

**ROCKY MOUNT TOWN COUNCIL  
REGULAR MEETING MINUTES  
AUGUST 12, 2019**

The August 12, 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
- Ed "Jeff" Gauldin, Water Superintendent
- Matthew Hankins, Assistant Town Manager
- Jessica Heckman, Town Planner
- Brian Schofield, Public Works Superintendent
- Justin Woodrow, Fire Chief

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: Council Member Moyer**

**Motion Discussion: None**

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

**Nays: None**

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

### **SPECIAL ITEMS**

None at this time

### **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:

- July 8, 2019 – Regular Meeting Minutes
- July 18, 2019 – Special Called Meeting Minutes

**Discussion: None**

**Motion: To approve the draft minutes**

**Motion By: Council Member Moyer**

**Second: Vice Mayor Stockton**

**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: Council Member Moyer**

**Second: Council Member Newbill**

**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, spoke regarding the Town towing policy. Mr. Ferguson stated that while he himself appreciated he and the towers being invited to the Public Safety Committee meeting just prior to the regular Council meeting, Mr. Ferguson stated that he nor any of the towers were able to speak during the committee meeting to voice their views. Mr. Ferguson stated that he hand delivered a letter to the Municipal Building to Mr. Ervin on Friday, August 2, 2019 at which time he also delivered letters to be sent to Mayor Angle and to each one of the Town Council Members. Mr. Ferguson and the towers he represented had concerns with the towing complaints that the Town had received but when Mr. Ferguson mailed in a FOIA request letter seeking information on such complaints, the FOIA follow up letter Mr. Ferguson received back stated that there was no information to share on paper. The complaints were only verbal ones. Mr. Ferguson did not believe that the Towing Ordinance was in accordance with the State Code and asked Council to re-look at what was being presented to them before a vote was taken and a decision made.

Mr. Morris Ledbetter who resides at 515 Lanahan Lane, Ferrum, VA also spoke regarding the Town towing policy. Mr. Ledbetter stated that at the previous regular Council meeting he and the other towers were told that Mr. Ledbetter and the towers would be made aware of the Public Safety Committee meeting and invited to speak. Neither Mr. Ledbetter, or any of the other towers were allowed to speak at the committee meeting. Mr. Ledbetter stated that the towing policy had created a lot of problems and that he would like to see the Town change the policy back to the County rotation because that worked better.

The Mayor opened the floor if anyone else would like to speak and no one came forward.

### **OLD BUSINESS:**

1. Town Towing Ordinance

Often the Town Police Department will request a Towing Operator on behalf of a vehicle owner due to many different reasons. The Town prefers for the vehicle owner to have a preference in selecting a Towing Operator however, there are times that the vehicle owner does not. In such cases, it would be helpful for there to be a rotation from which the Town Police Department could select someone to call.

The Town of Rocky Mount code currently regulates how the Town manages such a rotation. There are however, some discrepancies between the current Town code and the Code of Virginia specifically §46.2-1217. The proposed ordinance would bring the Town into compliance with the State Code of Virginia which is what guides. The proposed ordinance would also authorize the Town Manager to create rules for Town requested towing when the towing would be initiated by the Police Department. The proposed ordinance would also set an Advisory Board to work with the Town to regulate the requirements for the ordinance and make recommendations to the Town regarding the ordinance. The Public Safety Committee held a committee meeting just prior to the regular Council meeting in which several aspects of the Town towing policy were discussed.

Members of the Towing Advisory Board would be made up of the following individuals:

1. Mr. Matt Hankins as the Town Representative
2. Lt. Alan Arrington as the Rocky Mount Police Department Representative
3. Mr. Scott Foley as the Towing Representative
4. Mr. Brad Basham as the Citizen Representative
5. To Be Determined By The Towing Advisory Board (subject to approval of Council)

Being in compliance of the State Code would create two new sections which would be a Towing Advisory Board with a set term and the Town Manager would be vested to make decisions regarding the Towing Ordinance and the Towing Advisory Board.

**Discussion: None**

**Motion: To go with the recommendation from the Public Safety Committee to approve the Towing Ordinance as presented.**

**Motion By: Council Member Moyer**

**Second: Council Member Walker**

**Motion Discussion: The Mayor stated that he would like to see Council set a term limit in which people can serve on the Towing Advisory Board. Council Member Walker asked if Council could be allowed to set an amount of time in which Council would come back and review the Towing Ordinance and Towing Advisory Board to determine if the workings of the Towing Ordinance and Towing Advisory Board were satisfactory? A period of 90 days after the board was established was agreed upon in which to review the workings of the Towing Ordinance and Towing Advisory Board. Council Member Newbill asked what would be the motivation of the towers that would not be on the rotation to continue participating in the call list. Council Member Walker asked why were the towers removed from the rotation list? Mr. Hankins explained that some of the towers did not wish to open up their accounting books to be audited by the Town. The Town asked to audit their books only to be able to verify the amount the tower was said to be charging. Council Member Snead and Council Member Walker agreed that the Town did not wish to take part in auditing the towers books. Council Member Newbill stated that even with a 20 minute, 20 minute rule; there still weren't enough towers on the rotation list to be able to call the next wrecker when one is called and cannot respond.**

**Amended Motion: Council Member Moyer amended his motion to adopt the Towing Ordinance as presented to include a term of 2 years for board members of the Towing Advisory Board.**

**Amended Motion Second: Council Member Walker**

MEMBERS	ATTENDANCE	VOTE
Bobby M. Cundiff	Present	YES
Robert L. Moyer	Present	YES
Mark H. Newbill	Present	NO
Jon W. Snead	Present	YES
Billie W. Stockton	Present	NO
Gregory B. Walker	Present	YES

**Ayes: 4**

**Nays: 2**

**Action: Motion was passed. The approved motion was for the initial appointments to the Advisory Board which were Mr. Matt Hankins as the Town Representative; Lt. Alan Arrington as the Rocky Mount Police Department Representative; Mr. Scott Foley as the Towing Representative; Mr. Brad Basham as the Citizen Representative and the fifth member to be recommended by the Towing Advisory Board which will be subject to approval of Council. The members were appointments to the Advisory Board for a term of two years. Council will review police requested towing in 90 days.**

## 2. School Resource Officer Presentation to Town Council

Officer Jeff Sanders presented to Council what a School Resource Officer (also known as an SRO) does. A SRO is a law enforcement officer who works in local school divisions to ensure a school's safety by serving in many different ways. An SRO can sometimes teach a class related to law enforcement while also serving as a community resource and a role model for students in that school. An SRO may also be referred to as a Community Resource Officer. An SRO is a certified law enforcement Officer hired by the local Law Enforcement Agency to provide security services to Virginia public and secondary schools. A good SRO program would include providing safe learning environments in our nation's schools, providing valuable resources to school staff members, fostering positive relationships with youth and protecting all students so that the students might be able to reach their fullest potential.

No action was needed.

## 3. Cost Estimate for Rock Wall on North Main Street

At the July 8, 2019 Regular Council Meeting Council asked for an estimate to possibly continue the Town's stone facing of cement walls up North Main Street. The estimate was \$10,535.66 to face the wall in front of the Goodwill Industries of the Valley, Inc. and in front of Great Southern Wood Preservers (YellaWood).

**Discussion:** None

**Motion:** To approve funds being appropriated from the General Fund Contingency for stone facing of the cement walls in front of Goodwill Industries of the Valley, Inc. and in front of Great Southern Wood Preservers (YellaWood) on North Main Street.

**Motion By:** Council Member Snead

**Second:** Council Member Walker

**Motion Discussion:** None

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

**Nays:** None

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

Council Member Moyer asked if the steps had been installed yet at the Franklin County Historical Museum. Mr. Hankins stated that he would check into the progress on that project.

#### 4. Planning Commission Reappointments

Planning Commissioners serve four-year staggered terms and are all appointed in years in which there is no Council election. All Planning Commissioners are certified or have met previous Council requirements for service. All Planning Commissioners up for re-appointment have given consent to serve. The names of the Planning Commissioners are Ina Clements, Derwin Hall, John Speidel and John Tiggie. Mr. Hankins asked that Council re-appoint all four members for terms expiring June 30, 2021.

**Discussion:** None

**Motion:** To approve the request to re-appoint all four Planning Commissioners.

**Motion By:** Council Member Newbill

**Second:** Vice Mayor Stockton

**Motion Discussion:** None

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

**Nays:** None

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

### **NEW BUSINESS**

#### 1. Franklin County Paranormal Ghost Walking Tour

Mr. James Williams, II who resides at 3230 Webster Road, Glade Hill, VA and is with the Franklin County Virginia Paranormal (FCVAP) came before Council to request permission to conduct a ghost walking tour on the streets of downtown Rocky Mount. The walk was planned for September 21<sup>st</sup>, 28<sup>th</sup> and October 5<sup>th</sup> of 2019. The walk will be guided with a narrator and has been approved by the Rocky Mount Police Department.

**Discussion:** None

**Motion:** To approve the request for the Franklin County Virginia Paranormal (FCVAP) to hold a ghost walking tour in Rocky Mount on the dates submitted.

**Motion By:** Council Member Newbill

**Second:** Vice Mayor Stockton

**Motion Discussion:** None

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

**Nays: None**

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

## 2. Consider Planning and Zoning Administrator

The Town of Rocky Mount Zoning Ordinance, Section 4, defines the zoning administrator as “The Town official charged with enforcement of the zoning ordinance. The administrator may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.”

Mrs. Jessica Heckman who is the Town’s Planner was designated at the August 6, 2019 Planning Commission meeting as the Town’s Subdivision Agent. Mr. Hankins was designated the deputy subdivision agent at the same meeting. Mrs. Heckman holds a bachelor’s degree in Business Administration and previously worked in management roles for Carter Bank & Trust before joining the Town. Since Mrs. Heckman was promoted to Town Planner, Mrs. Heckman has attended and successfully passed certification courses in planning and planning administration and Mrs. Heckman has been designated by the Virginia Association of Zoning Officials as a Certified Zoning Administrator.

Mr. Hankins encouraged Council to designate Mrs. Heckman as their Planning & Zoning Administrator and authorize Mr. Hankins as the department head to act on her behalf during her absence.

**Discussion: None**

**Motion: To approve the resolution for Mrs. Heckman to be the Town’s Planning & Zoning Administrator and for Mr. Hankins to act on her behalf during her absence.**

**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.**

## 3. Security Upgrades for Town Properties

The Town has been making some security improvements to Town buildings. It is one objective of the Town to remember that the Town’s staff are people first and employees second and to be mindful of their life situations and what struggles those employees might be having. The Municipal Building has undergone some security changes however, there are still other buildings that house other departments that have significant exposure.

Waste Water	Cameras	\$5,000
	Gate	\$21,000
Water	Cameras	\$5,000
	Gate	\$21,000

Municipal Building	Cameras	\$5,000
	Monitors	\$3,000
Public Works	Cameras	\$10,000
	Locks	\$1,500
Total		\$71,500
With Contingency		\$85,800

Split into the Town's funds, the General Fund portion is \$16,500 and the Utility Fund portion is \$69,300.

Staff would like to ask Council to address the proposed improvements and allow the Town to take the needed funds from fund balance so that the work might be initiated now. Mr. Hankins stated that a grant had been requested from Virginia Risk Sharing Association (formerly VML Insurance) to offset the costs but no award has been made yet.

The gate that was proposed on the Town property of the Public Works Department was not included in the above figures given to Council as at the time of the figures being given; there wasn't a clear place to install the gate because most of the entrance of the property was on a hill.

A grant through VML Insurance was applied for to carry expense of the proposed improvements but the Town has not received an answer yet on the grant. If Council saw to approve the proposed improvements, then the grant, if awarded could be used to replenish those funds used. Approximately 60 days was the window given of when to expect the work to begin. The proposed improvements are to limit access and to protect the facilities. An electronic gate with a remote control opener (like a garage door opener) is proposed as well as a bypass pad so that the Fire Department or Police Department could get in if needed in an emergency type situation.

**Discussion: None**

**Motion: To approve the proposed security improvements.**

**Motion By: Council Member Walker**

**Second: Council Member Snead**

**Motion Discussion: Council Member Moyer shared that he was still concerned at not being able to secure all the areas that might still be vulnerable.**

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

**Nays: None**

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

#### 4. Write-offs of Uncollectible Taxes

Town Council must periodically give its authorization to write-off uncollectible taxes. There are machinery and tools taxes of \$1,720.15. There are also personal property taxes and license fees of \$5,324.88 that need to be written off. There were no real estate taxes to be written-off this year.

There were further options for collection discussed to include debt set-off and DMV vehicle registration withholding. The new financial software that the Finance Department has will help with those steps.

Uncollectible taxes were pursued by the Finance Department in various ways prior to the uncollectible taxes being brought before Council to be written off.

**Discussion:** None

**Motion:** To approve the write-offs of all taxes presented.

**Motion By:** Council Member Walker

**Second:** Vice Mayor Stockton

**Motion Discussion:** None

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

**Nays:** None

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

#### 5. Write-offs of Uncollectible Finalled Utility Billing Balances

A finalled account occurs when either the customer calls the Town when the customer moves or when the customer does not pay to have service restored. If the meter readers can verify no one is living in the residence, and there is an existing deposit, the deposit would be deducted before refunding any balance to the customer. If the deposit is inadequate, there will be a balance billed every month until it is either paid or written off. The total amount to be written off this year is \$20,296.40. Of the proposed accounts to be written off, 58% are due to bankrupt businesses. The amount to be written off is 1% of total estimated water and sewer revenues for FY 2019 of \$1,877,260.

**Discussion:** None

**Motion:** To approve the write-offs of all utility bills presented.

**Motion By:** Council Member Walker

**Second:** Vice Mayor Stockton

**Motion Discussion:** None

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

**Nays:** None

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

#### 6. Byrne Justice Grant for Rocky Mount Police Department

The Virginia Department of Criminal Justice Services has awarded the Rocky Mount Police Department a Byrne Justice Assistance Grant for \$3,728 with no local cash match required. The Byrne Justice Grant will be used for three more additional body cameras at the cost of \$3,400.

**Discussion:** None

**Motion:** To approve the resolution for the Byrne Justice Assistance Grant in the amount of \$3,728 with no local match.

**Motion By:** Council Member Walker

**Second:** Council Member Cundiff

**Motion Discussion:** None

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

**Nays: None**

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

**COMMITTEE REPORTS**

The Public Safety Committee met one hour prior to the Council meeting. The information from the committee meeting was already covered in Old Business.

**REFERRALS TO PLANNING**

None at this time

**OTHER MATTERS AND CONCERNS**

Mr. Hankins was on Rise n' Shine today.

Council Member Snead asked for a paving update. Route 122 was being paved and the Town was working with Patterson Brothers to complete the job. The pavers will start to work at night which will aid in a sooner completion time.

Mr. Hankins stated that the music event that was approved at an earlier Council meeting had cancelled out therefore, Mr. Hankins and Mr. Jackson were continuing to work on bringing someone to Rocky Mount that would draw the size crowd that the Town was hoping for.

**CLOSED MEETING AND ACTION**

Enter Closed Meeting

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

**Time: 8:32 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)(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. (BZA)

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. (Route 40)

**Motion By: Council Member Moyer**

**Second: Vice Mayor Stockton**

**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: 9:30 p.m.**

**Motion By: Council Member Newbill**

**Second: Council Member Walker**

**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