

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
JANUARY 11, 2010**

The January 11, 2010 regular Council meeting of the Rocky Mount Town 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:

Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker

The meeting was called to order by Mayor Angle.

For the record, the following were present: All members of Town Council as noted, Town Manager C. James Ervin, Assistant Town Manager/Community Development Director Matthew C. Hankins (and Planning & Zoning Administrator), Town Attorney John T. Boitnott, Chief of Police Erik Mollin, Finance Director Linda Woody, Fire Chief Posey W. Dillon, Public Works Director Cecil R. Mason, Community Partnership for Revitalization Executive Director Katie McElroy, Wastewater Treatment Plant Superintendent Timothy Burton, Water Plant Superintendent Robert Deitrich, and Town Clerk Patricia H. Keatts.

The Mayor led the *Pledge of Allegiance*.

APPROVAL OF AGENDA

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

The Mayor requested that the agenda be amended to add the following:

1. Under *New Business*, review and consideration of approval of a revised Fiscal Year 2010-2011 Budget and Capital Improvement Plan schedule.
 2. Under *Closed Meeting*, 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 legal matters requiring the provision of legal advice by such counsel.
- Motion was made by Council Member Greer to approve the amended agenda as presented, seconded by Council Member Lester and carried unanimously.

SPECIAL ITEMS

The Mayor recognized the Franklin County High School government classes of Mr. Saleeby and Mr. Buckman.

PUBLIC HEARING

Let the record show there were no public hearings.

APPROVAL OF MINUTES

Prior to the meeting, Council had received for consideration of approval the following draft minutes:

- December 14, 2009 Regular Council Minutes

The Mayor asked if there were any corrections, and there being none, the Mayor entertained a motion.

- Motion was made by Council Member Lester to approve the draft Council meeting minutes as presented with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF CONSENT AGENDA

The approval of the *Consent Agenda* consists of approving any miscellaneous resolutions/proclamations, miscellaneous action, departmental monthly reports, and bill list that were submitted prior to the meeting for Council's review and consideration.

- Miscellaneous Resolutions/Proclamations
 - Let the record show there were none at this time.
- Miscellaneous Action
 - Let the record show there were none at this time.
- Departmental Monthly Report
- Bill List

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Lester to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

HEARING OF CITIZENS

The Mayor noted that no one had contacted the Town Clerk to be on the agenda under *Hearing of Citizens*, and no one had signed up prior to the meeting to speak. Thus being said, the Mayor opened the floor to anyone wishing to come before Council at this time. Let the record show that no one came forward to speak.

OLD BUSINESS

A) Proposed Funding for Uptown Project

The Town Manager presented to Council an overview of the proposed funding for the uptown project, along with a draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2010" for Council's consideration of approval.

There was brief discussion regarding the breakdown of cost as outlined in the resolution. The Town Manager informed Council that there was approximately \$140,000 that was originally for the Oaks at Rakes Tavern project that was not used that could be used now for the uptown project, with it appearing that the total may be near \$180,000. He confirmed to Council that they need to appropriate what is before them tonight in order to move the project ahead. The Town Manager also confirmed to Council that they need to appropriate the entire \$926,886, which includes the \$496,000 cash carry-over from the Town's Fiscal Year 2009-2010 budget.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Lester to appropriate the funds, and also for the Town Manager to have in each Council monthly meeting packet a drawdown on the account, with Council knowing that the Town may not have to use the entire appropriated amount, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

B) Public Meeting Proposed Regarding Removal of Pigg River Dam

The Town Manager reported to Council that he had received a formal request from the United States Fish and Wildlife Services for the Town of Rocky Mount to apply for a permit for the removal of the dam on the Pigg River. This was result of the two drowning deaths that had occurred at the Town's Water Plant dam site on Black Water River, with the Town ultimately installing huge rock at the dam to help eliminate the danger. The Town Manager informed Council that he was informed by the United States Fish and Wildlife Services that the Town could not install large

rock at the Pigg River dam due to the endangered Log Perch. It was pointed out by the Town Manager that he felt that before the Town proceeds with any decision on the Pigg River dam, that a public meeting needed to be held in order to receive comments from the public regarding on whether or not to remove the dam, with the public meeting taking place during the regular February 8, 2010 Council meeting.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale for the Town Clerk to set a public meeting as recommended by the Town Manager, with meeting to be held during the February 8, 2010 regular Council meeting, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

NEW BUSINESS

A) Consideration of Approval of Comprehensive Economic Development Strategy (CEDs) List

Prior to the meeting, Council had received from the Town Manager an updated Comprehensive Economic Development Strategy (CEDs) list for their review. The Town Manager explained that he and the Assistant Town Manager had worked on the CEDs list and what was presented to Council was the list by priority. He further explained that the CEDs was an annual update from West Piedmont Planning District Commission to submit as a regional plan to the U.S. Economic Development Administration, with only those projects listed in the regional CEDs document being eligible for Federal funding from EDA and other agencies that may be asked to support with grant funding.

The Mayor requested that the Town Manager provide for Council previous CEDs lists, starting with 2005, and to put that in the Council weekly packet. The Town Manager so noted.

The Town Manager confirmed to Council Member Lester that staff had incorporated in the CEDs list everything for uptown/down, business development, historical district, and the arts/cultural district, and that staff feels like they have in place what is needed.

Council Member Lester requested that on the return on investments, he would like to see dollar figures instead of number of people employed. The Mayor asked that this information be included as well. The Town Manager so noted.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale to submit the Comprehensive

Economic Development Strategy list to West Piedmont Planning District Commission, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously.

B) Proposed Fiscal Year 2010-2011 Budget and Capital Improvement Plan Schedule

Prior to the meeting, Council received a revised proposed Fiscal Year 2010-2011 Budget and Capital Improvement Plan schedule for their review. The Town Manager informed Council that the revised schedule reflected changing Budget Work Session No. 1 from April 21 to April 26. He further stated that this submitted schedule is a working document. The Town Manager confirmed to the Mayor that this proposed schedule is subject to change as long as Council has the budget approved by the date it needs approval from Council.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale to approve the submitted revised Fiscal Year 2010-2011 Budget and Capital Improvement Plan, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

C) Consideration of Closing Town Offices on Lee-Jackson Day

It was brought to the attention of Council by the Town Manager that the Commonwealth of Virginia and Franklin County will be closed for business on Friday, January 15, 2010, in observance of Lee-Jackson Day, with the Town not being scheduled to be closed that day (the Town will be closed the following Monday, January 18, 2010, in observance of Martin Luther King Day). He also informed Council that a Council member had questioned why the Town was not closed during New Year Eve, since the County was closed that day (the Town was closed New Year Day only).

Discussion ensued by Council on having extra Town holidays reviewed on a case-by-case basis at this time, and when the Fiscal Year 2010-2011 Budget is reviewed, to look at adding the extra holidays that Franklin County receives to the list of Town holidays observed.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Lester to set Lee-Jackson Day as a holiday for the Town and do on case-by-case basis until time to set holidays for the year, which will be done during the Fiscal Year 2010-2011 budget time, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously.

COMMITTEE REPORTS

A) Finance & Human Services Committee

The Town Manager reported to Council that the Finance & Human Services Committee met on January 4, 2010 to consider the request of Rising Opportunities, Inc. and Piedmont Community Services for the Town to serve as the financial backer of 25% of a \$60,000 loan. Prior to the meeting, Council had received from the Town Manager the proposed contract, which had been negotiated between the four parties involved (Town of Rocky Mount, Franklin County, Rising Opportunities, Inc., Piedmont Community Services). The Town Manager reported to Council that the committee recommended approval of the proposed contract.

Chair of the committee, Council Member Strickler, informed Council that it was his recommendation that the proposed contract needs approval.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Strickler to approve the proposed contract, with motion on the floor being seconded by Council Member Greer. Discussion ensued. Council Member Greer questioned if Rising Opportunities, Inc. would be able to use the Didlake chair-lift vans, with Diane Lovell and Tillie Thompson of Rising Opportunities, Inc. confirming to Council that they would be able to use them, plus any other equipment that Didlake leaves in the building when Didlake vacates the building. There being no further discussion, let the record show that the motion on the floor passed unanimously.

B) Streets, Sidewalks & Sanitation Committee

Regarding the through traffic and turn lane located in front of the court house, the Town Manager indicated to Council that although it is the consensus that what had been integrated is technically great, it just doesn't work, with the committee looking at it again, along with him and the Chief of Police tweaking it, with the Streets, Sidewalks & Sanitation Committee meeting on January 5, 2010 to review the right turn lane onto East Court Street from the north bound lane of South Main Street, with the consensus of the committee being that changes to the corridor have worked, especially the left turn arrow at Floyd Avenue in place of the turning left onto West Court Street while heading north on South Main Street, but that the through traffic lane for those going north on South Main Street was still aligned improperly in order to make room for a right turn lane. He further reported that the committee recommends that the right turn lane be eliminated, making a single lane for either through traffic or for traffic turning right onto East Court Street, and that the center line of South Main Street in the vicinity of the southern side of the intersection of East Court Street be realigned so that it better matches the center line on the other side of the intersection; and to the extent possible, new parking spaces will be

created in front of the buildings on the east side of South Main Street (the Daily Grind and Law Offices of Rhodes, Ferguson & Stone).

It was confirmed to Council Member Lester by Vice Mayor Dillon (the Chair of the Streets, Sidewalks & Sanitation Committee) that the coordination of the traffic lights only affected one traffic light, which was the one at the intersection of East Court Street and South Main Street, by letting traffic either go straight ahead or turning right onto East Court Street. He further confirmed that there would be no change coming from north to southbound.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Vice Mayor Dillon to approve the recommendation of the committee, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously.

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

A) Referrals to Planning Commission from Town Council

The Assistant Town Manager relayed to Council that prior to the departure of the last Town Planner, the Town's Community Development staff and Planning Commission were working to update Article 13 of the Zoning Ordinance regarding non-conformities. He explained that non-conforming lots and uses are those that do not meet the requirements of the current Zoning Ordinance, but which were exempt from meeting the requirements at the time the Zoning Ordinance passed. He further explained that in an effort to update this, Article 13 stalled in the Planning Commission because of some ambiguous language in draft code, concern over requiring new setbacks, and uncertainty over Council's support for a review. He reported to Council that a related issue was brought to Council's attention during the September 24, 2009 joint meeting with the Planning Commission, with the principal issue being the ability to rebuild a damaged structure on a non-conforming lot. He further pointed out to Council that in the interim, staff would like to address the code and setback issues; specifically, addressing the property owner's ability to rebuild in the event of a disaster. With this being said, the Assistant Town Manager relayed to Council that staff is asking for Council's referral of this matter to the Planning Commission for its consideration.

Council Member Lester commented that he believed that one of the dwellings in question was the one that had burned down and he thought this was taken care of in the Town ordinance, in that it could be put back on the footprint.

Discussion pursued on what was in place now with the existing ordinance.

The Town Manager stated that this was referred to Planning Commission as a body, but it is still pending if it is 75% destroyed, with the property owner having to comply to the current zoning; therefore, it needs to be looked at by the Planning Commission.

The Assistant Town Manager stated that by taking Article 13 back to the Planning Commission, Article 13 can be clarified and brought back to Council.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Lester for staff to take Article 13: “Non-conforming Lots and Properties” back before the Planning Commission, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

B) Rise ‘N Shine Appearances

The Mayor indicated that the Assistant Town Manager appeared on Rise ‘N Shine this morning, with the Assistant Town Manager stating everything went good.

The Mayor indicated for the Town Manager to call him or another Council member to go with the Town Manager to the February 8 Rise ‘N Shine show.

Council Member Seale indicated he would go in March.

COUNCIL CONCERNS

Let the record show there were none at this time.

CLOSED MEETING

At 7:35 p.m., motion was made by Council Member Lester to go into *Closed Meeting*, and seconded by Council Member Greer and carried unanimously to discuss the following:

- 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 legal matters requiring the provision of legal advice by such counsel.

At 8:28 p.m., motion was made by Council Member Strickler to come out of *Closed Meeting* and to reconvene the meeting back into open session, with motion on the floor

being seconded by Council Member Greer and carried unanimously.

CERTIFICATE OF CLOSED MEETING

Whereas, the Town of Rocky Mount Council has convened a *Closed Meeting* on this date 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 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

- Motion was made by Vice Mayor Dillon certifying that: (1) only public business matters lawfully exempted from open meeting requirements under this chapter was discussed; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or consider in the meeting by the public body was discussed. Motion was seconded by Council Member Walker. The Mayor swore to adopt the motion on the floor by Vice Mayor Dillon that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker.

The Mayor reported that no action was taken.

ADJOURNMENT

At 8:30 p.m., motion was made by Council Member Lester to adjourn, seconded by Council Member Greer and carried unanimously.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk

(this page left blank intentionally)