

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
JULY 9, 2007**

The July 9, 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., 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: Assistant Town Manager/Community Development Director C. James Ervin, 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.

Let the record show that Interim Town Manager Jack Gross was not present.

The Mayor led the *Pledge of Allegiance*.

### **APPROVAL OF AGENDA**

The Mayor requested that under *Closed Meeting* another item be added regarding personnel, referencing the Town Manager position. Council so noted.

- Motion was made by Council Member Dillon to approve the amended agenda, seconded by Council Member Lester and carried unanimously.

### **SPECIAL ITEMS**

The Mayor read for the record the following resolutions of appreciation for two Town employees who had retired:

- Appreciation and Recognition of Lewis W. Perdue
  - Hired July 6, 1999 and retired June 1, 2007
- Appreciation and Recognition of Leonard F. Turner
  - Hired November 15, 1994 and retired November 1, 2006

## **PUBLIC HEARING**

Let the record show the Mayor recessed the meeting to hold the following public hearing:

### **The Morning Star Partners – Subdivision Waiver Requests**

After being duly advertised, the Rocky Mount Town Council reviewed and considered the requests of Morning Start Partners, LLC (owners being Mason Development Enterprises, LLC and Morning Star Partners, LLC), who had requested subdivision waivers for a 16 to 17 lot subdivision on approximately 16.8 (+/-) acres identified as Franklin County Tax Map and Parcel Number 201-093, being located south of the Bernard Road and Cornell Road intersection at the Franklin Heights Subdivision.

The Mayor stated that Town Council would hear each request separately, and read for the record the first waiver request, being:

1. Waiver from Article VIII, Section 8-3 (L) (3) which states: “All streets shall be designed and constructed with VDOT standard CG-6 curb and gutter and be a minimum of thirty (30) feet width, as measured from face of curb to face of curb, or greater as required by VDOT subdivision street standards CG-6”.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request.

- Mr. James Sciarretta, one of the managing members of Morning Star Partners, LLC, stated that Morning Star Partners, LLC and Mason Development Enterprises, LLC have owned the property for some time and had considered what options they could pursue on building on the property, with their final solution being to build single family homes, as it is currently zone Residential-1, which allows such homes to be built. He further presented to Council the three waiver requests that were before Council for review and consideration:
  - Explained why Morning Star Partners, LLC did not think it would be best to have curb and guttering put in at the subdivision, stating that they are not designing any streets in the subdivision and will be using the existing roads (Bernard Road and Cornell Road). Also stated that if curb and guttering would be required where the existing roads would be cut to put in, they would be cutting a line on an irregular pavement, with the pavement being ugly until repaved by the Town. He further stated that they thought it was unfair for the Town to require curb and guttering from them when the Villa Heights project at the other end of Franklin Heights was not required to have any, causing Morning Star Partners, LLC process to be an unfair application process. It was also pointed out by Mr. Sciarretta that the Planning Commission had recommended that they be granted a waiver request on the curb and guttering and that Morning Star Partners, LLC allow the seven acre lot where the wetlands were located to be left undeveloped and used as a park, as it was reported that this would help with the natural water

drainage. He further stated that as of right now, he doesn't think this makes good sense as the park would have to become private ownership and the lot lines would have to be extended, with covenants having to be put into place for this. He further pointed out that they wanted to build one small house on the seven acre lot.

- Explained that with the curb and guttering, along with the sidewalk issue, it had become an economic issue, with Morning Star Partners, LLC having to add \$100,000 to \$150,000 to add these features. He further explained that this would cause the lots to go up significantly from anywhere around \$5,000 to \$6,000 more, with the lots maybe not being able to sell. He confirmed the current price for the lots being around \$35,000 each. He also referenced the Town's Subdivision Ordinance pertaining to sidewalks, which are to provide safe and efficient connection between streets for pedestrians, with sidewalks connecting to other sidewalks, and as he understands it, the Town is not planning on building any sidewalks in Franklin Heights. He further commented that if Morning Star Partners, LLC has to put in sidewalks, they will not be connecting to any existing sidewalks in Franklin Heights whatsoever, with him further stating that it doesn't make sense for Morning Star Partners, LLC to be required to put in sidewalks because there are no existing sidewalks now, or planned future sidewalks for Franklin Heights. He further stated that to put in the sidewalks would place an unnecessary hardship on them.
- Regarding the off-site improvements, Morning Star Partners, LLC is requesting that the Town bring the two sewer runs only to their sites and are asking a waiver of the required fees, with Morning Star Partners, LLC doing the rest. He further stated that Morning Star Partners, LLC is looking at about \$150,000 now for them to do the water and sewer.

Mr. Sciaretta confirmed to Council the following:

- *Answering a question from Council Member Greer:* The homes would be in substantial conformance to the type of homes that are currently in Franklin Heights. He further pointed out that Morning Star Partners, LLC would like to sell the homes between \$185,000 to \$190,000 and that restrictive covenants will be put in. Some of the homes might have brick, but would have vinyl. The homes would be between 1,200 to 1,500 square feet, would not be double-wide homes, and would have garages. It was also pointed out that the homes would comply with the Residential-1 zone and would be stick-built homes or Mod-U-Kraf homes, which he considers to be stick-built.
- *Answering questions from Council Member Dillon:* Would love to put the utilities underground, but will have to work with American Electric Power on this matter. There was discussion regarding some of lots grades needing to be brought up to grade. Confirmed there is no storm water drain retention pond for this area.

Dean Stone with Stone Engineering and engineer for the proposed subdivision, explained the water flow/drainage for this project. He stated that it is typically up to the municipality if a storm water retention pond is required, and if the Town requires one for this project, one will be put in.

- *Question arose from Council Member Agee:* Discussed the removal of trees in the proposed subdivision and how this would affect the water flow, with the removal perhaps causing serious water flow problems. Mr. Stone explained that there was a three acre tract on the seven acre site that will take the water flow, and he thinks personally that curb and guttering would make it worse, with it causing more than likely for the water runoff to bypass the wetlands if directed more downstream. He further confirmed that five acres on the seven acre site would be used to build a home.
- Frances Parker of 650 Bernard Road stated that her property was located directly across from the proposed subdivision. She informed Council that during the Planning Commission public hearing, the developers had mentioned that some of the homes would be built with brick on the front and vinyl, and at this public hearing, it was stated by the developer that maybe some will be built with brick, contradicting what had previously been said at the Planning Commission public hearing. She also stated it would be dangerous to build the subdivision without sidewalks as she now has to cross Bernard Road to get to her mailbox, and if she understands it correctly, her mailbox will be right in front of the subdivision and it would be more dangerous than it is now. She also pointed out that when it rains, the residents in Franklin Heights have a lot of water standing in their yards. She also pointed out that curb and guttering would help, and if put in, the pavement may look bad but the construction trucks coming in and out of the subdivision while being built will also tear up the road, just like it was done during the renovations to the Franklin Heights Baptist Church. Mentioned also that the traffic may not be the developer's problem, but adding 16 to 17 homes will make the traffic increase, making it even more dangerous for her to cross Bernard Road to get her mail. Closed her comments by stating that she believes more time needs to be taken on considering the waivers for this subdivision, a study be done, and the need to come up with new ideas.
- Warren Boyd of 20 Mountain View Drive stated that his home was also built directly across from the proposed subdivision. He asked that the developer submit something in writing on what type of homes they would be planning to build. Mentioned also that for the past several years, he has been mowing the developer's property located across his home since it has never been maintained by the developer, and wondered if the developer would be maintaining it now, and even questioned if they would since they haven't done it in the past. Mentioned he has concerns about the traffic, with his wife counting right at 497 vehicles traveling on Bernard Road within one hour and ten minutes. Also mentioned that there are about 50 to 60 school buses traveling Bernard Road during the school season. He also informed Council that the residents in Franklin Heights were all caring citizens and take pride in taking care of their places, with them not wanting just anything to

go into the proposed subdivision. They also want the issues regarding traffic, water, and everything taken care of before the development is built.

- Opal Hanks of 235 Bernard Road stated that she has lived in Franklin Heights for about 18 months, and since that time, she has had to call the Town to come and take care of her water flow problem, which they did. She also mentioned she is concerned not only about the water flow problem, but also the traffic.
- Tonja Andrews of 155 Bernard Road stated that she has lived in Franklin Heights just over a year, and she has had her neighbor's water flowing towards her residence, which has created a problem in her back yard. She further stated that she is thankful for any help they did receive from the Town to correct this problem. She also voiced concern over the traffic.
- William Q. Overton of 720 Cornell Road highlighted also the many school buses that travel Bernard Road, and his concern also for increased traffic that the proposed subdivision would contribute to. He also pointed out that at some point in the future, the Town will have to add a traffic light at the end of Bernard Road where you either go to 220 North or onto North Main Street. He further mentioned that Council should not consider granting any of the developer's requested waivers.
- Nelda Wray of 730 Bernard Road informed Council that she lives almost directly across from the proposed subdivision and has lived there since 1974. She stated that Franklin Heights has always been a great subdivision and lately there has been a lot more traffic. She also voiced concerns about the water flow. Also mentioned she is concerned about how many trees the developer will remove once the land is prepared for building when the lots will be sold and building of the homes starts. She stated she did not want to lose looking out and seeing the beautiful trees. She mentioned that a lot of people have lived in Franklin Heights for years and they were very excited when the Town annexed them into the corporate limits, but the residents don't want the Town to take this away from them by granting the developer the requested waivers.
- Vice Mayor Seale stated that what the Planning Commission has recommended granting the waivers and this had made some sense, along with hearing what Mr. Stone had said about curb and guttering not being helpful in getting the water flow away from the road, but letting it instead flow naturally into the wetlands on the seven acre plot. The Vice Mayor questioned if anyone has seen the covenants that were going to be required of the homeowners in the subdivision, and that people have a concern when nothing has been seen in writing. Also questioned how the trees would be removed.
- In response to the Vice Mayor's concerns and questions, Mr. Sciaretta mentioned that they haven't addressed the issue of tree removal, but the lots are only about 100 feet wide and once development starts, those trees will pretty much be wiped out. He further mentioned they can take a look at this to see what could be done.

Also mentioned that they haven't had time to sit down and put the covenants in writing, but that they do want to be a good neighbor. The Vice Mayor mentioned that if the developer left more trees on the lot as they slope down towards the wetlands, it would help slow down the flow of water considerably. Mr. Sciaretta stated that if the engineer felt that the wetlands should be left undeveloped, that would be fine with them, but concerning the removal of the trees, they would have to think how this could be put into the actual deeds to the properties.

- Council Member Lester voiced concerns over the removal of the trees and wanting to make sure the wetlands are not changed. He also stated that the Franklin Heights Subdivision has special needs and that Council needs to address these problems as an area in Rocky Mount separate from the others, with now being the time to get started on that. He further mentioned that there is also a need to look at erosion and sediment control, storm water management, drainage, curb and guttering, and sidewalks because this is the needs and wants of the people in Franklin Heights. He ended by saying that Council needs to get started on this as soon as possible, or maybe in a year or two.
- Council Member Dillon stated that he understands curb and guttering and that you can direct water where you want. He further mentioned that everyone knows the land has been there a long time, with the residents of Franklin Heights already having one development at the one end of Franklin Heights, and now another one is being proposed on the opposite end, with the proposed site being zoned Residential-1. He further mentioned that the site in question now has the steepest grade than any other place in Franklin Heights and is below grade, and if you go by the site now, you will see standing water. He further stated that curb and guttering and sidewalks would be needed and that it would benefit the citizens already there to be able to control the water in the area.
- Council Member Agee stated that this area is a catch basin for water and that he sees curb and guttering as a starting point to start controlling the water, with him not seeing the developer just clearing the lot to take care of the problem.
- Council Member Greer stated that he believes that the residents of Franklin Heights speaking at this meeting are telling Council something. He further mentioned that he did not know there were problems on the other streets with water. He also mentioned that another problem he saw was that during the Planning Commission public hearing (he is the liaison member of Council on the Planning Commission), he had noticed the developer had mentioned that there would be brick on some of the houses, and now the developer is saying something different.

There being no further discussion, the Mayor reconvened the meeting back into regular session.

At the request of the Mayor, the Planning & Zoning Director gave the staff report, which addressed the issues pertaining to curb and guttering, sidewalks, and the off-site

improvements, being:

**Curb and Gutter:** Curb and gutter catches and directs storm water into flows that are subsequently directed into adequate natural or man-made channels. When development occurs where storm flows may accumulate or be directed across properties it could serve property owners well to have potential storm flows directed via use of curb and gutter. This site is in a low lying area that may have the potential for stormwater accumulation. As development occurs any stormwater directed away from properties containing houses would help in reducing accumulation and potential flooding on properties. The use of VDOT standard roll top curb and gutter would catch and direct these flows just as well as CG-6 curb and gutter. However, as this development is currently showing a residual parcel of about seven acres it could also be beneficial for these stormwater flows to naturally attenuate off the road. If this residual parcel is indefinitely left undeveloped as either open space or a neighborhood park, the development, including the residual parcel, should be able to naturally absorb the storm flows without curb and gutter.

**Sidewalks:** Sidewalks provide for additional pedestrian mobility, especially along roads that may contain a significant amount of traffic. Pedestrian mobility, walking, and exercise is important to all populations including the elderly population. Franklin Heights currently does not have sidewalks therefore the provision of sidewalks in this development would serve as the “beginning” of a potential sidewalk system in the Franklin Heights neighborhood. The provision of sidewalks for the Franklin Woods development would make sense if the Town sees the potential for furthering the provision of sidewalks in the Franklin Heights neighborhood in the future. However if the furtherance of a sidewalk system in Franklin Heights in the future may not seem feasible due to fiscal restraints and/or a permanent trail system on the residual parcel was developed, sidewalks may not be necessary for this development to increase the mobility and recreation of Franklin Heights’ residents.

**Off-site Improvements:** The applicant is requesting that the Town waive the developer’s “proportionate” share for off-site sewer extension costs according to the Subdivision Ordinance. The Town has traditionally extended utilities to the property lines of a development based upon a potential ten-year return on the cost of the extension. The extension would be approximately 175 feet to the southeast property line.

There being no further discussion regarding this portion of the public hearing, the Mayor entertained a motion.

- Motion was made by Council Member Dillon to deny the waiver request from Article 8-3 (L)(3) of the Town of Rocky Mount Subdivision Ordinance for CG-6 curb and gutter for Tax Map and Parcel Number 201-093, with motion on the floor being

seconded by Council Member Lester. Discussion ensued. Vice Mayor Seale stated that there is a lot of places where curb and guttering can create problems and this is one of them, and he knows this is a difficult issue and if curb and guttering is approved, sidewalks will be needed, and further stating that he understands what the engineer was saying about curb and guttering. There being no further discussion, let the record show that the motion on the floor passed unanimously.

As each waiver request was being heard separately, let the record show the Mayor recessed the meeting to hear the second request.

2. Waiver from Article VIII, Section 8-4 (B) (1) which states: "The subdivider shall install and dedicate to the Town sidewalks along at least one (1) side of all public streets within and adjacent to the subdivision. The sidewalks shall connect with existing sidewalks on streets adjacent to or within the land subdivided, and shall be placed so as to provide for eventual continuation with proposed future sidewalks in the vicinity of the land subdivided".

Let the record show the Mayor read for the record the waiver request, as stated above.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request. Let the record show that no one came forward.

There being no one coming forward to speak, the Mayor reconvened the meeting back into open session.

There being no discussion regarding this portion of the public hearing, the Mayor entertained a motion.

- Motion was made by Council Member Lester to deny the waiver request from Article 8-4 (B)(1) of the Town of Rocky Mount Subdivision Ordinance for sidewalks for Tax Map and Parcel Number 201-093, with motion on the floor being seconded by Council Member Dillon. A roll call vote was taken. Voting in favor of the motion on the floor were Council Members Agee, Dillon, Greer, Lester and Tuning. Voting in opposition to the motion on the floor was Vice Mayor Seale. Let the record show that the motion on the floor passed five to one.

As each waiver request was being heard separately, let the record show the Mayor recessed the meeting to hear the third and final request.

3. Waiver from Article VIII, Section 8-1 (C) which states: "Where the construction or improvement of a subdivision of land makes necessary, at least in part, the installation of new or improved sewerage, water, or drainage facilities located outside the property limits of the subdivision, the subdivider or developer of the subdivision shall pay a proportionate share of the cost of the facilities in accordance with this section".

Let the record show the Mayor read for the record the waiver request, as stated above.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request. Let the record show that no one came forward.

There being no one coming forward to speak, the Mayor reconvened the meeting back into open session.

There being no discussion regarding this portion of the public hearing, the Mayor entertained a motion.

- Motion was made by Council Member Dillon to deny the waiver from Article 8-1 (C) of the Town of Rocky Mount Subdivision Ordinance for off-site sewer extension costs for Tax Map and Parcel Number 201-093, with the motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously.

### **APPROVAL OF MINUTES**

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

- June 4, 2007           Special Council Meeting Minutes
- June 7, 2007           Special Council Meeting Minutes
- June 11, 2007         Regular Council Meeting Minutes
- July 5, 2007           Special 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 Lester. 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 under "Miscellaneous Action" was an amended item for the following request:

- Request of Shredded Products to extend their leachate disposal agreement for another year, effective September 12, 2007 through September 12, 2008.

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

Let the record show that no citizens came before Council at this time.

### **OLD BUSINESS**

Let the record show there was no *Old Business* to discuss.

### **NEW BUSINESS**

#### A) Request of Franklin County Retail Merchants Association, Inc.

The Assistant Town Manager/Community Development Director reported that a request had been received from Dorothy Cundiff, Managing Director of Franklin County Retail Merchants Association, Inc. (RMA), asking that RMA be allowed to block the street near the Farmers' Market at Citizen Square during their July 23 Franklin County Fun Festival event. The Acting Chief of Police had spoken with Ms. Cundiff regarding RMA's request and discussed several options that may be viable, with none viable but her original request (copy of a sketch had been given to Council prior to the meeting showing where the closure of the streets would be). Basically, RMA requested that at 6:00 p.m. that the blocking of the streets would be from the second drive-through of First National Bank to the corner, which would mean that Warren Street would need to be blocked at the bottom and traffic re-routed through Floyd Avenue. Also, there would be no turning onto Franklin Street from College Street, although drive-in patrons could come up and proceed on Franklin Street to the right. The Acting Chief of Police confirmed to Council that he did not foresee any problems with the suggested blocking of streets as outlined. He further confirmed that the Police Department will assist RMA in anyway they can regarding the blocking of the streets.

- Motion was made by Council Member Greer to approve RMA's request, 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 carried unanimously.

The Mayor requested the Acting Chief of Police to coordinate everything with RMA, with the Acting Chief of Police so noting.

## **COMMITTEE REPORTS**

The Assistant Town Manager/Community Development Director presented to Council the following committee reports:

### A) Public Facilities & Special Events Committee

The Public Facilities & Special Events Committee had met on June 25, 2007 to review several items, with the following recommendations to Council:

1. *Update on Celeste Park:* It was the unanimous decision of the committee to recommend to Council that the consulting firm of Harvey Delaney do the following: design the parking in Phase I; explore various funding sources and volunteer assistance; and to report back to the committee the week of July 16.
2. *Proper Use of Tennis Court at Mary Elizabeth Park:* It was the unanimous decision of the committee to recommend to Council the placement of appropriate signage at the tennis court area at Mary Elizabeth Park so that the courts could be used for tennis only.

Council Member Greer questioned what the other court was being used for that is currently next to the tennis court. The Mayor confirmed that the other court was being used for roller hockey.

Council Member Lester passed out diagrams and information regarding volleyball court dimensions and stated to Council that basically when the committee had talked about not using the tennis courts for volleyball, Council may want to consider constructing one or two volleyball courts in the area behind the blue court, with the volleyball courts facing back against the roller hockey court. He also stated that the proposed courts could be used to play badminton also.

- Motion was made by Council Member Greer to approve the recommendations of the Public Facilities & Special Events Committee, 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.

### B) Streets, Sidewalks & Sanitation Committee

The Streets, Sidewalks & Sanitation Committee met on June 25, 2007 to review several items, with the following recommendations to Council:

1. *Update on Wray Request:* After meeting first on June 25 then again on June 29, the committee unanimously agreed to recommend to Council that a preliminary design be prepared, creating an exit from the Wray's property to Maynor Street and submit

that design to the Virginia Department of Transportation (VDOT) to consider the impact to the park area that had been funded with transportation enhancement funds for the downtown rehabilitation project. This will include cost figures for the construction of an egress from Mr. Wray's property that will be submitted to Mr. Wray for approval. The committee further recommended that the construction costs be paid for by Mr. Wray.

Discussion ensued regarding where the egress would go to on Maynor Street, with the Assistant Town Manager/Community Development Director confirming that it would be on the north end of the property where Mr. Arrington's property is, and that the circled area and rock wall will be left and would become separate. He further commented that all the plans regarding this were conceptual and would have to be worked out with the VDOT group to see if this could even be done. He also confirmed that Mr. and Mrs. Wray were aware of this.

- Motion was made by Council Member Greer to authorize Town staff to proceed with the committee's recommendation, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously.
2. *Review Request of Planned Pethood Clinic for Water Hookup (located at 18401 Virgil Goode Highway – outside of Town corporate limits):* It was the unanimous decision of the committee to accept the suggestion of the Public Works Director to recommend to Council that the Town place a water meter on Shady Lane for the Planned Pethood Clinic for water hookup.
    - Motion was made by Council Member Lester to approve the request of Planned Pethood Clinic, 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.
  3. *Review Request of J&J Fashions Regarding Removing Bump-out and Making Three Additional On-street Parking Places (one for handicapped parking):* It was the unanimous decision of the committee to recommend the following to Council:
    - a. The Public Works Department be asked to construct four additional spaces in the existing gravel parking lot on the corner of Franklin Street and the alley connecting to Angle Street.
    - b. Request that the Public Works Department standardize the width of on-street parking spaces marked on Franklin Street between High Street and Claiborne Avenue (which has been marked by the Public Works Department); and while working on Franklin Street, to standardize the width of the parking spaces, and move the double yellow line so that the resulting spaces will be on the east side of the street versus the west in the area of J&J Fashions. This will lose one

space on the west side and gain three spaces on the east side, one of which is handicapped accessible space.

- c. The Public Works Department to obtain cost figures for removing the planter; relocating all utilities; remove one streetlight and replace with another; and add three on-street parking spaces, including one handicap spot.

It was mentioned by the Assistant Town Manager/Community Development Director that everything will have to be submitted to VDOT as VDOT funds were part of the revitalization project done downtown.

The Mayor commented that he didn't think the bump-outs needed to be taken out, especially since they were part of the downtown revitalization project funding, and it would be a lot of expense to remove and then have to put something back in. The Assistant Town Manager/Community Development Director stated that if the bump-outs are taken out and VDOT does an assessment, the Town may be looking to having to pay the VDOT funds back.

The Mayor recognized Ann Cook (former Town Council member), who addressed Council, stating that revitalization had been done in the downtown area and it now seems that Council is suggesting some changes. She pointed out that there was parking already behind J&J Fashions. She also pointed out that to take out the bump-outs, the Town is messing with grant monies. She suggested that Council think carefully before doing anything that might mess up the downtown grant funds.

- Motion was made by Council Member Greer for staff to proceed with getting the cost figures on all three recommendations as stated, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously.

It was confirmed by staff that none of this work would proceed until cost figures were received and final approval by Council.

### C) Public Utilities Committee

The Public Utilities Committee met on July 5, 2007 to review the following request, with the following recommendations to Council:

1. *Request of Turnkey Homes:* Turnkey Homes requested a septic system to be installed on two lots on Grayson Street where Town sewer is not currently available. It was the unanimous decision of the committee to recommend to Council the following:
  - a. The Town to proceed immediately with the procurement of engineering services for the design and construction of a sewer line

extension to serve Grayson Street.

- b. The developer, Turnkey Homes, be allowed to construct two (2) dwellings as requested without either a drain field or sewer connection. This will allow the building to either connect to Town sewer or construct a drain field system when the home is sold, based upon the Town's time line for the creation of the sewer system. In any event, the developer has agreed to pay the sewer connection fee when sewer services are available, and will discontinue the drain field if built, if the Town doesn't have sewer connection in time for the homes to be sold.

Council Member Greer questioned when the sewer line would be available for the homes on Grayson Street, with him also stating that the Town is suppose to have sewer available for everyone within the corporate limits. He further mentioned that he does not think the homeowner should have to pay hookup fees by the developer.

Council Member Agee commented that the committee did not feel it should be the homeowner's responsibility and the developer is very much aware of this and is willing to pay the fees.

Council Member Dillon echoed the comments of Council Member Agee, further stating that there were other residents on Grayson Street needing to hook on to Town sewer.

The Mayor confirmed to Council Member Greer that it will be on paper that the future homeowner will know that the developer is paying for the hookups.

- Motion was made by Council Member Agee to approve the request, 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.

### **COUNCIL CONCERNS**

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

### **CLOSED MEETING**

At 8:33 p.m., motion was made by Council Member Lester to go into Closed Meeting, and seconded by Council Member Agee 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 (for the purpose of discussing the position of Town Manager).

- 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 (J. C. Joyce Paving Company vs. Town of Rocky Mount, Virginia.).

At 9:15 p.m., motion was made by Council Member Dillon 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 Tuning 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 Lester 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 Lester 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 9:17 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Dillon and carried unanimously.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

/phk