

**ROCKY MOUNT TOWN COUNCIL  
REGULAR MEETING MINUTES  
DECEMBER 9, 2019**

The December 9, 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
- Jessica Heckman, Town Planner
- Mark Lovern, Lt. of Patrol
- 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 item in closed session under the code Section 2.2-3711(A)(7) for a consultation between Council Member Newbill and the Town Attorney.

**Motion: To approve the amended agenda.**

**Motion By: Council Member Snead**

**Second: Council Member Walker**

**Motion Discussion: None**

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

**Nays: None**

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

## **SPECIAL ITEMS**

1. Presentation of Town of Rocky Mount Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2019

Ms. Emily Veirs with the audit firm Robinson, Farmer, Cox Associates formally presented the annual reports to Council and those in the audience. The Town's prior Comprehensive Annual Financial Report was submitted to the Government Finance Officers Association (GFOA) and the Town received a Certificate of Achievement for Excellence in Financial Reporting for the year 2018. The Town was also given a clean unmodified opinion for 2019.

The Finance and Human Services Committee met prior to the Council meeting where a presentation of the annual reports were made to the committee and members of Council in attendance. Chairman of the Finance and Human Services Committee, Council Member Jon Snead, recommended Town Council accept the audit.

**Motion: To approve the annual reports as presented.**

**Motion By: Council Member Snead**

**Second: Council Member Newbill**

**Motion Discussion: None**

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

**Nays: None**

**Action: Approved the annual reports by a unanimous vote.**

2. Resolution for Joyce Moran

Mayor Angle presented a resolution to Ms. Joyce Moran for her 25 years of leadership to the court appointed Special Advocate Program for children in Rocky Mount and Franklin County. Ms. Moran has worked diligently and with great effort in many areas of the program protecting, defending and assisting children who have been victims of crime, abuse and difficult circumstances. Rocky Mount and Franklin County are able to offer a better, brighter future to such children because of Ms. Moran's service to the community which makes the community a better and more supportive place for the children to live and grow.

### 3. Special Recognition for Donna Wray with Community Partnership for Revitalization

Special recognition was given by Mayor Angle and Mr. Ervin to Ms. Donna Wray who created the idea to decorate the Town businesses for the fall season with Halloween Scarecrows. The idea once introduced, grew so large that by seasons end, nearly every business within the corporate Town limits was displaying a scarecrow that was themed each one differently with it's own character. Tourist came from all around to visit the Town and see the different scarecrows with their decorations. Recognition was also given to Ms. Wray for her part in the yearly festivities of the "Come Home to a Franklin County Christmas". This year was the 16<sup>th</sup> year for the Christmas festivities with the highest number of participants the festivities have ever had. Ms. Wray, is always sparking and bringing ideas to fruition that make our town a better and more engaging place to live.

### **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:

- November 12, 2019 – Regular Meeting Minutes

**Discussion:** None

**Motion:** To approve the draft minutes

**Motion By:** Vice Mayor Stockton

**Second:** Council Member Cundiff

**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**

1. Updated Resolution for Revised Franklin County Solid Waste Management Plan
2. Supplemental Appropriation Resolution for Empire Foods Incentive

(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: Vice Mayor Stockton**

**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 for the citizens who had signed in to speak during this portion of the meeting. Mayor Angle asked the citizens wishing to speak to limit their comments to 5 minutes or less and to hold any applause until all speakers had concluded so not to be disruptive to the meeting.

Ms. Vicki Drew, 210 Mountain Avenue, Rocky Mount, VA stated that she would like her children and grandchildren to live in a constitutional government with liberty and protection of rights.

Mr. Mark Kittinger, 682 Summit Drive, Rocky Mount, VA shared that he was a centennial citizen in 1973 with 3 generations of his family previously running a small pharmacy in Rocky Mount. Mr. Kittinger, a student of history and a firearms collector, spoke on family, how fair and equal rights are important and how the new firearms bill will compromise Virginians rights. Mr. Kittinger stated that constitutional rights should apply to all citizens; or apply to none.

Mr. Everett Boone, 635 Thompson Ridge Circle, Ferrum, VA. Mr. Boone, who is the Virginia State Director for the Constitutional Sheriff's and Peace Officers Association spoke on defending the constitutional rights of the people. Mr. Boone addressed Council and asked Council to stand with him and the organization he represented on the issue of defending the constitutional rights of the people. Mr. Boone emailed a letter into the Town Manager's office prior to the meeting.

Ms. Karen Relyeia, 2700 Jubal Early Highway, Boones Mill, VA shared with council and the citizens not to allow the state of Virginia to turn into the state of New York.

Having no more citizens wishing to speak, Mayor Angle then closed the public comment portion of the hearing of the citizens.

At this time, Council Member Snead proposed to move on the agenda to the 2<sup>nd</sup> Amendment item listed under New Business. Mayor Angle asked if any member of Council objected. Council did not object so the meeting moved forward with Mr. Ervin reading aloud the resolution prepared.

Mayor Angle asked Council after the reading of the resolution, if Council wished to wait for the opinion of the Attorney General of Virginia, Mark Herring to be issued, which Mayor Angle noted had been sought from the Tidewater area of the state.

Mr. Ervin stated that he had been in contact with the Commonwealth's Attorney and the Franklin County Sherriff's Department.

Council Member Snead stated that he had sworn to an oath of office and was willing to take a stand on the 2<sup>nd</sup> Amendment Rights Resolution as read.

**Discussion: None**

**Motion: To approve the 2<sup>nd</sup> Amendment Rights Resolution 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 2<sup>nd</sup> Amendment Rights Resolution as presented by a unanimous vote.**

Mayor Angle asked if and when the Attorney General of Virginia makes an opinion on the item of 2<sup>nd</sup> Amendment Rights, could that opinion have an impact on Council and possibly other governing bodies that have passed such resolutions throughout the Commonwealth? Mayor Angle was told no, it would not have an impact.

## **OLD BUSINESS:**

### 1. Compensation of Council Members and Mayor

Compensation for serving on the Rocky Mount Town Council is not for financial gain, but the Town of Rocky Mount would like to keep the compensation at a level where holding the office as part of the governing body would be attractive. It has been 20 years since the compensation for serving in that capacity was changed. At this time, the Mayor receives \$450.00 per regular meeting and \$75.00 per special meeting. Members of Council receive \$250.00 per regular meeting and \$75.00 for a special meeting. Converting Town Council's compensation to an annual amount would be predictable and not subject to accounting error in tracking the different types of meetings that are held such as special meetings, budget work sessions and professional development activities. The year 2020 will be an election year and therefore would be the only window in which to make such a change for the next two years as the change would have to take effect after an election.

Proposed with an effective date of July 1, 2020 (which would be the next budget year), Council Members and the Mayor would be compensated at an annual rate which would be accomplished by 26 payments associated with the Town's normal payroll check run. The

Mayor's position would be paid \$8,000 annually and the position of Council Member would be paid \$6,000 annually. The rates if passed; would be adjusted every 2 years in an amount equal to the combined COLA increase given Town employees in the two prior years.

Council Member Snead shared that he was the Council Member that asked for the study to be done and he would like to see Council approve the annualized compensation.

**Discussion: None**

**Motion: To approve the proposed compensation rate of Council Members and Mayor to be annualized at the proposed rate effective July 1, 2020 as presented.**

**Motion By: Council Member Snead**

**Second: Council Member Cundiff**

**Motion Discussion: None**

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

**Nays: Moyer**

**Action: Approved the proposed compensation rate to be annualized and the proposed effective date by a vote of 5-1 for the changes as presented.**

## **NEW BUSINESS**

### 1. Review and Consideration of Parade for Goodwill Industries of the Valleys

Goodwill Industries of the Valleys requested to hold a parade for their employees beginning on North Main Street at the Rocky Mount Bowling Center and ending at the Goodwill facility. The parade route is the same as in the past years. The request has been reviewed and approved by Chief Criner at the Rocky Mount Police Department.

**Discussion: None**

**Motion: To approve the Goodwill Industries parade.**

**Motion By: Council Member Snead**

**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. Presentation by Chief Criner for Accreditation

The Police Chief gave a brief summary of the process by which the Rocky Mount Police Department was applying to receive state accreditation. On July 17, 2018, the police department met with the accreditation manager. In November of 2018, members of the Rocky Mount Police Department traveled to Richmond to meet with officials and further the process. In March 2019, both of the Police Department Lieutenants and the accreditation managers for the Police Department met with other like agencies of the same size and population to gain a better idea of exactly what the Police Department was undertaking. The Police Department has been in the process of preparing a policy manual that will conform to the Biloxi accreditation standards which Chief Criner hopes to have adopted in the next 10-12 weeks. Once signed off on, the Police Department will begin to collect proof that they are compliant with Biloxi which the

Chief of Police shared would likely take 6 months to a year to complete. A mock assessment will come as the next step and then a regular assessment and then the Police Department hopes to receive approval from Biloxi.

No action was needed at this time.

### 3. 2<sup>nd</sup> Amendment Legislation

This was discussed earlier in the meeting after Hearing of the Citizens.

## **COMMITTEE REPORTS**

### 1. The Finance and Human Services Committee Met on November 25, 2019.

The Finance and Human Services Committee met on on December 9, 2019 which was prior to the Regular Council Meeting to discuss the audit which was covered earlier in this meeting. The Finance and Human Services Committee also met on November 25, 2019 to discuss the issues of personal time off (PTO). The Town worked with Baker Tilley to develop a new Personnel Policy Manual. To encourage employees to convert to PTO, a buyout was proposed at the rate of \$.35 on a dollar at this time but which would later be decreased in amount by Council. The recommendation was for \$105,000 from fund balance to cover the buyout and in the event all of the funds were not used, the funds that were left would be returned. If the participation rate was high enough, staff would then go back to Council to ask for more funding. It is important to note that after the PTO conversion, it will be up to each individual employee to manage their own time. This PTO plan is entirely optional to the employee unless the employee was hired after 2014 under the hybrid plan of the Virginia Retirement System (VRS).

**Discussion: None**

**Motion: To approve the recommendation of the Finance and Human Services Committee as presented for the conversion of sick and vacation time to Paid Time Off.**

**Motion By: Council Member Cundiff**

**Second: Council Member Newbill**

**Motion Discussion: None**

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

**Nays: None**

**Action: Approved the conversion to Paid Time Off or PTO as presented by a unanimous vote.**

The second item that the Finance and Human Services Committee considered was the proposed implementation of the recently completed Comprehensive Pay and Classification Study. The Town had not performed such a study in 14 years. The Town worked with Baker Tilley to survey all commensurately sized local governments in and around the Town's service and delivery zone. The report showed that on the whole, 66% of the Town's employees were accurately compensated, 34% were slightly off market, most were a little bit ahead but some were behind market compensation as well. The report also showed that the Town had a payroll of \$3.25 million but Baker Tilley recommended the Town have a payroll of \$3.41 million. The pay plan proposed would hopefully carry the Town for another decade to a decade and a half. Mr. Ervin shared that it was the committee's recommendation to implement the plan provided by

Baker Tilley for the second half of FY2020 or January 1, 2020 as proposed with the understanding that the plan would take the place of any cost of living (COLA) that would have been proposed in the budget for July 1, 2020.

Council Member Snead who is the Chairman of the Finance and Human Services Committee brought the recommendation of the committee to adopt the Pay Plan as presented.

**Discussion:** None

**Motion:** To approve the Pay Plan as presented.

**Motion By:** Council Member Snead

**Second:** Council Member Moyer

**Motion Discussion:** None

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

**Nays:** None

**Action:** Approved the Pay Plan as presented by a unanimous vote.

### **OTHER MATTERS AND CONCERNS**

Mr. Hankins was on Rise n' Shine.

No other matters were discussed at this time.

### **CLOSED MEETING AND ACTION**

Enter Closed Meeting

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

**Time:** 8:12 p.m.

**Virginia Code Section:**

Section 2.2-3711(A)(5) Discussion concerning a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Industrial Park)

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)(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. (Utility Billing)

**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: 9:09 p.m.**

**Motion By: Council Member Newbill**

**Second: Vice Mayor Stockton**

**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