Town Manager stated that prior to the meeting, Council had received a draft Fiscal Year 2015 budget calendar that will culminate in the adoption of the Fiscal Year 2015 and Fiscal Year 2015-2019 Capital Improvement Plan at their May 12, 2014 Council meeting.

Discussion ensued on needing to change one of the May 5th meeting date as it was too close to the May 6th Town election date as some of the Council members are up for re-election. Discussed moving the public hearing date to where budget work session #3 is scheduled, as this should work if that work session is not needed, and if it is a conflict, another date will be discussed later.

Consensus action taken:

Consensus of Council that the Finance Director look at the proposed dates and will have a new calendar with Council's suggested changes for the Town Clerk to distribute in Council's Friday weekly packet.

E. Presentation of Planning Commission's 2013 annual report.

The Assistant Town Manager informed Council that prior to the meeting, they had received the Planning Commission's 2013 annual report, which had been prepared by Stacey Sink, Deputy Clerk. He gave a very brief synopsis of what the report covered.

The Mayor stated that the report was very concise and informative. Council Member Greer also commented that the report was very good.

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

Motion action taken:

Motion was made by Council Member Greer to approve the report 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.

F. Review and consideration of amending management of Town of Rocky Mount's Enterprise Loan pool.

The Assistant Town Manager stated that he and the Finance Director have been reviewing the microenterprise loan program and at this time, they need direction from Council in amending the management of it. He briefly pointed out how the program was originally set up for the uptown grant and how the three businesses that participated greatly benefited from it. Of the three businesses that took advantage of the program, one has completely paid the loan off, one has only \$20,000 to repay, and the other one has only \$7,500 to repay, with all three business being on-time and current in their payments. With the repayment of the one loan, more funds are now available for use (approximately \$53,000). Up to this time, the program has been

managed by the microenterprise board that was set up during the uptown grant. It was confirmed that the program must be managed by a non-partisan board and not Council. The question before Council at this time is should the program continue under the current board, or should the oversight be transferred to the Economic Development Authority (EDA) Board, as they are set up to do so. Currently, there is only one active member, being Vice Mayor Walker, on the original microenterprise board. If it is transferred to the EDA, a resolution will be brought before Council. Discussion ensued that these funds can be used for downtown if the program is amended to make it available to specific parts of the Town and within the Town corporate limits. It was confirmed to Council Member Cundiff that this grant was one of the most string-free grants available. Also confirmed that if the Town wants to opt out of using these funds, they can do so by returning the funds to the State. Council Member Cundiff stated he would like to see the footprint of the area be enlarged, but that it stay with the microenterprise board. Vice Mayor Walker questioned why it could not be turned over to the EDA, as this was the wheelhouse; but if not, he would be glad to do it.

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

Motion action taken:

Motion was made by Council Member Cundiff to expand the footprint to any small business that wants to participate within Town corporate limits, but to keep under current board, 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.

COMMITTEE REPORTS

A. Streets, Sidewalks & Streetlights Committee

The Town Manager reported that the Streets, Sidewalks & Streetlights Committee met on January 14, 2014 to consider the following items:

- Installation of a speed bump in the east bound lane of Diamond Avenue to slow traffic down as it leaves Main Street. This issue was at the request of Council Member Moyer. The Committee recommended that prior to considering any change in the street, that the Police Department try doing a stepped-up enforcement program at the intersection and use the "speed wagon" to monitor the speed of the vehicles. Discussion ensued regarding the reasoning behind Council Member Moyer's request in that this area has become dangerous due to the vehicles not slowing down.

Consensus action taken:

It was the consensus of Council to have the Police Department monitor this area and to also use the speed wagon to monitor for a period of time.

- Adopting a “no jake brake” ordinance for the Town. A citizen has asked that the Town limit the use of jake brakes. The Town has put up signs asking trucks not to use jake brakes, but have no code as a basis of which to issue citations or enforce the policy. The Committee recommended additional “No Jake Brakes” signs near the problem area, and additional monitoring prior to considering an ordinance.

Consensus action taken:

It was the consensus of Council to put up additional signs and continue working with the truck drivers to have respect for the signage so the Town will not have to put in place an ordinance to start issuing citations in order to enforce.

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.

B. Rise ‘N Shine Appearances

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

COUNCIL CONCERNS

Council Member Love

The following items were brought up by Council Member Love:

1. Town Manager confirmed that an update regarding 20 Spring Street will be handled under legal counsel in “Closed Session”.
2. The Town Planner gave an update on the Grassy Hill guardrail, informing Council that his office is still waiting on contracts, with him contacting the contractors several times. Still doesn’t know how much there will be to work with.
3. The Town Planner gave an update on the 40 East sidewalks/crosswalks, informing Council that he, the Public Works Director and the engineer have met this week to discuss the safest way to do this project, and once submitted to Virginia Department of Transportation (VDOT), the project should be ready to go. Once submitted, it will be up to the discretion of the Public Works Director on when to actually start the project.

UPDATE ON THE HARVESTER PERFORMANCE CENTER

The Assistant Town Manager gave an update to Council on the Harvester Performance Center:

- The website went “live” today at 10:00 a.m. for the sale of tickets for upcoming performances, with there being a strong showing of sales today.
- There are about 40 shows already on the website, with more being scheduled.
- Should be approaching 175 shows per year.
- Have already received from the public good input on the quality of acts coming.

Council Member Greer informed Council that a gentleman was in his restaurant earlier today from Roanoke, Virginia and he had commented that the Town will see a lot of people coming from out-of-town to see the shows.

CLOSED MEETING

At 7:45 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 (Town Manager).

At 9:30 p.m., motion was made by Council Member Love to come out of *Closed Meeting* and to reconvene the meeting back into open session, with motion on the floor being seconded by Vice Mayor Walker 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 Moyer 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 Moyer 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 9:35 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Moyer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk