

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
FEBRUARY 12, 2007**

The February 12, 2007 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., and Sadie W. Tuning

Let the record show that Council Member Lester was absent.

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, 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, Superintendent of Wastewater Treatment Plant Jessie Jones, and Town Clerk Patricia Keatts.

The Mayor led the *Pledge of Allegiance*.

**APPROVAL OF AGENDA**

Motion was made by Council Member Agee to approve the agenda, seconded by Council Member Tuning and carried unanimously.

**SPECIAL ITEMS**

A) Resolution of Appreciation & Recognition of Baruch Wright

For the record, the Mayor read a "Resolution of the Rocky Mount Town Council for Appreciation & Recognition of Baruch Wright", who was one of the winners of the national contest winner of the *Oscar Myer Sing the Jingle, Be a Star*. Baruch Wright is a resident of Rocky Mount and is the son of Barry and Susan Wright. Prior to the presentation, Baruch entertained the audience by singing his contest winning jingle.

B) Resolution of Appreciation & Recognition of Keith L. Holland

Mr. B. W. Wright, Jr. came before Council on behalf of the Franklin County Veterans' Memorial Commission thanking Town Manager Keith Holland for all the time, work and commitment that he had done during the construction of the Veterans' Memorial Park, with him also thanking the Town Council, Town Clerk Patricia Keatts, Finance Director Linda Woody, and Public Works Director Cecil Mason for their assistance. He further thanked Town Attorney John Boitnott for his legal guidance. Mr. Wright also presented to Town Manager Keith Holland a resolution of appreciation and recognition.

The Town Manager thanked the Franklin County Veterans' Memorial Commission for the recognition and commented that the project was one that really benefits the community. He further thanked all the Ruritan clubs that were involved for all their efforts also.

C) Resolution of Appreciation & Recognition for Keith Holland

The Mayor mentioned that this was the last Council meeting for Town Manager Keith Holland, further stating that the Town had experienced unparallel growth during the time that Mr. Holland served as Town Manager to the Town of Rocky Mount.

For the record, the Mayor presented to the Town Manager a "Resolution of the Rocky Mount Town Council for Appreciation & Recognition of Keith L. Holland". Also present for the presentation were Ellen and Matthew Holland, wife and son of Mr. Holland, and Silas Holland, father of Mr. Holland.

The Town Manager thanked everyone, along with the Mayor and Town Council. He stated that Rocky Mount would always be in his heart and his hometown. He further commented that he has worked with an excellent Council and staff, and he has thoroughly enjoyed his career in the Town of Rocky Mount as Town Manager. He further thanked his wife, son and father for being present at the meeting, He further relayed that he will miss his friends and family.

**PUBLIC HEARING**

Let the record show the Mayor recessed the meeting to hold a public hearing.

A) Consideration of Sale of Land for Business and Industry

After being duly advertised, the Rocky Mount Town Council convened a public hearing for the intent of the Town of Rocky Mount to sell 19 acres (+/-) acres in the Franklin County/Rocky Mount Industrial Park, known as Cox property Parcel, Tax Map and Parcel Number 20300-00100, to be sold to Abbott Rigging, Inc.

The Mayor opened the floor to anyone wishing to come before Council to speak for or against the rezoning request.

- The Town Manager came before Council stating that the Town of Rocky Mount had purchased a piece of property in 1994 known as the Cox property Parcel B, consisting of 19 (+/-) acres. He further commented that the Town had been approached by Abbott Rigging, Inc. regarding their interest to locate on this piece of property from their current Snow Creek area location. The Town Manager further stated that an offer had been made by Abbott Rigging, Inc., but before that offer could be accepted, a public hearing needed to be conducted by the Town on the Town's intent to sell the aforementioned piece of property.

Let the record show that no one else came forward to speak for or against the public hearing request.

Let the record further show there were no comments or questions from Council.

There being no further discussion or comments from the public, the Mayor reconvened the meeting back into regular session and entertained a motion.

- Motion was made by Council Member Agee to approve the sale of land to Abbott Rigging, Inc. for the purpose of operating their business, with motion on the floor being seconded by Vice Mayor Seale. There being no 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:

- January 8, 2007                      Regular Council Meeting Minutes
- January 11, 2007                    Special Council Meeting Minutes
- January 18, 2007                    Special Council Meeting Minutes

- Motion was made by Council Member Dillon to approve the draft council meeting minutes as presented with motion on the floor being seconded by Vice Mayor Seale. 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 the bill list and monthly departmental reports that were submitted prior to the meeting for Council's review and consideration.

Let the record further show that under "Miscellaneous Action", the following items were presented to Council for review and consideration:

A. Three requests of Franklin County Historical Society:

1. Sponsorship of a tour bus in the amount of \$300 for their annual "Moonshine Express" event scheduled for Sunday, April 15.
2. Use of Municipal Building as a headquarters to conduct the "Moonshine Express" event on Saturday, April 14, and Sunday, April 15.
3. Permission to close off the portion of East Court Street during the annual Veterans' Memorial Day event scheduled for Saturday, May 26, with the request to close off the portion of East Court Street to its intersection with Maple Avenue from about 9:00 a.m. to 11:30 a.m.

B. Request of West Piedmont Planning District Commission for comments on proposed project for regional significance regarding FY 08 Federal Transit Administration Grant Application request for Section 5310 funding for purchase of vehicles for Southern Area Agency on Aging.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Dillon to approve the draft *Consent Agenda*, 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.

## **HEARING OF CITIZENS**

A) Request of John Garland and Bill Hubert of Spectrum Design in Relation to N. Morris Building

Mr. John Garland and Bill Hubert of Spectrum Design came before Council regarding their interest in purchasing the N. Morris Building from the Historic Rocky Mount Foundation and the parking situation. Mr. Garland gave a brief background of the history of the N. Morris Building being sold in the past to several owners, and further reminded Council of when they had approached the Council about their interest and their use of tax credits to do so. He further mentioned that the renovation of the N. Morris Building would promote the downtown renovation project that the Town is currently involved with. He further stated that when they had made an offer to purchase the N. Morris Building from the Historic Rocky Mount Foundation, there was one condition of parking spaces being available since there is little parking in the uptown area. He further commented that if affordable parking cannot be found, they will not be able to purchase the building. Mr. Hubert read for the record a letter from William L. (Bill) Cooper, III of the Historic Rocky Mount Foundation that stated that the Foundation

needed assistance in finding parking for the building, and offered the Foundation's assistance. Also read by Mr. Hubert was a letter from Fred Garst, an employer in the Town, supporting efforts to try and find parking for the N. Morris Building.

The Mayor relayed that the uptown grant conditions is that parking will be a factor and that this will have to be done. He further suggested to Mr. Garland and Mr. Hubert to stay in touch with the Town Manager regarding this matter. There was discussion between Council, the Town Manager, John Garland and Bill Hubert about the need to be creative to find parking. It was further pointed out by the Town Manager that the Uptown Revitalization Project Management Team may be helpful in finding creative ways for parking. It was confirmed that the Uptown Revitalization Project would probably begin in the spring of this year. The Mayor confirmed that the Town has to have 43 parking areas for the project.

Council advised Mr. Garland and Mr. Hubert to stay in contact with the Town Manager regarding the progress of parking for the uptown area in relation to the N. Morris Building.

## **OLD BUSINESS**

### A) Presentation by Harvey Delaney Landscape Architects (HDLA) on Celeste Park

Trenda Leavitt with HDLA came before Council with a presentation and update on Celeste Park, giving also a summary of Phase I. Following is a synopsis of her presentation:

- The flagged trees will remain on the site.
- Indicated where the parking would be, with passive parking for more of a natural experience.
- There will not be any basketball courts.
- Will have a gazebo, number of stream crossings, bathrooms, and be handicapped accessible.
- Most bridges to cross the street are pedestrian safety.
- Adjoining property owners had expressed evergreen trees as a buffer, which will be done.
- Mentioned fencing along the back side due to adjoining property request.
- Mentioned that HDLA is looking for funding for Phase II for mostly a lot of grant writings, then construction such as trails, etc., which could be done by boy scouts, etc.

Vice Mayor Seale stated that he understood the adjoining property owners' privacy concerns, but he doesn't like fencing and having such fencing would be an upkeep cost for the Town. He asked Ms. Leavitt to see if the fencing could be pulled from the project and see if HDLA can satisfy the property owners without the fence. He further stated

that this park is supposed to stay as natural as possible, and the less intrusion made, the less expensive it will be.

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

- Motion was made by Council Member Greer to authorize HDLA to proceed with Phase II for the development of Celeste Park, with motion on the floor being seconded by Vice Mayor Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

B) Membership in Roanoke Valley Alleghany Regional Commission

Council was informed by the Town Manager that the Roanoke Valley Alleghany Regional Commission (RVARC) had acted on the Town's application for membership, with the effective date of the Town's membership with RVARC being July 1, 2007. The Town Manager requested action from Council for the Town to accept such membership.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Vice Mayor Seale for the Town to accept such membership with the Roanoke Valley Alleghany Regional Commission, with motion on the floor being seconded by Council Member Tuning. There being no discussion, let the record show that the motion on the floor passed unanimously.

Two other items for Council's consideration regarding membership with RVARC that was briefly discussed and considered for action were:

1. Consideration of appointing two representatives to attend meetings at RVARC.
  - The Mayor mentioned that the Town Manager needed to be one of the representatives to attend the meetings. The Mayor also asked for a volunteer from Council to serve as a representative. There was brief discussion regarding who would serve, with the Town Manager confirming that the names did not have to be submitted at this time.
2. Consideration of action to pay representatives to attend RVARC meetings.
  - The Town Manager informed Council that currently the Town pays representatives attending the West Piedmont Planning District Commission meetings a stipend of \$50 per meeting, but that the stipend did not extend to any Town employee that would attend as a representative.

It was the consensus of Council not to take action on either of these two items until a later time.

C) Draft Ordinance on Historic Properties Tax Abatement

The Town Attorney presented to Council a brief history of the Town Manager visiting Marion, Virginia, and from that visit, it was observed how the Town of Marion had utilized the Code of Virginia for buildings that were historically renovated. Due to this, the Town Attorney had been instructed to prepare a draft ordinance that was modeled after the Town of Marion's similar ordinance, with it also following the Code of Virginia. The Town Attorney further pointed out the following:

- The proposed Rocky Mount Historic Properties Tax Abatement Program will allow an abatement of the increase in the Town real property taxes resulting from the completed improvements to the historic residential, commercial, and industrial buildings.
- The historic buildings must be not less than 20 years of age and be within the Town's historic district.
- Taxes shall be paid on the pre-rehabilitation value of the building for up to 15 years, as determined by the amount of reinvestment, and factoring in the average percentage of increase for Town residential, commercial, or industrial properties resulting from a reassessment.
- An investment increasing the value of the property of between 20 percent and 39 percent shall be eligible to receive five years' abatement.
- An investment increasing property value of between 40 percent and 59 percent shall be eligible to receive ten years' abatement.
- An investment increasing the value of the property value 60 percent or more shall be eligible for the maximum abatement of 15 years.
- The agent shall be a designated organization or individual selected and named by the Town Council. For property owners applying for federal or Virginia tax abatements, the agent shall be the U.S. Department of the Interior or the Virginia Department of Historic Resources. For other property owners, the agent shall be the Community Partnership for Revitalization.
- Also highlighted examples of assessed value and what the amounts would be as outlined in the draft ordinance.

There was discussion on whether or not the historic district boundaries could be moved around, with the Town Manager informing Council that the draft ordinance only applies for the district that has been designated as such, with the Town probably expanding the district in the future. The Town Attorney cautioned that there may be time restrictions to do this.

The Town Manager confirmed to Council that residential properties had been added to help keep the larger homes from being divided up into apartments. The Mayor mentioned that this ordinance would encourage people to invest into older properties for tax abatement reasons.

Jerry Robertson, Executive Director of Community Partnership for Revitalization, mentioned to Council that he has had discussion with Historic District representatives about possible district expansions.

Edward Chauncey of 25 Orchard Avenue asked if there could be added to the draft ordinance a reach back for those buildings that money has been expended on in the past. The Mayor mentioned that although this may be a good idea, he did not think it wise for the Town to go back and grandfather in property because it would be extremely difficult to confirm costs expended. The Town Attorney relayed that the Town could not do this anyway.

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

- Motion was made by Council Member Greer to adopt the draft Ordinance on Historic Properties Tax Abatement, with motion on the floor being seconded by Council Member Dillon. There being no discussion, let the record show that the motion on the floor passed unanimously.

D) Draft Ordinance to Enforce No Loitering Offenses on Private Property

The Town Attorney came back before Council and gave a brief background for the need of this type of ordinance. He referenced the police department having received phone calls from property owners of businesses regarding concerns they were having over loitering on their properties. The Town Attorney informed Council that a meeting was held with himself, the Town Manager and staff, the Acting Chief of Police, and Eric Ferguson (who was acting on behalf of a business property owner) to decide if there was anything available through the Code of Virginia that would provide such an ordinance that would be best suited for the Town. Such an ordinance was found; therefore, presented to Council for review and consideration of approval. He further stated that the ordinance was straight forward and the language had been reviewed by the Acting Chief of Police, Eric Ferguson and others. He informed Council that he could speak on behalf of the others for a favorable recommendation of approval. The Town Attorney did confirm to Council that the area designated for no loitering did not have to be marked with any signage that indicated no loitering. The Acting Chief of Police relayed to Council that the draft ordinance would definitely take care of existing problems of loitering.

There was discussion regarding the police department issuing warnings versus issuing a summons, with the Acting Chief of Police stating that this would require judgment on part of the police officer. He further stated that in most instances, the police officer would be responding to a complaint.

Eric Ferguson was asked by Council on his opinion of such an ordinance. Mr. Ferguson stated that he represented The Market Place and he thanked the Town for working with him and them on preparing an ordinance to address this issue, with him confirming to Council that they are satisfied with this kind of ordinance and the way the Town Attorney

drafted it allows them not to come down hard for the first warning, and they believe the first warning may resolve most of the problems with loitering. He further stated that he and his client are glad that this is not a jailable offense.

The Acting Chief of Police confirmed to Council that this type of ordinance should take care of the loitering problems and will give the police department more teeth to keep it from continuing for a long period of time. He further stated that this ordinance is intended for the police department officers to be able to deal with other issues and other things that are currently happening that are related to loitering, giving the police department another avenue to pursue. He stated also to Council that if this ordinance is instituted, information will be given to all the police officers so there will be no misunderstanding of the ordinance and its intent.

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

- Motion was made by Vice Mayor Seale to adopt the ordinance to Enforce No Loitering Offenses on Private Property, with motion on the floor being seconded by Council Member Tuning. There being no discussion, let the record show that the motion on the floor passed unanimously.

E) Ordinance for Police Powers on Private Property

Once again the Town Attorney came before Council with another draft ordinance for Council's review and consideration. The Town Attorney stated that the ordinance for Police Powers on Private Property was in connection with the one for no loitering. He further pointed out that the police department had received complaints from private property owners of people loitering on property where they had no business to be, and with this being said, the police department felt that an ordinance would be needed to order the person(s) off the private property. The Town Attorney relayed to Council that the Code of Virginia enables the Town to designate a chief of police or designee as persons lawfully in charge of the property for the purposes of forbidding another to go or remain upon lands, buildings, or premises of the owner as specified in the designation, and once the designation is effective, the order can be revoked on either part of the parties. It was further explained by the Town Attorney that once this ordinance is in place, the police department has the ability to determine if the person(s) on the property has the right to be on said property, and if not, the police department can issue a stay away notice; and if that person(s) is found again on the property by the police department for any reason, they are charged with trespassing and it goes to court for such.

It was pointed out by the Town Attorney that he has reviewed the draft ordinance with the Acting Chief of Police and it is safe to say that both recommend approval of said ordinance.

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

- Motion was made by Council Member Agee to adopt the draft ordinance for Police Powers On Private Property, 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.

F) General Engineering Services

Council was updated by the Town Manager on the general engineering services contract for the Town. It was pointed out by the Town Manager that the Town had decided not to extend a one-year option on the three firms under the Town's two-year general engineering services contract that had expired December 31, 2006. He further stated that the Town had solicited statement of qualifications and received such from ten consulting engineering firms. He explained to Council that a panel had been set up that consisting of himself, Code Inspector/GIS Technician, Superintendent of the Wastewater Treatment Plant, Public Works Director, and Vice Mayor Seale to evaluate the proposals and individually score all the firms, with this being done and a combined score being calculated. He further explained to Council that due to the time constraints of his departure and recovery from knee surgery, it would be impossible for him to conduct interviews, select top firms, and negotiate agreements to present to Council prior to his last day of March 2, 2007. At the request of the Town Manager, Council was requested to give consideration of authorizing the Interim Town Manager to select a committee to conduct formal interviews with the highest ranking firms in order to select as many as three firms to negotiate a two-year general engineering agreement with a one-year option, with recommendations on contracts being brought back at a future Council meeting for consideration and approval.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Agee to allow the Interim Town Manager to proceed with procuring general engineering services, with motion on the floor being seconded by Council Member Tuning. There being no discussion, let the record show that the motion on the floor passed unanimously.

**NEW BUSINESS**

A) Board of Zoning Appeals Annual Report

The Planning & Zoning Administrator informed Council that the Board of Zoning Appeals Chair Charles L. Hutto, Jr. was not able to attend the meeting to present the Board of Zoning Appeals (BZA) annual report. Due to this, the Planning & Zoning Administrator requested that the BZA annual report be moved to the regular March Council meeting agenda. It was the consensus of Council to do so.

B) Planning Commission Annual Report

The Planning Commission Chair Janet Stockton presented to Council the Planning Commission annual report. She gave a brief summary of the following:

- Membership
- Membership training
- Accomplishments in Year 2006
  - 8 rezoning requests recommended for approval
  - 1 rezoning request recommended for denial
  - 4 special exception/use requests recommended for approval
  - 1 preliminary subdivision plat recommended for approval
  - 5 Zoning Ordinance text amendments and other ordinances recommend for approval
- Permits issued in 2006
  - 115 zoning permits
  - 33 sign permits
  - 26 certificates of zoning compliance
  - 17 site plans
- Plans for Year 2007
  - Continue to review and revise the Zoning & Development Ordinance
  - Continue to review and revise the Subdivision Ordinance
  - Review and recommend the 2007 update to the Town of Rocky Mount Comprehensive Plan

The Mayor and Town Council thanked Chair Stockton and the Planning Commission for all their hard work, stating further that Council appreciates what they do and rely on the Planning Commission's input.

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

- Motion was made by Council Member Greer to approve the Planning Commission annual report, with motion on the floor being seconded by Council Member Tuning. There being no discussion, let the record show that the motion on the floor passed unanimously.

C) Action on Naming Interim Town Manager

The Mayor commented that since the Town Manager is moving on and his last day is March 2, 2007, Council has had conversation with an individual interested in becoming the Interim Town Manager that is available through the Virginia Municipal League's Range Rider's program.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Vice Mayor Seale to appoint an Interim Town Manager, with motion on the floor being seconded by Council Member Tuning. There being no discussion, let the record show that the motion on the floor passed unanimously.

The Mayor then introduced Mr. Jack Gross as the Town of Rocky Mount's new Interim Town Manager and proceeded to give a brief history of Mr. Gross' experience as such:

- Interim City Manager – City of Bedford, Virginia
  - August 2005 – March 2006
- Interim City Manager – City of Buena Vista, Virginia
  - October 2000 – March 2001
- Interim City Manager – City of Bedford, Virginia
  - November 1998 – January 1999
- City Manager – City of Bedford, Virginia
  - 1983 – Retired in 1998
- Assistant City Manager, City of Kingsport, Tennessee
  - 1979 - 1983
- Assistant to the City Manager, City of Kingsport, Tennessee
  - 1979

The Mayor further stated that he knows that Mr. Gross will pick up the ball when Mr. Holland hands it to him and run with, further stating that Council is thankful for him taking the position.

Mr. Gross came forward thanking Council and its citizens, stating that he looks forward to being the Interim Town Manager and working with Council and staff.

The Mayor mentioned that Mr. Gross will begin with the Town on February 19, 2007, and there was discussion that this needed to be put in a form of a motion in order to appoint an Interim Town Manager.

As such was discussed, the Mayor entertained a motion.

- Motion was made by Vice Mayor Seale for Mr. Gross to start February 19, 2007, with motion on the floor being seconded by Council Member Agee. There being no discussion, let the record show that the motion on the floor passed unanimously.

#### D) Review of Draft Subdivision Agreement

Council was informed by the Town Attorney that during their regular meeting of February 6, 2007, the Planning Commission had reviewed a provision in the Town's Subdivision Ordinance that provides for a subdivision agreement, which is a requirement for subdivisions requiring public improvements under the Town's Subdivision Ordinance. After reviewing draft provision, the Planning Commission recommended approval to the Council. The Town Attorney stated that the Planning & Zoning Administrator had drafted this Subdivision Agreement, which will be a form

contract between the Town and the owner/developer for most major subdivisions (six or more lots) and minor subdivisions requiring public improvements. The draft Subdivision Agreement, if approved, would become "Article VI – Security for Construction of Public Improvements". The Town Attorney stated that under Section 6-2 of that agreement, it states that when the subdivider chooses to post surety in lieu of completion of those physical improvements shown on the approved engineering plan and/or final plat in order to allow recordation prior to completion and acceptance of all required public improvements, he or she shall enter into a subdivision agreement, approved as to content and form by the Town Attorney, with the Town prior to approval of the final plat; and that the agent shall provide to the subdivider a sample subdivision agreement during review of the final plat. The Town Attorney further shared with Council that he has gone over the final draft of the Subdivision Agreement and he has approved it to form and content. He further stated that this proposed agreement will compliment the performance bond and other things that would be in place, but it would not change the Subdivision Ordinance that was originally in place, and that it is only an agreement that will implement the agreement itself.

The Planning & Zoning Administrator informed Council that the proposed agreement puts a time frame on public improvements to be established to be provided by the owner/developer or subdivider, putting in place a time frame for the public improvements, which is a main component of the proposed agreement.

The Town Attorney informed Council that no action was needed at this time from Council, but was brought before them so they would know it would be in place and utilized. The Planning & Zoning Administrator indicated that a motion is necessary to have as it would allow him to inform the owner/developer to know that the agreement is necessary and is enforceable with a motion on record.

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

- Motion was made by Vice Mayor Seale that the draft Subdivision Agreement be approved that had been recommended by the Planning Commission for approval by Council, with motion on the floor being seconded by Council Member Tuning. There being no discussion, let the record show that the motion on the floor passed unanimously.

E) Consideration of Moratorium on Consideration of Subdivision Waiver Requests

The Town Attorney informed Council that in the Town's current Subdivision Ordinance, there are provisions for the Planning Commission to grant waivers. He further informed Council that the Planning & Zoning Administrator, after reviewing said provision, felt that Council may need to be aware of this provision as he felt that the Planning Commission was a recommending body to Council and not one to actually be able to approve waivers, as this should come from Council as the governing body. The Town Attorney informed Council also that in order to change the Subdivision Ordinance, a public hearing would have to be held, but at this time in order to not have any waivers granted

by the Planning Commission, Council could consider placing a moratorium on any future waivers until such public hearing is held by both the Planning Commission, with their recommendation to Council.

Council Member Greer noticed that Mike Bowie of J.C. Investments (developer) was present, and asked him his thoughts on the proposed moratorium. Mr. Bowie addressed Council by informing them that his concern would be the time frame and how this would affect the developer getting something done. The Town Attorney addressed Mr. Bowie's concern by stating that the Town has put in an extra step as it now would also come before Council after a recommendation by the Planning Commission, then the developer is back to doing their project. It was also explained to Mr. Bowie that the Council hears the recommendation of the Planning Commission the very next week after the Planning Commission meets, which makes it a quick time frame.

Mr. Aaron Burdick of 245 East Court Street came before Council stating that he believes you could bypass the Planning Commission altogether and just have the staff recommendation come before the Council.

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

- Motion was made by Council Member Dillon for Council to establish a moratorium on consideration of subdivision waiver request, and in the meantime, the Town will advertise for a change in the Subdivision Ordinance so final decision will rest with Council with a recommendation from the Planning Commission and the Planning & Zoning staff, with motion on the floor being seconded by Council Member Agee. Discussion ensued. Vice Mayor Seale wondered if staff could gather information and present to Council prior to final decision before Council. The Town Attorney stated that today the Planning & Zoning office had received a waiver request and it will go under what is already currently in place with the Subdivision Ordinance. There being no further discussion, let the record show that the motion on the floor passed unanimously.

F) Oaks at Rakes Tavern Development – Access Road-Horizontal Alignment

The Town Manager came before Council stating that a kick-off meeting on the Oaks at Rakes Tavern Development had taken place on January 23, 2007 with the engineers (Thompson + Litton) working on the project. He stated that the engineers have evaluated the horizontal alignment for the proposed road extension of Old Ford Road to the development, and they will be utilizing the Virginia Department of Transportation (VDOT) Geometric Design Standards for Residential Subdivision Streets with curb and gutter section for the proposed road. It was further brought before Council by the Town Manager that due to the projected average daily traffic, the centerline radii that Thompson + Litton can design and stay within the existing right-of-way and easement areas as much as possible vary from a minimum of 150-ft. to a maximum of 180-ft; therefore, a variance will be required from VDOT for the horizontal alignment of the proposed road. It was verified by the Town Manager to Council that the variance would

be for lane miles, and what Thompson + Litton was actually asking for was for them to be able to prepare the paperwork to ask for the variance. The Town Manager also confirmed to Council that if the Town doesn't ask for the variance, it will be highly more expensive to build the road without the variance because it will not be within the VDOT standards.

The Mayor requested that the Town Manager get the final figures on how long the road is and how much of the road will need a variance before Council gives final permission for Thompson + Litton to prepare the paperwork to ask for the variance. The Town Manager so noted.

Due to information requested by the Mayor, let the record show no motion was needed at this time.

G) FY 08 Comprehensive Economic Development Strategy (CEDS) for West Piedmont Planning District (WPPDC)

The Town Manager informed Council that prior to the meeting, Council had received a breakdown of the Town's yearly submission to the federal government of the Town's top priorities for the FY 08 CEDS that is submitted through WPPDC. He further informed Council that these priorities are more a less a guideline for priority projects for the Town during the Fiscal Year 08 (July 1, 2007 – June 30, 2008). The Town Manager also informed Council that the submittal is not a guarantee that the projects will be funded, but is a guarantee that they will not be considered if not submitted.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Agee for the approval that the FY 08 Comprehensive Economic Development Strategy to be incorporated into the West Piedmont Planning District Commission's submission, 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.

H) Advertisement in *Blue Ridge Parkway Guide*

Council had received prior to the meeting a draft copy of the advertisement that the Town places in the *Blue Ridge Parkway Guide*. The Town Manager reported that the charge for such advertisement stayed the same as last year, at a cost of \$1,500. He further commented that the book covers a circulation of 100,000 and is placed in major hotels up and down the east coast, as well as Triple A offices, Chamber of Commerce offices, state visitor centers in those areas, along with the guide being accessible from the *Blue Ridge Parkway Guide* internet site upon request.

Vice Mayor Seale requested that corrections be made to show the up-to-date information, and to also add verbiage regarding The Crooked Road. The Town Manager so noted.

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

- Motion was made by Vice Mayor Seale for the Town to advertise in the *Blue Ridge Parkway Guide* with necessary corrections and also the mentioning the Crooked Road, with motion on the floor being seconded by Council Member Dillon. There being no discussion, let the record show that the motion on the floor passed unanimously.

I) Request for Part-Time Assistance in Finance Department

The Finance Director addressed Council regarding the Finance Department needing someone temporarily to help in the Finance Department during the tax and decal season. She stated that she would like to have someone as soon as possible and that they would work until at least the end of April; this person would do mostly clerical work; and would work 20 hours a week (from 10:00 a.m. to 2:00 p.m. every day, Monday through Friday). She also confirmed to Council that she would be contacting a temporary employment agency to help find someone fill this position, possibly Ameri-Staff.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Greer to allow the Finance Director hire a part-time person during the tax ticket season and work 10:00 a.m. to 2:00 p.m. every day, Monday through Friday, with motion on the floor being seconded by Council Member Agee. There being no discussion, let the record show that the motion on the floor passed unanimously.

**COMMITTEE REPORTS**

A) Streets, Sidewalks & Sanitation Committee

The Town Manager reported that the Streets, Sidewalks & Sanitation Committee had met on January 17, 2007 to review several items for consideration. One of the items reviewed and discussed was the widening of Leonor Street, and that the Public Works Director may be able do some of this work with the Town's Public Works Department staff. During the committee meeting of January 17, the committee had asked that the Public Works Director submit a cost proposal for such work. Prior to Council meeting, the Public Works Director did submit a cost proposal for Council's review and consideration. The Public Works Director did confirm to Council that the widening of Leonor Street did not require any utility poles being removed and relocated, but some water and sewer lines, bushes, etc. would have to be removed in order for the Town to stay in the right-of-way. It was also confirmed by the Public Works Director that the right side of the road would be the only side worked on in widening of Leonor Street. There was discussion about the water runoff, with the Public Works Director stating to Council that there is nothing he can do about this as it is the natural flow of the water.

Mr. Mike Bowie of J.C. Investments, developer of Rocky Mountain Highland Subdivision that is located at the end of Leonor Street, came before Council and relayed to them that he has visited most of the residents on Leonor Street and has signatures of the property owners that he could obtain signatures from, and they have overwhelmingly welcomed the improvements to Leonor Street.

The Town Manager relayed to Council that the work that the Public Works Department will do for the widening of Leonor Street is the least expensive action. Council Member Greer questioned about widening Leonor Street to Sycamore Street. Vice Mayor Seale stated that he believes that Council should strongly pursue the option presented to Council by the Public Works Director of widening only Leonor Street, and revisit Council Member Greer's concern of widening Leonor Street to Sycamore Street.

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

- Motion was made by Vice Mayor Seale to authorize the widening of Leonor Street using Town crews, and to widen the street between Highland Avenue and Edgemont Street, with motion on the floor being seconded by Council Member Greer. Discussion ensued. Council Member Dillon questioned what the reason was for only working on the right hand side of the road. The Public Works Director stated that they were doing this in order to stay away from having to remove the utility poles that are located on the left hand side of the road, along with rock as well. There being no further discussion, let the record show that the motion on the floor passed unanimously.

## **COUNCIL CONCERNS**

### **A) Council Member Greer**

In referencing Wilson Street, asked if the STEP, Inc. parking lot was being used now. The Acting Chief of Police informed Council that the issue regarding the two school buses have worked itself out and that the two vehicles that were causing problems have now gone to two different locations, with that problem being resolved as well. Council Member Greer mentioned he has talked to the apartment owner, Mr. Jones, regarding the problem with vehicle parking in front of his apartment and Council Member Greer was wondering if this concern could be looked into also. The Acting Chief of Police relayed that this situation has been looked into several times and nothing has been noticed as far as Mr. Jones' concern of vehicles parking in front of his apartment complex. It was further discussed when the busiest time was at the Free Clinic, with the Acting Chief of Police stating that this has been monitored with no problems being noted, but he will again look at the hours of operation and see when the busiest times are, and also monitor the traffic at STEP, Inc.

B) Council Member Dillon

1. Mentioned that he had received a complaint from a citizen on Oak Street regarding a house on that street that has a lot of things on the porch, with a possibility that a business may be operating out of a residential home. Requested that the Planning & Zoning Administrator make sure that the property is zoned correctly if a business is actually operating there.
2. Also mentioned that a house directly across from the one in question on Oak Street may not be keeping their lawn mowed, and asked that an eye be kept on this to make sure it is done when spring time comes.
3. Noticed that at the Workforce Development Consortium building located across from Franklin County High School has vehicles that are being worked on outside of the building by students, and that those vehicles are being left outside. It was further stated that he would like to see something mentioned to the school about this. The Mayor stated that he would take care of this matter.

C) Council Member Tuning

Still receiving complaints from citizens regarding the stoplight at the top of Tanyard Hill not working properly. The Town Manager stated that he will have Gene Preston of Gencor (company that works on the Town's traffic lights) to take a look to determine what the problem is. The Town Manager also confirmed that the warranty on the work that was done on the new traffic lights has expired.

D) Mayor Angle

1. Regarding Council concerns being brought before Council during the regular Council meeting, would like for Council members to have this placed on the agenda so staff can have time to address the concerns. Advised Council members to contact the Town Clerk to have it placed on the agenda in time to be included in the Council monthly packet, but if something comes up after the packet goes out, Council members can bring it up during the Council meeting. The Town Clerk confirmed to the Mayor that the information is needed the Wednesday before the Council packet goes out.
2. Thanked the Town Manager for all he has done for him and Council, and Council really appreciates all that he has done.

**CLOSED MEETING**

At 9:20 p.m., motion was made by Council Member Tuning to go into Closed Meeting, and seconded by Vice Mayor Seale 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.
- 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.

At 10:30 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 Vice Mayor Seale certifying that nothing was discussed in Closed Meeting other than what was stated. Motion was seconded by Council Member Agee. The Mayor swore to adopt the motion on the floor by Vice Mayor Seale 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., and Sadie W. Tuning.

The Mayor reported that no action was taken.

**ADJOURNMENT**

At 10:33 p.m., motion was made by Council Member Dillon to adjourn, seconded by Council Member Greer and carried unanimously.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

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