

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
APRIL 9, 2012**

The April 9, 2012 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 Gregory B. Walker and Council Members
Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L.
Moyer, and Robert W. Strickler

The meeting was called to order by Mayor Angle.

For the record, the following were present: All members of Town Council as noted, Assistant Town Manager/Community Development Director Matthew C. Hankins (and Planning & Zoning Administrator), Town Attorney John T. Boitnott, Chief of Police David Cundiff, Finance Director Linda Woody, Public Works Director Cecil R. Mason, Town Planner Patrick Rust, Superintendent of Water Department Robert Deitrich, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, 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. There being no additions or deletions to the agenda, the Mayor entertained a motion.

- Motion was made by Council Member Strickler to approve the agenda as presented, seconded by Council Member Moyer and carried unanimously by those present.

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 following public hearing:

A. Special Use Request of Joan Rogers on Behalf of Rocky Mount Center for the Arts, Inc.

Joan Rogers, on behalf of Rocky Mount Center for the Arts, Inc., is requesting a special use permit for mural signs to be erected on the south, north and west walls of The Grainery building located at 220 Franklin Street and known as Franklin County Tax Map and Parcel Number 2070037201. Pursuant to Article 28-15(E) of the Town of Rocky Mount Zoning & Development Ordinance, a special use permit is required for all new signs of this type.

Staff Report

The Assistant Town Manager came before Council stating the following:

- Both Joan and Carolyn Rogers indicate that the owners and artists wish to paint three murals directly onto the walls, starting with a Van Gogh-style wheat fields motif (that would tie-in to the building's history) on the side facing J&J Fashions. A second mural with a floral theme would face toward Arrington Florists and the Community & Hospitality Center (Depot). The final mural on Maynor Street side has not been designed, and would not be completed until the other two are finished, which could be two years or more in the future.
- The murals on the longer sides of the building would cover most or all of the visible wall space available. The shorter wall on the Maynor Street side would not be entirely covered, but that mural has not yet been designed.
- Not all murals would be completed at the same time, but staff would prefer to bring to Council a single request so all the Rogers family and the artists who will participate in the project will have adequate time to plan for their design, materials and execution of the project.
- Council's approval would give The Grainery the flexibility to paint the murals as resources become available. The Rogers family first experienced interest in designing and painting a mural nearly two years ago when they were still working to acquire the old grain mill.
- In the Central Business District, murals are allowed under special use. Based on Article 28-15 of the Zoning Ordinance, all mural signs require a special use permit. Also, the article states mural signs shall comply with the dimensional requirements of a wall sign. Exceptions are granted to landmark signs that may be presented and maintained, even if they no longer pertain to the present use of the premises.
- By way of reminder, Council approved last month during their regular Council meeting a special exception for the adjoining property for 512 square feet mural space. Mary Wray attended the Planning Commission public hearing on April 3, 2012 and expressed only one reservation that the larger wall-size murals might overwhelm the panel mural she will be installing. Planning Commission's consensus is that the size of the murals is not a significant concern, and that all

- the proposed murals can exist within the same space, only working to enhance the visual appeal of the Downtown and Arts & Cultural District.
- By a unanimous vote (with all seven members being present), the Planning Commission recommended the following:
 1. The murals must be painted directly onto the walls.
 2. The images for the murals must be submitted to Community Development staff for review, and may contain no commercial advertising or offensive content.
 3. Each long-side mural may take up all of the available space on its wall.
 4. The property owners must confer with Community Development staff for approval of the design and size of the mural on the Maynor Street side.

The Assistant Town Manager confirmed to Vice Mayor Walker that the conditions are very similar to what was conditioned for Mary Wray's murals, except for the size of the panels as the Rogers' murals are being painted on the side of walls.

Assistant Town Manager confirmed to Council Member Cundiff that all three signs were brought at one time for consideration due to it being more efficient to deal with all at one time, but if Council would rather approve them one at a time, that could be arranged. He further stated that he would have to approve each one prior to them going up anyway.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request. Let the record show that no one came forward.

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

- Motion was made by Council Member Moyer to approve only one side of the building to be done at one time, with motion to include the stated conditions. Let the record show that the motion on the floor was seconded by Council Member Cundiff. Discussion ensued. At the request of Council Member Love, the Assistant Town Manager gave Council a conceptual drawing of the first mural (Van Gogh-style). The Mayor stated he did not see any need for the Rogers to come back before Council with each individual special use request since the Assistant Town Manager would have to approve each mural before it is put up. Vice Mayor Walker questioned why there was a concern regarding all three signs being approved at one time. Council Member Cundiff questioned why the Rogers needed all three signs approved now since the requirements for signs may be different by the time the other two signs are ready to be done, further commenting that in his opinion, the Rogers need to bring each mural request independently of each other in case the sign ordinance has changed. Vice Mayor Walker stated that he does not believe the Community Development office would approve something that is not right. The Assistant Town Manager

informed Council that if Council so desires that the Rogers bring back each individual mural sign request before them for approval, the Rogers would need to go through the planning process again for each sign, but no fee would have to be paid as it was waived as part of their incentive package; therefore, the time it would take for them to do this for each sign would be the inconvenience. The Assistant Town Manager confirmed to Vice Mayor Walker that before he approves each mural sign, he will forward the conceptual design to them for informational purposes. There being no further discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Council Members Cundiff and Moyer. Voting in opposition to the motion on the floor were Vice Mayor Walker and Council Members Greer, Love and Strickler. Let the record show that the motion on the floor failed four to two.

- An alternate motion was made by Council Member Greer to approve the request for all three mural signs along with the conditions, with motion on the floor being seconded by Council Member Strickler. There being no discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Vice Mayor Walker and Council Members Greer, Love and Strickler. Voting in opposition to the motion on the floor were Council Members Cundiff and Moyer. Let the record show that the motion on the floor passed four to two.

APPROVAL OF MINUTES

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

- March 12, 2012 Regular Rocky Mount Town Council

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

- Motion was made by Council Member Greer to approve the draft Council meeting minutes as presented with motion on the floor being seconded by Council Member Love. 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 Rocky

Mount Town Council National Telecommunicator's Week".

- Miscellaneous Action
- Departmental Monthly Report
- Bill List

There being no comments, the Mayor entertained a motion.

- Motion was made by Vice Mayor Walker to approve the draft *Consent Agenda*, 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 that no one had contacted the Town Clerk's office prior to the Council meeting to come before Council.

The Mayor opened the floor to anyone wishing to come to speak before Council at this time. Let the record show that no one came forward.

OLD BUSINESS

Let the record show there was none to discuss at this time.

NEW BUSINESS

A. Presentation of Draft Fiscal Year 2013 Budget

The Assistant Town Manager presented to Council the proposed draft Fiscal Year 2013 Budget. The following was pointed out:

Economic Factors:

- Local economy shows signs of improvement
 - Industries are hiring
 - New restaurants and less available retail space
 - Some new housing coming on-line
- State economy showing similar improvement
 - State still is piling mandates on localities
 - Continues to take revenue and sources away
 - Insurance rates are increasing dramatically
- Less improvement on national scale
 - Significant changes not likely until investors and corporations know presidential election outcome

Local Stresses

- Inflation
- Operational losses in utilities and solid waste (>\$500,000 annual transfer from taxpayer-funded General Fund necessary to cover utility losses caused by low rates)
- Virginia Retirement System contributions
- Obsolete or aging capital and infrastructure
- Water loss
- Need for critical transportation construction
- Public safety needs
- Increasing costs of fuel and electricity
- Major capital damage at Veterans' Park
- Comprehensive Plan Development

Budget Assumptions

- Fuel, utility and insurance costs will continue to rise
- Revenue forecasts show slight improvement, but expenses increase at a higher rate
- Increase in insurance, retirement and employee compensation
- Real estate tax returns to 14 cents on the \$100 due to reassessment
- State categorical and non-categorical aid static

People Meeting Council's Objectives

- Despite difficult economic circumstances:
 - In past year, the Town addressed major tasks:
 - Uptown Revitalization Project
 - Ambitious derelict structure removal
 - Music venue development
 - Water loss recovery
 - New fire truck purchases and police vehicle leases
 - Cutting costs while funding essential capital
 - Maintaining fund balance stability
 - Secured additional grant funds for Cox Property
 - Shifted toward increased use of technology

General Fund Revenues, Fiscal Year 2013

- Other local taxes	39%
- General Property taxes	15%
- Use of Fund Balance	3%
- Categorical State Aid	23%
- Non-categorical State Aid	1%
- Miscellaneous	0%
- Charges for services	2%
- Proceeds from use of assets	7%
- Fines and forfeitures	0%
- Permits and fees	1%

- Business licenses 9%

NOTE: <73% of General Fund revenues from local sources

Proposed General Fund Expenditures, Fiscal Year 2013

- Public Safety 31%
- Administration 11%
- Transfers to other funds 10%
- Deb service 5%
- Non-departmental 3%
- Community Development 12%
- Building & Grounds 5%
- Public Works 23%

Utility Fund Income, Fiscal Year 2013

- Wastewater use charges 22%
- Water use charges 36%
- Use of Fund balance 23%
- Transfer from other funds 17%
- Miscellaneous revenue 2%

Note: Only 58% of Utility income from users

Utility Fund Expense, Fiscal Year 2013

- Non-departmental 2%
- Debt service 28%
- Utility billing 4%
- Wastewater collection and treatment 16%
- Water treatment and distribution 27%
- Depreciation 23%

Total Proposed Revenue, Fiscal Year 2013

- State aid 18%
- Interest earned and charges for Services 10%
- Taxes 47%
- Wastewater use charges 10%
- Water use charges 15%

Note: Total budget, all funds: \$7,775,309

Total Budgeted Expenses, Fiscal Year 2013

- Administrative & Community Development 17%
- Wastewater collection and treatment 7%
- Water treatment and distribution 13%
- Insurance, contributions and contingency 3%
- Debt service 16%

- Public Works 21%
- Public Safety 23%

Note: Total budget, all funds: \$7,775,309

Investing in Future Growth

- Development of Performance Center to attract economic growth and development in the traditional downtown
- Increase availability of industrial space
- Steady push for development of retail, restaurant and lodging development
- Lasting support for arts, culture and heritage tourism to develop repeat visitors
- Dedication to public safety and eradication of drug and gang activity
- Renew aging utility infrastructure
- Increasing transportation efficiency and safety

Investing in Human Capital

- Town Employees
 - Compensation
 - Like many in communities, no raises since 2008, damaging purchasing power and future retirement income
 - Inflation rose 9% over that period, eroding purchasing power
 - Significant increases in health insurance and other benefits costs over that time
 - Budget includes a 2.5% cost of living adjustment
 - Retirement and taxes
 - Legislative-mandated Virginia Retirement System (VRS) change requires employees to pay 5% of VRS contribution and localities to fund the 5% this year through a corresponding pay increase, but that has tax implications
 - Health insurance costs increasing

In Summary

The Town staff will continue to do great things in a cost-conscious manner, following the policies and goals set by Council. The budget opens the possibilities for what can be accomplished by the hard work, dedication and ability of the Town employees following Council direction.

The Assistant Town Manager thanked Council, Town Manager C. James Ervin, Finance Director Linda Woody, all the Town of Rocky Mount department heads, residents, businesses and industries of the Town of Rocky Mount.

The Mayor thanked the Assistant Town Manager for the presentation, and further stated that Council's first budget work session was scheduled for Monday, April 16th, starting at 4:00 p.m. at the Rocky Mount Municipal Building.

B. Volunteer Recognition Resolution

The Town Clerk came before Council on behalf of herself and Deputy Clerk Stacey Sink, thanking all Town volunteers in whatever capacity they so willingly serve, whether it be those that welcome and greet everyone to the Rocky Mount Municipal Building and working with staff on a day-to-day basis in helping to make staff's day brighter and more productive; or the Town's Fire Department that put their lives on the line daily to protect people's homes and properties from disaster whenever it suddenly comes; and to those who serve on the Town's Planning Commission and also the Board of Zoning Appeals to help the Town's government work better for the Town citizens; and last but not least, Council members who serve with dedication to those who live in the great Town of Rocky Mount. She further stated that each and every volunteer gives their very best to the Town in an effort to make Rocky Mount a special place to live and visit. Her comments ended by sincerely thanking all the volunteers for what they do.

For the record, the Mayor read "Resolution in Honor of National Volunteer Week of April 15-21, 2012" and thanked all volunteers present in the audience for their work through volunteerism.

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

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

C. Concept Use of the Community & Hospitality Center Offices (Depot)

The Assistant Town Manager came before Council stating the following:

- Town staff is constantly working to develop ways to help businesses fill vacancies in available spaces throughout the Uptown and Downtown. Staff also sees an opportunity to utilize unused space in the Hospitality Center.
- One such method that could help in the long term is to make the currently vacant offices in the Depot available as a small scale business incubator. Small businesses looking to get a starting space could rent one or both of the small offices for a nominal rate for a short period (one or two years) while starting up as a means to minimize their start-up costs and develop clients.
- In exchange for negligible rent, start-ups would sign a contract agreeing to locate within the Central Business District upon the expiration of their lease in the Depot, assuming space is available.
- Research from the National Business Incubation Association indicates that businesses started in incubators are successful (stay in business at leave five years) 87% of the time. They stay in communities where they start 84% of the time, creating jobs and attracting capital investment.

- This concept is in place in larger scale in Roanoke, Virginia and Martinsville, Virginia, but could work in Rocky Mount. Staff would work with The Franklin Center and the larger regional incubators to develop coaching and business networking opportunities for the businesses located in the Depot. Additionally, this concept would provide extra security for the host staff working the Depot in the event they have unruly visitors.
- If Council wishes to pursue this concept, staff can develop rules, regulations and contract documents. Should Council wish for a committee to review those documents and concepts before Council sees them again, suggest that the Public Facilities & Special Events Committee would be the appropriate committee to do so.

Council Members Greer and Moyer voiced concern that the Depot was not the right place for businesses to be renting space at, and questioned where the businesses would go after the two year rental contract if there was no other place within the Town for them to relocate.

The Mayor requested that this suggestion be reviewed by the Public Facilities & Special Events Committee, with the Assistant Town Manager so noting.

D. Virginia Department of Transportation (VDOT) Agreement for Adjustment of Water and Sewer Sanitary

The Assistant Town Manager reported to Council that an agreement has been requested by VDOT relative to the relocation of the Town's water and waste water facilities crossing the Pigg River, further stating:

- These facilities will need to be relocated when the Pigg River bridge is replaced.
- The agreement outlines the terms and conditions of the relocation.
- The agreement and the plans submitted by VDOT have been reviewed by the Public Works Director and Town Manager, with their recommendation to enter into this agreement.

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

- Motion was made by Council Member Love to approve the draft agreement as presented, with motion on the floor being seconded by Council Member Strickler. Discussion ensued. The Assistant Town Manager confirmed what was taking place at the Pigg River bridge site by VDOT, with the bidding supposedly starting this month, with a hope to award out late May or June, with construction hopefully in July, with this project being approximately two and one-half years due to the log perch and having to work around them. Also confirmed that the project will cause traffic realignment and traffic headaches for about three years, but that one of the Town's priority will be to keep traffic flowing as safely as possible. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

E. Request of Franklin County Parks & Recreation

Debra Weir, Tourism/Special Events Manager for Franklin County Parks & Recreation, came before Council requesting permission for street closure for their upcoming "Chug for the Jug" 5K and Health Walk that is scheduled for April 21, 2012. Mrs. Weir stated that she has talked to the Chief of Police about the event and proposed route, with him asking her to not start the race until 9:15 a.m. in order to not be in conflict with the already scheduled Franklin County Family Resource Center (domestic violence shelter) "Walk to End Domestic Violence" that was set for the same time frame on that date.

(Prior to the meeting, the Town Clerk had relayed to Council that on March 30, 2012, Cindy Treadway, Director of the Family Resource Center, found out that the "Chug for the Jug" event was taking place during the same time as their event and on April 3, 2012 and had contacted the Town Clerk's office to have their event cancelled due to both walks ultimately intermingling during the same time, with reason being that they wanted their walk to draw attention to domestic violence, and with both walks taking place during the same time frame, they feel like their main goal and purpose for the walk will be diminished. It was further relayed by the Town Clerk that her office had not been told about the "Chug for the Jug" until April 2, 2012, which at that time, she contacted Mrs. Weir to get all the necessary information to have it put before Council during the April 9, 2012 Council meeting for review and consideration of approval.)

At this time, the Mayor relayed to Mrs. Weir that the Family Resource Center cancelled their event. Mrs. Weir relayed to the Mayor that she did not know about the other event until they read it in the paper. It was pointed out by Council Member Cundiff that Mrs. Weir had contacted the Town for approval of street closures during their Mountain Festival, and at that time, they knew that Council had to give approval for street closures. Mrs. Weir explained that the Parks & Recreation Department just took on the event from Community Partnership & Revitalization (CPR) and had assumed that CPR had taken care of getting permission to close the streets.

It was expressed by Council of their concern that Family Resource Center had cancelled their event, especially since their event had been previously approved by Council. The Assistant Town Manager confirmed to Council that he would contact Mrs. Treadway with Family Resource Center and work out a new date for their event with them, with Council confirming that they did not need to come back before Council for approval if the route is the same.

The Mayor indicated to Mrs. Weir that in the future, communication has to be there.

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

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

F. Request of Southwest Virginia Antique Farm Days

The Assistant Town Manager presented to Council the request of Mr. Ray Agee, Board Member of Southwest Virginia Antique Farm Days, to hold their annual kick-off parade around Town on June 14, 2012. The Assistant Chief of Police confirmed that the Police Department had reviewed the proposed route and that it was the same as last year, with the Police Department having no problems with it.

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

- Motion was made by Council Member Cundiff to honor the request and to allow the event to take place, 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 Committee

The Public Utilities Committee met on March 21, 2012 to set priorities and procedures for the upcoming detection study. Chairman of that Committee, Council Member Cundiff, relayed to Council that since there is probably a confirmed water leak in the uptown revitalization area, this is where the Committee recommends the leak detection study take place first.

Let the record show that there was no action needed from Council regarding this matter.

B. Streets, Sidewalks & Streetlights Committee

The Streets, Sidewalks & Streetlights Committee met on March 26, 2012 to study options for Virginia Department of Transportation (VDOT) Six-Year Plan.

The Assistant Town Manager informed Council of the following :

- Town's current project on VDOT's Six-Year Capital Improvement Plan is the Pigg River Bridge, which has been on the Six-Year Plan for two decades, with staff being surprised late last summer when VDOT determined that it had adequate funding to proceed with the project, based on the Governor's transportation funding bills in the 2011 General Assembly.

- With bidding set for this month and construction expected to start this summer, the Town is left without a project on the Six-Year Plan. Without a project on the plan, the Town will not receive any construction allocation this year through VDOT's budget. Instead of leaving money on the table, staff wishes to request that the Town be added to the Six-Year Plan when the Commonwealth Transportation Board meets April 18, 2012 in Richmond.
- Over the past four months, Town staff employed Stone Engineering to gauge cost and do preliminary design for a number of projects which staff consider, based on Council's past action, to be high priorities for resolving safety and congestion issues within the Town.
- Staff and the engineers met with the Streets, Sidewalks & Streetlights Committee to review the options recommended by Stone Engineering. Staff's top priority, which was the priority recommended by the engineer and the preference of the Streets, Sidewalks & Streetlights Committee were one and the same: realignment of the Pell-Main-Franklin intersection to create an aligned four-way intersection which creates adequate turning radii, better sight distance, fewer traffic signals, and better, safer traffic flow for vehicles and pedestrians.
- Planning Commission considered this recommendation at its meeting April 3, 2012, and on a unanimous vote concurred that (considering costs, design, safety and other factors) that the realignment of Pell-Franklin-Main intersection should be the Town's top construction priority for VDOT's Six-Year Plan.
- The other projects considered by both parties, but rejected for high costs, extraordinary complications (rail, political and environmental factors) and inadequate impact on safety included:
 - A 40 bypass along the base of Grassy Hill from Technology Drive to Six Mill Post Road
 - Realignment of School Board Road to avoid railroad overpass
 - Expansion of Perdue Lane to accommodate expansion of the high school campus
 - Alleviating congestion issues on the east end of School Board Road at Rocky Mount Elementary School
 - A Weaver Street-Industrial Avenue connector
- The recommendation from the Streets, Sidewalks & Streetlights Committee, Planning Commission, and Community Development staff is for Council to pursue the Pell-Main-Franklin realignment. Two potential options were submitted to Council, but neither option is a firm plan for how to proceed. The costs are about even between the two, as land acquisition costs balance against fill and retaining wall that would be needed for the other. The actual project engineering would be handled by VDOT working with Town staff and with Council approval.
- It is important to remember that this project is unlikely to be funded for as much as two decades unless the Commonwealth of Virginia generates significant new transportation revenue.
- If Council wishes to proceed, a motion will be needed to accept this recommendation so staff can attend the Commonwealth Transportation Board meeting on April 18th.

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

- Motion was made by Council Member Love to accept the recommendation of the Streets, Sidewalks & Streetlights Committee for Council to pursue the Pell-Main-Franklin realignment, 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.

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

A. Referrals to Planning Commission from Town Council

Let the record show there were no referrals at this time.

B. Rise 'N Shine Appearances

The Mayor and Assistant Town Manager appeared on the *Rise 'N Shine* show this morning.

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 to discuss at this time.

ADJOURNMENT

At 8:00 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Moyer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk
/phk