

ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES

September 14, 2020
7:00 p.m.

The Regular 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, with Mayor Steven C. Angle presiding.

The following members of Council were present:

- Mayor Steven C. Angle
- Vice Mayor Jon W. Snead
- Council Member Bobby M. Cundiff
- Council Member J. Tyler Lee
- Council Member Robert L. Moyer
- Council Member Billie W. Stockton

The following member of Council was absent:

- Council Member Mark H. Newbill

The following staff members were also present:

- John T. Boitnott, Town Attorney
- Tim Burton, Waste Water Treatment Superintendent
- Ken Criner, Chief of Police
- Rebecca H. Dillon, Town Clerk/Executive Administrative Assistant
- James Ervin, Town Manager
- Michael "Kevin" Adkins, Acting Water Superintendent
- Jessica Heckman, Town Planner/Planning Administrator
- Shawn Richardson, Sergeant of Investigations
- Brian Schofield, Public Works Superintendent
- Elizabeth "Beth" Simms, Economic Development & Cultural Placemaking
- Linda P. Woody, Finance Director

1. **Roll Call**

The Town Clerk called each member of the Rocky Mount Town Council by name to account that each one was present.

2. **Pledge of Allegiance**

Mayor Angle led in saying the Pledge of Allegiance.

3. **Approval of Agenda**

Prior to the meeting, Council had received the agenda for review and consideration of approval.

Motion: To approve the agenda as presented

Motion By: Council Member Stockton

Seconded: Council Member Lee

Ayes: (5): Council Member Cundiff, Council Member Lee, Council Member Moyer, Vice Mayor Snead, and Council Member Stockton

Approved (5 to 0)

4. **Special Items**

4.1 Introduction of New Assistant Town Manager

Newly hired Assistant Town Manager Mark Moore, will be coming to the Town of Rocky Mount from where Mr. Moore currently resides in Pittsylvania County. Mr. Moore will bring with him his wife and two daughters. Mr. Moore was a graduate of Ferrum College in 1998 with a degree in recreation administration and a minor in business. Mr. Moore was a graduate of Virginia Tech's Local Government Management program and holds a Master of Public Administration degree from Columbia Southern University.

Town Manager Ervin shared with Town Council how impressive Mr. Moore's background was and how the Town had received 30 applicants for the position of Assistant Town Manager however, Mr. Moore stood out as being the best fit for the town due to many factors. Mr. Moore starts with the Town on October 5, 2020.

4.2 Town Manager Retirement Announcement

Town Manager Ervin announced plans to retire at the end of April, 2021. Town Manager Ervin has been with the Town 14 years and has spent a total of 30 years in Virginia local government. Town Manager Ervin shared that while in Rocky Mount, the opportunity was given to him to work with some amazing, elected officials as well as staff, who had a vision and shared ideas to go forward for the betterment of the community. Town Manager Ervin gave accolades to Town Council for choosing the priorities, appropriating the funding, and then to Town staff for the hard work that staff done to connect all of the actions into

outcomes. Town Manager Ervin shared how humbled he was to have worked with so many wonderful people over the years and expressed thanks to everyone for allowing him to be a part of the work that had been accomplished.

5. Public Hearing

5.1 General Obligation Bond for \$575,000

A public hearing was held as required under applicable law, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, with respect to the adoption by the Council of a resolution or resolutions, as may be necessary or convenient, regarding the proposed financing of certain infrastructure improvements. The purpose of the financing would be for repairs and improvements to transportation facilities, including bridge work, together with related engineering, administrative and financing costs which will be referred to as "the Project".

Let the record show that the Town had advertised in the local newspaper to hold a public hearing within this meeting's agenda regarding the bond.

No one signed up to speak during the public hearing.

Mayor Angle moved to the next item of business on the agenda.

6. Approval of Draft Minutes

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

6.1 August 10, 2020 – Regular Meeting Minutes

One correction that needed to be made in the August 10, 2020 meeting minutes was that Council Member Moyer did not vote nay on the School Resource Officer State grant award but voted yay in favor of the SRO.

Motion: To approve the minutes with the correction made

Motion By: Vice Mayor Snead

Seconded: Council Member Lee

Ayes: (5): Council Member Cundiff, Council Member Lee, Council Member Moyer, Vice Mayor Snead, and Council Member Stockton

Approved (5 to 0)

6.2 August 19, 2020 - Special Called Meeting Minutes

Motion: To approve the minutes as presented

Motion By: Vice Mayor Snead

Seconded: Council Member Lee

Ayes: (5): Council Member Cundiff, Council Member Lee, Council Member Moyer, Vice Mayor Snead, and Council Member Stockton

Approved (5 to 0)

7. Approval of Consent Agenda

This month's consent agenda consists of the following items:

- 7.1 Miscellaneous Action (none at this time)
- 7.2 Miscellaneous Resolutions/Proclamations (none at this time)
- 7.3 Departmental Monthly Reports
 - 7.3.1 Community Development Department
 - 7.3.2 Finance Department
 - 7.3.3 Fire Department
 - 7.3.4 Police Department
 - 7.3.5 Public Works Department
 - 7.3.6 Wastewater Department
 - 7.3.7 Water Department

Motion: To approve the consent agenda as presented.

Moved: Council Member Stockton

Seconded: Council Member Lee

Ayes: (5): Vice Mayor Snead, Council Member Cundiff, Council Member Lee, Council Member Moyer, Council Member Stockton

Result: Approved (5 to 0)

8. Hearing of Citizens

Mayor Angle stated that no one signed up to speak therefore Mayor Angle continued forward with the meeting.

9. Old Business

- 9.1 Resolution/Ordinance Extending Declaration of Emergency

By Executive Order Fifty-One that was issued on March 12, 2020, Governor Ralph S. Northam declared a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic. The Executive Order acknowledges the existence of a public health emergency which constitutes a disaster as defined by the Virginia Code S 44-146.16.

The extension of the Emergency Uncodified Ordinance of the Town of Rocky Mount provides for temporary changes in certain deadlines, the modification of public meetings, public hearings and procedures of operations associated with the pandemic disaster which were adopted on April 13, 2020. The extension of the ordinance would be effective immediately.

Motion: To extend the declaration of emergency and to adopt the ordinance.

Motion By: Council Member Stockton

Seconded: Vice Mayor Snead

Ayes: (5): Council Member Cundiff, Council Member Lee, Council Member Moyer, Vice Mayor Snead, and Council Member Stockton

Approved (5 to 0)

9.2 General Obligation Bond in the Amount of \$575,000 for Angle Bridge Resurfacing

Town Manager Ervin was authorized by Council to proceed with a bond issue that would be used for the resurfacing of the Angle Bridge. Staff inquired to VML/VACo Finance to solicit bond proposals from qualified lenders for “the project” because doing so would enable future tax and rate payers to assist in paying for the project instead of the now current customers having to bear the brunt of the expense. The lowest bidder with the best term and best rate was 2.65%, for a 15-year term. The term and rate were proposed by Signature Public Finance and were estimated to be \$19,500 rolled into the nontaxable bond. In an effort to get the low rate, the bond would only be callable after March of 2027. The bond carries a 1% penalty of then current principle value after that date. To accept the proposal, a resolution was presented to Council, authorizing the issuance of and the sale of a general obligation bond. The total amount of the bond was not to exceed \$575,000.

Town Manger Ervin serves on the VML/VACo Finance Board of Directors as well as being the Chairman of the board. Town Manager Ervin stated the disclaimer that he had no involvement in VML/VACo's day to day business.

Council Member Cundiff expressed concern that with the current bond proposal, the Town would not be able to use the right of anticipation or pay off the debit whenever the Town deemed the Town was ready to do so. Town Manager Ervin explained to have the right of anticipation was not possible with the bond issue that had been presented. The Town would have to move up to the next highest bidder to receive a right of anticipation but would not be making the decision for the best rate available. Town Manager Ervin noted that in the past, the only bonds that the Town had paid off early were utility bonds. Town Manager Ervin further explained

that all of the Town's general obligation bonds in the past were either refinanced or simply carried.

Motion: To approve the resolution and authorize the Mayor and the Town Manager to execute the Form of Bond, Bond Purchase, and the Loan Agreement.

Motion By: Vice Mayor Snead

Seconded: Council Member Moyer

Ayes: (5): Council Member Cundiff, Council Member Lee, Council Member Moyer, Vice Mayor Snead, and Council Member Stockton

Clerk Dillon called for a roll call vote.

MEMBERS	ATTENDANCE	VOTE
Bobby M. Cundiff	Present	Yes
J. Tyler Lee	Present	Yes
Robert L. Moyer	Present	Yes
Mark H. Newbill	Absent	
Jon W. Snead	Present	Yes
Billie W. Stockton	Present	Yes

Ayes: 5

Nays: 0

Action: Mayor Angle voted yes to approve the bond. The motion to approve including Mayor Angle, was approved on a vote of 6 to 0 in favor of the bond.

10. New Business

10.1 Declaration of Nuisance/Blight for 325 Franklin Street, LLC

Council was to make a determination regarding remediation and abatement of public nuisance issues with the structure and the lot at 325 Franklin Street, Rocky Mount. Staff explained that beginning in May of 2020, staff began receiving complaints of broken glass, missing windows, and glass falling onto the streets endangering citizens that may be passing by. Town Manager Ervin shared with Council that Mr. Bane intends to renovate the building with historic tax credits.

A photo of the building was on the diaz for each Council Member to view.

Progress was being made according to Mr. Bane thus Town Manager Ervin recommended to Council to table the issue for 30 days. Mayor Angle asked Town

Manager Ervin, why? Town Manager Ervin shared with Council that Mr. Bane had had a difficult time getting materials during the COVID-19 pandemic.

Council Member Cundiff shared that he did not believe another 30 days would be helpful.

Council Member Moyer stated he would be in agreement to give another 30 days but at the end of that 30 days, he would like the time frame extended, to be all Mr. Bane would receive and at that time, he would like to see Council take action.

Council Member Stockton concurred that he too would be for giving another 30 days at which time the Town would move forward.

Town Manager Ervin had spoken with Mr. Bane who indicated during the construction, preliminary engineering work was being done and because of that, Mr. Bane did not have the capacity to bring to fruition a design and a permit until the ongoing architectural and engineering work was completed.

Mr. Phillip Bane of 3430 Garst Mill Road, Roanoke, VA addressed Council at the invitation of Mayor Angle. Mr. Bane stated that all of the repairs that had been done to the building, had not required a building permit. A preliminary assessment was done on the property after which ground penetrating radar was used to determine what substance the footers were made of as well as to try to determine what could actually be done with the building. Though no blueprints exist to the building, historical records suggest the building was built in 1888. The building will take a good deal of time and care to restore to historical value but when completed, the end plan will be a restaurant, hotel space, and a boutique.

Ms. Heckman brought to Mr. Bane's attention that Council wanted the windows replaced in the vacant building so the building did not appear to be a vacant eye sore to the downtown area merchants and citizens coming into town to shop. Mayor Angle then asked Mr. Bane why the Town had to continue to send Mr. Bane letters to ask him to move forward with the building's renovations.

Mr. Bane explained to Council that the letters were not necessary and that the only windows missing at the time of the meeting, were those that were removed per Mr. Hankins instructions previously and because standard glass could not be used to fill where the glass window panes had been previously.

Mr. Bane shared that he had been in touch with several staff members and he had made several attempts to get the project going.

Town Manager Ervin recommended that Council grant a 30-day extension to enable Mr. Bane to get the windows in the building covered and to come up with a plan to proceed with the building's construction thus addressing any possible nuisance/blight issues with the building.

Motion: To table for 30 days at which time the issue would come back up and the question of nuisance/blight would be addressed again.

Motion By: Council Member Moyer

Seconded: Council Member Stockton

Ayes: (5): Council Member Cundiff, Council Member Lee, Council Member Moyer, Vice Mayor Snead, and Council Member Stockton

Approved: (5 to 0)

Result: Tabled for Further Review

11. Committee Reports (None at this time)

12. Other Matters, Concerns and Rise 'N Shine Appearances

Town Manager Ervin was on Rise n' Shine this morning.

There were no concerns at this time.

13. Closed Meeting and Action

Mayor Angle read aloud the sections.

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).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).7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable 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. (Economic Development Authority)

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)

Motion By: Council Member Lee

Seconded: Council Member Moyer

Ayes: (5): Vice Mayor Snead, Council Member Cundiff, Council Member Lee, Council Member Moyer, and Council Member Stockton

Approved: (5 to 0)

Action: To go into 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

13.1. Approval of Appropriations Resolution

13.2. Return to Open Session for Possible Action

POST CLOSED SESSION ACTION:

Town Manager Ervin gave overview of Council's discussion regarding the payment of the invoice which was presented to Council as well as an appropriations resolution during the closed session part of the meeting.

Motion: To approve the resolution as presented.

Motion By: Vice Mayor Snead

Seconded: Council Member Stockton

Ayes: (5): Vice Mayor Snead, Council Member Cundiff, Council Member Lee, Council Member Moyer, and Council Member Stockton

Approved: (5 to 0)

ADJOURNMENT

Motion: To adjourn meeting

Time: 8:55 p.m.

Moved By: Council Member Lee

Seconded: Vice Mayor Snead

Ayes: (5): Vice Mayor Snead, Council Member Cundiff, Council Member Lee, Council Member Moyer, and Council Member Stockton

Approved: (5 to 0)

Action: Meeting was adjourned

Steven C. Angle, Mayor

ATTEST:

Rebecca H. Dillon, Town Clerk