

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
FEBRUARY 8, 2010**

The February 8, 2010 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.

For the record, the following were 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, Wastewater Treatment Plant Superintendent Timothy Burton, Community Partnership for Revitalization Executive Director Katie McElroy, 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 requested to amend the agenda by adding under *New Business* two draft resolutions for Council's review and consideration of approval, being:

- Draft "Resolution by the Rocky Mount Town Council – Acceptance of Old Fort Road Extension"
- Draft "Resolution by the Rocky Mount Town Council – Acceptance of Weaver Street Extension"
- Motion was made by Council Member Lester to approve the amended agenda as presented, seconded by Council Member Greer and carried unanimously.

## **SPECIAL ITEMS**

The Mayor stated that the Town Manager had recently received his International City/County Management Association's Credential Manager candidate designation and he will become duly appointed in March of this year.

## **PUBLIC HEARING**

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

### A) Request of Flora Funeral Service, Inc.

Flora Funeral Service, Inc. is requesting a special use permit to add a crematory to an existing building at 665 South Main Street and is known as Franklin County Tax Map and Parcel Number 210002990.

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

- The Assistant Town Manager came before Council stating the following:
  - Staff had received a request from Flora Funeral Service, Inc. to permit the use of its property at 665 South Main Street for a crematory to be installed on the existing garage at the back of the property. The Planning Commission heard the request on February 2, 2010.
  - The property is currently zoned Central Business District, in which funeral homes are a use-by-right. However, the Town Code does not define funeral homes and the funeral service, which are acceptable in that zoning. Without a clear definition in the Town's zoning establishing crematories as a use-by-right, staff views this as a use not provided for (Article 15-4), requiring a special use permit and review by the Planning Commission and Council. Staff has recommended that the Planning Commission correct this oversight within the 12 months by amended code and adding definitions.
  - Mr. Lee Flora of Flora Funeral Service, Inc. has applied for a special use permit. In preparation for this review, Mr. Flora arranged a visit for the Town Manager and Assistant Town Manager at a Roanoke funeral home which uses similar equipment. Both were impressed by the clinical nature of the process, the cleanliness of the facility, the professionalism of the staff, and the limited external indications of the crematory's operation.
  - Essentially, the only sign staff could see that the operation was working was the heat rising from the exhaust stack, which is no more imposing than a standard home chimney. The technical information that Council had been provided demonstrates that because of the 1600 Fahrenheit degrees required for the operation, all byproducts are destroyed except water vapor, heat, and carbon dioxide. The process produces no external ash. Some fan noise was audible for up to approximately 100 feet, although the fan noise was less audible than traffic

from nearby streets, but would be audible throughout the three-hour cremation process.

- The primary differences are in the manufacturer of the equipment and the fuel; Roanoke has natural gas service, while any Rocky Mount facility would have to use propane.
  - The funeral home staff must receive training before operating the facility, and the entire operation is monitored by the Virginia Department of Environmental Quality, as demonstrated in the attached Virginia Administrative Code section. The training is offered twice per year, and if Mr. Flora receives approval this month, his staff will attend the next training session in March.
  - This special use permit, if granted, would expire and become a use-by-right in the future if the Planning Commission and Council see fit to amend the code to better define funeral home and acceptable uses.
  - Two neighbors spoke at the Planning Commission's public hearing, and since one of the speakers was present tonight, at this time, he would let them elaborate on what they had said.
  - Staff recommends approval based on the tight regulation of this activity by the Commonwealth, its non-polluting nature, and its limited impact on the surrounding properties. The Planning Commission recommended approval to Council on a 7-0 vote, and set no conditions or limitations.
- Mr. Lee Flora with Flora Funeral Service, Inc. came before Council stating the following:
    - Crematories are becoming very popular with funeral homes.
    - The operation would be only during normal business hours, with some exceptions by going into the evening hours while staff is there during visitations, but again, this would be exceptions, not standard practice.
    - Confirmed to Council that in case of power outage, the operation will shut down and it will be restarted when the power comes back on, and that Flora Funeral Service, Inc. does not have a generator as backup.
    - Confirmed to the Mayor that Flora Funeral Service, Inc. has not been approached to be a crematory outlet for other funeral homes, and he does not know of any in their area that will need this.

Discussion ensued between Council and Mr. Flora on the proximity of crematories to residential area; total process time of cremations; any odor that may be emitted; how well operation is monitored; and fan noise.

- Gabe Stalnaker of 65 Herbert Street came before Council stating the following:
  - Stated that he likes Mr. Flora and understands what he is trying to do for his business.
  - Although the representative for crematory operation that attended the Planning Commission public hearing did a good job in explaining the process, he still has concerns how clean it is and the noise level.
  - His house is only 60 feet from the site and he has to keep in mind the value of his home, and he can't help but think that this will bring his property value down.

- Does not want to see a the equipment malfunction during a cremation.
- Has a business in Town also and totally understands business and supports Mr. Flora in this, but his only proposal is, does it have to be in the center of Rocky Mount, with it being a potential location somewhere else, either in the industrial area or at the end of the Town on property Mr. Flora can purchase to build the crematory.

Discussion ensued on the Town visiting sites that have a crematory in a residential area so Council can actually see what transpires. The Town Attorney reminded Council that anytime three Council members meet, it would become a Council meeting. The Town Manager informed Council that they could reconvene this meeting to a site at a later date, if that was their pleasure. Vice Mayor Dillon stated that Council would be better educated if they could meet at a site that has a crematory already in place in a residential area.

Mr. Stalnaker confirmed to Council Member Seale that the further away the crematory is from his house, the better he would like it.

Council Member Lester stated that the main object of zoning, in his opinion, is to protect those that were there first, with this crematory being a unique matter. He further stated that protection is difficult to do sometimes and he would like to make sure Mr. Stalnaker is comfortable as to what is taking place as it has a direct impact on him and Mr. Flora.

- Mrs. Hannah Stalnaker of 65 Herbert Street (the wife of Mr. Gabe Stalnaker) came before Council stating the following:
  - Their home is well established in the neighborhood and they need to protect their quality.
  - Enlightened Council on an article she had read from Colchester, Connecticut regarding crematories, such as: health concerns, and stigmas attached to having a crematory near their homes.
  - Wants her family and home protected.
  - Is a Registered Nurse and wonders what is really safe regarding crematories.
  - Wants Flora Funeral Service, Inc's. business to grow, but do not want it in their backyard.

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

Mr. Flora confirmed to Council Member Walker that the training offered is twice a year, and that Virginia is just now coming under certification for this. Confirmed there was one training last fall and the next one is scheduled for March of this year. They have to be certified by the State; plus, the manufacturer will have to certify them also.

The Mayor commented that it seems to be the consensus of Council for the Town Manager to table this issue until Council can reconvene at a funeral home crematory

site in a residential area. The Mayor commented he would like to see this done as soon as possible, and that when Council reconvenes, staff is to invite Mr. Stalnaker and anyone else in the area that would like to go. Mr. Flora commented to Council that in the nature of the funeral home work, a fine line is walked in taking in a whole neighborhood to come and see their loved ones cremated. The Town Manager stated that the visit would be somewhat different, as Council would be observing just from the outside.

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

- Motion was made by Council Member Strickler to table this matter until Council could reconvene at a later date, which is to be determined, with motion being seconded by Council Member Lester. Let the record show that the motion on the floor passed unanimously by those present.

### **APPROVAL OF MINUTES**

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

- January 11, 2010 Regular Council Meeting
- January 19, 2010 Special Council 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 Seale. 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
  1. Review and consideration of approval of draft "Town of Rocky Mount Supplemental Appropriation Resolution for Fiscal Year Ending June 30, 2010" for Weaver Street extension.

2. Review and consideration of approval of draft "Town of Rocky Mount Supplemental Appropriation Resolution for Fiscal Year Ending June 30, 2010" for Old Fort Road extension.
- Miscellaneous Action
    1. Review and consideration of approval of request of Mrs. Linda Stanley, Special Projects Coordinator for Franklin County Historical Society, for a crosswalk by the Historical Society's office.
  - Departmental Monthly Report
  - Bill List

There being no discussion, the Mayor entertained a motion.

The Vice Mayor stated that he has no problem in approving the *Consent Agenda*, but would like to abstain on the matter pertaining to Old Fort Road.

- Motion was made by Vice Mayor Dillon to approve the draft *Consent Agenda*, with notation of his abstention concerning the matter pertaining to Old Fort Road, with motion on the floor being seconded by Council Member Strickler. 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 no citizens coming before Council at this time.

## **OLD BUSINESS**

- A) Proposed Retiree & Student Volunteer Program (RSVP) – Rocky Mount Municipal Building

During the regular Council meeting of December 14, 2009, Council was presented a proposed volunteer program for the front reception desk at the Rocky Mount Municipal Building. At that time, Council tasked the Town Clerk and Deputy Clerk to present more detail of the program for Council's review and consideration of approval during the regular Council meeting of February 8, 2010.

At the request of the Mayor, the Town Clerk presented the following update on the RSVP to Council:

- The RSVP will be geared towards retirees and students in a program that promotes volunteerism, or individuals looking to volunteer their time, talents, and abilities to help promote the Town in a positive image.
- A thorough background check would be conducted to make sure individuals being considered for the volunteer program would not have any criminal background.

- Once an individual has become a volunteer through RSVP, a confidentiality information agreement will need to be signed by the volunteer.
- The volunteer will go through an orientation process by a volunteer coordinator, which would either be conducted by the Town Clerk or Deputy Clerk.
- Believes that she and the Deputy Clerk have covered all the bases in gathering and putting together a volunteer program that would be beneficial to the Town, and it is their hope that the material that was forwarded to Council prior to the meeting will answer any questions or concerns that they may have had regarding the program.

The Vice Mayor stated that it looked like the job duties had been explained in the material handed out to them. He requested that the program be reviewed in 12 months, with Town Clerk so noting.

Council Member Strickler commented that a good job was done on the forms.

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

- Motion was made by Council Member Seale to approve the proposed volunteer program, 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 by those present.

B) Oaks at Rakes Tavern Update

The Town Manager relayed to Council that from the Town's point of view, the extension of Old Fort Road is finished, as well as the construction of the forced main and associated pump station. The Town will not be able to test the pump station until the rest of the utilities are in place, which will be sometime in the spring. As far as the development, Town has met all of its obligations and has notified the developer (Mr. Fralin and his company) of this, and that the Town is beginning the time line as far as the commitments that the developer has agreed to as far as home construction and progress on his end. The Town Manager recommended that Council take a look at the road, further stating that Steve Martin did a fantastic job on this, with the Public Works Director helping to bridge the gap in the design plan and what was actually found on the ground, and with the Public Works Director's input, it made it a much better project.

The Assistant Town Manager stated that the staff has a number of responsibilities that have had to be met in the planning and reviewing process, and staff is working through this. The first phase of the Oaks development is a 30-unit phase, as proposed and approved by staff, with the development being the section closest to where the road terminates now. Confirmed to Council that staff has received a bond request from the developer, with staff giving them a bond number as far as how much a bond is required for the public infrastructure that will be constructed, with the developer being notified of this. Staff has also given him as of last Monday

a notice to proceed with his development based on the Town's completion of its responsibilities as agreed to in the original proffers. Plat was recorded today certifying the first section as a separate parcel, with it not being the subdivision of the individual parcels that will go on that subdivision, with that coming later as a subdivision agreement and performance bond that will have to be signed by Mr. Fralin before proceeding with this. Confirmed to Council also that the time line began February 1, 2010, with Mr. Fralin having to pull ten building permits within that first year. He has heard from the developer, who had several questions, and staff is in the process of answering those questions for him. Total bond includes both the public improvements and the erosion and sediment bond of approximately \$722,000. The number was arrived at based on estimates from the developer's engineer and reviewed by engineer that the Town is working with that gave the Town some numbers to consider and other things to look at. Confirmed to Council that Mr. Fralin is working on closing the bond now, and then he can get the building permits. The Town Manager confirmed to Council that the Town will not subdivide or approve until Mr. Fralin is bonded on the public improvements in the event Town has to step in, with the Town needing financially surety that this will happen.

## **NEW BUSINESS**

### A) Public Meeting to Receive Citizen Input Regarding Possible Removal of Pigg River Dam

During the Council meeting of January 14, 2010, Council requested a public meeting be held to receive citizen input regarding the possible removal of the Pigg River dam.

The Town Manager presented to Council the following:

- There have been two unfortunate accidents at the Blackwater River dam, in which a couple of boaters have drowned at the low-head dam. In investigating this, the Town became aware that the problem occurs at the low-head dam and put in large rocks at the dam and other safety measures, working with Franklin County on this very good solution in lessening any future accidents at the Blackwater River dam.
- In working with this solution and looking at a solution for the Pigg River dam, the U.S. Fish & Wildlife hesitated at the issue of placement of large rock at the Pigg River dam due to endangering the perch log fish, and their only option was the removal of the dam. Staff asked the U.S. Fish & Wildlife for more figures regarding this, with U.S. Fish & Wildlife willing to cost share with the removal of the dam.
- The U.S. Fish & Wildlife is proposing the Town to sign the permit, and be a co-permittee for the Federal government for removal of the dam by the Army Corps of Engineers.

- Staff felt that before the Town moves along any further with the recommendation of the U.S. Fish & Wildlife suggestion on removal of the dam, staff believed it would be good for the Town to receive public input regarding this; thus, the reason for the public meeting being held now.
- Only comments he has heard from those who could not attend the public meeting is that they wanted to keep the dam, but for the Town to do whatever is necessary for safety.
- Staff also wants to make sure of the safety not only for boaters, but for visitors as well at the Veterans' Memorial Park and those fishing there.

Council Member Seale stated that if the Town tries to do what it did at the Blackwater River dam, it would probably cost about \$20,000; however, wondered if the Town would still need to get a permit for this. The Town Manager indicated that the U.S. Fish & Wildlife stated that they would object to placement of rock if the Town applies for a permit, and if the Town does not partner with them, staff would still need to proceed with trying to get a permit, even though it may be an uphill battle, and the endangered species has another upside to penalties and the Town wants to stay in the good grace of U.S. Fish & Wildlife.

Council Member Seale stated that if the Town does not get the permit and put in the large rock first without asking, the Town could be facing substantial fines. The Town Manager commented that the Town just wants to make sure all options are heard about the removal of the dam.

Council Member Seale stated he was concerned when Franklin County wanted to put in the whitewater park at this site, with the Veterans' Memorial Park Commission not objecting to this to the whitewater park being put in. He further stated that whatever way the Town goes – either by artificial rock for the proposed whitewater park, this is something the Town would have in place for the recreational aspect if installed later.

At the request of Council Member Walker, the Town Manager explained the distance that the endangered species is located downstream from the dam, which is approximately 20 yards, which would also require extensive monitoring. The Town Manager expressed to Council that the contractor has expressed to him that he is up to the challenge.

The Mayor opened the floor to anyone from the public wishing to come before Council to speak regarding this matter:

- Mr. Bobby Hodges of 1370 Scuffling Hill Road came before Council, stating the following:
  - This matter regarding low-head dams are scattered throughout the state. Mentioned Rockbridge County has a low-head dam.

- There is no need for the one at Pigg River.
  - If Town removes the dam, there are several things that can happen: the first is that it will let the river return to its normal natural state, which will lower it a few feet; and secondly, it will reduce the possibility of flooding the Veterans' Memorial Park and Scuffling Hill Road.
  - If Town is going to fix it, it will be temporary, and questioned how long that would last, with no one knowing but Mother Nature.
  - Scuffling Hill Road will need to be raised to take care of the bend in the river in case of flooding so the truck traffic and vehicles can be allowed to use the road, with this being a major cost and expense for the Town as the road would have to be raised at least four to five feet.
  - If you remove the dam, you will also open up the possibility of getting it back to a natural flow and stock it with fish so children can fish there. Right now, the hunk of cement that is at the dam is dangerous for children to fish off of, as they do now. Don't need to wait until something happens there first, then have to apologize for it later.
  - As far as removing the dam, this is a no brainer. The Town should remove the dam and when they do this, the Town removes the possibility of having to re-do the fix, as more expenses will occur.
  - Suggests Town getting a contract on it and start removing the dam tomorrow.
- Mr. B. W. Wright, Chairman of Veterans' Memorial Commission, came forward, stating the following:
    - Thanked Council for allowing the Veterans' Memorial Commission to voice their opinion on the removal of the dam.
    - Expressed sorrow for the lives lost at the Blackwater River dam.
    - Over the years, has heard positive comments from those who enjoy the Pigg River dam. Gave a story of an old veteran who had visited the site recently.
    - Heard many comments from people who love to fish, sit, relax, and just meditate at the Pigg River dam.
    - It is the opinion of the Veterans' Memorial Commission that injuries and fatalities happen when people ignore safety measures put in place.
    - Commission recommends the following: (1) leave the dam as is for now; (2) fill in below with large rock the same way as done at Blackwater River dam; (3) put up warning signage; and (4) put in railing of some sorts at the cement jutting out into the water.

The Mayor requested that the Town Manager get input from the regulatory body regarding on leaving the dam, or putting rock in. The Town Manager advised that he can get some information from the permitting agency that helped during the putting in of rock at Blackwater River dam.

Council Member Walker questioned if Town could still pull water out of the river if the dam is taken out. The Water Plant Superintendent indicated that since it was grandfathered in, it was fine, but once the Town quit pulling the water out, the permitting was gone and the Town would have to reapply for the permit.

The Mayor requested that the Town Manager get as much information on this before Council makes a decision, with the Town Manager indicating that he would gather the information and have it for them by the March 10 regular Council monthly meeting.

Council Member Lester questioned if Town staff has seen anything on paper regarding the trail that is supposed to be around the river, as it would behoove the Town to look at the possibility of doing other amenities that would enhance the park and increase the safety of it. The Assistant Town Manager relayed to Council that Council approved the concept some time ago to connect the two parks, and received grant money for this, with the work being done in-house by the Town, with his hopes that the connections will be in place by Veterans Day services this fall.

Council Member Lester mentioned the old covered bridge that use to be over Pigg River at this site, with things like this needing to be looked at as a possibility of being real and how they can enhance the safety of the Town and the citizens of Rocky Mount.

B) Planning Commission Annual Report

Planning Commission Chair Janet Stockton came before Council expressing the Planning Commission's appreciation for all the work and support that Assistant Town Manager Matthew C. Hankins, and Deputy Clerk Stacey B. Sink do for the Planning Commission.

Chair Stockton presented to Council the Planning Commission's Annual Report, highlighting the following:

- Update on current Planning Commission members, and those that are no longer on the Commission since last year's report
- Briefed Council on the past year's activities
- Briefed Council on upcoming projects for 2010
  - Complete Comprehensive Plan
  - Update Zoning Ordinance books
  - Establish Arts & Cultural District
  - Protect redeveloped areas
  - Update Article 13 of the Zoning & Development Ordinance
  - Update and clarify definitions of the Zoning & Development Ordinance
  - Hold joint meetings with Council
  - Review Light Ordinance of the Zoning & Development Ordinance
  - Review Flooding issues
  - Assist in development issues

The Mayor and Council thanked Chair Stockton and the Planning Commission for all their hard work and what they do to assist the Town.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale to approve the Planning Commission's annual report as submitted, 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.

C) Outlaw Cruisers Request to Hold Annual Car Show

Mr. Ray Agee, Vice President of the Outlaw Cruisers, came before Council respectfully requesting permission to hold their annual car show to benefit the United Way of Franklin County and other non-profit organizations, on the tentatively scheduled date of Sunday, May, 30, 2010, from 1:00 p.m. to 4:00 p.m., with a rain date of Sunday, June 6, 2010, during the same time frame. Mr. Agee further respectfully requested that they be allowed to close Franklin Street and the streets intersecting it beginning at Arrington Flowers and ending at the stoplight intersection of the Post Office during the car show.

The Chief of Police confirmed that Outlaw Cruisers' request is the same as last year.

The Mayor and the Town Manager thanked Mr. Agee for bringing their annual car show back to downtown Rocky Mount.

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 Greer. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

D) Rocky Mount Beautification and Urban Design (BUD) Commission Request

On behalf of the Rocky Mount Beautification and Urban (BUD) Commission, the Assistant Town Manager presented to Council for their review and consideration of approval the appointments of Clara Taylor and Marilyn Amerson to the BUD Commission to serve three-year terms as voting members. It was confirmed to Council by the Assistant Town Manager that both appointees have agreed to serve on the BUD Commission.

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 Seale. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

E) Review and Consideration of Approval of Draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2010” for the Purchase of Equipment for the Rocky Mount Police Department

The Chief of Police explained to Council that the Virginia Department of Criminal Justice Services has awarded the Rocky Mount Police Department a grant in the amount of \$11,245 with a local cash match of \$3,748 for a total award of \$14,993 for the purchase of equipment. He further explained that the police department is looking at purchasing three in-car computers, which will bring all the computers on the same page; and also looking at having documentation from the computers in the office. He stated that the police department should be able to swing local cash match with this, although it was not budgeted for this year, as they will be careful with some of their spending.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale to approve request and the draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2010” for the purchase of equipment for the Rocky mount Police Department, 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.

F) Review and Consideration of Approval of Draft “Town of Rocky Mount Supplemental Appropriation Resolution for Fiscal Year Ending June 30, 2010” for Wal-Mart Foundation Awarding Rocky Mount Police Department a Grant for Explorer Post

The Chief of Police explained to Council that the Wal-Mart Foundation has awarded the Rocky Mount Police Department Explorer Post a grant in the amount of \$1,500, which if approved, will be used for the utilization of uniforms and also to help offset the price to purchase Challenge Coins as a fund raising event for the Explorer Post. This grant does not require a match from the Town. Confirmed to the Mayor that there are about 16 members in the Explorer Post, with eight being regular participants. Council Member Lester commented that he had a grandson that had participated in the Salem Police Department Explorer Post and he could not say enough good about the program as it instills values that may not be normally there.

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

- Motion was made by Council Member Lester to approve the request and the draft “Town of Rocky Mount Supplemental Appropriation Resolution for Fiscal

Year Ending June 30, 2010” for Wal-Mart Foundation awarding Rocky Mount Police Department a grant for Explorer Post, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

G) Purchase of Sidewalk Grinder for Use by Public Works Department

The Town Manager reported to Council that the Town has several uneven sidewalk joints throughout the Town and last year there were a couple of trips and falls by pedestrians; thus, he had asked the Public Works Director to look into how to fix the uneven joints. The Public Works Director has checked into several options on the Town purchasing a sidewalk grinder to attach to a skid steer vehicle (aka “bobcat”) that can be used to eliminate the uneven sidewalks. The Public Works Department is still looking at options, but hopefully, the \$8,500 amount suggested to be put aside for this purchase will cover the purchase of the sidewalk grinder and the Town will be able to use its own resources to help eliminate the trips and falls.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Greer to approve the request of setting aside the \$8,500 for the purchase of a sidewalk grinder, with motion on the floor being seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

H) Draft “Resolution by the Rocky Mount Town Council – Acceptance of Old Fort Road Extension”

The Town Manager presented to Council for their review and consideration of approval draft “Resolution by the Rocky Mount Town Council – Acceptance of Old Fort road Extension”. It was brought to Council’s attention that this draft resolution requires the Town to formally accept this to include in refund requests.

There being no discussion, the Mayor entertained a motion.

Vice Mayor Dillon stated that he wanted to vote “no” to the Old Fort Road extension resolution as he has been opposed to the project since its beginning. Council Member Lester questioned why he would want to vote “no” as it was known that Vice Mayor Dillon was against the project.

- Motion was made by Council Member Seale to approve the draft “Resolution of the Rocky Mount Town Council – Acceptance of Old Fort Road Extension”, with motion on the floor being seconded by Council Member Strickler. Discussion ensued. Council Members Walker and Greer both voiced opposition to approving the draft resolution also. As discussion ensued between Vice Mayor Dillon and Council Members Greer and Walker and also Council Member Lester on the reason Vice Mayor Dillon and Council Members Greer and Walker were

opposing the approval of said resolution, the Mayor called for a roll call vote. Voting in favor of the motion on the floor were Mayor Angle and Council Members Lester, Seale, and Strickler. Voting in opposition to the motion on the floor were Vice Mayor Dillon and Council Members Greer and Walker. Let the record show that the motion on the floor passed four to three.

I) Draft “Resolution by the Rocky Mount Town Council – Acceptance of Weaver Street Extension”

The Town Manager presented to Council for their review and consideration of approval draft “Resolution by the Rocky Mount Town Council Acceptance of Weaver Street Extension”. It was brought to Council’s attention that this draft resolution requires the Town to formally accept this to include in refund requests.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale to approve the draft “Resolution by the Rocky Mount Town Council – Acceptance of Weaver Street Extension”, with the motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that motion on the floor passed unanimously by those present.

## **COMMITTEE REPORTS**

A) Public Utilities Committee

It was reported to Council by the Town Manager that the Public Utilities Committee had met on January 25, 2010 with local septic haulers regarding consideration of accepting septic waste at the Rocky Mount Wastewater Treatment Plant. During that meeting, the engineering study that was performed in 2000 was reviewed, and the Wastewater Treatment Plant Superintendent had given an overview of the changes he felt would be required to take such a concentrated waste load. The Town Manager stated that it was the recommendation of the committee to revisit the data produced by the study done in 2000 to see if the estimates had changed, or if there was a new technology that could be applied to the problem. He further stated that it was also suggested by the committee that the Town discuss the issue with Franklin County as it is principally their requirement for a septic tank to be pumped every five years that is driving the issue. It was confirmed to the Mayor by the Wastewater Treatment Plant Superintended that the old Wastewater Plant took septic waste, but the new plant has different requirements.

Let the record show that no motion was made regarding this matter.

## **OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES**

A) Referrals to Planning Commission from Town Council

Let the record show there were none at this time.

B) Rise 'N Shine Appearances

It was pointed out by the Mayor that the Town Manager had appeared on the *Rise 'N Shine* show this morning.

## **COUNCIL CONCERNS**

The Mayor announced that he does plan on seeking re-election this coming May.

## **CLOSED MEETING**

At 8:40 p.m., motion was made by Council Member Seale to go into *Closed Meeting*, and seconded by Council Member Lester 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 (uptown area).
- Section 2.2-3711(A).7 -Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel (probable litigation).

At 9:25 p.m., motion was made by Council Member Greer 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 Walker 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.

---

Steven C. Angle, Mayor

- Motion was made by Council Member Seale 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 Strickler. The Mayor swore to adopt the motion on the floor by Council Member Seale that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were 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 Mayor reported that no action was taken.

### **ADJOURNMENT**

At 9:30 p.m., motion was made by Council Member Strickler to adjourn, seconded by Vice Mayor Dillon and carried unanimously.

---

Steven C. Angle, Mayor

ATTEST:

---

Patricia H. Keatts/Town Clerk

/phk

(this page left intentionally blank)