

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
JANUARY 14, 2008**

The January 14, 2008 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

On behalf of the Rocky Mount Town Council and the Town of Rocky Mount, the Mayor presented to Kathy Hutcherson, widow of Donald Hutcherson, a "Resolution by the Rocky Mount Town Council Honoring Donald Hutcherson". The resolution was read into the record (attached to minutes).

Mrs. Hutcherson expressed her gratitude and conveyed to Council that Don loved the Town. She also wanted Council to know how much she appreciated the resolution and accepted it with honor.

PUBLIC HEARING

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

Review and Consideration of Disposition and Conveyance of Real Property to Appalachian Power Company

After being duly advertised, the Rocky Mount Town Council held a public hearing to review and consider the disposition of real property and conveyance of such real property to Appalachian Power Company for the purpose of allowing them to construct a substation without violating such rules as defined in Section 8-7 "Setback Regulations" of the Town of Rocky Mount Zoning & Development Ordinance; and consideration of adopting a draft resolution by the Rocky Mount Town Council for conveyance of such disposed real property.

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

- The Town Manager gave a brief synopsis of Appalachian Power Company (APCo) wanting approval for a substation to be located at the end of Smithers Street on a small piece of property the Town owns near the turn around area. It had been determined by staff that the small piece of land is not used by the Town, with the Town opting to abandon that piece of property for the purpose of conveying to APCo.

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

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

- Council Member Dillon question if Mr. Jesse Robertson (who owns a business in the area) had been contacted regarding the turn around, with the Town Manager confirming that he had spoken with Mr. Robertson regarding this matter and he understood what was being proposed.
- The Town Manager confirmed to Council that the actual area being considered for disposal is not used and APCo would now have to give the Town a year's notice of the lease cancellation, versus the current 30 day notice the Town has. He further stated that after talking to Mr. Robertson about this, Mr. Robertson was satisfied.

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 disposition and conveyance of property to Appalachian Power Company, with motion on the floor being seconded by Council Member Greer. Discussion ensued. The

Town Attorney confirmed to Vice Mayor Seale that the deed would be taken of. Let the record show that when the vote was called for, all voted in favor of the motion on the floor, including the Mayor, except for Council Member Dillon, who stated that he was abstaining as APCo was his employer. There being no further discussion, let the record show that the motion on the floor passed six to one.

APPROVAL OF MINUTES

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

- December 10, 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 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 was considered for approval:

- Review and consideration of adoption of draft "Resolution by the Rocky Mount Town Council for Designation of Town of Rocky Mount Coordinator of Emergency Manager".
- 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 discussion, let the record show that the motion on the floor passed unanimously.

HEARING OF CITIZENS

A) Mary Wray

Mary Wray of 1860 Riverbend Drive, Rocky Mount, Virginia, came before Council stating that she basically wanted to address Council in reference to an update on

obtaining the easement that they were told would happen in the last quarter of last year. She informed Council that the last time they heard anything was when she and her husband (Jim Wray) had received a letter from the Town for them to meet with the Arringtons regarding the egress issue. Since the letter, she stated that they have been advised that the Town had met with the Arringtons or their representative, and were told by the Town what was to become of the egress issue, without her and her husband being involved in the discussions. She also stated that they had heard that the two Council members that had voted "no" originally, would now consider changing their vote per what had been discussed, and now vote for the Arringtons. She further informed Council that the reason they came before Council at this time was to find out what actually happened, to see what Council's plans are, and what Council's decision is.

The Mayor gave a brief summary of what had progressed prior regarding the egress on the property between the Wrays and the Arringtons, and after the original vote from Council to transfer the property to the Arringtons, Council was advised that the vote was not substantial to transfer the property to the Arringtons, and with this being said, Mr. Wray at that time said he could work with the Arringtons where egress can be available to his property. The Mayor stated that since then (1) the Arringtons have obtained an attorney to work out the agreement, and he is not sure if that agreement has been worked out yet; and (2) regarding the two Council members voting differently, that decision is up to those Council members. He further stated that he thinks it is the intention of Council that the property be given to someone and that the Town should not be in the middle of a brokerage. He further mentioned that the Arringtons gave the Town land when the downtown project on Franklin Street took place several years ago.

The Town Attorney directed his statements to Mrs. Wray, stating that there were on-going discussions between the Wrays' legal counsel (David Furrow) and Arringtons' legal counsel, and that no arrangement has been made. He further stated that the discussions are on-going and he, as Town Attorney, is waiting to hear from both parties involved. He further mentioned since the Wrays obtained legal counsel, he would think that they would be getting updates on the matter from him. He further informed Mrs. Wray that he has made aware to Mr. Furrow of what has been going on and he will continue communicating with Mr. Furrow in order for Mr. Furrow to keep them updated.

Mrs. Wray questioned how many times Council can go back and take a vote on this matter. The Town Attorney informed Mrs. Wray that he would be willing to sit down with them and their legal counsel to make sure there is no misunderstanding on what is taking place. He further informed Mrs. Wray that her and her husband coming to Council meetings was not the type of forum to keep bringing up this matter. He stated that he believes what has been worked out between both legal counsels is workable, and he again stated he would be willing to meet with them and their legal counsel. It was also expressed to Mrs. Wray by the Town Attorney that he is surprised that her and her husband are appearing before Council at this

meeting and asking these types of questions.

Mrs. Wray stated that it has been about a year since this issue came up regarding the egress. The Town Attorney advised her that her and her husband employed legal counsel to work with this.

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

OLD BUSINESS

Let the record show there were none at this time.

NEW BUSINESS

A) Review and Consideration of Adoption of “Memorandum of Understanding by and Between the County of Franklin, Virginia and Town of Rocky Mount, Virginia

The Town Manager introduced Scott Martin, Director of Franklin County Commerce & Leisure Services, to Council, commenting that Mr. Martin would be presenting to them an update on the proposed Pigg River Park Plan.

Part A of Presentation: Mr. Martin presented a PowerPoint presentation, entitled “Pigg River Power Dam Removal and Rechannel” to Council, which consisted of the following highlights:

- ▶ The proposed plan would be part of the community taking care of its natural and musical heritage.
- ▶ Presented the potential conservation partners, which consisted of:
 - U.S. Army Corps of Engineers
 - B.A.S.S.
 - The Nature Conservancy
 - Sport Fish & Wildlife Restoration
 - Town of Rocky Mount
 - Ducks Unlimited
 - Department of Environmental & Quality Control
 - Tobacco Indemnification & Community Revitalization Commission
 - Virginia Department of Game & Inland Fisheries
 - Appalachian Power Company
 - U.S. Department of Interior
 - American Rivers
 - FEMA
 - American Whitewater

- Trout Unlimited
- ▶ Dam Basics/Facts:
 - 2nd largest dam removal in Virginia (22 feet in height)
 - Initial VaRacer collaborative conservation project
 - Relic dam (ca 1910) in private ownership
 - 376,000 cubic yards of silt
 - 2-mile long pond
 - Upstream of Town of Rocky Mount Municipal Water Treatment facility
 - Average 100-125 cfs at dam
- ▶ Existing site photos were shown.
- ▶ An overlay of the area showing where the proposed project would be located in conjunction to where the surrounding properties of Nadine Hawkins, Sondra Hagen, and the Town's Wastewater Treatment Plant were in relation to the project was shown.
- ▶ An overlay of the long-range park proposal was shown.
- ▶ Plan would a conservation and education area.
- ▶ Plan showed riparian buffer/habitat enhancement.
- ▶ Will work on a variety of foundations to have a Conservation Demonstration Center. A rendering of the Visitors Center from the fire pit area was shown, along with playground/boulder field, festival/event field, and an education/music heritage amphitheater.
- ▶ The Pigg River Park would be celebrating the County's natural resources.
- ▶ There would be a river recreation park.
- ▶ Project timeline presented:
 - April 2006: Conceptual idea for Dam removal
 - July 2006: In-stream concept plan proposed
 - July 2006: Cultural study complete for Dam structure
 - September 2006: Memorandum of Understanding (MOU) for VARACER partners signed
 - October 2006: Park Master Plan completed
 - October 2006 thru December 2007: USFWS secures over \$650K for removal
 - July 2007: Franklin County commits \$800K for Park development
 - October 2007: Silt sampling complete – clean results

- October 2007: Draft Biomonitoring Plan completed by VT/CMI
- October 2007: MOU language finalized between County and Town of Rocky Mount
- February 2008: RFQ for Dam removal EA awarded
- February 2008: Phase I Cultural complete for lower field
- October 2008: Target EA submittal date
- January 2009: Removal final design complete
- September 2009: Begin removal and Park construction
- February 2010: In-stream Park components complete
- 2010 – 2012: Complete Park amenities at site

► Went over Memorandum Of Understanding Essentials:

- Affirms a multijurisdictional commitment to the Pigg River Park Master Plan.
- Land remains in Town ownership.
- County responsible for Park development and operation.
- Allows for collaborative programming.
- Preserves buffer for Waste Water Treatment Plant and expansion.
- Permits use of bottom land for Dam removal staging.
- Five-year renewal period, if work is not initiated.

There was discussion regarding Council wanting to wait before they endorsed the “Memorandum of Understanding By and Between The County of Franklin, Virginia, & The Town of Rocky Mount, Virginia” until such time the Public Works Director can give to Council an estimated cost of the water and sewer lines, and the cost of a pump station for the sewer, if needed. It was the consensus of Council to refer this matter to the Public Utilities Committee to review the costs involved and how far the lines would have to run. The Town Manager so noted, with him stating that the Committee will meet as soon as possible, adding this item to the agenda.

A question arose about the silt removal, with Mr. Martin explaining the process of removing the silt to Council.

Part B of Presentation: Mr. Martin presented a PowerPoint presentation, entitled “Pigg River Lower Head Dam Passage Pilot Project” to Council, which consisting of the following highlights:

- An overlay of Franklin County Blueways was presented, which showed the Pigg River at the Veterans’ Park.
- County would like to construct a pilot project on the Pigg River section located at the Veterans’ Park.
- Photos were shown of the existing low head dam.

- ▶ Explained how the Veterans' Park dam hydraulic works, and what needed to be done to get rid of the five foot hydraulic drop.
- ▶ A conceptual plan of the low head dam was shown, showing the different pool areas and its location next to the Veterans' Park.
- ▶ Pilot project plan has been taken before the Veterans' Memorial Commission and they conceptually have agreed strongly to support for the project. Board of Supervisor Chair Charles Wagner (also member of Veterans' Memorial Commission) was present and confirmed to the Mayor that the Commission has looked at the plans and support it as it is now, but they reserve the right to go back and look at the plans later. The Commission believes this pilot project will be an asset to the Veterans' Park.
- ▶ An overlay of examples of parks already using this type of project were shown, showing how the water flowed into different "pooling" areas.

Mr. Martin informed Council of the following:

- He brought this idea to the Town first and then will take before the County. If the Town accepts the pilot project, the County will move some of the Power Dam Project money this year into this project.
- The type of rock for this project was briefly discussed, with Mr. Martin confirming that it will be more than likely large rounded rock, grouted together, and much bigger than the rock that is presently on site. He also stated that some of the rock will more than likely be fake rock.
- Had taken into consideration the area flooding, and when he looked at the Furnace Creek flow, he envisions having boats in the water having fun at the Pigg River pilot project site during moderate flood events.
- Confirmed to the Mayor that the pilot project plan will stay upstream from the Pigg River Bridge.
- Will be pulling the Lynch Landing Park and Veterans' Park together in the pilot project, with this being one cohesive site.

Mr. Martin confirmed to the Mayor the following requested items:

- Assignment of key staff to partner on the Development Team.
- Support from Council whether to proceed, or not to proceed, with pilot project.

The Town Manager informed Council that this was a fantastic plan brought to the Town by Franklin County and is a fantastic idea with the Veterans' Park.

Let the record show that it was the consensus of Council for the pilot project park plan to proceed.

B) Review and Consideration of Proposed Draft Brush & Debris Policy

A proposed draft brush and debris policy was presented to Council by the Town Manager for their review and consideration of adopting that would allow the Public Works Department to pick up large items and brush on the first Monday of every month as outlined in the proposed policy. He further mentioned that currently there is no given date for such pick ups, with the Public Works Department receiving frequent requests for large items and debris to be picked up. The proposed policy would give a designated date for such items to be picked up (copy attached). The Mayor indicated that this sounded reasonable. The Town Manager confirmed to Council that staff will advertise the policy, and once approved, make it effective the first of February. He further confirmed that if the pick up date falls on a holiday, the pick up day would be the same as what the Public Works Department does for any holiday pick up schedule, which is normally the following day.

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

- Motion was made by Council Member Lester for the Town to adopt the policy as presented, with motion on the floor being seconded by Council Member Agee. There being no discussion, let the record show that the motion passed unanimously.

C) Review and Consideration of Proposed Draft "Mutual Aid Agreement"

Before Council for their review and consideration of approval was a draft "Mutual Aid Agreement" and draft "A Resolution of Approval and Acceptance of Mutual Aid Agreement" that the Town Manager presented to Council. It was explained by the Town Manager to Council that the draft "Mutual Aid Agreement" was between the Town of Rocky Mount and Ewell A. Hunt, Sheriff of Franklin County. The draft agreement is currently in place between the Town and County, but a new one is needed to reflect the agreement that will be between the new Sheriff of the County (Ewell A. Hunt) that was newly elected and took office January 1, 2008. This agreement basically bestows the same authority and responsibility as deputy sheriffs, including extraterritorial arrest powers, upon Town police officers who, outside the corporate boundaries of the Town, coincidentally observe any violation of state law committed in their presence, or when probable cause exists to effect an arrest without the creation of additional liability for the County of its officers and employees; and furthermore provides that the governing body of a locality and the sheriff with law-enforcement authority within a locality without a police force may, but

proper resolution, enter in and become parties to contract a mutual aid agreement for the same use of their joint police or other law-enforcement forces and their equipment and materials to maintain peace and good order.

The Town Manager informed Council that staff recommends the approval of the draft "Mutual Aid Agreement", and if approved, the draft resolution be considered for approval as well.

The Town Attorney confirmed to Council that the proposed "Mutual Aid Agreement" document was basically what was in place with Sheriff Overton.

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

- Motion was made by Vice Mayor Seale to approve the "Mutual Aid Agreement between the Town and County. Discussion ensued. The Chief of Police confirmed to Council that he will coordinate everything needed regarding the "Mutual Aid Agreement" with Sheriff Hunt. There being no further discussion, let the record show that the motion on the floor passed unanimously.
- Motion was made by Council Member Dillon to approve the draft "A Resolution of Approval and Acceptance of Mutual Aid Agreement", with motion on the floor being seconded by Council Member Lester. There being no discussion, let the motion show that the motion on the floor passed unanimously.

COMMITTEE REPORTS

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

COUNCIL CONCERNS

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

CLOSED MEETING

Let the record show there were no *Closed Meeting* items at this time.

ADJOURNMENT

At 8:05 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Agee and carried unanimously.

ATTEST:

Steven C. Angle, Mayor

Patricia H. Keatts/Town Clerk

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