

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
FEBRUARY 13, 2012**

The February 13, 2012 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 Robert W. Strickler

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, 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 Mayor requested that the agenda be amended to add under *New Business* that Council consider replacing Council Member Bobby M. Cundiff as a member serving on the STEP, Inc. Board, as Council Member Cundiff has indicated to the Mayor that he has a conflict to attend.

- Motion was made by Council Member Cundiff to approve the amended agenda as requested, seconded by Vice Mayor Walker and carried unanimously by those present.

SPECIAL ITEMS

Ms. Deanna Cox of Robinson, Farmer & Cox Associates (Town auditors) made a formal presentation of the Town of Rocky Mount's audit. Ms. Cox pointed out the following:

- Three year trend is a little off.
- Ending fund balance in General Fund was \$10.3 million. From an auditor's standpoint, this is healthy.
- Debt summary and actual debt have decreased.
- Water and sewer fund still relying on the General Fund.
- Referenced the "management comments" on pages 11 and 12.
- The last letter on page 13 is required communication from auditors to the Town.
- The Town does have a financial statement finding this year, but hope that this will be the last one as they are working with the Town's Finance Director to get through this so this will be the last year for a finding.
- Did have unqualified opinion this year, with the Town receiving an "A" rating, with there being no significant issues with the Town.

Ms. Cox concluded by stating that she thanks the Town staff for getting everything ready for them when they were doing the audit.

There were no questions from Council for Ms. Cox. The Mayor thanked her for the audit presentation.

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 9, 2012 Regular Council Meeting
- January 23, 2012 Special Work Session

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 Strickler to approve the draft Council meeting minutes 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.

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 request of Franklin County Historical Society for Town assistance in supporting three upcoming events, specifically: "Moonshine Express", "History In Bloom", and "Ghosts & More"; along with sponsorship fees for four buses in the amount of \$300 each tour bus.
- Departmental Monthly Report
- Bill List

There being no comments, the Mayor entertained a motion.

- Motion was made by Council Member Greer 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 prior to the meeting, no one had contacted the Town Clerk's Office requesting to come before Council. At this time, the Mayor opened the floor to anyone wishing to come to speak before Council. Let the record show that no one came forward.

OLD BUSINESS

A. Rocky Mount Town Council iPad and Electronic Council Agenda Program Orientation

At the direction of Council, the Town Manager is setting up a time for Council's orientation for the iPads and electronic Council agenda during the month of March. The dates given by Council were March 5th, 7th or 14th. The Town Manager advised Council that the only two dates available at this time were March 5th and 14th.

It was the consensus of Council to do the orientation on March 5th at 4:00 p.m.

B. Financing Options for Replacement of Ultraviolet Equipment at Waste Water Treatment Plant

The Town Manager pointed out that Council had previously authorized the Town to accept a loan offer from Department of Environmental Quality (DEQ) (through the Virginia Clean Water Revolving Loan Fund) in the amount of \$278,600, with DEQ offering the Town 2.35% interest for 20 years. The Town Manager further pointed out that given the current interest rates, there is no reason for the Town to take this rate from DEQ when a similar rate can be obtained from the private sector without the DEQ oversight. Prior to the meeting, Council had received from the Town Manager a preliminary financing summary from VML/VACo regarding providing the same funds for a 10 year term.

The Town Manager stated that he and the Finance Director recommend obtaining these funds from VML/VACo via their pooling efforts with banks rather than the DEQ loan. He further stated that if the Town takes the loan from DEQ, the Town will have to comply with their procurement rules (Davis-Bacon wage act and pre-bid reviews from their staff), and if the Town can get a lower or identical rate without the heavy state oversights, then it is in the Town's best interest to pursue it.

There was discussion regarding Council Member Cundiff's comments that he did not see anything that mentioned the right of anticipation that had been referenced in an earlier motion made by Council during another Council meeting (November 14, 2011).

There being no further comments, the Mayor called for the motion.

- Motion was made by Council Member Cundiff to accept the proposal with right of anticipation to be included in it, 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 carried unanimously by those present.

C. Town of Rocky Mount Holiday Pay

The Town Manager stated the following:

- The Finance & Human Services Committee had met on December 8, 2011 to give input to a revised Holiday Policy and to receive information from the Finance Department on the issue of compensation for hours worked by Police officers. No consensus was reached at that time as to how to alter the policy.
- Council Member Love has asked that this issue be brought back before the full Council and proposes that the policy be revised allowing those staff working 12 hour shifts to accrue holiday leave rather than being compensated for the holiday (at the rate of eight hours per holiday like all Town staff). Prior to the meeting, Council had received a draft of the new Holiday Policy that implements this request.

- The general consensus of the Committee during the meeting of December 8, 2011 was that this draft policy was in keeping with the goals of the Committee. The Committee did consider changing the way overtime was calculated for the Police Department and to pay sworn non-exempt law enforcement officers overtime for hours over 160 in a 28 day pay period, versus being paid overtime for hours over 171, which is the Town's current policy. Staff estimates this approach would cost the Town roughly \$16,000 a year. The Town absorbed a similar cost when it shifted from accrual of holidays to paid holidays. If moving back to a holiday accrual model, this would be a cost neutral change.
- Staff requested that Council take action to: (1) adopt or not adopt the proposed holiday policy or revise as desired; and (2) approve overtime as hours over 160 for sworn officers, or keep the current state approved policy of 171.

There was discussion regarding: the best way to go with the holiday pay; that all Town employees needed to be treated the same; how some employees bank their time at the beginning of the physical year and use it as they see fit by the end of the year; and what the difference was between the Police Department and other staff departments in being paid for holidays.

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

- Motion was made by Council Member Love to treat all 12-hour employees the same and allow them to bank the time, with motion on the floor being seconded by Council Member Cundiff. Discussion ensued regarding if the paid holiday should be retroaction, with the Town Manager informing Council that the January holiday has already been paid. Let the record show that Council Member Love amended her motion on the floor (with Council Member Cundiff amending his second to the motion on the floor) that the paid holiday start today. There being no further discussion, let the record show that the amended motion on the floor passed unanimously by those present.
- Motion was made by Council Member Strickler that the Town treat everyone the same with overtime for police officers starting at 161 hours, with motion on the floor being seconded by Council Member Greer. Discussion ensued regarding that the state requires 171 versus what the Finance Department payroll says that the Town employees are being paid, and what the Police Department officers are being paid. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

NEW BUSINESS

A. Water Department Request Regarding Replacement of Water Pump Electric Motors

The Town Manager informed Council that in order to achieve a significant reduction in the Water Department's use of electricity and to increase the reliability of the

Town's drinking water production facilities, staff is requesting funds to replace the Water Department's two raw water pump electric motors and its three finished water pump electric motors with new energy efficient models equipped with soft start capability and variable speed control. He further informed Council that with proper application of this technology, it will significantly reduce the Town's monthly energy costs. Prior to the meeting, Council had received the breakdown of labor and equipment for such replacements.

Council was also informed by the Town Manager that the Town's Fiscal Year 2012 Budget has a Utility Fund contingency of \$94,700, with Council requesting an estimate of the cost to modernize the equipment listed so that a portion of the contingency fund can be appropriated toward the purchase of the necessary equipment.

The Town Manager stated that staff is requesting approval or denial of the proposed draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2012" for the appropriation of the requested funds in the amount of \$78,000.

There was discussion between Council, Town Manager and Water Department Superintendent regarding: what was being replaced; the electrical work will be procured within state guidelines, with the Town hoping that local people will be able to do the work; and what the life of the newer equipment would be. It was confirmed that the current equipment is at least 30 years old and that the newer equipment should last as long, and that it should come with a warranty.

There being no further comments, the Mayor called for a motion.

- Motion was made by Council Member Strickler to appropriate \$78,000 to replace the motors at the Water Plant as requested, with motion on the floor being seconded by Council Member Love. Discussion ensued. The Town Manager confirmed that the funds would be coming out of the Utility Fund contingency. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

B. Franklin County Family Resource Center Request

On behalf of the Franklin County Family Resource Center, the Town Manager stated that Cynthia Treadway, Executive Director for the Center, is requesting Council's permission to allow them and the VA Cooperative Extension to hold a joint fund-raiser for the women's shelter. The "Walk for Domestic Violence" is scheduled to be held on April 21, 2012, with the event starting at 8:00 a.m. to 10:00 a.m. The proposed route would start at Mary Elizabeth Park/Rocky Mount United Methodist Church parking lot, going out of the parking lot to the right, then turning left onto North Main Street at the former Red Clay Restaurant, turning left at the light at

Tuttle's Exxon, then continuing through Town to a left on Claiborne Avenue, then back to the Rocky Mount united Methodist Church parking lot.

Prior to the meeting, Assistant Chief of Police Roger Smith indicated that he has spoken with Mrs. Treadway regarding the proposed date, time and route of the event and the Police Department sees no problem with the request; plus, the Police Department will be assisting them with the walk in any way they can.

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

- Motion was made by Council Member Greer to approve the request of Franklin County Family Resource Center, 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.

C. Rocky Mount Breast Cancer Awareness Hearts Desire Request

The Town Clerk had received a request from Ms. JoAnne Menefee, Executive Director of Rocky Mount Breast Cancer Awareness Hearts Desire, asking to come before Council for a donation of funding that will go towards their upcoming survivors' event. Prior to the Council meeting, Ms. Menefee requested the Town Clerk withdraw her request until she can bring before Council further information needed at staff's recommendation that will help Council make a better decision regarding her request for a donation from the Town.

Let the record show that the Mayor honored Ms. Menefee's request for funding be withdrawn at this time, pending her coming back before Council.

D. Habitat for Humanity of Franklin County, Virginia Request

On behalf of Renae McBride, Board of Directors member for Habitat for Humanity of Franklin County, Virginia, the Town Manager stated that the organization has submitted a request for Council to consider waiving the connection fees for water and sewer at one of the current builds that is located out-of-town corporate limits at 94 Circle View Street. The Mayor confirmed to Council Member Moyer that similar requests from Habitat have been granted in the past. The Town Manager went over the out-of-town connection fees, confirmed that the lines are already at the site, and the person that would end up living in the Habitat house would be paying the out-of-town fees.

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

- Motion was made by Council Member Greer to approve the request of Habitat for Humanity of Franklin County, Virginia, 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.

E. Outlaw Cruisers Car Club Request

Mr. Ray Agee, Vice President of Outlaw Cruisers Car Club, came before Council asking approval to hold two events: (1) annual car show on May 7, 2012 from 1:00 p.m. to 4:00 p.m. (rain date of June 3, 2012; same date and time) in the downtown area; and (2) two Cruise-Ins downtown at same location, with dates being June 30, 2012 and September 29, 2012, starting at 5:30 p.m. and ending by 8:00 p.m. (no rain dates have been selected).

For both events, the Club is asking Council's permission to close Franklin Street and the streets intersecting it, beginning at Arrington Flowers and ending at the stoplight intersection of the Post Office. Regarding the Cruise-Ins, there was discussion when most businesses close on Saturdays.

Mr. Agee explained that it is the plan of the Club for the proceeds from the annual car show to benefit the United Way of Franklin County and other non-profit organizations.

The Town Manager stated it is staff's recommendation of approval and requests Council's authorization to use Community Development funds to run advertisements in support of these events so that more visitors and shoppers can be drawn to the Town and community.

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

- Motion was made by Vice Mayor Walker to approve the request of Outlaw Cruisers Car Club, and to include the advertising per Town Manager's suggestion, 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.

F. Franklin County Historical Society Request

On behalf of the Franklin County Historical Society, the Town Manager informed Council that they are requesting approval from Council to close portions of East Court Street and portions of Main Street in front of the Franklin County Courthouse for a short duration in order to hold their annual "Veterans' Memorial Day" event on May 26, 2012. The event is scheduled to begin around 9:45 a.m. to accommodate the Veterans' Memorial Commission event the same day at Veterans' Memorial Park.

Chief of Police David Cundiff has indicated that he has no problem with the Historical Society's request.

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

- Motion was made by Vice Mayor Walker to approve the Franklin County Historical Society 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.

G. Proposed Fiscal Year 2013 Budget Process Calendar

The Town Manager informed Council that he, along with the Finance Director, were presenting to the full Council a proposed Fiscal Year 2013 budget schedule for their review and consideration of approval. He further confirmed to the Mayor that additional work sessions can be added as Council sees fit.

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

- Motion was made by Council Member Love to accept the proposed Fiscal Year 2013 Budget process calendar, 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.

H. Replacement of Council Member Bobby M. Cundiff on STEP, Inc. Board

Due to a scheduling conflict, the Mayor informed Council that Council Member Cundiff has requested that he be removed from the STEP, Inc. Board. The Mayor stated that if there were any members of Council that would like to serve on the Board in place of Council Member Cundiff, to please contact the Town Manager or himself. The Town Manager confirmed that the Board meets every third Thursday. Let the record show that at this time, no Council member indicated that they desired to serve on the Board.

COMMITTEE REPORTS

A. Performance Center Committee

The Assistant Town Manager informed Council that the Performance Center Committee had met on February 7, 2012 to review the proposed project timeline for the Center's development, and to review the Request for Proposals (RFP) responses for architectural and engineering services for the Center. He further informed Council that the Committee had: reviewed a tentative schedule for the development of the Performance Center; reviewed potential options for external funding; and determined which respondents to interview for architectural and design services for the building. It was determined by the Committee that they will meet again on February 21, 2012 to interview three firms selected, starting at 4:30 p.m.

Let the record show that no action was needed from Council at this time.

On an unrelated matter, the Assistant Town Manager also updated Council on the Zoning Ordinance "Blue Book" that was being reviewed and updated by himself and Deputy Clerk Stacey Sink.

B. Finance & Human Services Committee

At the beginning of the Council meeting, Ms. Deanna Cox of Robinson, Farmer & Cox Associates (Town auditors) made a formal presentation of the Town of Rocky Mount's audit.

As Chair of the Finance & Human Services Committee, Council Member Strickler stated it was the Committee's recommendation to accept the presented audit.

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

- Motion was made by Council Member Strickler to accept the auditors' report that was presented by Robinson, Farmer & Cox Associates, 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.

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

The Assistant Town Manager confirmed to Council that he appeared on the *Rise 'N Shine* show this morning.

COUNCIL CONCERNS

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

CLOSED MEETING

At 7:49 p.m., motion was made by Council Member Greer to go into *Closed Meeting*, and seconded by Vice Mayor Walker 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 (specifically: Town Clerk, Town Attorney, Town Manager).

At 9:45 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 Love 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 Strickler 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 Greer. The Mayor swore to adopt the motion on the floor by Council Member Strickler 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 Robert W. Strickler.

The Mayor reported that no action was taken.

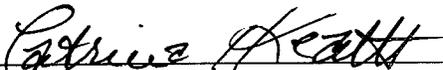
ADJOURNMENT

At 9:47 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Love and carried unanimously by those present.



Steven G. Angle, Mayor

ATTEST:



Patricia H. Keatts/Town Clerk

/phk