

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
JUNE 11, 2007**

The June 11, 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, Interim Town Manager Jack Gross, 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.

The Mayor led the *Pledge of Allegiance*.

**APPROVAL OF AGENDA**

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

**SPECIAL ITEMS**

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

**PUBLIC HEARING**

Let the record show the Mayor recessed the meeting to hold the first of two public hearings, being:

A) Rezoning Request of The Alloy Group, LLC

After being duly advertised, The Alloy Group, LLC, requested rezoning of 3.28 (+/-) acres for a portion of Tax Map and Parcel #210-222.13 from Residential District (R-1)

to Residential Planned Unit Development (RPUD). The exact location of the property is at The Cottages at Stone Mill, off of Scuffling Hill Road.

The Mayor opened the floor to anyone wishing to speak for or against the request.

- Clyde Perdue, representing The Alloy Group, LLC, came before Council showing them a plat of what property that they were requesting the rezoning of. He informed Council that there were 13 homes under construction at The Cottages at Stone Mill. He further informed Council that he was before Council requesting to change the current land use from Residential-1 to Residential Planned Unit Development, and further stated that the development of land will be the same as the first four sections of The Cottages at Stone Mill. He confirmed to Council that there will be six lots on the land that is before them for rezoning.

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

There being no further discussion, the Mayor reconvened the meeting back into regular session and asked for the Planning Commission's recommendation from the Planning & Zoning Administrator. The Planning & Zoning Administrator confirmed to Council that it was the Planning Commission's recommendation for Council to approve the request from The Alloy Group, LLC.

- Council Member Dillon questioned the Planning & Zoning Administrator if he had received any architectural renderings of how the homes would look, such as type of siding, etc. The Planning & Zoning Administrator stated that at the beginning of the major submittal for rezoning for that subdivision, he was given all information necessary.
- Mr. Perdue confirmed to Council Member Dillon that the lots could be sold, and if they were, the houses built would still have to be the same type of dwelling as proposed for the development.

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

- Vice Mayor Seale stated that since the subdivision was already half completed and he knows that Council has had past discussions regarding sidewalks, he commented that sidewalks did not need to be added into the project at this point, and sidewalks can be discussed as planned in the proposed Zoning Ordinance change.
- Motion was made by Vice Mayor Seale to approve the rezoning request, 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.

Let the record show that the Mayor recessed the meeting to hold the second public hearing, being:

B) Review and Consideration of Proposed Amendment to the Town of Rocky Mount's Zoning & Development Ordinance – Article 31 – Improvement & Security

After being duly advertised, proposed amendment to the Zoning & Development Ordinance, Article 31 – Improvements & Security was presented to Council for their review and consideration of approval. The amendment will require sidewalks for site plan submittals fronting public right-of-way and other development standards similar to those required in the Subdivision Ordinance

The Mayor opened the floor to anyone wishing to speak regarding this matter.

- The Planning & Zoning Administrator came before Council and went over the proposed changes to the Zoning Ordinance, which are indicated on the draft amendment that was presented to the Council for review and consideration. The Planning & Zoning Administrator also informed Council that during the review, a committee had been formed that consisted of Phil Nester of Phillip W. Nester, Inc.; Bob Jeans of Cornerstone Land Surveying, Inc.; Dean Stone of Stone Engineering; Tony Handy of Virginia Department of Transportation; Cecil Mason, Public Works Director for the Town; James Ervin, Assistant Town Manager/Community Development Director, and himself. Together, the committee had reviewed the proposed amendments, with the proposed changes reflecting the result of that meeting. He further stated that these proposed changes would make the process between the Zoning Ordinance and Subdivision Ordinance smoother, and that some of the changes in the stormwater management would reduce local stormwater detention requirements to current State standards, with the changes serving the Town well. He further confirmed to Council that this proposed amendment will apply to State requirements and should remove any future proffering for sidewalks. He also requested that if Council moves to approve the proposed changes, they will also need to consider striking Article 12-5 from the Zoning & Development Ordinance in lieu of the stormwater management regulations incorporated into the new Article 31 – Improvements & Security.

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

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

- The Planning & Zoning Administrator confirmed to the Mayor that the Planning Commission recommended approval of the proposed amendment and to recommend also striking Article 12-5 as explained.

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

- Motion was made by Council Member Lester to approve the proposed amendment to include the striking of Article 12-5 as explained, 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.

### **APPROVAL OF MINUTES**

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

- May 7, 2007      FY 2007-2008 Budget Work Session No. 1 Minutes
  - May 9, 2007      FY 2007-2008 Budget Work Session No. 2 Minutes
  - May 14, 2007     Regular Town Council 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 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.

- Motion was made by Vice Mayor Seale to approve the draft *Consent Agenda*, 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.

### **HEARING OF CITIZENS**

The Mayor opened the floor to hear from citizens wishing to come before Council, with the Mayor stating that one stipulation would apply regarding anyone wishing to come before Council to address the proposed budget, proposed water and sewer rates, and proposed meals tax increase. He further stated that the public hearing had already been held regarding these matters and if anyone wished to come before Council at this time concerning those items, their comments were to be limited to no more than three to five minutes.

- Robert Delumyea, Chief Financial Officer of Ronile, Inc. located on Orchard Avenue in Rocky Mount, came before Council stating that he had just recently read an article in *The Franklin News-Post* regarding the proposed sewer and water rate increases, but was not aware that the public hearing had taken place. He informed Council that

with the proposed rate increase, Ronile's primary cost for water would see a 20% increase to their utility billing and he wanted Council to realize the impact this would make on Ronile. He further stated that this would be approximately \$30,000 more in a 12-month period. It was also mentioned that Ronile's sewer portion of the bill would be affected, but the Town allows Ronile to only pay 25% water utilization due to a deal the Town worked out some time ago with Ronile.

Council Member Greer stated that he did not realize that the increase would be as much as \$30,000 annually, and questioned how it would affect the other industries.

Vice Mayor Seale commented that the total volume is what is looked at and that it is the economies of scale that is used, which is a lesser cost by volume.

- Deborah Russell, representing Arrington Enterprises, came before Council again voicing her and her customers' opposition to the proposed meals tax. She referenced the signatures that had been gathered from her customers (from within the Town limits, Franklin County, and outside of the County) and questioned why Council had not taken into consideration these signatures.

Let the record show that no one else came before Council to speak.

## **OLD BUSINESS**

### **A) Review and Consideration of Proposed Cable Television Franchise**

Prior to the meeting, Council had received a copy of the proposed "Resolution of the Town of Rocky Mount, Virginia Approving the Assignment of the Cable Television Franchise", which would approve the assignment of the cable television franchise from Cebridge Acquisition, LLC d/b/a SuddenLink Communications to JetBroadband VA, LLC.

The Assistant Town Manager/Community Development Director informed Council that the Town of Rocky Mount had received notification on April 3, 2007 that Cebridge Acquisition, LLC d/b/a SuddenLink Communications intended to sell the Town's cable television franchise to JetBroadband VA, LLC d/b/a JetBroadband, with the details of the proposed transfer being submitted to the Town via FCC form 394. The Town staff reviewed the FCC form 394 and investigated JetBroadband's technical and financial capacity to operate a cable television franchise. The Town staff also arranged direct discussions between JetBroadband and Cable Channel 13, with these discussions being ongoing and positive to date. It was further explained by the Assistant Town Manager that based on requests by Town staff, JetBroadband has agreed to allow Town residents six months to change their e-mail addresses and they will also hire 16 additional customer service staff members, with these concessions being memorialized in the transfer resolution. The Assistant Town Manager stated that with these actions on the part of JetBroadband, the transfer of the Town's cable television franchise to

JetBroadband appears to be in the best interest of the Town and Council; therefore, staff was requesting Council's consideration of adopting the draft transfer resolution.

The Mayor stated that Cable 12 is a very important part of the current cable franchise and people would like to see this continued.

John Brinker, Vice President of Operations for JetBroadband, informed the Mayor and Council that they have JetBroadband's assurance that Cable 12 will continue. He further stated that he is trying to reach Steve Oaks of Cable 12 to finalize everything, and will continue to try to reach him. Mr. Brinker also stated that JetBroadband is also looking in doing a regional ComCast for regional sports that can made available throughout the State.

Council Member Dillon commented that he believes that everything seems to have been covered in order to provide this type of service to the Town citizens and he would like to put this is a form of a motion.

O Motion was made by Council Member Dillon for Council to adopt the draft transfer resolution 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.

B) Request of Staff for Town Council to Consider Appointing Two Voting Members to the Roanoke Valley Alleghany Commission Board

The Interim Town Manager relayed to Council that on February 12, 2007, Council approved to accept membership with the Roanoke Valley Alleghany Regional Commission (RVARC), and during that meeting, there were discussions on who from Council and Town staff would attend the meetings. It was further relayed by the Interim Town Manager that on May 24, 2007, he had received a letter from RVARC officially welcoming the Town as a joint member of the Commission and stating that as a member of the Commission, the Town was eligible to have two voting members on their Board. The Interim Town Manager stated to Council that it was staff's request that Council consider appointing the Town Manager and a member of Council to be voting members representing the Town at the RVARC meetings. It was pointed out to Council by the Interim Town Manager that the membership on the Board would be effective July 1, with the terms being a three-year period (ending Jun 30, 2010), and that the meetings would be held the fourth Thursday of each month at 3:00 p.m. at the Regional Commission Office in Roanoke, Virginia. Council Member Lester volunteered to serve on the Board.

Let the record show that the Mayor appointed the Town Manager or Assistant Town Manager to serve as schedule allows, along with Council Member Lester to serve on the RVARC Board. No motion needed.

### C) Update on Celeste Park

Council had requested to review the expenditures and development plan for Celeste Park. Prior to the meeting, Council had received a letter to review dated February 16, 2007 that the former Town Manager, Keith Holland, had sent to Trena Leavitt with Harvey Delaney Architects (consultants working on the Celeste Park project). The Interim Town Manager informed Council that the Town had entered into an agreement with Harvey Delaney to proceed with Phase II of the project at a cost of \$40,000. Council voiced concerns on what was going to be developed at the park and Council Member Greer asked if the Town could check with the consultants to determine what the total expenses would be for the park, with them providing figures, along with whether they planned on doing all three phases. There was discussion between Council and the Interim Town Manager regarding what the park was originally envisioned to be, with the Mayor stating that Council had envisioned the park to be like what was outlined in Phase I in that it was to stay wooded, have parking, and that it be a nature classroom for educational purposes. He further stated that the plan for the park was more than what was originally envisioned. After further discussion on what the vision was for the park, it was the consensus of Council that it should have paths in the wooded park to be used as an outdoor classroom (which was put in Phase II but should be put back in Phase I), parking for vehicles, and trash can receptacles. The Mayor requested that the Interim Town Manager have Trena Leavitt with Harvey Delaney meet with the Public Facilities & Special Events Committee to review the plans and what Council has envisioned for Phase I of the project.

## **NEW BUSINESS**

### A) Consideration of Adoption

1. *Proposed Changes in the Town of Rocky Mount's Sewer & Water Use Ordinance, as Defined in Chapter 58, Article 1, Section 58-6*

The Mayor stated for the record that the Town had held the duly advertised public hearing pertaining to this matter, that citizens comments were heard, and the Council now must decide to go forward or not with the proposed rate increase.

Council Member Greer stated that he had not realized a company like Ronile, Inc. would be devastated with the change.

Council Member Dillon stated that he doesn't think it is fair to the average citizens of the Town to have to pay for the generation of water that is used by industries and he sympathizes with Ronile, but again it is not fair to the average citizen, and by sharing the cost with industrial users, it is the best way to go.

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

O Motion was made by Council Member Dillon to proceed with the established rate increase for water and sewer, 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. *Proposed Changes in Town of Rocky Mount's Meals Tax Ordinance as Defined in Chapter 30, Article IV, Section 30-76-77 with 1% Increase*

The Mayor stated for the record that the Town had held the duly advertised public hearing pertaining to this matter, that citizens comments were heard, and the Council now must decide to go forward or not with the proposed rate increase.

Let the record show there were no comments from Council.

There being no discussion, the Mayor entertained a motion.

O Motion was made by Council Member Lester to accept the proposed changes as presented, 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.

3. *Proposed FY 2007-2008 Budget and Five-Year Capital Improvement Plan*

The Mayor stated for the record that the Town had held the duly advertised public hearing pertaining to this matter and that citizens comments were heard.

Let the record show there were no comments from Council.

There being no discussion, the Mayor entertained a motion.

O Motion was made by Council Member Lester to accept and approve as presented the proposed Fiscal Year 2007-2008 Budget and Five-Year Capital Improvement Plan, 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.

4. *Draft Fiscal Year 2007-2008 Appropriation Resolution*

The Mayor stated that the draft resolution was so the expenditures could be appropriated for Fiscal Year 2007-2008.

Let the record show there were no comments from Council.

There being no discussion, the Mayor entertained a motion.

O Motion was made by Council Member Agee to approve the draft Fiscal Year

2007-2008 Appropriation Resolution, 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.

The Town Attorney stated for the record that the votes taken would reflect that the vote was 6 to 0, with the Mayor being presented. The Town Clerk so noted.

## **COMMITTEE REPORTS**

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

The Interim Town Manager reported that the Streets, Sidewalks & Sanitation Committee had met on May 30, 2007 to discuss several items, being:

#### **1. *Discussion Regarding Easement of Jim Wray of Wray Enterprises, LLC***

It was the committee's recommendation to table this issue until each committee member could individually go to the site to view. The Interim Town Manager and Assistant Town Manager/Community Development Director have been in contact with the State to determine what modifications can be made to facilities funded by the Virginia Department of Transportation enhancement funds and/or Community Development Block Grants (CDBG) funds, and what the process of getting approval for those modifications is. Once the information is received by staff, the Streets, Sidewalks & Sanitation Committee will meet to review.

Let the record show that the Council so noted.

#### **2. *By-Way Designation for a Section of Route 40 West***

It was the committee's recommendation to have the Interim Town Manager proceed with having the section of Route 40 West within the Town limits designated as an official Virginia byway in order to make the Town eligible for receiving Federal grants to provide enhancements related to The Crooked Road, and also to work with Franklin County to have the portion of Route 40 West in the County that has not already been designated as a byway in order to make the entire stretch within the County to receive this designation in order to be eligible for similar Federal grants.

#### **3. *Consideration of Relocation of Some Streetlights in Downtown Area to Uptown Area in Conjunction with the Uptown Revitalization Project***

It was the committee's recommendation to have staff pursue the relocation of some of the streetlights in the downtown area to the uptown project area; thereby, saving not only funds that would be spent on purchasing new streetlights, but also funds being expended monthly on the utility bill for such streetlights. It was pointed out that there are problems now with streetlights in the downtown area being hit by

vehicles, and there would be a cost saving long term on utility bills. It was stated that staff would make sure there was no problem in looking into having the mounting and pedestals removed when the streetlights are taken out so there would be no safety hazards in case people would trip over any pedestals or mountings left after the removal of the streetlights.

It was the consensus of Council that the Interim Town Manager move forward with these items and get more information as needed.

### **COUNCIL CONCERNS**

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

### **CLOSED MEETING**

At 7:55 p.m., motion was made by Council Member Agee to go into Closed Meeting, and seconded by Council Member Dillon 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 9:05 p.m., motion was made by Council Member Lester 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 Greer 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 Tuning. 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., John H. Lester, and Sadie W. Tuning.

The Mayor reported the following action taken place:

- O Motion was made by Council Member Greer to approve the appointments of Ina Clements, Derwin Hall, John Tiggie and John Speidel to serve another four years on the Planning Commission, with terms to become effective July 1, 2007 thru June 30, 2011, 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.
- O Motion was made by Vice Mayor Seale to authorize the Interim Town Manager to release the Town's right of first refusal on Tax Map #203.90 that was sold to Mod-U-Kraf Homes, pending same action from the Franklin County Board of Supervisors, 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.

## **ADJOURNMENT**

At 9:08 p.m., motion was made by Council Member Agee 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

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