

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
NOVEMBER 13, 2007**

The November 13, 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: Town Manager C. James Ervin, Assistant Town Manager/Community Development Director Matthew C. Hankins, Town Attorney John T. Boitnott, Chief of Police Erik Mollin, Finance Director Linda Woody, Planning & Zoning Administrator Paul Stockwell, Fire Chief Posey W. Dillon, Public Works Director Cecil R. Mason, and Town Clerk Patricia H. Keatts.

The Mayor led the *Pledge of Allegiance*.

### **APPROVAL OF AGENDA**

Prior to the meeting, Council had received the agenda for review and consideration of approval.

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

### **SPECIAL ITEMS**

A "Town of Rocky Mount Resolution of Appreciation for Yuji Hairston, Jr." was presented to Mr. Yuji Hairston, Jr., who witnessed the distress of Robert and Mary Turner's home at 120 High Street, which had been dislodged from its foundation, with several small fires burning and from which the windows and doors had been torn from the frame, acted without regard to personal safety and at great personal risk, entered the Turner's residence and single-handedly rescued Mary Turner, a resident of the home, carrying her to safety and the attention of emergency respondents; and after rescuing Mrs. Turner, continued to seek Robert Turner, the second resident of the home, finding him through a cooperative effort of Captain Billy Ferguson of Franklin County Public Safety, jointly rescuing Mr. Turner from

the building.

In addition to the resolution, Mr. Hairston was also presented a key to the Town, along with the Town lapel pin, with the Rocky Mount Town Council honoring Mr. Hairston by declaring Friday, November 16, 2007, as Yuji Hairston, Jr. Day.

Upon receiving the recognition, Mr. Hairston introduced his parents, Yuji Hairston, Sr. and Janet Hairston from Boston, Massachusetts. He thanked Council and the Town for bestowing this honor on him. His father also thanked Council for taking the time to honor his son.

## **PUBLIC HEARING**

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

- A) After being duly advertised, the Town of Rocky Mount is requesting to amend the Planning & Zoning Ordinance Article 19: Definitions, by adding and changing the following definitions: (1) Dwelling unit; (2) Family; (3) Family, immediate; and (4) Group home.

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

- The Planning & Zoning Administrator presented to Council for their review and consideration a PowerPoint presentation that outlined the following:

Under "Family Definition":

- ▶ Proposed Definitions: Defines who may reside and the number of residents who may reside in a "single-family dwelling" or a single "dwelling unit" in multiple-family dwellings in residential zoning districts.

- Prevents increase in traffic in neighborhoods
- Prevents overuse of Town services such as water, sewer, and garbage
- Prevents overcrowding of homes or dwelling units
- Protects character of "single-family" neighborhoods

▶ Current Definition:

- One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.

The Planning & Zoning Administrator relayed to Council that after several other work

sessions, the Planning Commission came up with the following:

► Proposed Definition:

- Section 19-3-53. *Family*: A family shall be defined as one of the following:
  - (a) An individual;
  - (b) Immediate family and up to two (2) additional persons; or
  - (c) A group of not more than four (4) unrelated persons.

Under no circumstances shall a family exceed three (3) persons per bedroom in a dwelling unit as defined by Franklin County Real Estate Records.

Under Immediate Family Definition:

► Proposed Definition:

- Section 19-3-53.1. *Family, immediate*: Includes the spouse, sons, daughters, mother, father, mother-in-law, father-in-law, sisters, brothers, stepparents, stepchildren, stepbrothers, stepsisters, grandchildren, and state approved foster children of the owner or the head of household of a dwelling unit.

► Proposed Definition:

- Section 19-3-51. *Dwelling unit*: One room, or rooms connected together, constituting a separate, independent, housekeeping establishment for owner occupancy, or rental or lease on a monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. ***Each dwelling unit shall be inhabited by only a single family.***

Under Group Home Definition:

► Purpose:

- Virginia Code Section 15.2-2991 requires that local zoning ordinances permit group homes of eight or fewer in residential zoning districts.

► Proposed Definition:

- Section 19.3-68. *Group home*: A dwelling unit serving up to eight (8) mentally ill, mentally retarded, or developmentally disabled persons who reside with one (1) or more resident counselors or other staff persons in a residential facility for which the Department of Mental Health, Mental Retardation, and Substance Abuse services in the licensing authority under the Code of Virginia (1950) as amended. For the purposes of this definition, mental illness and

developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia (1950), as amended.

- Council Member Dillon questioned if a group home is required in all zoning districts, with the Planning & Zoning Administrator confirming that it was, even in Residential-1 districts, with all regulations having to be met by the requirements of the State Mental Health.

Let the record show that no citizens came forward to speak for or against the request.

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

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

- Motion was made by Vice Mayor Seale to accept the recommendation of the Planning Commission to amend Article 19: Definitions, by adding and changing the following definitions: (1) Dwelling unit; (2) Family; (3) Family, immediate; and (4) Group home, 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 the Mayor recessed the meeting to hold the second of two public hearings:

- B) After being duly advertised, the Town of Rocky Mount is requesting to amend the Planning & Zoning Ordinance Articles 3, 4, 5, 6, 24 and 26 providing for group homes in residential districts.

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

- The Planning & Zoning Administrator presented to Council for their review and consideration a PowerPoint presentation that outlined the following:

Under Group Homes:

▶ Purpose:

- Virginia Code Section 15.2-2291 requires that local zoning ordinances permit group homes of eight (8) or fewer in residential zoning districts.

- Proposed Districts:

- Residential-1
- Residential-2
- Residential Business
- Residential Agriculture
- Central Business District

The Planning & Zoning Administrator relayed to Council what each zone was and what was allowed.

Let the record show that no citizens came forward to speak for or against the request.

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

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

- Motion was made by Council Member Lester to accept the recommendation of the Planning Commission to amend Articles 3, 4, 5, 6, 24 and 26 providing for group homes in residential zoning districts, 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.

### **APPROVAL OF MINUTES**

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

- October 8, 2007 Regular Council Meeting Minutes
- October 16, 2007 Special Council Meeting Minutes
- Motion was made by Vice Mayor Seale to approve the draft council meeting minutes as presented 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.

### **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", the following

draft resolution was reviewed and considered by Council for approval, which was read into the record by the Mayor:

- “Town of Rocky Mount Resolution of Support of Amateur Radio Operators”.

Let the record show that under “Miscellaneous Action”, the following request was reviewed and considered by Council for approval:

- Request of Franklin County Retail Merchants Association, Inc. that Council consider giving them the \$2,500 that was cut from the Town’s budget, which will help them offset expenses for their annual Christmas parade.
- 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 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 that there was no old business to discuss at this time.

### **NEW BUSINESS**

#### A) Presentation of Certificate of Achievement to Finance Department

The Town Manager presented to the Finance Director a “Certificate of Achievement for Excellence in Financial Reporting” that had been awarded to the Town of Rocky Mount’s Finance Department by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Town Manager informed Council that this was the second year that the Town had received this award and that it represents a lot of work on part of the Finance Department staff.

The Finance Director accepted the award on behalf of the Finance Department, informing Council that the award would not have been possible without the help from the staff in the Finance Department, with her mentioning the names of Rebecca Dillon, Amy Dooley, and Gloria Wade.

#### B) Presentation of Fiscal Year 2007 Audit

John Aldridge, Senior Associates of Brown, Edwards & Company, LLP (auditors for the Town) presented to Council an overview of the Fiscal Year 2007 audit for the Town of Rocky Mount. Mr. Aldridge informed Council that earlier that day, he had met with the Finance & Human Services Committee and gone into more detail on the audit. He further stated that he was grateful for all the help provided by the Finance Director and Finance Department staff during the audit process.

- Motion was made by Council Member Greer for the Town Council to accept the audit and to authorize the Town Manager and Finance Director to proceed with the recommendation of the Finance & Human Services Committee for cross training in the Finance Department as a result of the audit, 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.

Council thanked Mr. Aldridge for a job well done on the audit.

C) Virginia Municipal League's 2008 Legislative Program

The Town Manager had received a request from Council Member Lester for Council to review material received from the Virginia Municipal League's Preliminary Legislative Program, which was material that had been previously presented and reviewed during the annual Virginia Municipal League (VML) Conference held in October. The Town Manager informed Council that he believed that Council Member Lester felt that this material needed to be reviewed at the Council meeting in case Town Council had any further comments to make to VML in order to make sure that Rocky Mount Town Council is represented. The Town Manager confirmed with Council that any comments that they wished to be made to VML needed to be given to him so he could submit them to VML, with there being no deadline to submit to him and this work will continue through the next year.

Council Member Lester stated that he was glad to see the VML Committee considering legislation that will support law enforcement with immigration laws.

D) Request of Community Partnership for Revitalization

The Town Manager had received a request from Barbara Chauncey, Board President of Community Partnership for Revitalization (CPR), that the Town consider sponsoring their annual "Come Home to a Franklin County Christmas" event that will be held on December 7 in the amount of \$500. The Town Manager requested comments from Council, given the nature of the request. The Mayor indicated that this will be CPR's fourth annual "Come Home to a Franklin County Christmas" event, and it seems to be growing bigger every year. He further commented that this could be a signature event and does not see why the Town should not make a contribution to help offset the cost.

- Motion was made by Council Member Lester to grant CPR's request and for the Town to give \$500 to help with their annual event, and that CPR include in their

budget request to the Town next year the sponsorship fee so it will be a part of their on-going budget process, 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.

Council Member Lester conveyed to Mrs. Chauncey that he appreciates what CPR has done recently in seasonal displays throughout the Town.

E) Request of Rocky Mount Rotary Club

It was requested by Council Member Greer that the Town consider donating funds to assist in the building of a handicap accessible playground being build by the Rocky Mount Rotary Club at Rocky Mount Elementary School. Discussion ensued on the amount to be given, with Council Member Greer suggesting that the Town consider giving at least 25% of what the County has already given. It was confirmed by Council Member Greer that the amount the Town would be giving was \$5,000.

- Motion was made by Council Member Greer that the Town give \$5,000 towards the building fund for the handicap accessible playground, with motion being seconded by Council Member Agee. Discussion ensued. It was discussed and confirmed by the Finance Director that the \$5,000 would come out of this year's fiscal year contingency fund. Council Member Lester stated that he would like to see requests like these for funding in the future to be considered during the Town's budget review time. There being no further discussion, let the record show that the motion on the floor passed unanimously.

**COMMITTEE REPORTS**

The Town Manager presented to Council the following committee reports:

A) Public Safety Committee

The Public Safety Committee met on October 22, 2007 to discuss several items, being:

1. Request of Council Member Dillon to place certain stoplights on flashing caution during certain periods of time.
  - a. For East Court Street/Main Street light from 6:00 p.m. until 7:00 a.m. and extend to 24 hours on the weekends.

The committee recommended that the left turn onto Court Street from South Main Street be converted to a green bulb, due to the fact that the intersection in not equipped with sensors and the left turn signal given to traffic wishing to turn left onto West Court Street is cycled regardless of traffic. The committee also recommended to place the light at this intersection on flashing

caution/stop starting Saturday at 4:00 p.m. until 5:00 a.m. on Monday morning. This will be tried for 60 days and reconsidered if there are complaints or difficulties.

- b. Do something similar for Franklin Street/Fairlawn Avenue until the light is fixed (Town staff are manually switching the light at this intersection to caution from approximately 2:00 p.m. to 7:00 p.m.).

The Town has purchased a new controller for the light that should be installed in the next few weeks. The committee recommended that this issue be monitored for 60 days to see if the new controller solved the problems with the intersection.

- c. Look at placing Franklin Street/Claiborne Avenue and Franklin Street/Post Office lights on caution outside normal downtown business hours (Saturday mornings operating).

The Town has recently been working on the configuration of the intersection and the committee recommended that this issue also be monitored for 60 days to see if the changes made resolve some of the problems.

The Town Manager reported that there was no action needed by Council on these items at this point.

2. Request of Council Members Greer and Dillon to extend 35 mph speed limit further down North Main Street.

The committee discussed at length the possibility of returning the majority of North Main Street to 35 mph. It was agreed that the Town had not had sufficient rain to determine if the new paving was going to reduce accidents at the curve and that this issue would be discussed again in the future.

The Town Manager reported that there was no action needed by Council on this item at this point.

3. Update from Chief Mollin on crime issues in the community.

Chief Mollin had presented an overview to the committee of the past quarter's gun/drug/gang related crimes and had outlined his strategy in combating these problems. The Town Manager presented a draft letter that advises land owners who have tenants that have been arrested for drug related activity of their rights and obligations under Virginia State Code. The committee recommended that the Town proceed with sending the letter to property owners whose property is used for drug related activity and that the Town Attorney determine what local code is required to implement the Virginia State Code, with the intent being to enable and encourage landlords to evict tenants that are using or trafficking in drugs.

The Town Manager reported that action from Town Council regarding this item was needed at this time.

- Motion was made by Council Member Greer to send the letter, with motion being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously.

B) Finance & Human Services Committee

The Finance & Human Services Committee met on November 13, 2007 at 5:30 p.m. to review and consider the Town's draft Fiscal Year 2007 Audit that was presented by Mr. John Aldridge, Senior Associates of Brown, Edwards & Company, LLP (auditors for the Town).

The Town Manager reported that as he understands it, no action is required by Council.

**COUNCIL CONCERNS**

- A) Mayor Angle reminded the Town staff that was present of the Thanksgiving luncheon scheduled for 12 noon on Friday, November 16.
- B) Council Member Lester mentioned that if the County is looking into bringing a water line from Roanoke County into Franklin County, could not the Town see if the County was interested in jointly bringing in a natural gas line. The Mayor asked the Town Manager to see if there was any interest from Roanoke Gas Company and from the County of Franklin in doing this. It was confirmed by the Town Manager that the Town and County staff have talked about this, with him further confirming to Council that he will talk with the County Administrator about the possibility.

**CLOSED MEETING**

At 7:45 p.m., motion was made by Council Member Lester to go into *Closed Meeting*, and seconded by Vice Mayor Seale and carried unanimously to discuss the following:

- 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 (a proposed Department of Housing & Community Development project in conjunction with uptown).

At 8:25 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 Agee certifying that: (1) only public business matters lawfully exempted from open meeting requirements under this chapter was discussed; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or consider in the meeting by the public body was discussed. Motion was seconded by Council Member Lester. The Mayor swore to adopt the motion on the floor by Council Member Agee 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 8:28 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Lester and carried unanimously.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk