

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
JUNE 9, 2008**

The June 9, 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 Posey W.
Dillon, Jerry W. Greer, Sr., John H. Lester, and Sadie W.
Tuning

Let the record show that Council Member Stephen F. Agee was not present.

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 Vice Mayor Seale to approve the agenda as presented, 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 five public hearings:

A) Proposed Real Property Tax Increase

After being duly advertised, notice was hereby given that the Town of Rocky Mount proposes to increase real property tax levies as a result of the recent reassessment real estate:

1. Real Estate Assessment Increase: The total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceed last year's total assessed value of real property by 25%.
2. Lowered Rate Necessary to Offset Increase Assessment: The tax rate, which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.11 per \$100 of assessed value. This rate will be known as the "lowered tax rate".
3. Effective Rate Increase: The Town of Rocky Mount proposes to adopt a maximum tax rate of \$0.13 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.02 per \$100, or 15.4%. This difference will be known as the "effective tax rate increase". Individual property taxes may, however, increase at a percentage greater than or less than the above percentage. This is the proposed maximum rate; the actual rate will be set when the Fiscal Year 2009 budget is adopted and may be adjusted down, based on other revenue factors, but not increase.
4. Proposed Total Budget Increase / Decrease: Based on the proposed real property tax rate and changes in other revenues, the total budget of the Town of Rocky Mount is reduced from last year's by 5%.

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

- The Town Manager introduced the State Code section that constitutes the advertising and reason to hold the meeting.

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

There being no comments from the public, the Mayor reconvened the meeting back into regular session.

Let the record show that no motion is needed by Council as the budget has to sit

seven days after the public hearing prior to adoption. Let the record further show that June 16, 2008 at 5:00 p.m., public meeting will be held for Council's review and consideration of adoption of the Fiscal Year 2009 proposed budget and Fiscal Year 2009-2013 Capital Improvement Plan.

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

B) Hearing on Setting of Tax Levies

After being duly advertised, notice was hereby given that the Town of Rocky Mount proposes to set tax levies for the following classes of property:

1. Setting a tax levy of \$0.13/100 of assessed value on real estate, public service corporation property, and mobile homes, pursuant to the authority of 58.1-3200, 58.1-3201, 58.1-3202, 58.1-3203, 58.1-3204, 58.1-3205 of the Code of Virginia, as amended.
2. Setting a tax levy of \$0.51/\$100 of the assessed value of personal property, pursuant to the authority of 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 of the Code of Virginia, as amended.
3. Setting a tax levy of \$0.17/\$100 of the assessed value on machinery and tools based on original cost and declining depreciation over a 7-year period. By the seventh year of depreciation, the effective rate is \$0.07/\$100 assessed value. This rate is levied pursuant to the authority of 58.1-3507(B) of the Code of Virginia, as amended.
4. Interest at an annual rate of ten percent (10%) per annum shall be charged on any unpaid taxes commencing the first day of the first month following the due date of the unpaid taxes.
5. Setting the Personal Property Tax Relief percentage at 67.91%.

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

- The Town Manager again introduced the State Code section that constitutes the advertising and reason to hold the meeting.

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

There being no comments from the public, the Mayor reconvened the meeting back into regular session.

Let the record show that no motion is needed by Council as the budget has to sit

seven days after the public hearing prior to adoption. Let the record further show that June 16, 2008 at 5:00 p.m., public meeting will be held for Council's review and consideration of adoption of the Fiscal Year 2009 proposed budget and Fiscal Year 2009-2013 Capital Improvement Plan.

Let the record show the Mayor recessed the meeting to hold the third of five public hearings that come under the Planning Commission portion of the meeting:

- C) The Planning Commission met on June 3, 2008 to hear three requests:
1. Review and consideration of request of Richard J.T. LaBarbera for a waiver from Article 8-3(L)(3) of the Subdivision Ordinance requiring CG-6 curb and gutter along Meadow View Avenue for Tax Map and Parcel Number 2010000501.

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

- The Town Manager stated that the Planning & Zoning Administrator will give an overview of the request, along with the Planning Commission recommendation.
- The Planning & Zoning Administrator informed Council of the following:
 - Request would waive the requirement for curb and gutter along Meadow View Avenue.
 - Curb and gutter will channel the runoff from Meadow View Avenue through storm water pipes to the Town's retention facility.
 - If the curb and gutter were waived, storm water from the road will flow into a natural drainage ditch.
 - The curb and gutter would connect to the existing curb and gutter along North Main Street, but would not connect to any curb and gutter further down Meadow View Avenue.

The Planning & Zoning Administrator further informed Council that the Planning Commission recommended approval of the request, but after subsequent discussion during their public hearing, it was decided that the request be based on the condition that the applicant pay his pro rata share of sidewalk improvements to Meadow View Avenue if the Town, in the future, decides to construct a sidewalk on Meadow View Avenue.

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

There being no further comments from the public, the Mayor reconvened the meeting back into regular session and entertained a motion.

- Motion was made by Council Member Greer to grant the waiver, with motion on

the floor being seconded by Council Member Tuning. Discussion ensued. Vice Mayor Seale questioned if the motion on the floor included the recommendation of the Planning Commission that Mr. LaBarbera pay his pro rata share, with Council Member Greer confirming that it did. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

Let the record show the Mayor recessed the meeting to hold the fourth of five public hearings:

2. Review and consideration of request of Richard J.T. LaBarbera for a waiver from Article 8-4(B) of the Subdivision Ordinance and Article 31-2-10 of the Zoning & Development Ordinance requiring a sidewalk along Meadow View Avenue for Tax Map and Parcel Number 2010000501.

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

- The Planning & Zoning Administrator informed Council of the following:
 - Request would waive the requirement for a sidewalk along Meadow View Lane.
 - Sidewalk would connect to the sidewalk along North Main Street, but would not connect to a sidewalk further down Meadow View Lane.

The Planning & Zoning Administrator informed Council that the Planning Commission recommended approval of this request on the condition that the applicant pay his pro rata share of sidewalk improvements to Meadow View Lane if the Town, in the future, decides to construct sidewalk on Meadow View Lane.

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

There being no further comments from the public, the Mayor reconvened the meeting back into regular session and entertained a motion.

- Motion was made by Vice Mayor Seale to accept the recommendation of the Planning Commission, 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 by those present.

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

3. Review and consideration of request of Richard J.T. LaBarbera for a waiver from Article 31-2-3(b) of the Zoning & Development Ordinance requiring CG-6 or CG-7 and gutter for parking area designed for Tax Map and Parcel Number 2010000501.

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

- The Planning & Zoning Administrator informed Council of the following:
 - Request would waive the requirement for curb and gutter for parking area design.
 - Would provide for natural attenuation off some of the parking area.
 - Other areas would be planned with curb and gutter.

Let the record show that no one else came forward to speak regarding this meeting. There being no further comments from the public, the Mayor reconvened the meeting back into regular session and entertained a motion.

Questions were raised by Council regarding where the storm water would be draining to on the site. Mr. Phil Nester, of Philip W. Nester, Inc. in Rocky Mount, who is doing the site plan for Dr. LaBarbera, came forward and presented a plat showing where all the storm water would be going. Mr. Nester confirmed to Council that it will run Dr. LaBarbera approximately \$20,000 for water retention and it will handle water increase from his property and Meadow View Lane; and furthering emphasizing to Council that they would not be taking care of any existing problems, but they would not be adding any problems.

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

- Motion was made by Council Member Dillon to approve the request, with motion on the floor being seconded by Council Greer. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

The Mayor thanked Dr. LaBarbera for his investment in the Town, with Dr. LaBarbera thanking Council for hearing his requests and for their support.

APPROVAL OF MINUTES

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

- May 12, 2008 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 Tuning. There being no discussion, let the record show that the motion on the floor

passed unanimously by those present.

APPROVAL OF CONSENT AGENDA

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

- Miscellaneous Resolutions/Proclamations
 - Review and consideration of approval of draft "Resolution by the Town of Rocky Mount Town Council Acceptance of Anderson Street Extension"
 - Miscellaneous Action
 - Review and consideration of approval of Town's health and dental insurance with Anthem and Delta Dental, respectively.
 - Review and consideration of appointing Council Member Greer to serve on the West Piedmont Planning District Board of Commissioners, with term to expire June 30, 2010. Robert W. Dowd, Executive Director of WPPDC, made this request.
 - Departmental Monthly Reports
 - Bill List
- Motion was made by Vice Mayor Seale 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 by those present.

HEARING OF CITIZENS

Let the record show there were none.

OLD BUSINESS

A) Caution Lights/Speed Study Results

During the April 14, 2008 regular Council meeting, it was the consensus of Council for staff to provide cost figures and data for each flashing warning light signs to be placed at locations discussed for Pell Avenue, South Main Street, and North Main Street.

The Chief of Police went over the three options for caution lights that prices had been received on that also included installation costs:

- 110 Volt/wood post \$4,700

▪ 110 Volt/metal post	\$5,949
▪ Solar Power/wood post	\$5,247
▪ Solar Power/metal post	\$6,496
▪ 110 Volt/wood post/remote switch	\$5,100
▪ 110 Volt/wood post/remote switch	\$6,349
▪ Solar power/ metal pole/remote switch	No cost available
▪ Solar power/ metal pole/remote switch	No cost available

It was explained by the Chief of Police that costs were not available for the solar power lights as the gentleman that was to give the prices had been unavailable due to a sudden illness. He further explained that he was attempting to contact other entities that could provide the information.

Let the record show that no action was taken regarding this matter at this time.

B) Budgetary Concerns

The Mayor stated that June 16, 2008 is when Council will consider the adoption of the budget, and now is the opportunity for any Council member to voice any concerns that they may have regarding the proposed budget prior to adoption.

- Council Member Tuning stated she did not have any concerns.
- Vice Mayor Seale stated that he did not have any concerns.
- Council Member Dillon stated that the Town needs to look at the growth of government, especially when people are being laid off from work, gas prices are increasing, with people struggling to pay taxes and insurance, and at the same time, the Town needs to be careful that the growth of government is in-line with this. Also stated to the Finance Director that he wants the liability that the Town can incur for health insurance.
- Council Member Lester stated that he agrees with Council Member Posey, but believes that the budget does not need to be cut where it concerns the fight against crime and drug activity in the Town, and that the Town needs to make sure, even in economic downturn, that the citizens are safe.
- Council Member Greer stated that he does not think the Town should do anything about outside agencies that are not doing their job. He believes that the Town citizens have come to Council and relayed that they believe Council needs to take a look at government and the need to downsize. He also believes he doesn't know how people are going to pay their bills, such as gas and electric bills. He further stated that the County of Franklin needs to do the same. The Town Manager confirmed that the study on the Emergency Services Building had been taken out of the budget and currently being proposed is \$45,000 to do the work. He also confirmed that the water loss study was still in the budget due

to the fact that the Town needs to take into account where the water loss is. Council Member Dillon commented that concerning that particular study, the Town needs to check with Virginia Rural Water to see if they can do that for the Town. The Town Manager informed Council that staff is researching to see if there is a grant through the Virginia Rural Water, with Earth Environmental and Thompson + Litton volunteering to do this work for the Town. The Mayor stated that he would like to see funding coming in before the study is done.

- The Mayor asked that the Chief of Police look into replacing the two police cars with Impalas, versus purchasing a Crown Vic and Chevrolet as proposed in the budget. The Chief of Police stated he will look into this request for both the marked and unmarked vehicle.

C) Campaign Finance Reform

The Town Manager stated that during Council's May 12, 2008 council meeting, there had been discussion on House Bill 637, which had amended Section 24.2-945 in last year's General Assembly session to authorize towns with fewer than 25,000 citizens to pass an ordinance requiring that the Campaign Finance Disclosure Act be applicable to town elections. It was further stated that during that meeting, staff had been directed by Council to investigate this issue further and to determine the impact to the Town and to town elections. Due to this, the Town Manager contacted the Franklin County Registrar, Kay Chitwood, and also the State Board of Elections and was informed that the primary changes would occur, if adopted, being:

1. Financial Reporting: Candidates who spend \$500 or more in an election would be required to complete a Campaign Finance Report. (Council received prior to the meeting a copy of a blank report to provide an example of the type of material that is needed.)
2. Advertisements (in all media) would need to reveal the name of the person or entity that paid for the advertisement, and a statement pertaining to a candidates' endorsement of the advertisement.
3. Independent Expenditures: Individuals and other legal entities would also have to complete a financial disclosure form for funds expended to support the election or defeat of any individual.

The Town Manager also informed Council that the State Board of Elections is drafting a model ordinance to be used by towns under 25,000 that wish to adopt the Campaign Finance Report Act, which is not available at this moment, but should be completed soon. He further informed Council that he has sent an inquiry to other towns with populations under 25,000, asking if they have adopted the code outlined in HB 637, but has received no reply at this time.

It was the recommendation of the Town Manager that Council take no action regarding this matter at this time, but to wait until the State Board of Elections drafts

an ordinance, and once the Town receives a copy, to consider the issue at that time.

The Mayor stated that he sees nothing wrong in waiting until staff hears from the State, with the Town Manager commenting that he expects to have a sample ordinance available by the July 14 meeting.

NEW BUSINESS

A) Review and Consideration of Moving May Elections to November

At the request of the Franklin County Registrar, Kay Chitwood (who was unable to attend the meeting), the Town Manager presented to Council information on moving the May Council elections to November. It was explained by the Town Manager that Mrs. Chitwood had indicated that although the Electoral Board is interested in studying this option, they have not yet taken a position either way, but look forward to receiving any feedback from the community and Council regarding this matter. It was stated by the Town Manager that it was also brought to his attention by Mrs. Chitwood that if the May election was moved, that running the election together would save money, and from a practical standpoint, would have a higher turnout at a lower cost.

The Mayor questioned that if the election was moved to November, when could Council take their seats, being either July 1 or January 1. The Town Attorney stated that it would more than likely by January 1.

The Town Manager informed Council that once more information is gathered on this, Mrs. Chitwood will come back to Council and discuss this further with them sometime next summer before the next Council election, which will be held in 2010.

Council Member Lester requested that the Town Manager check with other small towns to see what type of percentage they have experienced in changing the elections from May to November.

There was discussion regarding cost sharing with Boones Mill, if the Electoral Board is asking them to do the same thing. The Town Manager stated that the Electoral Board is not advocating one thing or the other, but just giving options.

COMMITTEE REPORTS

The Assistant Town Manager/Community Development Director presented to Council the following committee reports:

A) Streets, Sidewalks & Sanitation Committee

The Town Manager presented to Council an overview of the June 5, 2008 Streets, Sidewalks & Sanitation Committee meeting, with the following matters being discussed:

1. Handicap parking space for J&J Fashions
2. Bicycle lanes

Council was informed by the Town Manager that the committee recommended the following for Council's review and consideration of approval:

1. Staff pursue securing public use handicapped space in the Center Stage Catering parking lot, and to install a single handicapped space in the center section of the landscaped area in front of the photography studio and J&J Fashions. In working with Public Works Director and Chief of Police, they think this can be done, with the work being done by Town staff.

The Town Manager informed Council that if they support a handicap space bump out at J&J Fashions, a motion would be needed so Public Works Department can do this work.

2. Town staff work with West Piedmont Planning District Commission and Roanoke Valley-Alleghany Regional Commission to determine what bicycle lane options exist in Rocky Mount for both new and existing roads.
- Motion was made by Council Member Greer to approve the recommendations of the Streets, Sidewalks & Sanitation Committee, with motion on the floor being seconded by Council Member Dillon. Discussion ensued. Council Member Lester questioned if the handicap parking space included Center Stage Catering, with the Town Manager stating that there has been discussion with them that this would be ongoing and looked to be fruitful for the handicap parking space in their parking lot. Council Member Lester stated that if the Town doesn't agree in putting a handicap parking space now in the Center Stage Catering parking lot, the Town would be putting in a handicap parking space for one business, and he doesn't want to segregate another business. The Mayor informed Council Member Lester that the one handicap parking space being put in at the bump out can be used by anyone that needs it, not just J&J Fashions. The Town Manager relayed to Council that the handicap parking space is needed at that bump out space. Council Member Lester stated that in that case, he will go along with the motion on the floor. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

RISE 'N SHINE APPEARANCES

The Mayor commented that the Assistant Town Manager/Community Development Director had appeared on the *Rise 'N Shine* show this morning.

The Town Manager confirmed that he would be appearing on the show on July 14, and if no member of Council wanted to go with him, he would take a staff member with him.

COUNCIL CONCERNS

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

The Mayor stated that he believes he speaks for everyone on Council by thanking Council Member Tuning for her service to the Town, appreciating everything she has done during her time on Council. He further stated that this was her last regular Council meeting. Council Member Tuning thanked the Mayor for his comments and stated that she has enjoyed being on Council and that they would see her each month attending the Council meetings as a citizen.

ADJOURNMENT

At 7:55 p.m., motion was made by Council Member Lester to adjourn, seconded by Council Member Greer and carried unanimously.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk