

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
MAY 14, 2007**

The May 14, 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, 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 the Town Attorney John Boitnott was not present.

The Mayor led the *Pledge of Allegiance*.

APPROVAL OF AGENDA

The Mayor requested Council's consideration to add two items to the agenda under "Old Business" pertaining to the Needmore Housing Rehabilitation project. Council so noted.

Motion was made by Vice Mayor Seale to approve the agenda as amended, seconded by Council Member Tuning and carried unanimously.

SPECIAL ITEMS

The Mayor recognized students attending the Council meeting from Ms. Shepherd's government class at Franklin County High School and welcomed them to the meeting.

PUBLIC HEARING

Let the record show the Mayor recessed the meeting to hold the first of three public hearings:

A) Review and Consideration of Two Requests of The Alloy Group

1. Requesting waiver from Article VIII, Section 8-3(L)(3) of the Subdivision Ordinance, which states “All streets shall be designed and constructed with VDOT standard CG-6 curb and gutter and be a minimum of 30 feet width, as measured from the face of curb, or greater as required by VDOT subdivision street standard CG-6”. The applicant is proposing construction with roll-up curb and gutter.
2. Requesting waiver from Article VIII, Section 8-4(B)(1) of the Subdivision Ordinance, which states: “The subdivider shall install and dedicate to the Town sidewalks along at least one 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 of future sidewalks in the vicinity of the land subdivided”.

The exact location of the property is at The Cottages at Stone Mill, Section 3, off Scuffling Hill Road, being Tax Map and Parcel Number 210-222.13.

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

- Clyde Perdue, representing The Alloy Group, came before Council with a summarization of the location of The Cottages. He gave an overview of the homes that were built to date (13), with the plan to construct more homes in Phase III and Phase IV. He explained that Phase I and Phase II had already been approved by the Planning Commission and Town Council. He further explained that the initial request is for the waiver of curb and guttering and sidewalks in Phase III and Phase IV, as already previously approved in the other two phases. He also stated that since those early two phases do not have curb and guttering but the rolltop type, and that the sidewalks had also been previously waived, he believes Council will agree that the entrance and subdivision would now look ugly with spotted curb and guttering and sidewalks now having to be in place. He further informed Council that for the public, this was felt to be approved during the first phases, but the developers wanted to follow procedure.

Discussion ensued regarding the following and concerns that were voiced by Council:

- How the stormwater runoff would be affected by only putting in rolltop curbing, where it would go if no drop inlets were put in, and when a number of houses were built, the retention pond would need to be built at that time.
 - Mr. Perdue stated that there would be provisions made for this in

- the retention ponds.
 - The Planning & Zoning Administrator confirmed that the site plan did have a retention pond and this was first approved when the original site plan was presented.
- Mr. Perdue confirmed that all the Joplin land was not included in the project.
- Mr. Perdue stated that he does not think that on-street parking is prohibited, the houses have one to two garages, and that the project has walking trails.
- The Planning & Zoning Administrator was advised to get with Mr. Stone of Stone Engineering to make sure this is true.
 - The Planning & Zoning Administrator stated that the subdivision requirements and Virginia Department of Transportation requirements would have to still be met.
- Bobby Hodges of 1370 Scuffling Hill Road came before Council voicing his concerns that the Town was allowing certain subdivisions not to have curb and guttering, and sidewalks. He further stated that if Council approved The Alloy Group's request, the Town might as well kill what ordinance that is already in place. He voiced also that he wanted to make sure this did not happen in the future to other developments.

As no one else came forward from the audience to speak regarding this request, the Mayor reconvened the meeting back into regular session.

- The Planning & Zoning Administrator relayed to Council that it was the unanimous decision of the Planning Commission to recommend to the Rocky Mount Town Council approval of the requests of waivers by The Alloy Group.

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

- ▶ Motion was made by Council Member Dillon to deny the request, with motion on the floor being seconded by Council Member Lester. Discussion ensued.

Mr. Perdue relayed to Council that if the motion was going to be to deny the request, he would like to withdraw The Alloy Group's waiver requests. The Mayor asked if Council Member Dillon would withdraw his motion on the floor, with Council Member Dillon indicating that he believes this would only draw this matter out, and that the curb and guttering should have been addressed a long time ago, stating that he believes his motion should stand and that the withdrawal of the request should have been made prior to the motion. Mr. Perdue informed Council that the developer had received an initial waiver and it was the developer's scheme to continue with the look and feel of the development as it was now. He further stated that he felt that Town Council would approve the requests since the Planning Commission had recommended approval of such waivers. Council Member Lester voiced that at some point and

time, the developer was going to have to put in curb and guttering, and sidewalks, with the Town now accepting the waivers and at some point and time the Town has to get the developer to come into compliance. Mr. Perdue referenced that the waivers had already been approved prior to the development being started, and he was only following suit with coming before the Planning Commission and Town Council for the remaining phases of the development. Vice Mayor Seale commented that he understood what Council Members Dillon and Lester were saying, but the developer now already has two phases in with waivers for curb and guttering, and sidewalks. Vice Mayor Seale also stated that he agrees in concept to stand by the Town ordinance, but when a developer is half-way through the development with prior waivers, the developer didn't expect the Town to change what had been previously granted. Mr. Perdue asked Council for the courtesy of granting the request since the developer has done a good job in providing affordable housing. Council Member Dillon voiced concerns about how the developer was going to do the draining of the stormwater as it was designed now with the rolltop curbing, further stating that he does not think this was thought out and it has been pieced out. He further asked if Mr. Perdue could have this come into compliance. Mr. Perdue stated that he was not sure what he would be agreeing to, but he would get Stone Engineering to make sure it meets the State regulations. He further requested that the motion be withdrawn. Council Member Dillon stated that Mr. Perdue needed to be more prepared in addressing the stormwater draining and public safety. Mr. Perdue replied that he would certainly put forth the effort. Council Member Dillon stated that if Mr. Perdue would do this, he would withdraw his motion, with Council Member Lester stating that he would then withdraw his second to the motion that was on the floor.

Let the record show that Council Member Dillon withdrew his motion on the floor, with Council Member Lester withdrawing his second to the motion on the floor.

The Mayor requested that Mr. Perdue get back with the Town regarding what Council Member Dillon had requested. Mr. Perdue so noted.

Let the record show the Mayor recessed the meeting to hold the second of three public hearings:

B) Review and Consideration of Proposed Five-Year Update to the Town of Rocky Mount's Comprehensive Plan

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

- The Planning & Zoning Administrator came before Council stating that on March 8, 2007 the Rocky Mount Town Council and Planning Commission had met jointly for a work session to review the proposed five-year update to the Town of Rocky Mount's comprehensive plan. On April 3, 2007, the Planning Commission held a public

hearing on this matter. The Planning & Zoning Administrator also gave a brief PowerPoint presentation to the Council regarding the proposed comprehensive plan.

- Mr. Bobby Hodges of 1370 Scuffling Hill Road came before the Council stating that he saw a lot of good things, but questioned why like zoning areas are not more together, and why they are not located side-by-side on the zoning map. He further mentioned that the Town needs to start looking at an ordinance that addresses what the setbacks need to be on a tree being planted near streets so they won't block views.

The Planning & Zoning Administrator informed Mr. Hodges and Council that as of right now, trees can be planted right up to the Town's right-of-way, and with an ordinance in place, the Town could determine whatever setback they would deem sufficient. But as of right now, the Town can cut them. The Mayor indicated that this was a matter that the Streets, Sidewalks & Sanitation Committee needed to address.

- Jean Waltrip of 110 Old Fort Road came before Council wanting to know where she could get a text copy of the proposed comprehensive plan, with the Planning & Zoning Administrator confirming to her that he could get her a copy. Ms. Waltrip also requested that the Oaks at Rakes Tavern be named a historical name as it was a historical site. She further suggested that the developer contact Francis Amos, who knows the history of the Town and could assist the developer in selecting a name.

As no one else came forward from the audience to speak regarding this request, the Mayor reconvened the meeting back into regular session and entertained a motion.

- ▶ Motion was made by Council Member Agee to adopt the updated version of the comprehensive plan, with motion being seconded by Vice Mayor Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

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

C) Review and Consideration of Proposed Five-Year Capital Improvement Plan

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

- The Interim Town Manager gave a brief synopsis to Council regarding the document that they had received prior to the public hearing.
- The Finance Director referenced spreadsheets Council had received prior to the meeting also that Council had requested.
- Jean Waltrip of 110 Old Fort Road came before Council asking where the debt service showed up in the plan. The Finance Director showed her where it was and

further informed Ms. Waltrip she would provide that information for her.

- The Mayor relayed to Council Member Greer that the construction of future sidewalks in the Town is something that could be put into the “sinking fund”.
- Council Member Lester requested that the Planning & Zoning Administrator get Council a map that showed where all the sidewalks are in the Town so they can have a working document in their hands.

As no one else came forward from the audience to speak regarding this request, the Mayor reconvened the meeting back into regular session and entertained a motion.

- ▶ Motion was made by Vice Mayor Seale to approve the proposed 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.

APPROVAL OF MINUTES

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

- April 9, 2007 Regular Council Meeting Minutes
- April 16, 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 Tuning. There being no further discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF CONSENT AGENDA

The approval of the *Consent Agenda* consists of approving the bill list and monthly departmental reports that were submitted prior to the meeting for Council’s review and consideration.

Let the record show that under *Miscellaneous Resolutions/Proclamations* before Council for their review and consideration prior to the meeting was the following:

- Draft “Resolution by the Rocky Mount Town Council Proclaiming June 18-24, 2007 Amateur Radio Week”

Let the record further show that under *Miscellaneous Action* were the following items:

- Request from Mr. Eric Miller of Christian Heritage Academy to hold their annual road race on Glenwood Drive and Scuffling Hill Road on Memorial Day, May 28. Acting Chief of Police Sgt. Erik Mollin had spoken with Mr. Miller and had no concerns regarding this event and will provide his patrol officers as needed. This is an annual event that Town Council has approved in the past.
- Mr. Jim Wray of Wray Enterprises LLC requested an easement through an easement that was granted Landon Arrington behind Arrington Flowers along property previously owned by Norfolk Southern Railroad. Mr. Wray's property adjoins the Arrington property, and Arrington Flowers requested bollards be placed at the boundary of the easement. This restricts Wray Enterprises LLC from exiting from their parking lot through the easement granted to Arrington's to Diamond Avenue. Council had received prior to the meeting a copy of the July 31, 2001 Special Council meeting minutes that discussed the Town granting the easement to the Arringtons, along with the said easement dated August 17, 2001. The easement was granted to the Arringtons at the time of the downtown revitalization project in an exchange of the Arringtons' property which closed their access to the parking lot fronting Franklin Street. The bollards were placed at that time. Staff requested that Mr. Wray's request be referred to the Streets, Sidewalks & Sanitation Committee for a recommendation to come back before Town Council during the regular June Council monthly meeting.
- Request from Dorothy Cundiff, Executive Director of the Franklin County Retail Merchants Association, requesting to hold two annual events that the Town has approved in the past:
 - Fun Festival and Auction June 18-19 at the Farmers' Market from 6 p.m. to 9 p.m.
 - Community Sing at the Farmers' Market on July 28 from 6 p.m. to 9:00 p.m.
- Request of Bill Fuller to use the Farmers' Market for two "Footlights of the Blue Ridge" presentations on dates to be determined. He further requested that Council waive the fees, which total \$100. Due to an uncertain schedule, the Depot was booked; therefore, he requested to use the Farmers' Market.
- ▶ Motion was made by Council Member Dillon to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Agee. There being no further discussion, let the record show that the motion on the floor passed unanimously.

HEARING OF CITIZENS

The Mayor opened the floor to anyone wishing to come before Town Council under *Hearing of the Citizens*. Let the record show there were none.

OLD BUSINESS

A) Finance Department Teller Stations

The Interim Town Manager reported to Council that the Finance Department had received two estimates for reconfiguring the teller stations: (1) Walters Fine Woodworking at an estimated cost of \$1,900.00, with them being able to start soon; and (2) Rutrough Cabinets at an estimated cost of \$2,851.00, with them not being able to start until November. Both companies had said there could possibly be some minor electrical work and that cost was not included in either bid. In addition, Security Systems, Inc. (SSI) had submitted an estimate of \$1,275.00 for the installation of up to eight panic (security) buttons throughout the Municipal Building. It was further reported by the Interim Town Manager that there are funds in the Finance account to pay for the alterations and requested that Council consider authorizing the Finance Department to spend \$3,350.00 to reconfigure the teller stations; add a security system/panic buttons; and if needed, pay for minor electrical work.

Council Member Greer questioned that instead of adding the panic buttons, why couldn't someone dial "911" instead. It was explained that even though "911" goes directly to the Franklin County Sheriff's Department, the situation may be that the person cannot pick up the telephone to call directly, and the silent panic/security buttons, which would be located in the floor, would be easier and safer to use. The Interim Town Manager stated that since the Finance Department handles cash, they are subject to being robbed and the panic buttons would work better than having to pick up the phone.

The Finance Director confirmed to Council that if the security system was installed, it would cost the Town \$20.00 a month for SSI to upkeep.

It was confirmed to Council Member Greer that the Municipal Building did not have a burglary system either, in case it was broken into when no one was around. Council Member Greer stated that the burglary alarm was needed first before the panic buttons.

Council Member Dillon stated that Council needed to study the panic buttons.

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

- ▶ Motion was made by Council Member Dillon to allow the configuration of the teller stations and for the work to be done by Walters Fine Woodworking at a cost of \$1,900.00; plus, any electrical changes that needed to be made, but to leave out the panic buttons until they can be further looked at. Let the record show that the motion on the floor was seconded by Council Member Greer. Discussion ensued. The Finance Director confirmed to Council that she and her staff were satisfied with the quote received from Walters Fine Woodworking. There being no further discussion, let the record show that the motion on the floor passed unanimously.

B) Update on Needmore Project

The Assistant Town Manager/Community Development Director informed Council that the Housing Rehabilitation Board for the Needmore Project met prior to the Council meeting to discuss several items, with the result of needing to bring before Council several requests for consideration of approval:

1. Request to extend the Needmore grant to 14 months to allow to get more participants.
2. Changes in the documents for the State.

The Assistant Town Manager/Community Development Director stated that the changes in the documents were needed in order to reflect the addition of the new housing board members, and that nothing in the text had changed.

Council Member Dillon requested that the Assistant Town Manager/Community Development Director see if the structure across from Woodlawn Baptist Church could be included in the program, although it is not in the program project area. The Assistant Town Manager/Community Development Director responded that his answer would initially be "no" because he could not approve this, but there could be some other opportunities in Town that could address this. Council Member Dillon requested that the Assistant Town Manager/Community Development Director look into this.

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

- ▶ Motion was made by Council Member Greer to approve the changes in the document for the State, and send the letter requesting the extension for the Needmore project, 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.

NEW BUSINESS

A) Review of Utility Rates

Prior to the meeting, Council had received from the Finance Director information that they had requested during their FY 2007-2008 Budget Work Session #2 regarding review of utility rates. The Finance Director went over the different proposals and tiers.

The Mayor gave a brief history of when the meals tax was passed, which went into place after the Wastewater Treatment Plant was built, and confirmed to Council Member Greer that when the Town decided to go with the meals tax, any money off the top was to pay for any debt services on the Wastewater Treatment Plant until it was paid for, and then any money left over went into the general fund, and that it was not income to use solely for debt service on the Wastewater Treatment Plant.

COMMITTEE REPORTS

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

COUNCIL CONCERNS

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

CLOSED MEETING

At 8:25 p.m., motion was made by Council Member Greer to go into Closed Meeting, seconded by Council Member Agee and carried unanimously to discuss the following:

- Section 2.2-3711(A).1 Discussion, consideration or interviews of perspective 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 applications for the Town Manager and Chief of Police positions).
- 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 (for the purpose of discussing acquisition of property for a venue, and acquisition of property or easements for parking for the uptown revitalization project).

Let the record show that the Mayor confirmed to Council Member Greer that Council could not discuss the house across from Woodlawn Baptist Church being added to the Needmore project area in *Closed Meeting*.

At 9:40 p.m., motion was made by Council Member Agee 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.

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 Lester. 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 taking place.

- ▶ Motion was made by Council Member Agee to authorize staff to obtain options on two parcels of land in order to provide the required parking for the uptown revitalization project. Let the record show that the motion on the floor was seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

ADJOURNMENT

At 9:43 p.m., motion was made by Council Member Dillon to adjourn, seconded by Council Member Tuning and carried unanimously.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

(this page left blank)