

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
JULY 12, 2010**

The July 12, 2010 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 Posey W. Dillon and Council Members Bobby M. Cundiff, Jerry W. Greer, Sr., Robert L. Moyer, and Robert W. Strickler

Let the record show that Council Member Gregory B. Walker was absent.

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, Fire Chief Posey W. Dillon, Public Works Director Cecil R. Mason, Superintendent of Wastewater Treatment Plant Timothy Burton, Community Partnership for Revitalization Executive Director Katie McElroy, 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.

At the request of the Assistant Town Manager, the Mayor asked that Council consider amending the agenda to include under *Closed Meeting* Section 2.2-3711(A).3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (Industrial Park).

- Motion was made by Council Member Strickler to approve the agenda as presented, seconded by Vice Mayor Dillon and carried unanimously by those present.

SPECIAL ITEMS

The Mayor presented on behalf of Council to former Council Member Roger M. Seale a gift of appreciation for his time serving on the Rocky Mount Town Council. Mr. Seale thanked Council for the gift.

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:

- June 14, 2010 Regular Council Meeting
- June 21, 2010 Special Council Meeting
- July 1, 2010 Reorganizational (special) Council Meeting

The Mayor asked if there were any corrections, and there being none, the Mayor entertained a motion.

- Motion was made by Vice Mayor Dillon to approve the draft Council meeting minutes as presented with motion on the floor being seconded by Council Member Strickler. 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
- Miscellaneous Action
 - Review and consideration of approval of allowing Town Manager to accept the Wallerstein's Fellow scholarship in the amount of \$5,000 and allowing the Town Manager to engage in the research on his own time.
- Departmental Monthly Report
- Bill List

Vice Mayor Dillon congratulated the Town Manager on his Wallerstein Fellow scholarship.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Strickler to approve the draft *Consent Agenda*, 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.

HEARING OF CITIZENS

Let the record show that no one had contacted the Town Clerk's Office to come before Council at this time. Thus being said, the Mayor opened the floor at this time to anyone wishing to come before Council to speak. Let the record show that no one came forward to speak.

OLD BUSINESS

- A) Approval of Thompson & Litton to Prepare a Memorandum of Understanding in Relation to Cox Industrial Park

The Town Manager stated that based on Council's direction to move forward with the use of the remaining Tobacco Commission funds and County contributed funds to begin construction of a rail siding at the Cox Industrial site, he has asked Thompson & Litton to prepare a Memorandum of Understanding to conduct the engineering work in accordance with the Town's Engineering Services Agreement, which he presented to Council for their consideration.

He further stated:

- In summary, Thompson & Litton proposed to design the grading, rail siding, storm water management, and erosion control for the entire site.
- It is essential to design the entire site now because the storm water retention pond built in conjunction with the rail siding should be sized to meet the eventual storm water needs for the entire property.
- To accomplish this, the layout of the site needs to be established.
- The proposed work also includes potential identification of wetlands and all permitted required to go to bid or to initiate a change order to add this as another phase of the project.
- The estimated fee is \$49,650 and will be paid from Tobacco Commission funds allocated to this project.

The Town Manager confirmed to Vice Mayor Dillon that if the funds do not come out of the Tobacco Commission, the Town will have to pay, but according to the Assistant Town Manager, there is about \$330,000 in the funding and he cannot see the Tobacco Commission shying away from funding the project.

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

- Motion was made by Vice Mayor Dillon to approve the Memorandum of Understanding for Thompson & Litton, 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.

B) Update on Uptown Project

The Assistant Town Manager presented to Council an update on the Uptown Project, giving them an overview of how the work was progressing with the removal of overhead wires; concrete removal; filling in ditches where necessary; utility companies scheduling their work with the contractor; and everything that the contractor has done at this time is reimbursable from the grant. Informed Council of the minor damage to Virgil Goode's building when removing the concrete, with the Town having to fix the damage. Also briefly discussed the contractor wanting to close the street when work is being done for the water and sewer lines, but the Town is adamant in not having the street closed during the day to do the work, but have okayed the contractor to close the street from 7:00 p.m. to 6:00 a.m. to assist them in getting the work done, with any changes in this time schedule being brought before Council.

NEW BUSINESS

A) Draft "Resolution by the Rocky Mount Town Council Acceptance of Summit Drive"

Prior to the meeting, Council had received a draft "Resolution by the Rocky Mount Town Council Acceptance of Summit Drive" requesting that a section of road as defined on Summit Drive be maintained by the Town and be eligible for financial support from the Virginia Department of Transportation under the Urban Maintenance Agreement.

The Town Manager confirmed to the Mayor that the Town will get the lane miles reimbursed from the Virginia Department of Transportation.

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

- Motion was made by Council Member Strickler to approved the draft resolution 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.

B) Draft “Resolution by the Rocky Mount Town Council Seeking Action by the General Assembly and Governor to Prohibit all Predatory, Usurious Lending Practices in the Commonwealth of Virginia”

Council was informed by the Town Manager that the Town had received a letter from Mr. Bruce A. Elder, Council Member of the City of Staunton, Virginia, requesting the Town of Rocky Mount to join them in asking the Commonwealth of Virginia to take action against predatory lending. Prior to the meeting, Council had received a draft “Resolution by the Rocky Mount Town Council Seeking Action by the General Assembly and Governor to Prohibit all Predatory, Usurious Lending Practices in the Commonwealth of Virginia” that would address Mr. Elder’s request.

It was confirmed to Vice Mayor Dillon by the Town Manager that the draft resolution being presented for Council’s review and consideration of approval was just verbal support from the Town, not monetary. The Town Manager highlighted the three provisions that were outlined in the draft resolution:

1. Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate, including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia; and
2. Prohibit a creditor’s use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer’s bank account; and
3. Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

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

- Motion was made by Vice Mayor Dillon for the Town to support other localities as requested and approve the draft resolution 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.

C) Draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011” (Byrne Justice Grant)

Prior to the meeting, Council had received the draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011” for a Virginia Department of Criminal Justice Services award to the Rocky Mount’s Police Department.

The Town Manager explained that all grants need to be appropriated so the Town can account for them. He further explained that this grant was for the amount of \$4,421 with a local match of \$491 for a total award of \$4,912, with the Byrne Justice Assistance Grant to be used for supplies to improve public safety.

The Town Manager confirmed to Council Member Strickler the funds would be used to fight crime, with the Chief of Police confirming this also.

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

- Motion was made by Council Member Greer to accept the grant and to approve the draft resolution as presented, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

D) Draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011” (School Resource Officer for Franklin County High School)

Prior to the meeting, Council had received the draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011” for Rocky Mount’s Police Department.

The Town Manager explained that the draft resolution was for a Virginia Department of Criminal Justice Service award to the Town of Rocky Mount’s Police Department for a School Resource Incentive Grant with a local match for a School Resource Officer to be used to serve Franklin County High School with existing police personnel. He further explained that the grant was for \$14,814, with a local match of \$9,925 for a total award of \$24,739.

The Town Manager confirmed to the Mayor this grant was the same the Town did in the past for a School Resource Officer.

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

- Motion was made by Council Member Strickler for the Town to accept the grant and approve the draft resolution 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.

E) Draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011” (School Resource Officer for Franklin County Middle School)

Prior to the meeting, Council had received the draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011” for Rocky Mount’s Police Department.

The Town Manager explained that the draft resolution was for a Virginia Department of Criminal Justice Service award to the Town of Rocky Mount’s Police Department for a School Resource Incentive Grant with a local match for a School Resource

Officer to be used to serve Franklin County Middle School with existing police personnel. He further explained that the grant was for \$14,814, with a local match of \$9,925 for a total award of \$24,739.

The Town Manager confirmed to the Mayor this grant was the same the Town did in the past for a School Resource Officer.

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

- Motion was made by Council Member Strickler for the Town to accept the grant and approve the draft resolution 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.

COMMITTEE REPORTS

A) Public Facilities & Special Events Committee

The Town Manager reported that the Public Utilities & Special Events Committee had met on July 8, 2010 to essentially be advised that staff would be removing the center tree located in front of the Farmers' Market as it presently obscures the visibility of the Farmers' Market sign. He stated that he has spoken with Franklin County Retail Merchants Association, Franklin County Chamber of Commerce, and Community Partnership for Revitalization, with none of them having any concerns over the tree being removed. The Town Manager reported that the Committee recommends removal of one tree by Town staff.

Vice Mayor Dillon requested that when the Town has events, for staff to make sure that vehicles are not parked under the trees that are located at the Market so that people attending the events can sit under the trees, which was the intended purpose when the Market was first built. The Town Manager so noted.

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

- Motion was made by Council Member Greer to approve the Committee's recommendation for the removal of one tree from the Farmers' Market as proposed, with motion on the floor being seconded by Vice Mayor Dillon. 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) Other Matters & Concerns

The Mayor stated that there have been some Council members asking about the Town bills every month, with him referencing that years ago, the Finance & Human Services Committee use to look at the bills prior to Council meetings. The Mayor requested that the Finance & Human Services Committee start looking at the bills again as in the past. Staff and Finance & Human Services Committee members so noted.

B) Referrals to Planning Commission from Town Council

Let the record show there were no referrals to the Planning Commission from Council at this time.

C) Rise 'N Shine Appearances

The Assistant Town Manager appeared on *Rise 'N Shine*.

CLOSED MEETING

At 7:31 p.m., motion was made by Vice Mayor Dillon to go into *Closed Meeting*, and seconded by Council Member Strickler and carried unanimously to discuss the following:

- Section 2.2-3711(A).3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (Industrial Park).

At 7:55 p.m., motion was made by Council Member Strickler 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 consider in the meeting by the public body was discussed. Motion was seconded by Council Member Strickler. 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 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Posey W. Dillon and Council Members Bobby M. Cundiff, Jerry W. Greer, Sr., Robert L. Moyer, and Robert W. Strickler.

The Mayor reported that no action was taken.

ADJOURNMENT

At 7:57 p.m., motion was made by Vice Mayor Dillon to adjourn, seconded by Council Member Greer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

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