

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
SEPTEMBER 10, 2007**

The September 10, 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, John H. Lester, and Sadie W. Tuning

Let the record show that Council Member Jerry W. Greer, Sr. was not present at this time.

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, 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, Deputy Clerk Stacey B. Sink, 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.

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

NOTE OF INTEREST

The Mayor welcomed the Franklin County High School government class of Mr. Jerrell Saleeby, who were attending as part of their government assignment. Those students present thanked the Mayor for the welcome.

SPECIAL ITEMS

Let the record show there were none.

PUBLIC HEARING

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

A) Special Use Permit Request of Cathy McBride

After being duly advertised, Cathy McBride submitted a request for a special use permit for a single-wide mobile home without a permanent foundation on property zoned Residential District (RB) for Franklin County Tax Map 204 and Parcel Numbers 476, 477, 478 and 480 for the placement of a single-wide mobile home without a permanent foundation. The property is located between Pendleton Street and Woodlawn Drive.

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

- Eddie Hawks, Pastor of Woodlawn Baptist Church (located across the street from Cathy McBride's residence), came before the Town Council stating that he came during the Planning Commission public hearing on the same request on behalf of Cathy McBride; wanted to state this time also before Town Council that he was in favor of her request; and that he supports tearing down the house and placing a mobile unit on that site. He also stated that the house, in its current condition, is a health hazard and Ms. McBride needs all the help she can get.

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

(Let the record show that Council Member Jerry W. Greer, Sr. was present at 7:05 p.m.)

The Mayor requested a staff report from the Planning & Zoning Administrator, who stated that the Planning Commission recommended approval of the request with the following six conditions, being:

1. The interior lot lines of tax parcels 204-476, 204-477, 204-478 and 204-480 are vacated within six months of issuance of special use permit.
2. The existing structure on the property is demolished and removed within 60 days of mobile home.
3. A vinyl or T-111 exterior is put on the mobile home within 60 days of the home's placement.
4. A front porch is added to the mobile home within 60 days of the home's placement.
5. An acceptable skirting as required by the Uniform Statewide Building Code is placed around the mobile home within 60 days of the home's placement.
6. The mobile home will be removed and the Special Use Permit will expire when Cathy McBride no longer occupies the home.

Council Member Lester questioned Council Member Greer (who has been working with a group of people trying to assist Mrs. McBride) what year the mobile home would be that would be replacing Mrs. McBride's home, with Council Member Greer stating that at this time, the year was unknown. Council Member Lester asked that the wiring be checked out due to the fact that in older mobile homes, the wiring did not meet the safety standards as prescribed by the building code. The Planning & Zoning Administrator informed Council that the mobile home would have to meet all the requirements of the building code. Council Member Dillon informed Council that any mobile home prior to 1976 could not be relocated anywhere in the County.

For the record, Council Member Greer stated he would be abstaining from voting.

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 approve the special use permit request, including the six conditions as stated by the Planning & Zoning Administrator, with motion on the floor being seconded by Council Member Dillon. Discussion ensued. Council Member Dillon stated that he was well pleased with how the neighbors and church had worked with Mrs. McBride to help her. There being no further discussion, let the record show that the motion passed five to six, with Council Member Greer abstaining.

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

B) Rezoning Request of The Alloy Group, LLC

After being duly advertised, The Alloy Group, LLC submitted a rezoning request for a portion of Tax Map and Parcel Numbers 211-26 and 211-25 from Residential (R-1) to Residential Planned Unit Development (RPUD). The exact location of the property is off of Scuffling Hill Road, adjoining The Cottages at Stone Mill, Lot 18.

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

- George Lloyd of 4 Hayfield Drive, Boones Mill, Virginia, and also a member of The Alloy Group, came before Town Council giving them a brief overview of how Lot 18 was positioned. He further stated that the lot, as it is now, is too small to build on and that the prospective buyer of this lot will be purchasing additional land behind it in order to create enough space to build a home upon Lot 18, with the purchase being contingent upon rezoning approval. He also explained how the engineers will design the road in order for the home to be built.

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

The Mayor requested a staff report from the Planning & Zoning Administrator, who stated that the Planning Commission recommended approval of the rezoning request.

Council Member Lester questioned if the lot lines will be abandoned when the purchaser gets the additional necessary land to build on. The Planning & Zoning Administrator explained that all subdivision plats would have to come through the Planning Department, and when this particular plat is submitted, he will make sure that the property shows as one lot. He further stated that when the plat is approved, the land can be sold to the prospective individual wanting to buy the land and build on Lot 18.

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 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 passed unanimously.

APPROVAL OF MINUTES

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

- August 13, 2007 Regular Council Meeting Minutes
- Motion was made by Council Member Dillon to approve the draft council meeting minutes as presented with motion on the floor being seconded by Vice Mayor Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF CONSENT AGENDA

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

Let the record show that under "Miscellaneous Resolutions/Proclamations", the following draft resolutions were reviewed and considered for Council approval:

- "Pol. Sub – Section 138 Covered Employees Retirement Multiplier of 1.85%"
- "Resolution by the Rocky Mount Town Council in Support of United Way of Franklin County, Inc."

- Motion was made by Vice Member Seale to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

HEARING OF CITIZENS

A) James Wray

Mr. James Wray of 1860 Riverbend Drive, Rocky Mount, Virginia, came before Council regarding a previous matter pertaining to an easement on property belonging to Arrington Flowers. The easement was given to the Arringtons during the downtown revitalization project in lieu of them giving up their front parking area for the widening of Franklin Street. The property is located next to Mr. Wray's property on Franklin Street. He presented to Council his history of the events that had occurred, which included the following points that he directed at Council:

- The original site plan he submitted for approval was in error and did not show the proper egress. He met with the previous Town Manager regarding this and discussed removing the existing bollards that were in place that are located between his property and the Arrington's, with him further asking the Town to remove them. As the Town Manager did not respond, he had them removed and was later advised by the Town that he could not do this and he had to put them back up.
- Had used the egress for three months with signage showing exiting onto Diamond Avenue. Arringtons requested that he stop using the egress across the easement.
- Went through the history of having to go to the Interim Town Manager Jack Gross and Planning & Zoning Administrator Paul Stockwell regarding using the easement.
- Went over having permission from the current Mrs. Arrington to use the property, but three weeks after getting permission, the Town put back the bollards at the request of the Arringtons. This is when he found out that the Arringtons had a non-inclusive easement, and in talking to the Town Attorney, he was advised to do the same thing.
- Confirmed to the Mayor that the Town had given him the parking lot area behind his property he was building on for people to park that would be visiting his place of business.
- Went over history of what the Town advised he could do for an egress onto Maynor Street, and if this doesn't work, he was advised he could bring this back before the Streets, Sidewalks & Sanitation Committee. He found out from reading *The Franklin News-Post* article on the matter that he would have to pay for this egress, with him informing Council that he had not agreed to do this due to it not being

economically feasible. He said the one exception would be that he would pay for the asphalt on his lot.

- Looking for relief from exiting onto Franklin Street.
- Understands that the Arringtons are asking for the land to be given to them.
- He feels that the Town is moving along on the Arringtons' request and stated that Council Member Lester had confirmed this during a Council meeting and in talking with him. He further felt that the Town is not considering his request for relief.
- Refuted comments that had been made by Council Member Lester on what was stated by Council Member Lester during a Streets, Sidewalks & Sanitation Committee meeting regarding the Arrington easement and his request to use it.
- Here before Council because he is concerned how the process is going and if the land is given to Arringtons, he cannot use the old mill that he bought that is located beside his place of business on Franklin Street. Further stated that there is no way anyone will rent the old mill without having parking. Further informed Council that he may have to tear the old mill down, with the Town losing tax money.
- Confirmed to the Mayor that his specific request is for a joint easement through the Arrington easement.

The Mayor informed Mr. Wray that the public hearing scheduled during the Rocky Mount Town Council regular meeting in October is standard procedure for transfer of the property. Mr. Wray indicated that he understood this, but that every time he has asked about it, he was told to let it take its course, and he feels he is being railroaded. He further stated that he was told the two matters are not related.

The Mayor stated that the Town Council could not take any action on this matter until the public hearing, with the Town Manager confirming that the public hearing will be held in October during the regular Council meeting and that Mr. Wray's comments would be appropriate at that time. The Town Manager also confirmed to Council that he had met individually with Mr. Wray prior to the Council meeting regarding Mr. Wray's concerns.

The Mayor informed Mr. Wray that he appreciated his comments, with his comments being more appropriate at the public hearing scheduled in October, and after the public hearing, Town Council will render a decision at that time.

OLD BUSINESS

Let the record show there was none at this time.

NEW BUSINESS

A) Recognition of New Chief of Police

An announcement was made by the Mayor recognizing the new Chief of Police Erik Mollin, who had been the Acting Chief of Police since October 22, 2006. It was pointed out that the Town Manager had reviewed the submitted applications and had chosen Erik Mollin. As part of the recognition, the Mayor pinned on the Chief of Police's uniform his Chief of Police emblem. At the close of the recognition, the Chief of Police thanked Town Council for having confidence in him for the past ten months, which had prepared him for the position.

B) Introduction of New Administrative Assistant for the Community Development Department and Deputy Clerk for Planning Commission and Board of Zoning Appeals

Stacey Bowles Sink was introduced by the Town Manager to the Town Council as the new Administrative Assistance for the Community Development Department and Deputy Clerk for the Planning Commission and Board of Zoning Appeals. Also in the capacity of Deputy Clerk, Mrs. Sink will act as backup for the Town Clerk. The Town Manager pointed out that Mrs. Sink was a life-long resident of the Callaway community in Franklin County, had graduated from Franklin County High School, attended the Roanoke Valley Governor's School for Science and Technology, and also received a Bachelor of Science degree in Crops, Soils and Environmental Science from Virginia Polytechnic Institute and State University (Virginia Tech). He further stated that she has taken great strides with the Planning Commission and was present during the Council meeting for training as backup for the Town Clerk. The Mayor and Town Council welcomed her to the Town.

C) Rocky Mount Beautification and Urban Design (BUD) Commission Annual Report

In the absence of Chairman Lorinda G. Lionberger for the BUD Commission, the Town Manager presented to Council the Commission's annual report, pointing out two items:

1. Presentation of slate of names to be appointed to the BUD Commission, being:
 - a. Ann Cook for reappointment
 - b. Barbara Garst for appointment
 - c. Al Angle for appointment

The Mayor recused himself from this portion of the meeting as he is related to Al Angle. Due to this, Vice Mayor Seale presided over this portion of the meeting and entertained a motion for the approval of the slate of names as submitted by BUD Commission.

- Motion was made by Council Member Agee to approve the slate of names, with motion on the floor being seconded by Council Member Lester. Discussion ensued. The Town Manager informed Council that Council Member Greer was part

of the BUD Commission and was involved for coming up with the names of people willing to serve. There being no further discussion, let the record show that the motion on the floor passed unanimously.

2. The Town Manager briefly went over the report, highlighting several items:
 - a. Fund raising committee contacted prospects for gardens and established two “demonstration” gardens, one at the intersection of Route 40 and 122 were constructed through the generosity of Seven Oaks Landscaping, with additional sponsors for the first garden being Franklin Community Bank, Marshal Stone and Southern Heritage. The second garden is currently being considered by potential sponsors.
 - b. Construction of the garden located at Route 220 North and Route 40 West are sponsored by Bojangles, Inc. and Virginia Furniture.
 - c. Value of the gardens sponsored totals more than \$75,000.
 - d. Outstanding coordination with the Virginia Department of Transportation.
 - e. Adoption of Bylaws.
 - f. Commission members have given more than 500 volunteer hours, while sharing their very valuable vision and expertise.

Janie Hopkins, a member of the BUD Commission, spoke before Town Council at the request of the Town Manager. She informed them that they have tried their very best to follow the guidelines that were set forth by Town Council and the Virginia Department of Transportation. She also stated that the Commission has a maintenance agreement for watering and taking care of the gardens and they contact the Virginia Department of Transportation when the gardens need mowing.

Discussion ensued regarding the mowing schedule for the gardens, with Mrs. Hopkins informing Council that due to the dry season, the BUD Commission has held off from mowing as often.

D) The Crooked Road

Discussion ensued regarding the Crooked Road and potential consideration of a dedicated Crooked Road website. The Town Manager relayed to Council that he has discussed this matter with Franklin County Administrator Richard Huff and the County is willing to participate in doing this. It was the consensus of Council that staff do the following:

1. Go forward in obtaining costs for developing a website for local Crooked Road events, and also look into costs for creating an electronic kiosk to display similar information, with that information input possibly being created by staff at the Rocky Mount Municipal Building.
2. Look into having the radio transmission range increased at the existing free standing kiosk located at the Community & Hospitality Center (Depot) site.

E) Town of Rocky Mount Supplemental Resolution for the Fiscal Year Ending June 30, 2008

Prior to the meeting, Council had received a draft copy of "Town of Rocky Mount Supplemental Resolution for the Fiscal Year Ending June 30, 2008" for review and consideration of approval. The Town Manager informed Council that as a matter of housekeeping, when the Town receives a grant the Town Council needs to appropriate the funds to a revenue category.

The Finance Director confirmed to Council Member Dillon that the grant would increase the Police Department budget by \$10,000.

The Chief of Police informed Council that this grant was part of the "Click It or Ticket It" and "Safe, Smart and Sober" programs.

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

- Motion was made by Council Member Dillon to approve the resolution 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.

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

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

ADJOURNMENT

At 7:51 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

/phk