

**ROCKY MOUNT TOWN COUNCIL
PLANNING COMMISSION
SPECIAL JOINT WORK SESSION MEETING
MARCH 23, 2010**

The March 23, 2010 special joint work session of the Rocky Mount Town Council and the Planning Commission was held in the Community & Hospitality Center (Depot) located at 52 Franklin Street, Rocky Mount, Virginia at 5:30 p.m. with Mayor Steven C. Angle presiding.

On behalf of the Rocky Mount Town Council, the meeting was called to order by Mayor Angle, with the following members of Council being 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

On behalf of the Planning Commission, the meeting was called to order by Chair Stockton, with the following members of the Planning Commission being present.

Vice Chair John Speidel and Planning Commissions Members Ina Clements, Bobby Cundiff, Jerry Greer and John Tiggler.
Let the record show absent Derwin Hall.

For the record, the following were present: All members of Town Council and Planning Commission as noted, Town Manager C. James Ervin, Assistant Town Manager/Community Development Director Matthew C. Hankins, Town Attorney John T. Boitnott, and Town Clerk Patricia H. Keatts (also representing Deputy Clerk Stacey B. Sink).

APPROVAL OF AGENDA

Prior to the meeting, Council and the Planning Commission had received the agenda for review and consideration of approval.

- Let the record show that Council and Planning Commission approved the agenda in a unanimous vote.

ITEMS FOR JOINT CONSIDERATION

A) Arts and Cultural District

The Assistant Town Manager presented to everyone an outline of the proposed arts

and cultural district draft ordinance. The document presented for their review and consideration consisted of:

- Purpose
- Administration
- Boundaries
- Taxes eligible for exemption
- Other incentives

At the direction of the Mayor, the Assistant Town Manager pointed out the following:

- He used a broad brush in what types of businesses could be included in this district, which could consist of art studios (like the gallery being planned now for Franklin Street), teaching classes that deal with the arts, and even could consist of micro-breweries, or anything related to the County that could bring in business to the Town to help spur retail development in the district.
- Confirmed that the Enterprise Zone would overlap some of the district.

The CPR Executive Director commented that the Assistant Town Manager and Planning Commission did a good job starting this district, with her giving them feedback from the conferences she had attended that dealt with the arts and cultural districts.

It was pointed out by the Assistant Town Manager that if Council was satisfied with the administrative part of the draft ordinance, he will need their guidance on how to proceed.

There was discussion regarding the best way to administer the district, with the final consensus being that the Assistant Town Manager would initially approve or deny a request of a business to be considered arts or cultural, and if he denied the request, an appeal would be made before Council, with Council having the final decision.

There were questions regarding if there was money in the Town's budget for this type of district when looking into the tax eligibility for exemptions, with the Town Manager relaying that the breaks that the businesses would get would be relatively new to them, and the exemptions would be similar to how the Enterprise Zone works, with the Town only giving back a portion of what is paid. The Assistant Town Manager confirmed that for some businesses it would be good for, with the revenue being made up by growth somewhere else. He also confirmed that this would be only a three-year incentive program, going over how this would work.

There was concern and discussion regarding the Town needing to pitch the idea of the district to landlords, getting them involved and on board with the arts and cultural district idea. It was mentioned that some of the landlords' rent is very high, and some of them would not consider lowering their rent, letting their buildings sit vacant. Staff indicated that they would try to meet with the landlords to see what they can do to

help encourage them to want this district to be successful, especially since the Town has helped some of them with their façade work.

The Assistant Town Manager confirmed that Edible Vibe would be in the district and would qualify as long as they continue selling and promoting the arts as they have been. He also pointed out that at one time, they were having musicians playing at their business, but due to regulations set forth by BMI and ASCAP, they had to stop as it would be quite expensive to pay for the licensing that would allow the musicians to play. He pointed out that with the proposed exemptions, this may allow Edible Vibe to be able to purchase the necessary licensing to allow the musicians to play again. It was the consensus of Council that the Town needs Edible Vibe to stay in the downtown area.

Also discussed needing to make sure that The Crooked Road and 'Round the Mountain ties in together with the proposed arts and cultural district to make sure everything works together.

The Mayor requested that the Assistant Town Manager put together the language needed for the proposed arts and cultural district, and then bring it before the Planning Commission and Council for their input before a public hearing, and for them to meet with property owners prior to a public hearing to see if they are interested in cooperating, because if they are not interested, this may not work. The Assistant Town Manager so noted.

It was confirmed by the Assistant Town Manager that he does not think all the businesses in the district will qualify, but for right now, he knows of 12 that will.

B) Article 13 (Nonconformities) Revisions

There was discussion regarding "Article 13 (Nonconformities) Revisions" and what had progressed since it had been brought up before the Planning Commission and Council about a year ago. There were voiced concerns regarding a property owner needing to be able to build back on the footprint of his home if the house has been destroyed by some type of hardship (i.e., burned down by a fire).

It was confirmed by the Assistant Town Manager that as the code is written now, a property owner would have to adhere to the setbacks, and if they were not satisfied with this option, they could appeal their concern to the Board of Zoning Appeals to have the house built back onto the original footprint of the house, or wanting the setbacks to be changed. He further confirmed that this cannot be done administratively.

The Assistant Town Manager indicated that he is comfortable with the Board of Zoning Appeals making the determination on the required setbacks (as they already do), but if the Town does not want to make it a hardship, the Town could set up a fee structure to have the fee waived. It was mentioned that another structure of fees

needs to be added for appeals to the Board of Zoning Appeals that are for residential structures, with the Town Manager stating that this can be looked at during the upcoming budget work sessions. The Town Attorney reminded everyone that the fees should be enough to cover staff time and administrative fees (i.e., postage to send out notices).

C) Council Participation in Planning Meetings and Site Visits

The most recent site visit for the public hearing regarding Flora Funeral Service, Inc. was mentioned. The Assistant Town Manager stated that the Planning Commission had discussed having Council come with them to site visits so they all can get the same information at the same time before a public hearing is heard on a request that comes before them. It was discussed that the Planning Commission wants to make sure that the information they receive prior to their public hearing is shared with Council, and it may be provided during their site visits. The problems with this was pointed out by the Town Attorney, who relayed that if more than two members of Council meet for a matter that is considered Town business, this constitutes a public meeting and no discussion can take place unless the public has been made aware of the meeting. It was the consensus of those present that it would not work for Council members to meet with the Planning Commission members during their site visits. The Planning Commission pointed out that there is no discussion between their members when they meet during site visits regarding public hearing requests.

Some Council members pointed out that it was not that they did not trust the decisions of the Planning Commission when they would make a recommendation to Council, but sometimes more information is required for Council to make a decision that the Planning Commission may not be aware. It was further pointed out by Council that sometimes Council does become aware of additional information being needed until right before or during their own public hearing, giving an example of the funeral home request and subsequent site visit by Council, which was a unique situation. It was also pointed out that Council really appreciates the Planning Commission and their recommendations, but sometimes Council's decisions are not solely based on the information the Planning Commission gets; therefore, Council is not able to always agree with the recommendation of the Planning Commission for each request that comes before Council.

D) Flow of Information Between the Two Bodies

The flow of information between the two bodies was discussed and how best to make sure everyone involved is able to receive their information on a timely basis. The Planning Commission pointed out that the Assistant Town Manager and Deputy Clerk were excellent in getting information to them in a very timely manner. It was pointed out by Council that by the time the Planning Commission meets (only four working days before Council hears the same public hearing request), there is not enough time for Council to review their packet of information and set up a site visit before their Council meeting, as the turnaround time is very short. It was mentioned by the

Planning Commission that what was being brought up at this meeting was actually good because they thought they had given Council enough information to make a decision, and in fact, Council really needed more to make an informed decision.

It was the consensus of those present that if a situation arises that is unique and may be setting a precedent that Council and the Planning Commission may need to meet together for a site visit. It was also pointed out that Council members could also attend the Planning Commission meetings to hear firsthand what is being presented and discussed.

E) Zoning Ordinance Revisions

The Assistant Town Manager stated that he and the Deputy Clerk have been reviewing the Zoning Ordinance (blue book), going over the material in it since the book was enacted to make sure all the revisions were correct and up-to-date. He further stated that once this is finished, it will be brought before Council, with staff asking them to approve it. Once Council does this, new books will be issued, with each one being numbered, and when they are needed to be updated again, every book that has been handed out will need to be turned in for updates, and then they will be given out again. Each numbered book will be accounted for before any are handed out with the new updates. This insures that every book issued will have the correct information in them.

The Town Attorney went over how the Zoning Ordinance was first done, and that somehow the "official word" and the "written word" got changed around, with some books not having the correct changes. He stated that there is the need to have only one "written word" for distribution to make sure the changes in all of them are correct with what the "official word" is.

It was confirmed by the Town Manager, Assistant Town Manager and Town Attorney that the updates were just house cleaning and that the Planning Commission did not need to review it.

Once the updates are completed, the Assistant Town Manager confirmed that he will bring before Council sometime in June for approval. The Mayor requested that it be brought before Council after the budget work sessions.

F) Open Discussion

- The Town Manager stated that the Uptown Revitalization Project groundbreaking was a fantastic event, and in working with all involved, has been a massive effort to get to this point. He further stated that he believes the Town has moved the ball with this actually happening, with the Assistant Town Manager making this a reality, doing a fantastic job.

- On behalf of all Council, the Mayor thanked the Planning Commission for all they do, stating that he knows it is a thankless job, but Council really appreciates them.
- Chair Stockton stated that one thing that has helped the Planning Commission is the Assistant Town Manager and Deputy Clerk, as they have done a great and fantastic job in helping them.

ADJOURNMENT

At 7:20 p.m., on behalf of Council, motion was made by Council Member Walker to adjourn, seconded by Council Member Strickler and carried unanimously.

At 7:20 p.m., on behalf of the Planning Commission, motion was made by Vice Chair Speidel to adjourn, seconded by Commission Member Clements and carried unanimously.

Steven C. Angle, Mayor

Janet Stockton, Chair

ATTEST:

Patricia H. Keatts/Town Clerk/Rocky Mount Town Council
(and in Lieu of Stacey B. Sink, Deputy Clerk/Planning Commission)