

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

The March 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.

Motion: To approve the agenda

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.

SPECIAL ITEMS

1. Certificate of Excellence in Financial Reporting

Mr. Ervin spoke regarding the Certificate of Excellence that Ms. Woody and the Finance Department received. Mr. Ervin stated that the certificate was for excellence in financial reporting and that the Town had consistently received the award over the past decade for outstanding commitment to accuracy, transparency and accountability.

2. Year End Report for the Harvester Performance Center

Mr. Turner could not be in attendance so Mr. Hankins spoke regarding the year end financials for the Harvester. Mr. Hankins presented Council with two handouts about the Harvester. The handouts are attached to the minutes in the minute book.

PUBLIC HEARING

None at this time

APPROVAL OF MINUTES

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

- February 13, 2017 - regular meeting minutes

Discussion: None

Motion: To approve the draft minutes

Motion By: Council Member Stockton

Second: Council Member Snead

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:** (none at this time)
- (2) **Miscellaneous Resolutions/Proclamations** (none at this time)
- (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: Council Member Newbill

Second: Council Member Moyer

Motion Discussion: None

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.

Mr. Virgil H. Goode, Jr. of 90 East Church Street, Rocky Mount, VA 24151 spoke regarding the Refuse Truck System. Mr. Goode spoke highly of the crew on the refuse truck and commented what a good job the crew had done over the years. Mr. Goode also said he was against a new refuse truck system as the one the Town currently has is working well. Mr. Goode shared the cost for such a system was very large and he had seen refuse trucks in other localities picking up refuse, making a mess, leaving behind refuse after the truck was in route. Mr. Goode specifically stated that he would like to see a person doing the job rather than a long armed vehicle doing it.

OLD BUSINESS:

1. Review and Consideration of Veterans Park Change Order – Dirt Cover

Mr. Hankins spoke regarding the Veterans Park Change Order and the work that was almost completed on the park. As the work was nearing its end, it had become apparent that the final grade staff requested of the designing engineers was not included in the bid set of plans. The

Town's expectations and directions from the start had been that the culverts would be covered to a depth that would essentially create a flat park area in line with the existing Veterans Park grade.

The work would require additional fill dirt, rip rap, bedding stone, some additional seeding and a wooden handrail to keep visitors away from the edge of the culvert. The original change order quote from the contractor was for \$99,000. The current quote from the contractor to complete the change is for \$49,024.50 but staff is continuing to negotiate that number with the contractor.

Council Member Cundiff stated that the Town should not have to pay for somebody else's mistake.

Council Member Moyer stated that the Town needed to bring the dirt cover up to level and if the mistake was the engineer's mistake; the Town should contact them.

Vice Mayor Walker asked how long was the warranty and what did it cover. Mr. Hankins replied that the warranty was a general construction warranty that would generally not be for more than a year. If the Town chose to have public works finish the project, and something happened while the Town was dumping the dirt; it would be very likely that the warranty would be voided.

Council Member Moyer stated that the Town should go ahead and correct the problem while the equipment was in place and not wait until after everything is cleaned up and have to go back to correct it.

Council Member Cundiff stated that he didn't think the Town needed to do anything that the tax payers would have the cost passed along to them on.

Council Member Snead stated that the project was proposed to Council as a start to finish project and should be carried out the same way.

Mr. Ervin stated that the Town was dealing with an error and omission and having caught it before the contractors were done; it could be added for what it would have cost the Town.

Council Member Stockton stated that he would like to see the project completed by Memorial Day as Council had agreed to.

Discussion: None

Motion: To approve the Veterans' Park change order for up to and not to exceed \$49,024.50. Mr. Hankins was still in negotiations therefore the amount could be less.

Motion By: Council Member Moyer

Second: Council Member Stockton

Motion Discussion: None

Ayes: Moyer, Snead, Stockton, Walker, Newbill

Nays: Cundiff

Action: The motion was passed by a 5 to 1 vote in favor of the Veterans' Park Change Order for up but not to exceed \$49,024.50.

2. Municipal Building Security Improvements Contract

Mr. Hankins spoke regarding the Municipal Building Security Improvements which Town Council had set aside \$60,000 in FY2017 for funding of security upgrades and improvements at the Municipal Building. The work would be done to access and protect staff and board meeting spaces. The work has been designed to meet those needs with the aid of Spectrum Design, the Police Department and management staff.

The Town received three bids that were all from qualified vendors. The lowest bid was from Montgomery Consulting, LLC at \$46,333.00. The higher bids were \$64,377.00 and \$94,000.00. The architect has contacted the references for Montgomery's Consulting's work, which included references from secure state facilities and police agencies. All references would use Montgomery again and the architect and staff recommend that Council authorize entering into a contract and issuing a notice to proceed.

No Franklin County contractors had bid for the work, but Montgomery Consulting had indicated to the Town that they would use primarily local subcontractors to complete the work.

A notice to proceed this week would allow the contractor sufficient time to order materials and complete the construction by the end of the current fiscal year. Materials ordered and delivered would be expected to take approximately 10 weeks. Work is likely to begin taking place in June and will be coordinated with staff to minimize the disruption to the public, staff and meeting schedules.

Staff recommended Council authorize the Town Manager or his designee to finalize and enter into a contract with the winning bidder and issue a notice to proceed.

Discussion: None

Motion: To approve Municipal Building Security Improvements Contract.

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

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

Nays: None

Action: Approved the motion by a unanimous vote.

NEW BUSINESS

1. Review and Consideration of Substitute VDOT Weaver Street Letter of Credit Resolution

Mr. Hankins spoke regarding the Substitute Letter of Credit for reduction in VDOT bond. As the Town has made payment on 20 percent of that amount, VDOT has authorized the surety to be reduced to \$72,017. In order to reduce the Town's exposure of our surety issuer, Carter Bank, staff asked that Council authorize the reduction of the security due from \$334,000 to \$72,017. Mr. Hankins explained that he had a preliminary conversation with Carter Bank & Trust, and Carter Bank agreed that they would prefer to minimize the existing exposure, as the current document VDOT holds is a live financial instrument that could still be called. Mr. Hankins asked that Council consider and pass a surety resolution and authorize the Town Manager to submit on the Town's behalf an inducement letter to Carter Bank & Trust.

Discussion: None

Motion: To approve the Letter of Credit Resolution

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.

2. Review and Consideration of Heritage Classic 5K for Christian Heritage Academy

Mr. Ervin spoke regarding the Christian Heritage Classic 5K. Mr. Ervin stated that the race would be held on May 6, 2017 beginning at 8:00 a.m. and concluding at Christian Heritage Academy about an hour later. Mr. Eric Miller with Christian Heritage Academy had been in touch with the police department and the police department did review and approve the event.

Discussion: None

Motion: To approve the Heritage Classic 5K run for Christian Heritage Academy

Motion By: Vice Mayor Walker

Second: Council Member Cundiff

Motion Discussion: None

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

Nays: None

Action: Motion approved by a unanimous vote

3. Review and Consideration of Anthem Health Insurance Renewal

Mr. Ervin spoke regarding the Anthem Health Insurance Renewal. The Town, received a sharp increase with recent high utilization. Ms. Woody, Ms. Akridge and Mr. Ervin discussed the insurance in detail including reducing the services provided by the plan by going to an alternate provider. Staff stated that they are considering renewing as the best option the Town has and Staff further stated that the Town received a pooled discount through the Local Choice program. Staff recommended renewal with Anthem and plans to include the changes in the proposed budget which is estimated at \$35,000 for the employee and \$147,000 for the Town.

For the record, no action was needed on this item at this time.

4. Review and Consideration of Building a Retaining Wall at Randolph Street in Mary Elizabeth Park

Mr. Ervin spoke regarding the retaining wall at Randolph Street in Mary Elizabeth Park. The wall is to protect the street and the estimated cost is \$15,000. Staff are proceeding with the work using street maintenance funds.

For the record, no action was needed on this item at this time.

COMMITTEE REPORTS

1. Public Utilities Committee Meeting on February 21, 2017

Mr. Ervin spoke that the Public Utilities Committee met on February 21, to consider the information provided regarding the refuse collection truck purchase planned for FY2018. The committee met due to confusion regarding an article in the Franklin News Post. The committee also received information from staff and discussed the pros and cons of a refuse collection system change. The purchase of the refuse truck will go into next years budget.

Council Member Cundiff who was chairman of that committee expressed that he was a firm no as did Council Member Snead and Vice Mayor Walker.

Council Member Snead expressed that the refuse trash system that the Town currently has is working well however, the truck does need replacing, but perhaps the one armed bandit truck may not be the choice for the Town.

Council Member Moyer stated that he agreed with what Mr. Goode had said during the Hearing of the Citizens portion of the meeting and shared that he had been to Roanoke and viewed the refuse system there and expressed that the investment would be great as compared to the job that he observed the Roanoke refuse system delivering.

Council Member Newbill asked what the current restriction size was. Mr. Schofield replied 45 gallon. Council Member Newbill then presented the idea of providing the Town with trash cans the size that would be in compliance.

2. Streets, Sidewalks & Streetlights on March 9, 2017 which was past the time to be included in the packet.

Mr. Ervin stated the Town was looking to initiate a program to address some of the trip and fall hazzards on the Town sidewalks. The Town invited a company called Precision Safe Sidewalks to make a proposal. Percision Safe Sidewalks inspected a 1.5 mile acre area of the Town's sidewalks and the company found 482 trip hazzards. The cost to fix those trip hazzards were estimated at \$38,225. The committee was in favor of giving a full report to Town Council to start the project.

Council Member Stockton asked how many dollars were there to spend? Mr. Ervin replied that there was a surplus of funds available to apply to the sidewalk project. Mr. Ervin also shared that the Town has 800,000 to 1.2 million dollars of maintenance funds from VDOT that need to be used. Council Member Stockton asked if there were areas of the sidewalk that only needed repairing, would that be done instead of replacing the sidewalk? Mr. Ervin replied that if repairing could be done instead of replacing, it would be.

Council Member Cundiff asked why spend \$38,000 to fix the sidewalks when the Town will save \$71,000. Council Member Cundiff further asked why would the Town spend \$38,000 when the Town is going to save \$71,000 and the process would likely be recurring every year. Council Member Cundiff stated that Floyd Avenue was not listed as needing attention but is one of the sidewalks that needs attention most. Mr. Ervin stated that Floyd Avenue was not in the trial because Council had been developing plans to potentially redo those sidewalks.

Discussion: None

Motion: The committee's recommendation was to go forward with the repairs to remove the trip hazards in the identified areas.

Motion By: Council Member Stockton

Second: Council Member Newbill

Motion Discussion: Council Member Cundiff suggested that if the Town was planning to fix the sidewalks, why not go ahead and fix the sections identified and the project would be completed.

Ayes: Snead, Stockton, Walker, Newbill

Nays: Cundiff, Moyer

Action: Motion carries

OTHER MATTERS & CONCERNS

Mr. Hankins was on Rise and Shine.

The Mayor had a concern regarding the recent erroneous report in the Franklin News Post regarding the refuse truck. The Town requested a retraction and a retraction was made but not in the same manner as the article was given in. A lot of unnecessary staff time was taken to address that and it was not responsible journalism. When someone representing the News Post is present at another meeting; the Mayor will readdress the article.

Council Member Cundiff stated that he had a concern over a parking problem that Council had tried to address over the past 4 1/2 months and the problem had not been able to resolve. Mr. Ervin stated that he had gone by the residence and each time, the person was in compliance. Council Member Cundiff stated that he would like the Town to survey the property to clarify what belongs to the Town and what belongs to the resident.

Council Member Moyer stated that the residence in question was the only place he had seen 4 foot reflectors up against the asphalt of the road. Mr. Ervin stated that the interpretation of the

public works men was that the reflectors were not an obstacle. Vice Mayor Walker asked were the 4 foot reflectors legal? Mr. Ervin explained that his understanding of encroachment was with a vehicle, and was a normal function of a homeowner. Mr. Ervin stated that if Council would like to go further with the encroachment; Staff has the tools to do that.

Council Member Moyer brought up that the vehicles had come into the picture after the initial complaint. The Mayor then suggested for Staff to ask the residence to move the vehicles back. Mr. Ervin said Staff would follow up to the Mayor's suggestion.

CLOSED MEETING AND ACTION

Enter Closed Meeting

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

Time: 8:15 p.m.

Virginia Code Section:

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.

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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.

Section 2.2-3711(A)(4) - The protection of the privacy of individuals in personal matters not related to public business.

Motion By: Council Member Snead

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: 9:00 p.m.

Motion By: Council Member Snead

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