

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES
JANUARY 14, 2019**

The January 14, 2019 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 Billie Wayne Stockton
- Bobby M. Cundiff
- Robert L. Moyer
- Mark H. Newbill
- Jon W. Snead
- Gregory B. Walker

The following staff members were also present:

- Tim Burton, Waste Water Treatment Superintendent
- Ken Criner, Chief of Police
- Rebecca H. Dillon, Town Clerk/Executive Administrative Assistant
- C. James Ervin, Town Manager
- Edward "Jeff" Gauldin, Water Superintendent
- Matthew Hankins, Assistant Town Manager
- Jessica Heckman, Town Planner
- Mark Lovern, Lt. of Patrol
- Jeff Rakes, Fire Chief
- 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 to add one additional closed session item Section 2.2-3711(A)(4) The protection of the privacy of individuals in personal matters not related to public business. (Rocky Mount Volunteer Fire Department)

Motion: To approve an amended agenda

Motion By: Council Member Newbill

Second: Council Member Snead

Motion Discussion: None

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

Nays: None

Action: Approved the amended agenda by a unanimous vote.

SPECIAL ITEMS

Introduction of new Town Police Officers.

1. Christy Witt
2. Jacob Bush
3. Alisha Smith

Ms. Witt is from Bedford County and comes to the Rocky Mount Police Department from Carilion Hospital as a police officer. Ms. Witt is currently on patrol with the Police Department.

Mr. Bush is from Franklin County previously employed through Franklin County Public Safety as a firefighter and an EMT. Mr. Bush is currently enrolled in Cardinal Academy.

Ms. Smith is also from Franklin County and comes to us from the Western Virginia Regional Jail in Salem, Virginia. Ms. Smith is also currently enrolled in Cardinal Academy.

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:

- December 13, 2018 – Regular Meeting Minutes

Discussion: None

Motion: To approve the draft minutes

Motion By: Vice Mayor Stockton

Second: Council Member Moyer

Motion Discussion: None

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

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

- Review and Consideration of CEDS Projects

The United States Department of Commerce, Economic Development Administration requires that the Town keep on file and update annually a list of our comprehensive economic development strategies (CEDS) and that this list be filed through our local planning district. This has devolved to an annual list of projects that are approved and submitted through the West Piedmont Planning District. Projects must be on the CEDS list to apply for federal funding (though in the past decade all of the projects accomplished that were once on the CEDS list, have been done with local dollars).

The list of projects were on the diaz for review and consideration by Council at the December 13, 2018 meeting but was oversights and not addressed. Mr. Ervin asked Council to review and consider for approval.

(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 Snead

Second: Council Member Walker

Motion Discussion: None

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

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 of Supplemental Appropriation Resolution for Asphalt Zipper

Town Council was requested to approve the purchase of an asphalt zipper at the December meeting. An asphalt zipper is a device that mills pavement. A telephone poll was conducted among the members of Council and found that Council was generally supportive of the equipment but directed staff to investigate funding of the purchase in ways other than borrowing. The cost of the zipper is \$130,335.

Mr. Ervin stated that there were three methods that could be used to fund this expense.

- A. Take the full amount out of fund balance
- B. Enter into a lease purchase agreement for a ten year period for the equipment (lease purchase financing at 3.5%)
- C. Use \$66,985 of bond proceeds that remain from our 2017 borrow (that has to be used by April 2019) and \$63,350 from fund balance.

Mr. Ervin stated that staff recommended the use of fund balance combined with the residual bond proceeds. Council would then accept staff's recommendation and authorize the Supplemental Appropriation Resolution for the Asphalt Zipper.

Council Member Cundiff inquired regarding the right of anticipation from Carter Bank and Trust stating that the right of anticipation allows the Town to pay at any time. Ms. Woody stated that the terms of this bond was not set up in that manner. The Town Attorney stated that the note could be paid at any time but the note would have to be paid with Town Revenue; not with Town borrowed money.

Council Member Walker asked to be clear if the money could be used to pay the note. Ms. Woody stated that Town funds would have to be used to pay the debt. Borrowed funds cannot be used to pay off borrowed funds. Borrowed funds can only be used to pay part of the total cost of the zipper.

In regard of the bond; Ms. Woody stated that the bond could be bought back, but it was too early in the process to purchase the bond at this time.

Vice Mayor Stockton stated that the use of \$66,985 of bond proceeds that remain from the Town's 2017 borrow and \$63,350 from fund balance to pay for the Asphalt Zipper was likely the best option for the Town.

Mr. Ervin stated that this discussion did not address the roller but further stated that the roller would be discussed during budget discussions.

Council Member Moyer inquired about renting an asphalt zipper. Mr. Hankins stated that renting a zipper had been looked into but the Town could not find anyone that would rent them out since they are a specialized piece of equipment. Mr. Hankins further stated that likely, renting an asphalt zipper out would be cost prohibitive. The life expectancy on the zipper was 20 - 25 years. The warranty would be for 3 years.

Discussion: None

Motion: To approve the use of the \$66,985 of bond proceeds that remain from the Town's borrow and \$63,350 from fund balance to fund the purchase of an Asphalt Zipper.

Motion By: Vice Mayor Stockton

Second: Council Member Snead

Motion Discussion: None

Ayes: Moyer, Newbill, Snead, Stockton, Walker

Nays: Cundiff

Action: Approved the purchase of an Asphalt Zipper using \$66,985 of bond proceeds that remain from the Town's borrow and \$63,350 from fund balance. The Asphalt Zipper was approved by a 5 to 1 vote in favor of the Asphalt Zipper.

NEW BUSINESS

None at this time

COMMITTEE REPORTS

1. Finance and Human Services Committee Meeting on January 8, 2019

The Finance and Human Services Committee met on January 8, 2019 to review the proposed utility rate changes for calendar year 2019.

Utility rates have remained the same for at least three years and inflation has created a slight imbalance in revenues vs. expenses. A 5% increase in the rates paid by water and sewer customers calculated out to be \$1.70 a month for an in-town customer being billed a minimum bill.

The committee recommended that the Town increase although modestly, every two years to stay current. It was also recommended that the change in rates be effective on the next billing cycle.

The committee also recommended that the refuse collection fee be raised \$1.30 to help offset the deficiency in the collection of trash.

The Finance and Human Services Committee recommended that no action be taken on the water and sewer rates in regards to homes for sale and there will be no changes in the elderly and disabled rates.

Discussion: During the discussion it was decided the increase will become effective on the utility bills that will go out on March 2019 billing.

Motion: To accept the recommendation of the Finance and Human Services Committee and implement the proposed rates as well as an increase in refuse collection charges of \$1.30.

Motion By: Council Member Snead

Second: Council Member Newbill

Motion Discussion: None

Ayes: Cundiff, Newbill, Snead, Stockton, Walker

Nays: Moyer

Action: Approved the increase in water, sewer and refuse collection bills on a 5 to 1 vote in favor of the increase.

There will be no change in the elderly and disabled rates.

Also, the Finance and Human Services Committee recommended that no action be taken on the water and sewer rates in regards to homes for sale.

The increase will become effective on the utility bills that will go out on March 26, 2019.

REFERRALS TO PLANNING

None at this time

OTHER MATTERS AND CONCERNS

No one was on Rise n' Shine today.

Mayor Angle praised Mr. Schofield and his crew for a job well done on the Town streets during the previous snow storm.

Council Member Cundiff shared his concern regarding the number of water meter cut-offs for customers called and customers that received notes that were left at the utility customer's place of account.

Council Member Newbill asked if as the new meters were installed, would there be opportunity to cut off some of those utility customer's that were chronic from the Finance Department. Ms. Woody answered yes, the Finance Department hoped to be able to install remote control meters in those places and be able to do cut offs of those meters from the Finance Department office as apposed to a meter reader having to go out in the field to do it.

Council Member Snead asked Council Member Cundiff if he would make the recommendation to take back to the Finance and Human Services Committee a discussion regarding the \$25.00, \$50.00 and \$100.00 reconnection fees for utility customers that have had their service interrupted and would like to be reinstated. Council Member Snead as Chairman of that committee accepted the recommendation.

CLOSED MEETING AND ACTION

Enter Closed Meeting

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

Time: 7:31 p.m.

Virginia Code Section:

Section 2.2-3711(A)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probably 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. (Rocky Mount Police Department)

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

Motion By: Council Member Walker

Second: Council Member Newbill

Motion Discussion: None

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

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: 8:20 p.m.

Motion By: Council Member Newbill

Second: Council Member Cundiff

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, Town Clerk