

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
NOVEMBER 9, 2009**

The November 9, 2009 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 Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker

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 (and Planning & Zoning Administrator), Town Attorney John T. Boitnott, Chief of Police Erik Mollin, Finance Director Linda Woody, Fire Chief Posey W. Dillon, Public Works Director Cecil R. Mason, Superintendent of Water Department Robert Deitrich, 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.

The Mayor asked if there were any corrections to the minutes, and there being none, the Mayor entertained a motion.

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

SPECIAL ITEMS

The Mayor presented two special items before Council.

1. The Mayor welcomed the Franklin County High School Government classes of Mrs.

Shepherd and Mr. Seleby.

2. The Mayor read for the record a "Resolution by the Rocky Mount Town Council Honoring the Diverse Professional Accomplishments and Long Tenure of Jessie Jones" in honor of Mr. Jones recent retirement from the Town after 39 years of service. Mr. and Mrs. Jessie Jones were present to receive the resolution, with Mr. Jones thanking all the citizens of the Town, Mayor and Council, Town Manager, and staff. He further stated that he has enjoyed every day that he has worked for the Town.

PUBLIC HEARING

Let the record show there were no public hearings at this time.

APPROVAL OF MINUTES

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

- October 12, 2009 Regular Council Meeting
- October 27, 2009 Town Hall Meeting

The Mayor asked if there were any corrections, and there being none, the Mayor entertained a motion.

- Motion was made by Council Member Lester 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 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
- Miscellaneous Action
 - Change Order submitted by Paul R. Shively, Inc. for the construction of the Rocky Mount Industrial Park
- Departmental Monthly Report
- Bill List

Council Member Lester questioned the change order that was submitted by Paul R.

Shively, Inc., wanting to know how this change order had happened. He further stated that he thought that this type of things were reviewed into depth before the Town got to this point in the project, as the change order reflected a \$13,962.89 increase. At the direction of the Town Manager, the Public Works Director stated that when the road was put in, it needed to line-up more with the existing road so it would blend in. The Town Manager explained that when the engineering firm was hired, the estimates were done from topographical and aerial maps, saving the Town more money on the project due to the engineering firm not having to go into the field in the long run to price out the project. He further stated that as of now, the Town is \$200,000 below budget on this project, with the \$13,962.89 change order needed to line-up the road. The Public Works Director also stated that the fire hydrant in the change order was needed as it was more beneficial at this point than a blow-off valve. The Town Manager further explained that the \$13,962.89 increase would be coming out of the \$200,000 that was saved in the contingency fund.

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

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

HEARING OF CITIZENS

The Mayor opened the floor to those citizens wanting to come before Council at this time.

A) Request of Barbara Hall Regarding Proposed Amphitheater at Mary Elizabeth Park

Mrs. Barbara Brown Hall of 4053 Pleasant Hill Road, Rocky Mount, Virginia, came before Council stating that although she did not live within the corporate limits of Rocky Mount, she had inherited some property located at 60 Scott Street near Mary Elizabeth Park. A highlight of Mrs. Hall's comments are as follows (attached comments for the record):

- Requested that the Town Council, Town Manager, and Assistant Town Manager start doing their homework regarding the placement of the proposed amphitheater.
- The Town never gave any notification to property owners surrounding the park of any "input" sessions or public meetings. Thinks that they should have been personally invited to such meetings.
- Quoted the Town's Comprehensive Plan regarding an amphitheater and a natural environment.
- Went over history of homes in the surrounding neighborhood.
- Stated there was none and never has been any parking for the park, and questioned what the site plan requirements would be for the amphitheater.
- Quoted what the noise ordinance was under the Municipal Code of Franklin County. (*She did not quote what the Town's Code was regarding noise.*)

- Voiced concerns regarding the required lighting.
- Voiced concerns regarding trash.
- Voiced concerns for safety due to possible parking along Randolph Street.
- Voiced concerns over the economics in order to build what is being proposed.
- Enlightened Council of possible lawsuits if amphitheater is built.

Mrs. Hall ended her comments by asking those present not wishing for an amphitheater to be built to please stand up. Out of an attendance of approximately 60 people, seven people stood up.

B) Diamond Avenue and Highland Hills Representatives

Reverend Vandal Muse of 439 Circle View Street, Rocky Mount, Virginia, came before Council representing concerns of residents that live on Diamond Avenue and the Highland Hills area outside the Town's corporate limits. A highlight of Reverend Muse's comments are as follows (attached comments for the record):

- Speaking on behalf of the citizens and taxpayers of Franklin County and residents of Diamond Avenue and Highland Hills communities.
- Thanked Council Member Greer for helping and showing concern about the problem in their communities.
- Addressing with Council two problems that exist in their communities, which are not new to Council because these issues have been put before Council several times in the past.
- The residents are disturbed because they cannot seem to get anyone to realize the seriousness of their problems.
- There is a need to have the flood zone, which is at the entrance of the communities, eliminated from flooding when there is substantial rainfall, and that a second exit out be provided. When thinking about all the emergencies that could happen, both of these issues are extremely critical. As an example, if for some unforeseen reason an individual became ill and needed immediate medical attention, and the bridge in the flood zone was closed, how would medical needs be met? Further, what would the citizens in those communities do if a train derailed and the communities experienced a chemical spill? If flooding happens to the extent that passage is hindered, then the children would not be able to attend school. These are just the obvious things that could happen if the communities are left as they are today.
- As Council can clearly see, if the bridge is closed, there is no way into their communities and no way out. The citizens believe that anyone would be hard pressed to find such a situation occurring anywhere else in Franklin County.
- They would be remiss if they did not tell Council that when they think about their situation, that they are painfully reminded of the Ninth Ward in New Orleans, Louisiana. They liken this to no attention, and to no invested interest in making improvements to such critical issues as members of Town Council.
- They must enlighten Council to the fact that there are more than 100 families which are comprised of many people. This brings another concern to them,

which is “How can developers continue to be approved to build more dwellings in an area of this size with only one way out?”

- Repeating again the fact that the individuals that make up these communities are taxpaying citizens (Franklin County), and they strongly feel that they are being subjected to a time bomb waiting to happen. Therefore, they request that this issue be placed at the top of Council’s list to begin immediate actions to eliminate. Also stated that they are aware of the fact that the project will cost money because everything you do in life does. Whatever the Town’s financial obligations would be in resolving this problem, they hope Council will find both the means and the resources to help make this happen.
- They ask that Council work with the Franklin County Board of Supervisors on this important matter. They request that a written response from Council be sent to them within the next ten days, and it needs to be sent to Ms. Phyllis Dunnings, 965 Diamond Avenue, Rocky Mount, Virginia 24151.

The Mayor thanked Reverend Muse for his comments and reiterated to them that Council is aware of their problems, and as late as last week, was working with assisting the Franklin County Board of Supervisors with this. The Mayor stated that the Town’s hands are tied on taking property that is located outside of the Town’s corporate limits, and the communities that Reverend Muse spoke about are not in the Town’s corporate limits. The Mayor further stated that Council has assured the Franklin County Board of Supervisors that Council is ready to assist.

Reverend Muse stated to the Mayor that he has talked to Mr. Smithers, who owns property that a second exit could be put through, and to Council Member Greer, who also owns property that a road could go through, and the only problem that the citizens living in the communities see is the finances, and he thinks the Franklin County Board of Supervisors and Council should bear this.

The Mayor indicated that the Virginia Department of Transportation is also involved with this matter.

Council Member Lester mentioned to the Town Manager that the Town Manager had elaborated in the past about the Town encountering problems with government entities in getting a second exit put in, with Council Member Lester stating that in a letter of reply to Ms. Dunnings that the Town Manager incorporate those problems in the letter.

The Town Manager confirmed to Council Member Strickler that a second exit out of those communities is not in Virginia Department of Transportation’s Six-Year Plan.

C) Concern of Don Cooper

Mr. Don Cooper of 15 Patterson Avenue, Rocky Mount, Virginia came before Council stating that he had just moved into Town about four weeks ago and noticed

that the Town does not have a dog leash law. He stated that he had concerns about this as he has noticed dogs tearing up other people's yards, and that it was hard to walk around Town due to the loose dogs. He further stated that all he wanted to do was just mention this to Council.

OLD BUSINESS

Let the record show there was none at this time.

NEW BUSINESS

A) Presentation of Richard Shively of Shively Electric

The Town Manager informed Council that he had requested Mr. Richard Shively of Shively Electric to come and address Council on the volunteer work he is doing for the Town.

Mr. Shively addressed Council regarding the following:

- Proud of the Town and County.
- Claims Rocky Mount as his home town.
- Done a lot of programs for the County and Town.
- Gave an overview of what he does regarding Shively Electric.
- Partner with Steve Oaks of Cable 12 in Redwood, Virginia. He handles the business end of that partnership, with Mr. Oaks out in the field.
- Cable 12 is committed to the community.
- Appreciates all the help and volunteers for Cable 12.
- Being Mr. Oaks' partner and seeing the need to extend Cable 12, did not feel comfortable having for Mr. Oaks take on doing what he can do through Shively Electric.
- Appreciates the support of Council and Town Manager is helping Cable 12 with paperwork with Jetbroadband, and without that help, Cable 12 would have it rough. Sandy Terry with Franklin County has also been helpful.
- Several years ago, Keith Holland (former Town Manager), had discussed with him about possibly airing some of The Crooked Road events on the Town's Channel 6, and at that time, it was never pursued any further.
- His vision never went away from wanting to air some of The Crooked Road events on Channel 6, so a few months ago he met with the Town Manager regarding this. At this time, Shively Electric is underwriting everything involved in doing this. Emphasized that this will not be in competition with Cable 12. The programming on Channel 6 will be advertisement free. The programming is now on the air in a test mode, with Shively Electric's signal being strong, but as of right now, working with Jetbroadband to make sure their own cable signal is good. Hopes the Town will appreciate what they will see.
- On behalf of Shively Electric, they are committed to the community and have

donated equipment, installation, and time to have this programming on Channel 6 work. This has been given to the Town with no strings attached. Cable 12 supports this, but did not have the funding to take on anything else; therefore being underwritten by Shively Electric.

- On Wednesdays, he will be changing out the program tapes for the weekly programming. He will be keeping a record log of the programs that will be shown.
- He brings to the table right much experience, further stating that the Town has been good to him and Cable 12 and he thanked Council on behalf of both Cable 12 and himself.

The Mayor thanked Mr. Shively for everything that he has done for the Town and stated that the Town will assist with communicating to Jetbroadband about working with Mr. Shively regarding this matter.

B) Application for Energy Efficiency and Conservation Block Grant (EECBG)

The Water Department Superintendent came forward and addressed Council, stating that some of the Federal stimulus money has become available for the Town to be able to apply for two grants, being:

1. At the request of the Town Manager, he had submitted an application for an Energy Efficiency and Conservation Block Grant (EECBG) provided through the Virginia Department of Mines, Minerals and Energy. The purpose of the grant is to seek funds to retrofit the Town's Water Treatment Plant with high efficiency electric motors, and the Town's traffic lights with energy efficient, long-life LED bulbs, for the purpose of significantly reducing the Town's demand for electricity, thus, reducing the cost and environmental impact of some of the Town's essential services. He pointed out that an official draft resolution supporting the grant application is before Council for their review and consideration of approval, and he recommends Council's approval as it would add merit to the application.
2. At the urging of the Town Manager, the Town has engaged in a cooperative effort with Franklin County and Franklin County Schools to submit an application for an Energy Efficiency and Conservation Block Grant (EECBG) provided through the Virginia Department of Mines, Minerals and Energy. The purpose of the grant is to seek funds to hire a consultant to analyze public buildings owned by the three entities, hire an energy manager, and utilize funds available to implement proposed energy efficiency improvements within the identified buildings based on the final analysis. Franklin County is taking the lead with the preparation of the application and the administration of the grant, if approved. He pointed out that an official draft resolution supporting the grant application is before Council for their review and consideration of approval, and he recommends Council's approval as it would add merit to the application.

The Water Treatment Plant Superintendent verified to Council Member Greer that

there would be no matching funds at all from the Town on this grant, and it is basically free money for the Town.

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

- Motion was made by Council Member Lester to approve the request, with motion on the floor being seconded by Council Member Strickler. Discussion ensued. Council Member Lester questioned if there was any possibility of combining the Town and County, in addition to the school, to hire the school's existing energy manager as the consultant, as it would behoove the County to hire the school system energy manager already in place. The Town Manager stated that he believes the County no longer has that person in that position any longer. Vice Mayor Dillon stated that he does not mind a consultant being hired, as long as the grant funds pay for this position. The Town Manager informed Council that there is no financial commitment at all from the Town, that this will be the County hiring and administering the grant, and that the Town is only throwing their support with the County and wishing them well. There being no further discussion, let the record show that the motion on the floor passed unanimously.

C) Request of World Wide Taxi, Inc.

The Chief of Police reported to Council that the Town Clerk had been approached by World Wide Taxi, Inc. to operate a taxi cab service within the Town corporate limits. An application was filed with the Town Clerk by World Wide Taxi, Inc., and a background check was conducted by the Chief of Police and submitted back to the Town Clerk to present to Council for their review and consideration of approval, based on the findings of the Chief of Police. The Chief of Police stated that from the first application and subsequent filing, he found information inconsistencies that were supplied by World Wide Taxi, Inc., and at this time, he recommends denial of the application by World Wide Taxi, Inc. to operate a taxi cab service within the Town corporate limits.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Lester to deny the request of World Wide Taxi, Inc. to operate a taxi cab service within the Town corporate limits, 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

A) Public Utilities

The Town Manager stated that the Public Utilities Committee met on November 2, 2009 to review two items, being:

1. Consideration of acceptance of Forest Hills water line and associated service area from Franklin County.

It was reported by the Town Manager that the committee had recommended acceptance of the Forest Hills water line and associated service area from Franklin County and requested that an agreement outlining the transfer be drafted and presented to the Council and Franklin County Board of Supervisors.

The Town Manager also stated that in order to facilitate the interconnection of the line with the Town's broader water system, the ability to serve residents in the area enclosed by the Town water facilities, and the infill of the Town's existing water network, the agreement should also specify that the new service area designated to the Town includes not only the area in question, but the geographical area bounded by South Main Street, Doe Run Road, Power Dam Road, and East Court Street to the Town limits. The Town Manager further stated that this request has been passed on to the County and an agreement will be presented to the Town Attorney for review, then it will be given to Council when ready. He further stated that no action is needed on this matter by Council at this time.

The Town Manager also reported that as of last Thursday, the County had become an official member of the Southwestern Virginia Water Authority and were turning all their water systems over to the Authority.

2. Consideration of extension of senior discount to Town water customers residing in Franklin County outside of the Town's corporate limits.

The Town Manager stated that the committee deferred the discussion of the extension of the senior discount program to Town water customers residing in the County until the Town budget is developed for Fiscal Year 2010 – 2011. He further stated that the Finance Director will attempt to get a more accurate number of potential participants between now and then. He also pointed out to Council that no action is needed on this matter by Council at this time.

B) Public Facilities & Special Events Committee

The Town Manager stated that the Public Facilities & Special Events Committee met on November 2, 2009 to review two items, being:

1. Discussion regarding music grants request from Main Street Program.

The Town Manager pointed out that the committee has reviewed the applications for music grants and instructed the Town staff to formulate a set of guidelines for the grants that could be approved by the Council. The guidelines would then allow the staff to award the grants as appropriate on an ongoing forward basis. The ideas that were initially discussed were:

- Events should feature live music inside the Town limits.
- Grants can support a series of events or a single event.
- The event (or events) can't specifically be a purely for-profit event (though events can have a net positive cash flow if that is used to fund other community services or activities).
- Events should not compete unfairly with the existing events in the community.

- Events should be new, but exceptions could be made for existing events that were in danger of not recurring due to funding issues.

The Town Manager reported that a thorough list of guidelines will be developed and presented to the committee at its next meeting. He also pointed out to Council that no action is needed on this matter by Council at this time

2. Discussion regarding Franklin County Rescue Squad request to construct a new facility on Town-owned property on Bank Street.

The Town Manager reported to Council that the committee had received an update on the Rescue Squad's attempt to construct a new garage, being that the adjacent land owner has initiated the appraisal of a parcel next to the Rescue Squad and will present the appraised value to the Rescue Squad, with appraisal still pending. He also pointed out to Council that no action is needed on this matter by Council at this time

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

- A) Referrals to Planning Commission from Town Council

Let the record show there are no referrals to the Planning Commission from Council at this time.

- B) Rise 'N Shine Appearances

It was noted that the Assistant Town Manager appeared on the Rise 'N Shine show today.

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 8:18 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Lester and carried unanimously.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk

Attachments

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