

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
JULY 14, 2014**

The July 14, 2014 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, Robert L. Moyer, Jon W. Snead, and Billie  
W. Stockton

Let the record show that Council Member P. Ann Love was absent due to being out-of-town.

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 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.

The Mayor requested that the agenda be amended to include: (1) under "New Business" a request of FRESH Coalition to hold an event at the Town's Farmers' Market; (2) consideration of nominating Vice Mayor Gregory Walker to serve on West Piedmont Planning District Commission Executive Committee; and (3) "Closed Meeting" item dealing with legal consultation.

#### **Motion Action Taken:**

***Motion was made by Council Member Cundiff to approve to amend the agenda as requested, with motion on the floor being seconded by Vice Mayor Walker and carried unanimously by those present.***

## **SPECIAL ITEMS**

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

## **PUBLIC HEARING(S)**

Let the record show there were no public hearing(s) at this time.

## **APPROVAL OF MINUTES**

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

- June 9, 2014 regular Council meeting
- June 16, 2014 special Council work session
- June 30, 2014 special Council meeting
- July 1, 2014 Council reorganizational 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 Stockton to approve the draft minutes as presented, with motion on the floor being seconded by Council Member Cundiff. 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 Vice Mayor Walker to approve the "Consent Agenda" as presented, with motion on the floor being seconded by Council Member Cundiff. 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 to speak. Let the record show that no one came forward.

**OLD BUSINESS**

Let the record show there were no items Under "Old Business" to discuss at this time.

**NEW BUSINESS**

- A. Review and consideration of request of Franklin County High School regarding holding their annual homecoming parade.

Prior to the meeting, the Town Clerk's Office had received a letter of request from Ms. Anitra L. Holland, Teacher & Student Council Association Faculty Sponsor at Franklin County High School, asking permission from Rocky Mount Town Council to sponsor their annual homecoming parade on Thursday, October 16, 2014, beginning at 5:00 p.m.

Danielle Foutz, resident of Boones Mill, Virginia, a Junior at Franklin County High School, and Junior Class President and Vice President of FSA, came before Council requesting that they be allowed to have the homecoming parade (as specified in the letter that was presented to Council prior to the meeting). The Chief of Police confirmed to the Mayor that the route had been approved by the police department.

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

**Motion Action Taken:**

*Motion was made by Council Member Snead to approve the request 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.*

**B. Review and consideration of request of Blue Ridge Association for Sickle Cell Anemia to hold a walk-a-thon.**

The Town Manager informed Council that prior to the meeting, the Town Clerk's Office had received a letter from Blue Ridge Association for Sickle Cell Anemia (BRASCA) asking for permission from Rocky Mount Town Council to hold a walk-a-thon scheduled for Sunday, September 28, 2014. The Chief of Police confirmed that he has reviewed the proposed route and it meets his approval.

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

**Motion Action Taken:**

**Motion was made by Council Member Stockton to approve the request as presented, with motion on the floor being seconded by Council Member Cundiff. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.**

**C. Review and consideration of Beautification and Urban Design (BUD) Commission regarding appointment to Commission.**

The Assistant Town Manager informed Council that his office had received a request from Ann Cook, Chair of the Rocky Mount Beautification and Urban Design (BUD) Commission, requesting Rocky Mount Town Council's review and consideration of appointing Mr. Dennis Headington to a three-year term as a voting member of the BUD Commission, with Mr. Headington agreeing to serve.

At the request of the Mayor, the Assistant Town Manager had contacted Mrs. Cook to see what Mr. Headington's qualifications were since none of Council knew who he was. The Assistant Town Manager stated Mrs. Cook informed him that Mr. Headington lives in Beverly Hills Subdivision (just west of Town); is a hobbyist gardener; has experience in public relations in the nuclear industry; believes he would be a good asset to not only help the Commission in his ability to assist in marketing the Commission in bringing in sponsors, but helpful in community work for the Commission to the general public; and he has lived in the area for about seven to eight years.

The Assistant Town Manager informed Council that the Commission has had difficulty in getting a quorum due to members resigning or moving. He further informed Council that he was supposed to advertise and ask for more people to serve on the Commission, but has yet to do that. He confirmed to Council that he personally does not know Mr. Headington.

The Mayor stated that he also does not know Mr. Headington, and that no one else on Council knew him either. Due to this, the Mayor requested the Assistant Town Manager to inform Mr. Headington that he needed to come before Council and introduce himself prior to an appointment being made.

**Consensus Action Taken:**

**Since no one on Council knew Mr. Headington, it was the consensus of Council that he come before Council to introduce himself.**

D. Review and consideration of holding a Council retreat.

The Town Manager indicated to Council that it had been many years since Council engaged in a retreat. He stated that the prior retreat had established many long-term goals and objectives, the majority of which had been accomplished. He informed Council that staff proposes a facilitated retreat during the first or second weekend in September, traveling on a Friday to Abingdon, Virginia and working during Saturday with a representative from Weldon Cooper Center for Government.

There was discussion regarding saving the Town money by not having a retreat away from the area, saving the Town expense on overnight lodging, and the dates given would not work.

***Consensus Action Taken:***

***It was the consensus of Council to have the Town Manager to come back before Council with other dates than what had been presented to them to have the retreat, and a place locally it could be held at, saving the Town the expense of overnight lodging.***

E. Review and consideration of abandonment of paper alleys.

The Town Manager pointed out to Council the following:

- Over the years, many developers had created small subdivisions in Rocky Mount and filed plats of record dedicating portions of land as an alley or as public access space.
- Though the majority of these spaces were never improved to Town standards, they exist as a matter of record and are technically referred to as “paper alleys” (they exist on paper but not in practice).
- Periodically, the Town is drawn into a dispute over such paper alleys. Examples include a request to improve and maintain them; requests to remove trees from them planted by prior homeowners; requests to enforce access; and requests to remove encroachments. The Town declines these requests because the alley was created with no permission from the Town and was never improved to the point it could be maintained. This practice is not allowed today.
- Code of Virginia has specific provisions for abandoning such paper alleys (along with any other public right-of-ways).

The Town Manager informed Council that he would like to have the Town’s planning staff work with the Town Attorney to begin bringing Council actionable items to implement the legal abandonment of such unimproved paper alleys. He further informed Council that the Town does not approve these creations of paper alleys, and with Council’s blessings, would like to get rid of them within the next six to eight months, with Council deciding on a case-by-case basis on the abandonment. If Council approves getting rid of these paper alleys, the Town would split down the middle and deed one-half to each property owner.

***Consensus Action Taken:***

***It was the consensus of Council for the Town Manager to have the Town’s planning staff work with the Town Attorney as proposed by the Town Manager.***

F. Request of FRESH Coalition (amended agenda item).

The Assistant Town Manager informed Council that FRESH (Focus on Response and Education to Stay Healthy) Coalition is requesting Council's approval for them to use the Town's Farmers' Market to hold a family fun day for parents and their children on September 22, 2014 from 4:00 p.m. to 7:00 p.m. He further informed Council that this event is being held in conjunction with CASA's Family Day, which is a national movement to celebrate parental engagement as an effective tool to help keep America's kids substance free. He also pointed out that staff recommends approval of the request as the event is designed to strengthen communities and neighborhoods. He also confirmed to Council that the day of the event will not interfere with any Harvester performances as it is set on a Monday.

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

**Motion Action Taken.**

**Motion was made by Vice Mayor Walker to approve the request, 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.**

G. Review and consideration of nominating Vice Mayor Gregory Walker to serve on the West Piedmont Planning District Commission Executive Committee.

Due to former Council Member Jerry W. Greer, Sr. no longer serving as a liaison between the Rocky Mount Town Council and West Piedmont Planning District Commission (WPPDC) Executive Committee, the Town Clerk's Office was contacted to have Council consider nominating someone to replace Mr. Greer on said Committee.

The Mayor stated that since Vice Mayor Walker is currently serving on the WPPDC, and has done so for some time now, he would like to nominate him to serve on their Executive Committee per WPPDC's request for a replacement of Mr. Greer. Let the record show no other name was submitted at this time.

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

**Motion Action Taken.**

**Motion was made by Council Member Cundiff to appoint Vice Mayor Walker to serve on West Piedmont Planning District Commission's Executive Committee, 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.**

## **COMMITTEE REPORTS**

Let the record show there were no committee reports at this time.

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

### **A. Referrals to Planning Commission from Town Council**

The Assistant Town Manager confirmed to Council that there were no referrals at this time.

### **B. Rise 'N Shine Appearances**

The Assistant Town Manager confirmed to Council that he appeared on the *Rise 'N Shine* show this morning, along with Harvester Performance Center Assistant General Manager, Sheila Silverstein.

## **COUNCIL CONCERNS**

### **Vice Mayor Walker**

1. Questioned Assistant Town Manager regarding fees that would be charged to the public for renting space at the Harvester Performance Center.

The Assistant Town Manager stated that he did not feel comfortable quoting fees for the rental of space located in downstairs portion of the Harvester at this time without having the fee schedule in front of him. He did confirm, however, that the facility had received its Certificate of Occupancy and is now ready to rent.

2. Questioned Assistant Town Manager regarding if the lights at Farmers' Market were now working.

The Assistant Town Manager confirmed that someone had covered the sensors and now they are fixed. Regarding the rheostat that had been damaged by an electrical surge, the part has been ordered to replace it.

### **Update by Town Attorney Regarding 20 Spring Street**

The Town Attorney gave Council a brief update on 20 Spring Street:

- Now have court order authorizing demolition, which will be exercised during the last week of July or first week of August.
- Will have contractor in to remove structure and turn into a flat piece of property.
- Will notify adjacent property owners on what will be taking place.
- Contractor will be giving Town staff about one week lead-time.

The Assistant Town Manager stated he made on behalf of the Town to the property owner an offer well below the market value to purchase the property, but she indicated that her answer was essentially "no".

## **CLOSED MEETING**

At 7:35 p.m., motion was made by Council Member Moyer to go into *Closed Meeting*, and seconded by Council Member Snead 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 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.

At 8:00 p.m., motion was made by Council Member Moyer 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 Cundiff and carried unanimously by those present.

## **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.

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Steven C. Angle, Mayor

- Motion was made by Council Member Moyer 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 considered in the meeting by the public body was discussed. Motion was seconded by Council Member Stockton. The Mayor swore to adopt the motion on the floor by Council Member Moyer

that this was all that was discussed as defined in Section 2.2-3712 Code of Virginia. Voting yes were Vice Mayor Gregory B. Walker and Council Members Bobby M. Cundiff, Robert L. Moyer, Jon W. Snead, and Billie W. Stockton.

The Mayor reported that no action was taken.

**ADJOURNMENT**

At 8:02 p.m., motion was made by Council Member Snead to adjourn, seconded by Vice Mayor Walker and carried unanimously by those present.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

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