

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
DECEMBER 11, 2006**

The December 11, 2006 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 Roger M. Seale and Council Members Stephen F. Agee, Posey W. Dillon, Jerry W. Greer, Sr., John H. Lester, and Sadie W. Tuning

The meeting was called to order by Mayor Angle.

The Town Clerk read for the record the following being present: All members of Town Council as noted, Town Manager Keith Holland, Assistant Town Manager/Community Development Director Lara Burleson, Town Attorney John Boitnott, Acting Chief of Police Sergeant Erik Mollin, Finance Director Linda Woody, Planning & Zoning Administrator Paul Stockwell, Fire Chief Posey Dillon, Public Works Director Cecil Mason, and Town Clerk Patricia Keatts.

The Mayor led the *Pledge of Allegiance*.

### **APPROVAL OF AGENDA**

The Mayor requested that the draft agenda be amended to include under *Closed Meeting* 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. Council so noted.

- Motion was made by Vice Mayor Seale to approve the agenda with the requested amendment by the Mayor, seconded by Council Member Tuning and carried unanimously.

### **SPECIAL ITEMS**

- Let the record show that the Mayor recognized students attending the Council meeting from Mrs. Shephard's government class at Franklin County High School.

- Acting Chief of Police Sergeant Mollin introduced the two recent patrol officers:
  - Chris Froeschl and Burrell McGhee
- Let the record show that the Mayor presented and read for the record *Resolution of Appreciation & Recognition of Richard B. Jenkins*, former Chief of Police for the Town of Rocky Mount who retired October 22, 2006 from the Town of Rocky Mount. Former Chief of Police Richard B. Jenkins thanked Council for the recognition and appreciation for the opportunity to serve the Town and further stated that the Town needs to keep striving forward.

### **PUBLIC HEARING**

Let the record show that the Planning Commission held a public hearing on December 5, 2006 to hear the request of Franklin County Youth Center to rezone Tax Map and Parcel Numbers 010 and 009 to be rezoned from Residential, Agricultural District (RA) to Commercial Office, Limited District (C1) for the purpose of building a youth center in order to provide positive, educational, and recreational opportunities to area youth. The two parcels combined comprise over 80 acres of undeveloped land. The exact location of the property is located east of Cornell Road. During the Planning Commission public hearing, it was the decision at that time by the Planning Commission to recess their public hearing and have the applicant come back before them with more information that the Planning Commission felt that they needed before a decision could be made by them. Due to this, the Mayor stated that Council would also reschedule their public hearing after the Planning Commission heard the rezoning request again in January.

- Motion was made by Council Member Greer to reschedule Council's public hearing until the regular Council meeting of January 8, 2007, with motion on the floor being seconded by Council Member Tuning. There being no further discussion, let the record show that the motion on the floor passed unanimously.

### **APPROVAL OF MINUTES**

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

- November 13, 2006 Regular Council Meeting Minutes
- Motion was made by Council Member Agee to approve the draft council meeting minutes as presented with motion on the floor being seconded by Council Member Tuning. There being no further 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 the bill list and monthly departmental reports that were submitted prior to the meeting for Council's review and consideration.

Let the record show that the following items were presented to Council for review and consideration:

- Under "Miscellaneous Action":
  - Community Partnership for Revitalization Quarterly Depot Management Program – Quarterly Report
  - Memorandum dated December 8, 2006 to Mayor and Town Council from the Town Manager regarding "Snow Removal Assistance Services"

The Town Manager confirmed to Council Member Greer that the snow removal assistance services contract would be a three year contract. Let the record show that there was discussion regarding having the contract for three years versus having it for only one, with the emphasis of the contract being for only year due to the unknown increase of fuel, and re-bidding would allow the Town to be able to get a better bid due to the high price of fuel.

- Motion was made by Council Member Lester to re-bid the snow removal assistance services for one year, with motion on the floor being seconded by Council Member Greer. There being no further discussion, let the record show that the motion on the floor passed unanimously.

Let the record show that the motion on the floor was withdrawn with discussion to do so in order to reject the bids in their entirety and re-bid for one year.

- Motion was made by Vice Mayor Seale to approve the *Consent Agenda* with the change to reject the snow removal assistance services and re-bid for one year, with motion on the floor being seconded by Council Member Tuning. There being no further discussion, let the record show that the motion on the floor passed unanimously.

## **HEARING OF CITIZENS**

### A) Concern of Jean Waltrip

Jean Waltrip of 110 Old Ford Road came before Council stating the following:

- At the last regular Council meeting, she had asked for a cost to-date on the Scuffling Hill Road project. The Town Manager confirmed to Council that the Town could mail her the information tomorrow, with the Finance Director also

confirming that she could do this. It was also confirmed that Council had received this information in a weekly packet.

- Requested that a water truck be brought to the project site to spray down the dust. The Public Works Director informed Council that Scuffling Hill Road should be paved on Wednesday, weather permitting. The Mayor requested the Public Works Director to spray the road down if it was not paved, with the Public Works Director so noting.
- Mentioned that the contractor's equipment parked on the side of the road needs reflectors for night time because you can't see it during the night. Also mentioned by Mrs. Waltrip was the mess the workers were leaving after eating on the left side of Old Fort Road. The Mayor requested that the Public Works Director contact the contractor with these two concerns. The Public Works Director so noted.

## **OLD BUSINESS**

### A) Final Draft Design of Uptown Revitalization Project

The Project Management Team for the Uptown Revitalization Project presented to Council the progress of the project, including final design drafts and estimated project costs. Mr. Jim Lovell of Earth Environmental, along with Jared Webb of Earth Environmental and Trenda Leavitt of Harvey Delaney Landscape Architects, presented a PowerPoint presentation that gave an overview of the:

Mr. Lovell presented the following:

- project area
- streetscape design ideas
- study boards that were presented for public input and discussion meetings
- Master Plan along Main Street
- proposed intersection design of Main and Church Streets
- existing Main Street and what was proposed for that area
- proposed seating area for plaza on Main Street
- proposed parking areas
- proposed asphalt pavers for Main Street, crosswalks, public seating along Main and Court Street, planting beds, street trees
- great opportunity in uptown for public/private gardens that will enhance the uptown corridors
- existing conditions of buildings on Main Street and then showed conceptual drawings of what they can look like with simple awnings, tree plantings, and benches on the street, kiosks in entryways to the corridors, proposed parking areas near the buildings
- parking area behind SunTrust bank, suggesting sidewalks on Bank Street, making it

- one-way, good proposed parking lot for municipal parking
- what is proposed for Warren Street: street trees, brick banding, area for benches, and brick pavers for sidewalks

Mr. Webb went over the utility study:

- where overhead utility lines would be removed on Main Street and Warren Street
- contacted utility providers and went over trench lines with them
- looked at overview of what the proposed utility line improvements would look like at Main Street and Court Street intersection
- presented planning profile of South Main Street with sewer and stormwater management
- graphical rendering for proposed sewer and stormwater management

There was discussion between Mr. Lovell and Council regarding how much underground lines there were; will be somewhat complicated to locate and show right now where all the conduits will go; the sewer line that actually runs through Main Street is made of clay and the Town may have to consider replacing it; and believe there is a good set of plans that the lines can be built from.

Council questioned if the plans included that the underground utilities trenching would have enough room for expansion, such as for any future broadband. Mr. Lovell explained to Council that in some places where the underground utilities would go, spaces were really tight, but after this meeting, a new set of drawings, along with an outline, will be sent all utility providers. He further stated that all utility providers had been instructed to send in what they needed, which should have included broadband.

Mr. Lovell also discussed with Council about where the transformer pads would be, with him indicating that some of them will still be above ground. He further confirmed to Council that the utility lines behind the buildings will remain overhead. Also confirmed to Council that he has been working with Brian Adams with Appalachian Power Company regarding where the lines would be underground in the project area and what would be left overhead behind the buildings.

B) Claiborne Avenue Parking Lot Change Order

It was stated by the Town Manager that during construction of the Claiborne Avenue parking lot, the contractor had pointed out a number of areas of concern from the original design by LMW, PC, and as a result of these concerns, Stone Engineering of Rocky Mount had been asked to look at the plans and do some value engineering to get a second opinion about the concerns. The primary concern was the lack of a retaining wall on the back side of the property and stormwater management approaches. Stone Engineering produced an alternate set of plans that addressed some of these concerns. Due to this, a change order was submitted from Paul Shively, Inc. in the amount of \$28,486 that would take care of the lack of a retaining wall on the back side of the property and would help with stormwater management

approaches. It was mentioned by the Town Manager that it is believed that the retaining wall is needed to keep the slope stabilized and to keep any mud from washing down and creating problems; and also along the stone wall, the contractor had recommended taking it back about 17 to 18 feet and make the planting area much smaller, which would allow for another driveway area as you come into the parking lot for better ingress/egress, and also curb and guttering along the 10 foot alleyway to help vegetation stabilization. It was further pointed out by the Town Manager that he, along with Public Works Director and Stone Engineering, had met the contractor on site today and a couple of changes were made, therefore reducing the change order to \$24,134.25. The Town Manager respectfully requested that Council consider approving the change order.

Let the record show there was discussion on how the wall would look and what would happen if removed. It was confirmed by the Town Manager that one condition of the property owner when the Town purchased the lot was for the stone wall to remain. Council Member Greer voiced concerns over what the retaining wall would look like and that it would look better if done with rock. Council Member Seale mentioned that he had talked with the contractor about this and that it would be very costly to do the wall in rock. Council Member Greer also voiced that there may be trouble out of the existing stone wall once the pavement is put down, and if the wall would decay within 12 months. The Mayor stated that the contractors had relayed that there should be no problems with the existing wall. Council Member Greer then stated he would retract what he had said earlier about the existing wall.

Council Member Agee mentioned that after going to the site and looking at what needed to be done, he believed the project needs to be completed as soon as possible and he would like Council to approve the proposed change order.

- Motion was made by Council Member Agee to approve the change order, with motion on the floor being seconded by Council Member Tuning. Let the record show a roll call vote was taken. Discussion ensued. Council Member Greer stated that he believes the rock wall needs to come out of it. Let the record show a roll call vote was taken. Voting in favor of the motion on the floor were Vice Mayor Seale and Council Members Agee, Lester, and Tuning. Voting in opposition to the motion on the floor were Council Members Dillon and Greer. Let the record show that the motion on the floor passed four to two.

## **NEW BUSINESS**

### **A) Resolution for Funding of Access Road to Cox Property**

The Town Manager brought to Council's attention the proposed "Resolution by Town of Rocky Mount, Virginia Requesting Financing from Commonwealth Transportation Board Industrial, Airport & Rural Access Fund in Conjunction of Construction of New Roadway". It was explained by the Town Manager that the proposed resolution was

to be submitted along with an application to the Virginia Department of Transportation (VDOT) for industrial access funds through VDOT for the extension of Weaver Drive to serve industrial property in the Rocky Mount/Franklin County Industrial Park; specifically, extending Weaver Drive to serve Tax Map and Parcel Number 204-385. He further explained that this would be a bonded project through the Virginia Department of Transportation's Industrial, Airport and Rail Access Fund program.

- Motion was made by Vice Mayor Seale to adopt the proposed resolution and have the Town Manager forward to the Virginia Department of Transportation necessary documents to start the project, with motion on the floor being seconded by Council Member Greer. There being no further discussion, let the record show that the motion on the floor passed unanimously.

B) Consideration of Custodial Services for Municipal Building

The Town Manager reported to Council that his office had received proposals on December 6, 2006 as advertised for custodial services for the Municipal Building, with these services needed as a supplement to those services currently being provided by Mr. Raymond Prunty. He further explained that Mr. Prunty had decided not to retire the first of 2007 as previously planned. It was explained by the Town Manager that a total of four proposals had been received, with the lowest responsible bidder being DMS Cleaning Service, Inc. for providing references, certificate of insurance and bonding. DMS Cleaning Service, Inc. bid was in the amount of \$660 per month for custodial services, which includes twice weekly cleaning of the Municipal Building, plus, special services monthly and once a year. He further stated that he checked their references and everyone seemed satisfied with their work. The Town Manager informed Council that DMS Cleaning Service, Inc. currently cleans the Town's Emergency Services Building located at 1250 North Main Street. The Town Manager respectfully requested Council to allow him to enter into a one year agreement with DMS Cleaning Service, Inc. He further confirmed to the Mayor and Council Member Greer that this service was in the budget.

- Motion was made by Council Member Greer to allow the Town Manager to enter into a one year agreement with DMS Cleaning Service, Inc. for custodial services for the Municipal Building, with motion on the floor being seconded by Council Member Lester. There being no further discussion, let the record show that the motion on the floor passed unanimously.

C) Resignation of Assistant Town Manager/Community Development Director

The Town Manager reported to Council that it was with a heavy heart to announce that Lara N. Burleson was leaving the Town to go to work for the Town of Kilmarnock located in the Chesapeake area of Virginia and that she will be sorely missed. Due to the vacancy left in the Community Development Department by her leaving, the Town Manager respectfully requested Council to allow him to advertise to fill the

position of Assistant Town Manager/Community Development Director.

- Motion was made by Council Member Lester for the Town Manager to advertised for the position of Assistant Town Manager/Community Development Director, with motion on the floor being seconded by Council Member Tuning. Let the record show that there was no discussion but a roll call vote was taken. Voting in favor of the motion on the floor were Vice Mayor Seale and Council Members Lester and Tuning. Voting in opposition to the motion on the floor were Council Members Agee, Dillon and Greer. Let the record show that the Mayor voted in favor of the motion on the floor. Let the record further show that the motion on the floor passed four to three.

## **COMMITTEE REPORTS**

### **A) Streets, Sidewalks & Sanitation Committee**

The Streets, Sidewalks & Sanitation Committee met on December 5, 2006 regarding the following recommendations of the committee to the full Council:

1. Widening of Leonor Street
2. Lowering of speed limit on South Main Street
3. Crosswalks, sidewalks and pedestrian safety on Old Franklin Turnpike
4. Proposed amendment to the Town's Weed & Trash Ordinance

Council was informed by the Town Manager that the only action needed to be taken by them at this time was the proposed revision to the Town's Weed & Trash Ordinance. It was confirmed to Council by the Town Manager that the language "kudzu" had been stricken from the proposed revisions. He further confirmed that the language regarding placing an additional \$100 administrative fee on repeat offenders of the ordinance that require the Town's resources to abate was left in the proposed ordinance.

Council Member Greer raised a question regarding how the ordinance would affect a parcel of land that was more than an acre. The Town Manager informed Council that any parcel shall constitute a public nuisance, except in the case of a parcel greater than one acre in natural vegetation growing more than five feet from any property line shall not constitute a public nuisance. The Town Attorney further stated that if the property was greater than one acre, the property owner would have to cut the property back five feet from the property line, with the whole acre not having to be cut.

Council Member Greer asked what the Town would do in the case of Mrs. Robertson's property on Harvey Street where the tree is falling down on private property. There was discussion between the Town Manager, Council, and the Town Attorney on what constituted the Town being involved when a tree falls on private

property and is against the adjoining property owner's property line. The Town Attorney mentioned that this may be an issue between two property owners and not the Town. Council Member Greer requested that the Town Attorney and Town Manager look into this matter, with both so noting.

The Town Attorney confirmed to Council that the proposed Weed & Trash Ordinance did not need to be advertised for a public hearing. He further confirmed that he would re-do the ordinance making sure the kudzu language is left out.

- Motion was made by Council Member Greer to pass the proposed Weed & Trash Ordinance as is with the term kudzu being left out, with motion being seconded by Council Member Lester. There being no further discussion, let the record show that the motion on the floor passed unanimously.

B) Public Utilities Committee

The Public Utilities Committee met on December 7, 2006 to conduct interviews with consulting engineers for the Oaks At Rakes Tavern utility and proposed street extension. The Town Manager informed Council that no action was needed by them at this time. Council so noted.

**COUNCIL CONCERNS**

A) Council Member Greer

The Town Attorney confirmed to Council Member Greer that he is still waiting to hear from Mr. Shelton Bower regarding the Trail Drive Project in relations to the Bonbrook LLC rezoning that took place during the last regular Council meeting of November 13, 2006.

B) Council Member Lester

1. Referenced a flyer regarding the promoting of The Crooked Road and requested that the Town Manager send out letters to local colleges (naming Patrick Henry Community College, Ferrum College, and Virginia Western Community College) to see of their interest to offer instructions in this style music in order to help promote The Crooked Road Heritage Music Trail. Let the record show it was the consensus of Council to have the Town Manager send the letters as recommended by Council Member Lester.
2. Requested from the Town Manager a list of the rates charged for items such as construction and snow removal for use by certain types of Town equipment so the Town can compare it with charges on invoices by contractors as a means of a backup comparison. The Town Manager informed Council that the Town gets this type of list from the Virginia Department of Transportation every year. The

Mayor asked the Town Manager to make it available to Council, with the Town Manager so noting.

C) Council Member Dillon

1. Stated that at the last regular Council meeting of November 13, 2006, he had commented about a big concern he had with the Town's citizens' money being spent regarding the straightening of Scuffling Hill Road and how could something like this could have been easily corrected and addressed at the beginning of the project by the Town. He further stated that his biggest concern was for the safety of the citizens, especially with the big trucks that travel Scuffling Hill Road. He further stated he would appreciate anything from the Town Manager regarding this project and why it was handled the way it was. The Town Manager explained that he had talked with Draper Aden, the general engineering contractor for the project, and they had informed him that they had not changed the curvature of the road and to have straightened it would have been very costly.
2. Thanked Ms. Burleson for the job she had done.
3. Requested the Town Manager to prepare for Council a list of Community & Economic Development projects currently active that need to be addressed and continue to do this on a day-by-day basis.

D) Council Member Seale

Thanked Ms. Burleson for her service to the Town and wished her the best at her new location.

E) Council Member Tuning

Had nothing at this time.

F) Council Member Agee

Had nothing at this time.

G) Mayor Angle

1. Thanked Ms. Burleson for her four plus years of service to the Town and wished her well with her new job and new family, stating that he is sure she will do well at Kilmarnock.

Ms. Burleson stated to Council that he had been an honor and pleasure to serve Council, Planning Commission, Board of Zoning Appeals, and the citizens of the Town.

2. Thanked everyone for attending the meeting and wished everyone a Merry Christmas.

### **CLOSED MEETING**

At 8:33 p.m., motion was made by Council Member Lester to go into Closed Meeting, and seconded by Council Member Tuning and carried unanimously to discuss the following:

- 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.
- Section 2.2-3711(A).3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

At 9:10 p.m., motion was made by Council Member Greer 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 Dillon 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.

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Steven C. Angle, Mayor

Motion was made by Council Member Dillon certifying that nothing was discussed in Closed Meeting other than what was stated. Motion was seconded by Vice Mayor Seale. The Mayor swore to adopt the motion on the floor by Council Member Dillon that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Roger M. Seale and Council Members Stephen F. Agee, Posey W. Dillon, Jerry W. Greer, Sr., John H. Lester, and Sadie W. Tuning.

The Mayor reported that no action was taken.

**ADJOURNMENT**

At 9:10 p.m., motion was made by Council Member Lester to adjourn, seconded by Council Member Tuning and carried unanimously.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

/phk