

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 13, 2017**

The February 13, 2017 Regular Council Meeting of the Rocky Mount Town Council (hereafter referred to as "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:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton
- Mark H. Newbill

The following staff members were also present:

- John Boitnott, Town Attorney
- Tim Burton, Waste Water Superintendent
- Ken Criner, Chief of Police
- Robert Deitrich, Water Plant Superintendent
- Rebecca H. Dillon, Executive Administrative Assistant
- C. James Ervin, Town Manager
- Josh Gibson, Town Planner
- Matthew Hankins, Assistant Town Manager
- Brian Schofield, Public Works Superintendent
- Linda P. Woody, Finance Director

The meeting was called to order by Mayor Steven C. Angle.

PLEDGE OF ALLEGIANCE

Mayor Angle led in saying the Pledge of Allegiance.

APPROVAL OF AGENDA

Prior to the meeting, Council had received the agenda for review and consideration of approval. Let the record show that the agenda was amended due to adding a Consent Agenda item to the Agenda and due to there being two corrections to the code of the Closed Meeting items for the evening.

Motion: To approve the amended agenda

Motion By: Vice Mayor Walker

Second: Council Member Moyer

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

SPECIAL ITEMS

Let the record show there were no special items at this time except the Mayor welcomed Council Member Newbill back after having had surgery.

PUBLIC HEARING

Public Input for new Refuse Collection Methods

Mr. Ervin gave a recap regarding the refuse truck the Town now has and the proposed new truck.

Mary Slover of 58 Bernard Road, Rocky Mount, VA spoke in favor of the new garbage truck. Ms. Slover shared that the smaller size cans will work for her and her neighbors in the Villa Heights patio homes on Bernard Road.

The Mayor opened the floor to anyone wishing to speak during the public hearing. Let the record show, no one came forward.

The Mayor inquired about the used vehicle that Council had given Staff authorization to bid on. The authorization was for \$77,000 for a used vehicle. The Town did not win the bid as the vehicle went for nearly twice that amount.

Council Member Newbill asked regarding the can size if the refuse vehicle would be able to handle both of the sizes of the cans? Mr. Schofield answered that the refuse vehicle would be able to handle both the small and large cans.

APPROVAL OF MINUTES

Received by Council in their packet for this scheduled meeting were draft minutes for review and consideration of approval:

- January 9, 2017 - regular meeting minutes

Discussion: None

Motion: To approve the draft minutes

Motion By: Council Member Snead

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

APPROVAL OF CONSENT AGENDA

This month's consent agenda consists of the following items:

(1) Miscellaneous Action:

1. Hazard Mitigation Plan (West Piedmont Planning District) and Resolution Adopting the plan

(2) Miscellaneous Resolutions/Proclamations

1. Carter Bank & Trust Resolution Update

(3) Department Monthly Reports

- Community Development Department
- Finance Department
- Fire Department
- Police Department
- Public Works Department
- Wastewater Department
- Water Department

Discussion: None

Motion: To approve the consent agenda as presented.

Motion By: Vice Mayor Walker

Second: Council Member Snead

Motion Discussion: Council Member Moyer asked if the Hazard Mitigation Plan was part of the consent agenda and could it be left out for the present time as he had not had time to review all of it. Mr. Ervin stated that he understood if the plan had not been reviewed in full but pointed out that the Town only received the plan to review it 7 days in advance of the deadline which was February 12, 2017. Mr. Newbill asked summarized, what did the plan include? Mr. Hankins replied that the Hazard Mitigation Plan was an extensive document of West Piedmont Planning District working with other agencies and emergency managers in other locations to identify what hazards are and this document covers many counties and communities throughout the West Piedmont Planning District. The plan is modified and passed every five years. Council Member Moyer asked why the Town was given such a short period of time to review. Mr. Ervin stated that the West Piedmont Planning District did not give enough time to their constituents to review the plan before asking them to make a decision on it. The purpose of the agreement is to keep the Town in federal mandate with the region the Town is located in even though the agreement does not obligate us to anything. Mr. Ervin stated that if Council so chose to do so, they could provisionally adopt it and then go back and review it.

For the record, Council had already made a motion and a second, therefore went ahead with approving the Hazard Mitigation Plan from the West Piedmont Planning District.

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the consent agenda as presented by a unanimous vote.

HEARING OF CITIZENS

Mayor Angle opened the floor to any citizens wishing to speak.

Let the record show that no one came forward.

OLD BUSINESS:

1. Review and Consideration on Adoption of Cable Franchise and Cable Television Ordinance

Mr. Ervin spoke regarding the Cable Franchise and Ordinance. Mr. Ervin started by giving background and then Mr. Kyle spoke from Shentel regarding some of the details of the franchise and the choice that customers are now given regarding their cable television.

The Mayor stated that he had several citizens approach him regarding the cost increase without any notification. Mr. Kyle indicated that Shentel gave 30 day notification which was a state law in Virginia.

Council Member Stockton inquired what the difference was between the years to renew. Mr. Kyle replied the General Assembly authorized 10 of 20 years. Mr. Ervin only allowed for a 10 year renewal as the prior agreement was ten years.

Discussion: None

Motion: To approve the adoption of the Cable Television Franchise and Ordinance

Motion By: Council Member Newbill

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

2. Review and Consideration of an Ordinance amending Chapter 54, Article I, of the Code of the Town of Rocky Mount, Virginia (2002), and providing for the enactment of Sections 54-11 and 54-12 relating to obstructions or encroachments.

Mr. Ervin asked Council to please accept this as the report from the Streets, Sidewalks and Streetlights Committee Meeting on January 19, 2017. After some discussion between Council at the January Town Council Meeting regarding obstructions or encroachments, the Streets, Sidewalks and Streetlights Committee met to review how they could enact code or otherwise make decisions about various problems in the Town where parking of vehicles or objects on the sidewalks that limited the ability of individuals, to safely navigate a public walkway or street.

After some discussion, Council asked the committee to confer with the Town Attorney and Staff. The committee conferred and on January 19, reviewed proposed code that was identified from other localities designed to address encroachments. The code was reviewed by the committee and it was their recommendation that Council adopt the proposed code sections.

Discussion: None

Motion: To approve the ordinance amending Chapter 54, Article I, of the Code of the Town of Rocky Mount.

Motion By: Council Member Moyer

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

3. Review and Consideration of Scuffling Hill Curbing and Drainage Improvements.

Mr. Ervin spoke regarding the Scuffling Hill Curbing and Drainage Improvements stating that the Town, under the impression that the project would be approximately a \$975,000 project, bid out the project. However, when the bids came in, they ranged from \$1.1 million to \$1.6 million and Council agreed that those bids were outside of the scope of what the Town had pledged financially, thus rejecting those bids at the September 26, 2016 meeting. The Town chose then not to rebid the project. Marketing conditions have not changed and it would require another \$5,000 – \$10,000 to rebid the project. It is likely that the Town would still have a 1.1 million to 1.6 million dollar project with only \$975,000 appropriated towards the cost. VDOT has asked what would the Town like to do with the revenue funds it currently has earmarked for this project? Staff recommends that the Town inform VDOT to remove this project from the list to be done until at which time the Town would wish to reapply. Mr. Ervin's recommendation is that we should delist the project but reserve the right to reapply when we have the funds to secure the project with the \$800,000 from VDOT.

Discussion: None

Motion: To follow Staff's recommendation and notify VDOT that the Town will delist the project until such time as the Town can reapply for a fuller allocation from VDOT.

Motion By: Council Member Cundiff

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

4. Appropriate Funds for VDOT Repayment

Mr. Hankins spoke regarding Weaver Street and in particular how the Town and County came together and applied to the Tobacco Commission and the VDOT bonded road program to have the street extended. Mr. Hankins stated that VDOT put up \$334,000 and allowed the Town to use some state money to extend that amount even further. The understanding is that if the Town doesn't get a qualified investment into the industrial park in the time frame allowed the

deadline for, which has been extended several times, then the Town will be required to repay the funds. Mr. Hankins stated that the Town still does not have a fully qualified investment at this time. The Town has received notification that the first installment of \$39,004.25 is due to VDOT. The Town has submitted additional documentation that it believes will reduce that debt amount, thus the appropriation resolution on the diaz for Council that read up to \$39,004.25.

Mr. Ervin recognized Mr. Hankins for negotiating with VDOT and trying to work out an arrangement in which the Town could have the amount reduced. Mr. Hankins was able to get some of the expenses qualified for Hometown Ice's expansion and they are also going to consider the purchase price of the building. Mr. Ervin stated that the Town does have to pay the first payment while they consider the rest of the application and if it is not paid, the letter backing up our bond can be called at Carter Bank. Mr. Hankins pointed out that there were other localities that had to start repaying their obligations, but the Town has been able to reduce it's obligation instead.

The Mayor asked if the \$39,004.25 was at max and Mr. Hankins clarified that the amount is an annual max amount as long as the Town doesn't get any further in qualified investment. Mr. Hankins stated that everything has been considered at this time except the purchase of the building and several unreceipted expenses for Hometown Ice that have not been taken into consideration. If the Town is able to say that it's full obligation has been netted by Hometown Ice's investment, then the Town will be able to get what it owes down to zero. Currently, the Town owes the first payment. The Mayor asked if the Town makes the payment and the Town is able to get the amount down to zero with qualifying investments, the Mayor asked would the money be given back to the Town. Mr. Hankins replied that the Town continues to seek documentation on unreceipted expenses so if the Town makes the first payment and then the Town is able to get other qualifying investments, then in the short term, the money will be given back to the Town.

Council Member Snead asked how soon VDOT would like a check paying the money back and Mr. Hankins replied that VDOT would like a check tomorrow or by the end of the week. Council Member Newbill confirmed that the payment would be annual from them on.

Discussion: None

Motion: To approve the request to appropriate the funds up to \$39,004.25.

Motion By: Council Member Newbill

Second: Vice Mayor Walker

Motion Discussion: Council Member Cundiff asked if the \$39,004.25 would be out of the General Fund. For the record, Mr. Ervin replied, it was.

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

For the record, as Mr. Gibson was finishing up his presentation of a later agenda item, Mr. Ervin stated that Mr. Hankins received an email from VDOT. Mr. Hankins reported that the documentation was sufficient and thereby increased the total investment credit that VDOT has accounted for to \$1.219 million dollars thereby reducing the 20% payment due for the balance of the project cost allocated to the EDA program project to \$18,004.25 The Town has made arrangements to have a check in this amount authorized to be paid to VDOT immediately. The total amount of required surety may be reduced as well to \$28,021.25.

NEW BUSINESS

1. Review and Consideration of Johnny CASA 5Miler-5K Run/Walk Event on December 16, 2017.

Mr. Johnny Nolen came forward to address Council in regards to the Johnny CASA 5Miler-5K Run/Walk Event. Mr. Nolen stated that he had spoken with the Rocky Mount Police Department who had approved the event.

Discussion: None

Motion: To approve the event

Motion By: Vice Mayor Walker

Second: Council Member Newbill

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

2. Review and Consideration for Replacement of HVAC unit at the Emergency Services Building.

Mr. Ervin spoke that the Emergency Services Building had propane heat and had had a bit of an odor to it which gave reason to shut it down and look at replacing the HVAC units. Through the cold temperatures, \$8,100 was quoted to replace the units at the Emergency Services Building. The General Fund had \$50,000 in it and had not been tapped into yet this year. Staff asked Council to appropriate those funds so that Chief Criner could pay the bill that was generated when Mr. Ervin gave the go ahead to put in a new HVAC unit during the cold weather.

Council Member Newbill asked if it was \$8,100 each or together and Mr. Ervin confirmed it was both together.

Discussion: None

Motion: To approve the fund to pay for the replacement of two HVAC units at the Emergency Services Building for \$8,100.

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote

3. Budget Briefing

Mr. Ervin spoke regarding insurance and the Town's insurance renewal. Mr. Ervin stated that there were several options that had been reviewed but won't be decided on until the budget is done. In consideration of how much the insurance is going up this year and how the Town would like to give a small merit raise, it will likely be a flat year this year in terms of take home pay and depending on what plan the employee has, it may even be a negative take home year.

One challenge the Town has had is that the Town just had a reassessment. The Town tax rates are set.

Another challenge is that the utility rates increase have gone into capital. The Town is seeing a budget that takes tax dollars and goes to the treatment of utilities.

The Town's newest refuse truck is 17 years old and will have to be replaced this year. The Town will have to purchase a new truck this year and our old truck is not likely to pass inspection this year.

The Town has a really good fund balance and a good utility fund balance. The Town has cash on hand to maintain our utility systems and we have several years of revenue on hand in the general fund. The Town has also just completed several significant capital investments in the last ten years. There is the Emergency Services Building, the Public Works Building, remodeling the Municipal Building and sewer extensions. The Town is currently finishing Veterans Park.

Mr. Ervin stated that some strengths the Town has is that the departments are the best that they have been in the 10 years that Mr. Ervin has been with the Town. The Town is staffed by knowledgeable, trained, experienced people. The Town is a low debt locality (one of the lowest in the state) and doesn't owe a lot of money.

The budget the Town is working on, brings all of these things together and so the Town is asking the departments to propose flat operational budgets, capital that is limited in value to what they have asked for previously or is tied to some source of revenue.

4. Agreement for Purchase of Electricity from Appalachian Power Company

Mr. Ervin spoke regarding the purchase of electricity from Appalachian Power Company. The Town's last contract to buy electricity expired in 2012. Council adopted an extension in 2013 and instructed the Town to negotiate along with AEP and other localities that purchased power from AEP. The last contract did not change our rates. It gave us a \$5.4 million dollar surcredit on our bill over the 5 year period. The Town spent from 2013 to present negotiating with AEP. Presented now to Council is the contract that has come from those negotiations. The contract is a 5 year agreement with AEP that gives the Town the same rates that the Town has been paying in terms of our electric rates and the Town's street light tarriff. The agreement drops the surcredit to \$4 million over 5 years. The Town's negotiator, Williams Mullens, in conjunction with all localities that purchase from AEP, has developed and submitted the purposed agreement and Council is asked to review and allow the Town to enter into the agreement for the next 5 years.

Discussion: None

Motion: To approve the agreement to purchase electricity from Appalachian Power Company for 5 years. January 1, 2017 through December 31, 2022.

Motion By: Council Member Stockton

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote

5. Smart Scale Application Update

Mr. Gibson spoke regarding the Smart Scale Application with Angle Bridge stating that the application had scored much higher than expected with the Commonwealth Transportation Board and was now recommended for funding in the six year plan by VDOT. Quite a bit of time was spent trying to justify a higher score in the economic development category on the Town's application and the score was much higher than the Town expected due to that investment of time. The project is one of the higher scoring in our region at this time and an invitation is open to go and speak on behalf of the project if anyone from a board, EDA or Council would like to go and speak. The spring meetings where input is allowed are in April and May and the CTB meets in June.

Council Member Cundiff asked if VDOT would do the acquisition of the right away. Mr. Gibson replied that this application was all VDOT money.

Council Member Newbill asked if there were any drawings of how it would look. Mr. Gibson replied that there were some drawings but that those drawings were extremely preliminary.

COMMITTEE REPORTS

Streets, Sidewalks and Streetlights Committee Meeting on January 19, 2017 was included in Old Business.

OTHER MATTERS & CONCERNS

Mr. Hankins was on Rise' n Shine.

Council Member Moyer had a concern for the stop light at Riverside Minute Market on South Main and Scuffling Hill Road regarding traffic coming to a complete stop before turning right onto Scuffling Hill Road. Council Member Moyer expressed an interest in having a no right turn on red sign put up at the intersection to prevent a future accident or having the police write some tickets there to better enforce right turners to stop first before proceeding through the right hand turn onto Scuffling Hill Road. The Mayor suggested having the Streets, Sidewalks and Streetlights Committee look into the matter. Mr. Ervin suggested having the police department look into the matter, give feedback to Staff and then perhaps a decision could be made as to how to proceed.

Council Member Newbill had a concern regarding streetlights being out. Mr. Ervin asked the Acting Town Clerk in regards to how many street lights were recently turned into AEP and was told it was quite a list. Chief Criner was asked about the list of streetlights and replied that the list was forwarded from his department to public works and on to the Acting Town Clerk who turns the list into AEP for repair.

REFERRALS TO PLANNING

1. Review and Consideration of Regulations for Vacant Properties

Mr. Ervin spoke regarding the Regulations for Vacant Properties to see if Council was interested in enforcing such. Council was asked in hopes of being able to catch the property possibly before it might become one that Mr. Hankins has to work to tear down. The Mayor thought it prudent to look at the Regulations for Vacant Properties however, Council Member Moyer did not agree.

Council Member Cundiff stated that the Town could ask Planning to make a recommendation but ultimately he did not think it something that Council should get involved with. Council Member Cundiff further stated that Council would not desire to get involved with anything that would require extra help and possibly be very involved.

Vice Mayor Walker agreed with Council Member Moyer and Council Member Cundiff and asked if the Staff had the tools to follow up on this type of problem. Mr. Hankins stated that it would be helpful to have more tools such as a registry to work from for problems such as the example of 100 Goodview Street (that was recently town down) but said staff time could be used for that.

Council made the decision not to refer at this time.

CLOSED MEETING AND ACTION

Enter Closed Meeting

Motion: To go into closed session under the Virginia Code Section cited below

Time: 8:27 p.m.

Virginia Code Section:

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. (EDA)

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.

Motion By: Council Member Moyer

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: To go into a closed meeting

Certificate of Closed Meeting Discussion:

Council certified unanimously that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting. No action was taken during the closed meeting.

Whereas, the Rocky Mount Town Council has convened a closed meeting on Monday, March 14, 2016 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 (1950), as amended, 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

ADJOURNMENT

Motion: To adjourn meeting

Time: 8:50 p.m.

Motion By: Council Member Moyer

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Adjourned by a unanimous vote

Steven C. Angle, Mayor

ATTEST:

Rebecca H. Dillon, Acting Town Clerk