

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
MAY 10, 2010**

The May 10, 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, 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.

- Motion was made by Vice Mayor Dillon to approve the agenda as presented, seconded by Council Member Seale and carried unanimously by those present.

## **SPECIAL ITEMS**

The Mayor congratulated Council Members-Elect Bobby M. Cundiff and Robert L. "Bobby" Moyer for their recent election to the Rocky Mount Town Council, stating that he looks forward to working with them.

## **PUBLIC HEARING**

Let the record show there were no public hearing matters at this time.

### **APPROVAL OF MINUTES**

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

- April 12, 2010 Regular Council Minutes
- April 19, 2010 Budget Work Session No. 1 Minutes
- April 26, 2010 Budget Work Session No. 2 Minutes

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

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

### **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
  - Resolution by the Rocky Mount Town Council Proclaiming June 20<sup>th</sup> Through June 27<sup>th</sup>, 2010 as "Amateur Radio Week"
- Miscellaneous Action
  - Change Order No. 2 for the Uptown Revitalization Project
- Departmental Monthly Report
- Bill List

There being no discussion, the Mayor entertained a motion.

- Motion was made by Vice Mayor Dillon 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 by those present.

### **HEARING OF CITIZENS**

- Mr. Mark L. Fitzgerald, a Town resident of 245 Oak Street, Rocky Mount, Virginia, came before Council introducing himself, stating the following for the record:

"I am a long term resident of Franklin County, and for the past 20 years, a resident of Rocky Mount. Here we made our home and raised our children to adulthood. I was entering, for the first time, a building in Rocky Mount, Virginia known as The Franklin Center. This building houses various offices and is situated on what is described within the literature of its own publications as positioned on a public campus. This building was funded in part by the County of Franklin, the Virginia Department of Housing and Community Development, the U.S. Commerce – Economic Development Administration, among others. The consortium partners are presented, in attendant literature, in part as representing local governments. Upon approaching the entrance of the building facing Claiborne Avenue, I saw a sign "No Weapons/Firearms of Any Kind Allowed on Premises at Any Time", which were in capital letters per the sign. I am hereby respectfully requesting that you seek the advice of your legal counsel regarding this sign, as it is in direct conflict with the Virginia Code and thereby, unlawful. The specific code to which I make reference is: Code of Virginia, Title 15.2 Counties, Cities and Towns, Chapter 9 – General Powers of Local Governments, § 15.2-915. Control of Firearms; applicability to authorities and local governmental agencies. Having requested that you refer to your legal counsel, I furthermore request that the sign be removed from this public campus, and public building. It is important that local law enforcement officials be made aware that any request for their assistance in enforcing the aforementioned unlawful sign would be an order which cannot be lawfully carried out. Thank you for your consideration. I look forward to your reasonable and timely response. My request is respectfully made, and with the full determination of a citizen of the United States of America, and the Commonwealth of Virginia."

A copy of Mr. Fitzgerald's statement and Virginia Code as referenced is attached for the record, per Mr. Fitzgerald's request.

## **OLD BUSINESS**

### **A) Proposed New Board of Zoning Appeals Fees for Residential Rebuild Based on Substantial Damage to Owner Occupied Home**

The Assistant Town Manager informed Council that during a joint meeting between Council and the Planning Commission, it was discussed how to resolve the issue of non-conforming structures damaged beyond repair. He stated the following:

- The consensus emerging from that discussion was to institute a new fee schedule for non-conforming residential structures damaged by fire or other disaster.
- None of the current Community Development staff have had to deal with a variance/rebuild request during their tenure with the Town. However, staff estimates that a review of each variance/rebuild request would take approximately two hours, including the report to the Board of Zoning Appeals, with advertising costing approximately \$90. A fee of \$150, plus postage, should cover the Town's costs (excluding Board of Zoning Appeals' stipends) involved in this rare type of case. Staff would retain higher fee for general non-conforming use appeals.

- Staff recommends a Fiscal Year 2011 fee schedule to Council in June, and asks that Council provide guidance as to whether to include this fee in that schedule.

There was discussion regarding the proposed fee schedule and making sure that the Town's costs are covered, with the remedy of this being a code change.

The Mayor stated that it is reasonable to lower the fee as recommended by staff, and to look at a code change when needed.

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

- Motion was made by Council Member Walker to proceed with the submittal of new fee, 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 by those present.

**B) Paving Bids for Fiscal Year Ending June 30, 2010**

In the absence of the Public Works Director (due to putting in a sewer tap for uptown project), the Town Manager stated that the Town had received three bids for paving, going over each one of them. He asked that the Public Works Director be able to negotiate with the two lowest bidders, which were S. R. Draper Paving Company in the amount of \$412,109.49, and Adams Construction Company in the amount of \$420,427.51.

There were concerns raised by Council as to the quality of work that S. R. Draper Paving Company had done when they were awarded the bid last year from the Town. The Town Manager stated that those quality concerns had been met by S. R. Draper Paving Company, even though it took a while to do.

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

- Motion was made by Council Member Greer to allow the Town Manager and Public Works Director to meet with the two lowest bidders and see if they can reach some type of consensus, 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 by those present.

**NEW BUSINESS**

**A) Recommendation of Planning Commission Regarding Proposed Fiscal Year Capital Improvement Plan for Fiscal Years 2011-2015**

The Planning Commission held a public hearing on May 5, 2010 to receive public input regarding the proposed Capital Improvement Plan for Fiscal Years 2011-2015 for the

Town of Rocky Mount. The Assistant Town Manager informed Council that no one from the public came before the Planning Commission to speak. He further informed Council that the Planning Commission unanimously recommended to Council approval of the proposed plan.

There being no discussion from Council regarding this matter, the Mayor entertained a motion.

- Motion was made by Vice Mayor Dillon to accept the recommendation of the Planning Commission, 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 by those present.

**B) Presentation by Mr. Jon Morris, Executive Director of STEP, Inc.**

Mr. Jon Morris, Executive Director of STEP, Inc., came before Council, handing out to them a report that outlined STEP, Inc.'s local impact to the area. He pointed out that STEP, Inc. had received four sources of ARRA funding (Federal stimulus funds) for the following programs:

<u>Program</u>	<u>Funding Amount</u>	<u>People Served</u>
- Homeless Prevention and Rapid Re-housing	\$500,000	200 homes 600 individuals
- Weatherization	\$1.3 million	80 homes
- Early Head Start	\$1.2 million	80 children
- CSBG	\$215,000	1,333

Mr. Morris explained the breakdown of the CSBG ARRA funding, and also went over STEP, Inc.'s growth over the past five years: agency budget (+\$3 million); employees (+58); programs (+8); and number of people served (+2,500). He also went over the economic impact on the non-profit agencies they assist. He pointed out the business to business support that STEP, Inc. does, along with how their growth impacts Section 8 not only in Franklin County, but Patrick County as well. He also pointed out that their agency budget is \$5 million; they have 110 employees; current agency payroll is \$2,004,546 versus that it was \$1,397,506 in 2009; number of programs consist of 20+; clients served annually is 3,500+; business to business support in 2009 was \$1.2 million; non-profit support of \$100,000+; savings to Franklin County in the amount of \$730,605, and Section 8 financial support of \$610,416.

In conclusion, Mr. Morris stated that he was not before Council asking for money, but that it is his hope that the Town and STEP, Inc. continue to work together like they did regarding the house that was built on Tank Hill.

The Mayor thanked Mr. Morris for his presentation before Council, stating that he appreciates all the work that STEP, Inc. does for the community.

**DRAFT**

C) Proposed Local Licensing Ordinance

Council was informed by the Town Manager that the Town has had persistent issues with vehicles garaged in the Town which do not have a Town decal. He further stated that the Town's enforcement efforts have been limited by the fact that failure to have a current Town decal was construed as a moving violation. He pointed out that the Town Attorney drafted an ordinance which has been submitted for their review which will amend Chapter 62 of the Town of Rocky Mount Code to create a non-moving violation classification for the failure to have a current Town decal on a vehicle garaged in the Town, with the fine for the offense being set at \$25.00, which will be issued via a citation, summons, parking ticket, or uniform traffic summons. He pointed out that the change in the code will enable more effective enforcement of the decal requirement.

The Town Manager pointed out that staff recommends approval of the draft ordinance, and that this is for a non-moving violation and will not affect the person's vehicle insurance.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Greer to approve the draft ordinance as submitted, with motion on the floor being seconded by Council Member Strickler. Discussion ensued. The Town Attorney confirmed to Vice Mayor Dillon that a police officer could go on private property that public is invited to issue this citation, which is similar to issuing a parking ticket. He further pointed out that if the vehicle is not covered up, it is subject to a citation; and if it is visible from the public right-of-way, it is also subject to a citation. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

D) Update of Upcoming Cox Property Work

The Assistant Town Manager updated Council regarding upcoming Cox property work:

- The Weaver Street extension to serve the Cox property Industrial site is complete.
- The Town's engineers estimated \$1.1 million would be necessary to complete the street, with staff being able to get Tobacco Commission permission to use the remainder of the transloading rail facility grant, adding \$421,000 to it, and to also get Virginia Department of Transportation (VDOT) to kick in \$334,000 in bonded road funds, and combining with local matches of \$100,000 each from the Town and Franklin County, the Town reached the funding goal of \$1.1 million.
- The contractor, Paul Shively of Paul R. Shively, Inc., was awarded the contract for a low bid of \$635,000, with approximately \$15,000 in change orders required for tying in the elevations from the old street and the new street. Including all expenses on the project, the Town is at \$660,000 to-date with approximately \$440,000 left that the Town is obligated to spend on the next phase of work.

- The Cox property site has two major components that need to be completed: the first is cutting, filling and grading the industrial pad sites; and the second is rail siding installation.
- At this time, staff asks that Council permit the Town to move on to the next phase, which is installing the rail line to serve the larger industrial parcel. The Tobacco Commission's transrail facility funds paid \$145,000 to Norfolk Southern for a switch at the site, and per the standard agreement with Norfolk Southern, the siding must be completed within 12 months of the switch installation.
- Thompson & Litton is the engineer for the Cox site project, and has completed preliminary engineering report and geotechnical studies. Town staff needs to authorize the engineer to complete plans for the rail siding and stormwater drainage structures to serve the larger overall parcel.
- The Tobacco Commission has given the Town preliminary permission to move their funds into the new project, and staff has Franklin County's contribution in hand. It is likely that the rail siding construction, stormwater drainage pond, and access to the site will consume most, if not all, of the remainder of the \$450,000 left in balance.
- Once this next phase is complete and the funds are exhausted, staff will go to the Tobacco Commission again, either for a portion of the local allocation, or for economic development funds to complete the grading on the site.
- The reason for waiting until the end to grade the pad sites is that it gives the Town the most flexibility in determining how to meet company needs. If the Town has one large company that wants the site, the Town will have different grading needs than if it had smaller companies to go on the site. The rail siding will be installed at the optimum elevation for use by the largest parcel.
- All totaled after the grading, staff expects to have 28 to 30 usable acres of pad sites prepared for industry.

The Assistant Town Manager informed Council that staff asks that Council consider approving the engineer to proceed with the work.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Lester to approve the authorization of continuance of the project for the rail siding, 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 by those present.

E) Consideration of Appointments to the Roanoke Valley Alleghany Regional Commission

It was pointed out by the Town Manager to Council that he had received notification from the Roanoke Valley Alleghany Regional Commission (RVARC) that his term on the Commission as a non-elected representative of Rocky Mount to the Board would expire June 30, 2010, as well as Council Member Lester's term expiring June 30, 2010 as an elected representation of Rocky Mount to the Board.

It was the consensus of Council to carry this matter forward for review and consideration of appointments after July 1, 2010 when the new Council members-elect will take office.

**COMMITTEE REPORTS**

A) Streets, Sidewalks & Sanitation Committee

The Streets, Sidewalks & Sanitation Committee met on May 6, 2010 to review the parking on East Court Street near the Franklin County Courthouse prior to the Town paving the street. The Town Manager stated that the Committee did not make any recommendation at this time due to the paving not taking place for another five months.

**OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES**

A) Referrals to Planning Commission from Town Council

Let the record show there were no referrals to the Planning Commission from Council at this time.

B) Rise 'N Shine Appearances

The Assistant Town Manager appeared on the Rise 'N Shine show earlier today.

**COUNCIL CONCERNS**

Let the record show there were no Council concerns at this time.

**CLOSED MEETING**

Let the record show there were no *Closed Meeting* items at this time.

**ADJOURNMENT**

At 7:50 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Lester and carried unanimously by those present.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

/phk

Attachment