

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
DECEMBER 10, 2012**

The December 10, 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 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, 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.

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

### **SPECIAL ITEMS**

Recognition was given to Don Brown, who is retiring from the Rocky Mount Police Department after 30 years of service. The Mayor presented him his 30-year service award and retirement gift. The Chief of Police made a few comments also, giving a brief history of how long he has known Mr. Brown, that it has been an honor to serve with him; plus, mentioned that he would still be staying on with the police department as an auxiliary officer. Mr. Brown thanked everyone for the opportunity to serve the Town, stating it was an honor to serve, and thanked the Town for letting him continue to serve as an auxiliary officer.

## **PUBLIC HEARING**

Let the record show the Mayor recessed the meeting to hold the following public hearing:

### A. Proposed planning and zoning fee changes.

Council had received and reviewed the proposed planning and zoning fee changes during the November 13, 2012 Rocky Mount Town Council meeting, along with the recommendation of any changes as proposed by the Finance & Human Services Committee, with direction for the Assistant Town Manager to hold a public hearing pursuant to Code of Virginia during Council's regular December meeting to receive public comment on proposed planning and zoning fee changes.

Prior to this meeting, Council had received the proposed planning and zoning fee changes.

The Assistant Town Manager came forward stating the following:

- The proposed fees have been reviewed by the Finance & Human Services Committee and the Planning Commission.
- Went over a few highlights of the fees.
- No public comments regarding the proposed fees have been received by the Planning Department.

Let the record show there were no questions from Council.

Let the record further show that no one had signed up to speak before Council regarding this matter.

At this time, the Mayor opened the floor to anyone wishing to come forward to speak regarding this matter. Let the record show that no one came forward.

There being no further comments, the Mayor reconvened the meeting back into regular session.

There being no further discussion regarding this portion of the public hearing, the Mayor entertained a motion.

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

## **APPROVAL OF MINUTES**

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

- November 8, 2012 Special Council Meeting Work Session
- November 13, 2012 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 Love to approve the Council meeting minutes 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.

## **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*)
- Miscellaneous Action
  - Consideration of lease agreement for Town Hall primary copier
- Departmental Monthly Report
  - Community Development
  - Finance Department
  - Fire Department
  - Police Department
  - Public Works Department
  - Waste Water Department
  - Water Department
- Bill List

The Town Manager explained to Council the following regarding the Town's copier:

- Copier had basically quit working.
- Town had previously rented the copier for \$100 a month, plus \$0.022 cents per copy for maintenance. The average bill was about \$250 a month.
- Based on a review of the agreement, the Town will save by leasing a replacement rather than renting.
- The cost per copy for maintenance will drop to \$0.015 cents per copy for a leased unit rather than a rented unit, given the guarantee of a term as a customer.
- Staff proposes leasing a replacement unit via the quote and copy of lease agreement Council received prior to the meeting.

- Given the reduction in copies that the Town is performing due to the migration to digital Council packets, the leased unit should be covered under funds currently appropriated for the prior rental.

There being no further 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 Council Member Stockton. 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 wanting to come before Council to speak.

At this time, the Mayor opened the floor to anyone wishing to come before Council to do so.

Let the record show that no one came forward to speak at this time.

### **OLD BUSINESS**

#### **A. Water Treatment Plant Project to Appropriate Funding for Electric System Upgrade**

*(Prior to the meeting, Council had received a draft resolution funding the Water Plant project to appropriate funding for the electrical system upgrade to the Rocky Mount Water Treatment Plant as required.)*

The Water Treatment Plant had advertised and received bids for the electric system upgrade project with \$290,300 being the low bid to include new electrical panels for the raw water pump house and the main Water Plant facility, an emergency generator connection switch, and new motors and variable speed controls. \$78,000 was allocated previously by Council for this project during the last fiscal year, and \$43,013 was allocated from the Utility Fund contingency by Council last month to this project, leaving a balance of \$169,287 to come from the General Fund's fund balance. The Town Manager presented such draft resolution to Council for their review and consideration of approval, explaining that the funding would be coming from a mixture of fund balance contingency and appropriated fund balance.

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

- Motion was made by Council Member Cundiff to approve draft resolution, with motion on the floor being seconded by Council Member Greer. Discussion ensued.

The Town Manager explained that the Water Treatment Plant Superintendent has agreed to delay the purchase of a vehicle that was previously budgeted and to not consider it until next budgeted year in July, and that he is also trying to look at other means to cut the budget to help fund the electrical system upgrade project. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

**B. Proposed Utility Rates for Calendar Year 2013 through 2016, and Proposed Policy Changes for Utility Billing Operation**

*(The Public Utilities Committee met on November 27, 2012 to review the proposed utility rates for calendar year 2013 through 2016, and to also review proposed policy changes for the utility billing operation as well. Prior to the meeting, Council had reviewed the recommendations of the Committee, along with draft ordinance by the Town Attorney.)*

The Town Manager went over a few of the highlights of the new proposed rates:

- This will be a gradual move towards more cost recovery, taking the minimum bill from \$22.50 to \$34.02 over four years.
- An adoption of a capital recovery fee for larger connections, which allows the Town to hold their rate per gallon constant.
- Dedicating this new revenue into a special fund for the investment in the capital of the utility and refuse collection operations.
- A freeze on the rate paid by the elderly and disabled.
- An increase in the cut-off fee to discourage customers from taking advantage of the Town's liberal policy.

The Public Utilities Committee recommended policy changes for the utility billing operation, as well as:

- That a letter be sent to all customers outlining the cut-off process for delinquent bills.
- That customers who have had their service disconnected for lack of payment have to pay the entire amount due to get reconnected, versus the portion of a bill that is in arrears.

The Town Manager further stated that prior to the meeting, Council had received background information by the Committee, which was presented to Council in November. This outlines the estimated break-even point for the utility operations and how the rates compare with surrounding systems facing similar costs. The proposed rates, even at the end of four years, are lower than the current rates of surrounding systems. Also for Council's review and consideration of approval are two draft ordinances: (1) an ordinance of the Town of Rocky Mount pursuant to Section 58-6 of the Code of the Town of Rocky Mount, Virginia (2002), establishing the rates and charges for water and sewer users for the calendar year 2013; and (2) an ordinance of the Town of Rocky Mount amending in part Chapter 58, Article I, Section 58-6 of the

Code of the Town of Rocky Mount, Virginia (2002), and providing for the rates and charges for water and sewer users.

Council Member Cundiff (also Chair of the Public Utilities Committee) commented that as far as the part about shortening the time period of services being disconnected due to lack of payment and being delinquent, it was felt that it is not being fair to those who continue to pay their bills to continue to allow those being delinquent in continuing to be so. He further commented that the Town has some rather large capital expenses coming up and referenced the water tank that will be approximately one-half million dollars, and also trying to keep industry costs low, with it being very necessary to make the proposed adjustments to the utility rates at this time.

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

- Motion was made by Council Member Cundiff to adopt the recommendations of the Public Utilities Committee and to adopt the recommended policy changes, along with the draft ordinances as presented, with motion on the floor being seconded by Council Member Stockton. Discussion ensued. Council Member Moyer stated that it seems like every time he turns around, he is looking at new fees and new taxes and increases on something. The Mayor asked Council Member Moyer if he proposed to pull those funds from somewhere else to pay for the water loss, with Council Member Moyer stating yes. Vice Mayor Walker thanked Council Member Cundiff and the Committee for their diligent work, and thinks that a lot was ironed out, and that a lot of kinks were fixed, along with a lot of water leaks. He further stated that for the Town to be fiscally sound, what is being proposed with the small increases will help, but he only agrees to this as the funds will be set aside in a dedicated fund for utility work. There being no further discussion, 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 on the floor passed five to one.

C. Overview and Update on National Heritage Area for the Crooked Road

*(During Council's regular meeting of November 13, 2012, Council was presented by the Assistant Town Manager an overview and update of the National Heritage Area for the Crooked Road for informational purposes.)*

The Assistant Town Manager presented to Council at this time a draft resolution backing the application of the Crooked Road to become the nation's 50<sup>th</sup> designated National Heritage Area, which will provide the organization with additional funding through the National Park Service and attract additional visitors through national advertising and marketing. He confirmed to Vice Mayor Walker that he believes other localities along the Crooked Road will be adopting a similar resolution. He further confirmed that some people may be thinking it takes away their property rights, but

since it is being designated as a national heritage, there should be no basis on this taking place, and if this was the case, he would not recommend approval.

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

- Motion was made by Vice Mayor Walker to approve the draft resolution as requested, 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.

## **NEW BUSINESS**

### **A. Designation of Qualified Town Administrative Official to Exercise Powers and Perform Duties of Town Manager During His Absence**

*(Prior to the meeting, Council had received a copy of a letter addressed to the Mayor from the Town Manager that allows him (subject to approval of Council), to designate a qualified Town administrative official to exercise the powers and perform the duties of the Town Manager during his absence, disability or suspension.)*

The Town Manager explained to Council that while visiting the Virginia Municipal League conference, a letter came up that needed to be prepared by the Town, with Department of Housing & Community Development (DHCD) wanting this letter, and that the Town Code allowed this letter to be in place. Therefore, he is requesting Council's consideration of designating the Assistant Town Manager to exercise the powers and perform the duties as outlined in §4.3 and if for some reason the Assistant Town Manager cannot perform these duties, he is requesting that the Finance Director to perform such duties.

Council Member Cundiff stated that he did not see why any letter needed to be signed because the Assistant Town Manager already has to power to act in the absence of the Town Manager.

The Town Manager explained that the DHCD representative was very adamant about having the letter, and in this case, the Town was just simply putting it down in writing. He stated that DHCD is the only one that has requested this letter in the past five years that he knows of since he has been Town Manager. He further stated that the letter does not outline anything different from what the Town is doing now.

It was confirmed to Council by the Town Manager that no motion was needed by Council.

B. Regional Cooperation Act as Passed by Virginia General Assembly

*(Prior to the meeting, Council had received a "Request for Public Comment" regarding the Regional Cooperation Act, which was passed by the General Assembly in 1995.)*

The Town Manager explained to Council that the Virginia Code requires the periodic review of planning district boundaries. He further explained the following:

- The Department of Housing and Community Development (DHCD) is soliciting comments for potential changes to the Virginia Planning District boundaries.
- The Town is a member of two planning district: one based on assignment, which is West Piedmont Planning District Commission; and the other by choice, which is the Roanoke Valley Alleghany Regional Commission.
- Given that the Town is functionally part of the Roanoke Valley metropolitan area, Council may wish to provide input into this process.

The Town Manager questioned Council if it was their wish for the Town to move to the Roanoke Planning District and stay as a voluntary member in the West Piedmont Planning District, or is Council content with the current arrangement.

The Mayor commented that he sees no reason to change what the Town is currently doing as it has worked well with them.

Vice Mayor Walker and Council Member Greer (both liaisons from Council to the West Piedmont Planning District Commission) confirmed that they are getting everything they need from the West Piedmont Planning District.

Let the record show that no action was needed.

C. Consideration of Closure of Town Offices During New Years' Day Holiday

The Town Manager stated that the Town offices have historically been closed as a holiday on New Years' Day, but since December 31<sup>st</sup> fell on a Monday and January 1<sup>st</sup> on a Tuesday, did Council want to consider closing the Town offices both those days, and that Council had done this in the past. He further stated that Franklin County has scheduled those two days as holidays, as well as the State. He also commented that two of the Town's department heads have approached him about this.

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

- Motion was made by Council Member Love to approve this for one time only, 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.

**D. Draft Resolution Regarding Enterprise Zone**

*(Prior to the meeting, Council had received a draft resolution from Town staff urging Council to request legislative action regarding the Town's Enterprise Zone.)*

The Assistant Town Manager informed Council that in order to make an effort to extend the Town's Enterprise Zone, staff is urging Council to request legislative action as detailed in the draft resolution, asking Delegate Charles Poindexter and Senators Bill Stanley and Ralph Smith to support legislation extending certain Enterprise Zones based on the local unemployment rate. He further explained to Council that as of December 31, 2013, barring legislative intervention, the Town's Enterprise Zone participation will cease, which will be ceasing an outstanding record of dealing with economic transition, capital investment attraction, job creation, and economic transformation. He further commented that his department is sending out letters to all the businesses affected by this to encourage them to apply to be in the Enterprise Zone prior to the deadline date of December 31, 2013 in case there is no legislative intervention.

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

- Motion was made by Council Member Stockton to approve, 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.

**COMMITTEE REPORTS****A. Performance Center Committee**

*(The Performance Center Committee met on November 26, 2012 to review the draft plans and seating samples with the architect.)*

The Assistant Town Manager gave a brief summary of the Committee meeting, stating that the Committee reviewed the draft plans, which included updates in the mechanical systems, with those dates causing a delay in completion of the plans because the Town's expectation that the systems have the quietest possible operation to mitigate the impact on sound quality in the auditorium. He further stated that the Committee reviewed the chair samples and provided guidance to the architect on desired finished. The architect expects to have the bid documents, plans and cost estimates ready for the Committee to review in January for Council to finalize and put the project out to bid. The Committee will meet again in January to make a recommendation to Council regarding the project.

No action from Council needed at this time.

B. Public Utilities Committee

*(Let the record show that the item to be discussed pertaining to the Public Utilities Committee was discussed under "Old Business" – Item B.)*

**OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES**

A. Referrals to Planning Commission from Town Council

The Assistant Town Manager stated that the Planning Commission did look at the Code enforcement and will forward to Council for review in January.

B. Rise 'N Shine Appearances

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

**COUNCIL CONCERNS**

- In connection with the utility rate increase, motion was made by Council Member Love for the Town to set aside \$100,000 to be put into the Utility Capital Fund to go towards the purchase of a garbage truck, with motion on the floor being seconded by Council Member Stockton. Discussion ensued. Council Members Love and Cundiff explained what the money being set aside was for. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

**CLOSED MEETING**

At 7:37 p.m., motion was made by Vice Mayor Walker to go into *Closed Meeting*, and seconded by Council Member Love and carried unanimously to discuss the following:

- 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 (pending litigation).

At 7:48 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 Stockton 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.

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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 Greer. 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 no action was taken pertaining to the *Closed Meeting* item.

### **Other Items Discussed**

1. The Mayor reported the Town Manager advised Council that there were no Town employee Christmas bonuses in the budget this year due to them being eliminated in order to find the cost of living increase given to the staff.
2. The Finance Director briefed Council on IRS rule changes regarding the payment of stipends to appointed officials.

3. The Mayor and Town Manager outlined the new Community Heroes program. Community Heroes will be nominated by the public and stories used on the Town website.
4. Council Member Moyer asked that local providers be considered for furniture and fixtures for the Performance Center.

**ADJOURNMENT**

At 8:10 p.m., motion was made by Council Member Love to adjourn, seconded by Council Member Stockton and carried unanimously by those present.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

/phk