

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
JULY 8, 2013**

The July 8, 2013 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 Gregory B. Walker and Council Members
Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L.
Moyer, and Billie W. Stockton

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, Captain Kenneth Criner (in lieu of Chief of Police David Cundiff), Finance Director Linda Woody, Public Works Director Cecil R. Mason, Town Planner Patrick Rust, Superintendent of Water Department Robert Deitrich, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, 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 action taken:

Motion was made by Council Member Stockton to approve the agenda as presented, seconded by Council Member Love and carried unanimously by those present.

SPECIAL ITEMS

Let the record show there were no special items to discuss at this time.

PUBLIC HEARING

Let the record show there were no public hearing items to discuss at this time.

APPROVAL OF MINUTES

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

- June 10, 2013 Regular Council Meeting

The Mayor asked if there were any changes to the draft minutes, and there being none, the Mayor entertained a motion.

Motion action taken:

Motion was made by Council Member Love to approve the Council meeting minutes as presented with motion on the floor being seconded by Vice Mayor 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
- Miscellaneous Action
- Departmental Monthly Report
 - Community Development
 - Finance Department
 - Fire Department
 - Police Department
 - Public Works Department
 - Waste Water Department
 - Water Department
- Bill List

There being no comments, the Mayor entertained a motion.

Motion action taken:

Motion was made by Council Member Moyer to approve the draft *Consent Agenda* as presented and seconded by Vice Mayor Walker. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

HEARING OF CITIZENS

Let the record show that no one had contacted the Town Clerk's Office wishing to come before Council to speak.

At this time, the Mayor opened the floor to anyone wishing to come forward.

Let the record show that no one came forward to speak.

OLD BUSINESS

A. Progress report on The Harvester Performance Center.

Dialogue: The Assistant Town Manager presented a brief update on the construction of The Harvester Performance Center, which consisted of the following:

- Entire walls have been gutted.
- Started studding up the walls.
- Framed-up the stage and risers.
- Started sprinkler system downstairs.
- Started working on putting in elevator.
- A construction fence going will be going up around the property and signs will be posted.

Discussed briefly that Council may want to contact the Assistant Town Manager to do another walk-through soon to see the changes being made to the building.

NEW BUSINESS

A. Request of Assistant Town Manager regarding scheduling a special event at the Farmers' Market.

Dialogue: The Assistant Town Manager informed Council of the following:

- General Manager (Gary Jackson) is developing some events working up to the opening of the Center to give regional taste of what events can be lined up to be held at the Town's Farmers' Market. With this being the 140th year of the incorporation of the Town of Rocky Mount, it is a good opportunity to draw people to the Town during Labor Day. Several acts have been lined up with some local people. Gates will open at 3:30 p.m. on Labor Day; there will be a birthday cake celebrating the Town's 140th year; and the event will last to around 9:30 p.m. Proposed is a beer garden with precautions set in place to monitor the alcohol, such as: wrists bands; staff being trained to monitor those who will be taking advantage of the beer garden; and police will be there to monitor as well. The Town Attorney, along with the Rocky Mount Police Department, see no prohibition in doing this other than whatever Council has set.

There was discussion regarding the negative affect drinking alcohol would have at the Town-owned Farmers' Market, and what type of example the Town would be portraying in allowing alcohol to be sold on Town-owned premises; plus, staff emphasizing that if Council approved the event with the beer garden being in place, it would be highly monitored.

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

Motion action taken:

Motion was made by Council Member Greer to approve holding the event and to allow the sale of alcohol, with motion on the floor being seconded b Vice Mayor Walker. A roll call vote was taken. Voting in favor of the motion on the floor were Vice Mayor Walker and Council Member Greer. Voting in opposition to the motion on the floor were Council Members Cundiff, Love, Moyer and Stockton. Let the record show the motion failed four to two.

The Mayor then asked if the event could still be held without the sale of alcohol, with the Assistant Town Manager indicating that it could, but more than likely the Town would not make a profit, and further indicated to Council that the event could be held without the approval of Council. The Assistant Town Manager confirmed to Council that it would cost \$3,000 for the musical acts and the Town is looking into having the birthday cake donated, and also the Town could still allow the sale of snacks and drinks.

The Mayor asked what the pleasure of Council was concerning having the event without the sale of alcohol.

Motion action taken:

Motion was made by Council Member Moyer to approve the event without the sale of alcohol, with motion on the floor being seconded by Council Member Stockton. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

- B. Review and consideration of rescheduling Council's regular October meeting in relation to upcoming Virginia Municipal League Conference.

Dialogue:

The Town Manager came forward stating the following:

- Members of Council in the past have expressed a desire to attend the annual Virginia Municipal League conference, which conflicts with the regular Council meeting during the month of October. If Council shows no interest in attending, there is no need to reschedule the Council meeting; plus, and staff will not attend if no one from Council decides to go.

- The Mayor commented that the October Council meeting will be held as scheduled unless a Council member shows interests in attending.

No action needed.

- C. Request of Franklin County Senior Class of 2014 to hold their fundraiser event “Eagle Pride 5K”.

Dialogue: The Town Manager came before Council stating that the Franklin County Senior Class of 2014 was requesting to hold their annual fundraiser event “Eagle Pride 5K” on Saturday, October 12, 2013, but since their submittal, staff has found out that there is a conflict that they were not aware of after they had submitted the request. In February of 2013, Council had already approved the annual Johnny CASA 5K race for the same date. Discussion ensued regarding the Senior Class submitting another date. The Assistant Town Manager requested Council to approve the race and that staff work out the date with the Rocky Mount Police Department so the Senior Class would not have to come back before Council again regarding this request.

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

Motion action taken:
Motion was made by Council Member Greer to approve the request as recommended by the Assistant Town Manager, with motion on the floor being seconded by Council Member Love. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

- D. Rescheduling of special Council meeting for tour of Water Plant.

Council Member Cundiff requested that due to a scheduling conflict, could the special Council meeting to tour the upgrades of the Water Plant be rescheduled.

Consensus action:
It was the consensus of Council to move the scheduled special Council meeting to tour the upgrades to the Water Treatment Plant to Tuesday, August 13, 2013 at 4:00 p.m. Town Clerk confirmed.

COMMITTEE REPORTS

- A. Public Utilities Committee and Streets, Sidewalks & Streetlights Committee joint meeting.

Dialogue:

The Town Manager informed Council that the Public Utilities Committee and Streets, Sidewalks & Streetlights Committee met jointly on June 11, 2013 to consider several issues:

1. Drainage behind Thompson Tire: The residents behind Thompson Tire, residing on Ann Sink Street, have complained for years about the significant amount of water runoff from the Thompson Tire property. Staff recommended that a drainage easement be obtained from Thompson Tire to install a Town funded solution to the problem. The Public Works Director estimates that to extend the Town's storm water facilities to that side of the street, install a drop inlet on the Thompson Tire property, and a curb to direct water to the drop inlet would cost approximately \$25,000, with \$8,500 of the cost being materials and the rest being the use of Town labor and equipment. The Town Manager attempted to work with the owner of the property to address the issue but they are reluctant to work with the Town.

A representative of the investment firm that owns Thompson Tire was present during the committee meeting and discussion ensued relative to the issue. Thompson Tire alleged that the runoff issue was actually related to storm water coming onto their property from Patterson Avenue. The Public Works Director suggested increasing the crown and curb capacity of Patterson Avenue prior to investing in improvements of the Thompson Tire parcel. The committee instructed him to do so and to take the issue up again if that did not improve the situation. Staff did not agree with Thompson Tire's claim that the runoff problem was contributed to be the streets as the engineer's report indicated that the observable runoff was originating on the property.

The committee requested no action be taken by Council at this time and that the issue will be brought up again once improvements to Patterson Avenue are complete.

2. Paving at Jubal's Retreat: Staff had previously released the performance bond for Jubal's Retreat in error (by a previous Town Planner) and the Town has no recourse to force the developer to do the final paving. There is a concern that without finishing the development, the complex will be a net negative for the North Main corridor. The Town Manager and Town Attorney have met with the developer and staff proposed that the Town pave the parking lot and either put a lien on the property or enter into a payment plan with the developer. The developer is in agreement with the concept. The Public Works Developer

reports that it will take \$3,000 to get the area ready for paving and \$43,000 to pave the lot as part of the Town's street paving bid. The committee wanted final pricing figures, which were not available at the committee meeting.

Action requested: Should staff develop an agreement with the owners of the development to allow this project to be included in the Town's paving bid?

There was discussion with Council regarding the best way to handle this situation, and concerns if the Town had to put a lien against the property. The Town Attorney explained how putting a lien on the property would work. Also discussed that the residents were promised quality work. Mentioned also was for staff to get three bids from individual paving companies before allowing the project to be included in the Town's paving bid process.

Consensus Action:

The Town Manager confirmed that staff would get three bids from individual paving contractors, and if that does not work, will roll the project into the Town's paving project.

3. Customers wishing to downsize their water meters: The Town has a few residences and businesses that have larger than 5/8 inch meters and have contacted the Town to have a small meter put in, or the surcharge waived as they did not request the larger meter. The Town's Finance Department and Public Works Department staff have met to consider options for these customers. Staff proposed that for residents with a larger meter due to a need to supply sufficient flow in higher elevations that the surcharge be waived. Staff also proposes that a meter reduction be offered to the few businesses that have asked for it for a flat fee of \$500.

Committee recommended these rules with the stipulation that the meter swap out, or downsize program only be offered for six months.

Action requested: Adopt the waiver of capital recovery charges for residential meters and the meter reduction service as part of the Town's Utility Program, and to guide staff on the issue of should the residential change be retroactive.

Council Member Cundiff thanked the Superintendent of the Water Treatment Plant for getting the numbers better and

for their hard work. The Superintendent of the Water Plant thanked Council Member Cundiff for his comments. Council Member Cundiff also thanked the Superintendent of the Wastewater Treatment Plant.

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

Motion action taken:

Motion was made by Council Member Cundiff to approve the recommendation of the Public Utilities Committee and Streets, Sidewalks & Streetlight Committee, with motion on the floor being seconded by Council Member Love. There being no discussion, let the record show that motion on the floor passed unanimously by those present.

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

- A. Referrals to Planning Commission from Town Council: let the record show there were none.
- B. *Rise 'N Shine* Appearances: The Town Manager appeared on the show this morning with host Richard Shoemaker.

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 Moyer to adjourn, seconded by Council Member Greer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk