

**ROCKY MOUNT TOWN COUNCIL  
REGULAR MEETING MINUTES  
JULY 8, 2019**

The July 8, 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 W. Stockton
- Bobby M. Cundiff
- Robert L. Moyer
- Mark H. Newbill
- Jon W. Snead
- Gregory B. Walker

The following staff members were also present:

- Allan Arrington, Lt. of Investigations
- Tim Burton, Waste Water Treatment Superintendent
- Ken Criner, Chief of Police
- Rebecca H. Dillon, Town Clerk / Executive Administrative Assistant
- C. James Ervin, Town Manager
- Ed "Jeff" Gauldin, Water Superintendent
- Matthew Hankins, Assistant Town Manager
- Brian Schofield, Public Works Superintendent
- Justin Woodrow, Fire Chief
- 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 meeting item under 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. (Economic Development Authority)

**Motion: To approve an amended agenda**

**Motion By: Council Member Walker**

**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**

Although there were no special items listed on the agenda, Mayor Angle made honorable mention of Mr. Ervin being elected president of the Virginia Local Government Management Association.

### **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:

- June 3, 2019 – Regular Meeting Minutes

**Discussion: None**

**Motion: To approve the draft minutes**

**Motion By: Council Member Moyer**

**Second: Council Member Walker**

**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**
- (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: Vice Mayor Stockton**

**Second: Council Member Moyer**

**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.

Mr. Eric Ferguson who resides at 335 Cromwell Drive and also practices law at 305 South Main Street in Rocky Mount, VA with the firm Rhodes, Ferguson & Stone. Mr. Ferguson spoke regarding the Town towing policy. Mr. Ferguson stated that there were several towing operators to accompany him to the Council meeting of whose names had been removed from the Town's Towing Rotation list. Mr. Ferguson asked that those operators be reinstated to the Town's Towing Rotation list until the Town takes such other action regarding the list. Mr. Ferguson asked if there was to be a committee meeting regarding the Town's Towing Rotation list then Mr. Ferguson would like to be made aware of that meeting so he might be able to attend and anyone else that wanted to attend might be able to attend as well.

Mr. Morris Ledbetter, 5165 Ledbetter Lane, Rocky Mount, VA. Mr. Ledbetter is a towing operator and spoke regarding the Town's Towing Rotation contract. Mr. Ledbetter's name was removed from the rotation list and he asked for his name to be reinstated to the list.

Mr. Earl Young, 3115 Alean Road, Boones Mill, VA. Mr. Young when called upon by Mayor Angle had no comments to share with members of Council.

## **OLD BUSINESS:**

1. Follow up to Town Election Questions From Registrar

Council Member Newbill had previously indicated that it may be in the Town's interest to move the Town's elections to November. During budget discussions, the topic was discussed again as moving the election to November was thought to save the Town funds each year. During the June 3, 2019 Regular Council Meeting, it was the general consensus of Council for Mr. Ervin to collect more information from the Voter Registrar. That information was reported back to Council and additionally research by the Town Attorney was also reported which was that the Town could change the election from May to November by ordinance without needing a Charter Amendment. Specifically "town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein".

November elections have been encouraged because of participation and efficiency. The alternative view is that May elections provide a chance to focus on local issues without state or federal issues being brought into the mix.

After some discussion between Council Members, Council Member Newbill shared with Council that it should be the position of the Council to make things easier for the citizens of Rocky Mount and to consider the cost involved with an election. Mayor Angle spoke to keep the election for Town Council Members in May to keep the focus on the Town and any issues that might be going on in the Town at that time. There was also discussion on moving the town election to an off year.

**Discussion: None**

**Motion: To authorize moving the Town Council election to the month of November.**

**Motion By: Council Member Newbill**

**Second: Council Member Snead**

**Motion Discussion: None**

**Ayes: Newbill, Snead**

**Nays: Cundiff, Moyer, Stockton, Walker**

**Action: The motion was defeated. Mayor Angle stated that the election will continue to be in the month of May.**

## **NEW BUSINESS**

### 1. Department of Criminal Justice Grant

The Town was awarded a School Resource Officer Grant for the new fiscal year. The grant was awarded in the amount of \$30,229 with a local match of \$19,771. The School Resource Officer Grant awarded is a continuation of the Town's current SRO position.

Officer Jeff Sanders spoke for a moment sharing with Council on a small scale what his role was like each day at each of the schools he is stationed to. Officer Sanders shared with Council how important the School Resource Officer is to the schools and thanked Council for their support.

**Discussion: None**

**Motion:** To approve the request for the School Resource Officer Grant that was awarded to the Town's current School Resource Officer position.

**Motion By:** Council Member Newbill

**Second:** Council Member Snead

**Motion Discussion:** None

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

**Nays:** None

**Action:** Approved the motion by a unanimous vote.

## 2. Town Code Update for Towing Ordinance

For various reasons the Town Police Department will request Towing operators on behalf of vehicle owners. The Town prefers that the vehicle owners share their preference of a Towing Operator but when the vehicle owners do not have a preference in selecting a Towing Operator, then the Town must have an official rotation of Towing Operators so the Town does not show a preference for the vehicle owner. The Town code currently regulates how the Town manages such a rotation however, there were some discrepancies found between the current code and § 46.2-1217 of the Code of Virginia which mandates the methods and means. State code requires a Towing Advisory Board to work with the Town to create and enhance the regulations related to Town requested Towing.

Council Member Newbill requested that a committee meeting be called for the Public Safety Committee to discuss the Town Code update for Towing Ordinance.

Mayor Angle asked that the Town Manager's Office notify Mr. Ferguson and anyone else that wishes to attend the committee meeting of the time and date.

Council Member Newbill asked if there was a business license on file for each of them, could the towers go back to towing until the matter could be straightened out. Mayor Angle and Mr. Ervin discussed that it would be best not to make any changes until after the Public Safety Committee could meet.

## 3. Transient Occupancy Tax Ordinance

Each year with the adoption of the budget, Town Council sets the rate annually for the transient occupancy tax. The tax is currently 7.5%. Before Council was an amendment to Chapter 30, Article VI, of the Town Code that corrects the rate as well as making some other changes to keep the application and collection of this tax in keeping with the schedules and methods used for the Meals Tax. The Transient Occupancy and Meals Tax will now be due by the 20<sup>th</sup> of the month and for tax collected, a penalty of 10% is applied after the 20<sup>th</sup> of the month and 10% interest after the 20<sup>th</sup> of the month. The records of both taxes will be required to be kept for 3 years and failure to collect and remit the tax will be a Class 1 misdemeanor for violation.

**Discussion:** None

**Motion:** To approve the Transient Occupancy Tax Ordinance.

**Motion By:** Council Member Walker

**Second:** Council Member Snead

**Motion Discussion:** None

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

**Nays:** None

**Action:** Approved the motion by a unanimous vote.

### **COMMITTEE REPORTS**

None at this time

### **REFERRALS TO PLANNING**

None at this time

### **OTHER MATTERS AND CONCERNS**

Mr. Hankins was on Rise n' Shine today.

Council Member Snead inquired about the LOVE sign. Mr. Hankins shared that the sign had been assembled but the rough in work was still to be done. Mr. Hankins further shared that he hoped to have the sign ready to make a permanent fixture at the Farmers' Market this coming fall.

Vice Mayor Stockton asked about the First Responders Memorial. Mr. Hankins stated that the deadline to receive bricks had been extended. Mr. Hankins stated that there had been 170 bricks ordered however, more were expected. The deadline for the initial order was July 31, 2019.

Council Member Snead stated that if it would be pleasing to Council, Council Member Snead would like to finish facing all of the rock walls from South Main Street to North Main Street in Rocky Mount. Mr. Ervin will bring cost numbers to Council the next regular Council meeting.

Council Member Newbill has received several phone calls in regard of the stoplight at the top of Tanyard Road and in regard of the stoplight at the Veterans' Park. Council Member Newbill asked if the timers could be looked at to better accommodate when people drive into town in the mornings and leave town in the evenings. Mr. Hankins stated he would have the timers looked at and adjusted if possible.

Council Member Walker asked about the pond at Gilley's Park. Mr. Hankins gave Council an update regarding the pond, the allergy bloom and that the pond would be treated in the upcoming days.

Council Member Newbill asked how the Town was able to handle the large amount of rain that the Town received several nights prior. Mr. Ervin stated that the rain had clogged some culverts, washed some mud into the streets and that the Town had received some calls that the Town followed up on to try to help the Town citizens.

Council Member Walker asked about the billboard on 220 North. Council Member Walker asked if the Town was still using the billboard? Mr. Hankins stated that the Town and County jointly owned the property that the old billboard was on and that the Harvester Performance Center was going to be covering that billboard.

### **CLOSED MEETING AND ACTION**

Enter Closed Meeting

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

**Time: 7:45 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. (Planning Commission)

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. (Town Manager's Office)

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. (Economic Development Authority)

**Motion By: Council Member Walker**

**Second: Council Member Snead**

**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.

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Steven C. Angle, Mayor

**ADJOURNMENT**

**Motion:** To adjourn meeting

**Time:** 8:10 p.m.

**Motion By:** Council Member Walker

**Second:** Council Member Snead

**Motion Discussion:** None

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

**Nays:** None

**Action:** Adjourned by a unanimous vote

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Steven C. Angle, Mayor

ATTEST:

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Rebecca H. Dillon, Town Clerk