

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 12, 2018**

The February 12, 2018 Regular Council Meeting of the Rocky Mount Town Council (hereafter referred to as "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:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- Robert L. Moyer
- Mark H. Newbill
- Jon W. Snead
- Billie W. Stockton

The following staff members were also present:

- John Boitnott, Town Attorney
- Tim Burton, Waste Water Superintendent
- Dallas Bailey, Interim Water Plant Superintendent
- Ken Criner, Chief of Police
- Rebecca H. Dillon, Executive Administrative Assistant
- C. James Ervin, Town Manager
- Matthew Hankins, Assistant Town Manager
- Jeff Rakes, Fire Chief
- Brian Schofield, Public Works Superintendent
- Linda P. Woody, Finance Director

The meeting was called to order by Mayor Steven C. Angle.

PLEDGE OF ALLEGIANCE

Mayor Angle led in saying the Pledge of Allegiance.

APPROVAL OF AGENDA

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

Motion: To approve the agenda

Motion By: Vice Mayor Walker

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the agenda by a unanimous vote.

SPECIAL ITEMS

None at this time.

PUBLIC HEARING

1. Yard Sales

Mr. Ervin began the public hearing by stating that in the fall of 2017, Council became aware of ongoing yard sales in the Town of Rocky Mount. The yard sales were in residential areas, turned into ongoing businesses. At that time, Council directed staff to initiate options to still enable citizens to have routine yard sales but limit perpetual ones.

Jessica Heckman then spoke stating that due to numerous complaints of "permanent yard sales", the Planning Commission at their February 6, 2018 meeting recommended to Council that the Town add a section on temporary uses, to the Town's supplementary regulations in Article 6 of the Town Code to allow staff to manage yard sale complaints consistently, and less subjectively. The Planning Commission recommended limiting yard sales to two consecutive calendar days, limited to daylight hours, with a maximum of four sales per year with an interval of at least three months between sales. A public hearing was held on the amendment and was approved by the Planning Commission with a 7-0 vote.

Council Member Cundiff stated he would like for "continually" to be removed and have a maximum number of 3 or 4 yard sales a year with 30 days between yard sale events.

Council Member Moyer stated that in previous years, 2 or 3 yard sales was the limit in a year. Council Member Moyer stated he would like to see the 90 days removed, so there would be no in between time of limitation. Council Member Moyer also stated that he would like to clarify whether or not it would be permissible to hold a yard sale in a parking lot of a business, that is closed on a Saturday.

Mrs. Heckman indicated that the ordinance did not apply to businesses or churches.

Mr. Ervin stated that a person could not buy items to sell. Mr. Ervin also stated that a person could have 3 yard sales a year, with 30 days limit in between or 3 per calendar year, with at least 1 month in between each one, in residential household areas.

Council Member Snead asked what would happen if someone was caught violating the ordinance. The Town Attorney replied, if someone was caught violating the ordinance, the

violation would fall into the penalty provisions of the zoning code. The Town Attorney further stated that a person who violated the zoning code could be issued a summons and taken to court and the court would classify it as a small misdemeanor and the violator, if found guilty, could receive a fine between \$10.00 and \$500.00. A notice of violation would be given asking the citizen(s) cease and desist.

Motion: To limit yard sale activity to three a calendar year which would be January 1 to December 31, with a minimum of one month or 30 days between each sale, in residential rezoned areas.

Motion By: Council Member Cundiff

Second: Vice Mayor Walker

Motion Discussion: Council Member Newbill asked for clarification if the yard sale could be one day long or two days long. Mr. Ervin replied that if the citizen ceases on one yard sale, regardless of the duration; it would start the time limit on how many the citizen could have. The Town Attorney determined the most a citizen could have a yard sale for would be daylight hours for 2 consecutive days only.

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the request to limit yard sales as stated in the motion above, by a unanimous vote.

APPROVAL OF MINUTES

Received by Council in their packet for this scheduled meeting were draft minutes for review and consideration of approval:

- January 8, 2018 – Regular Meeting Minutes
- January 29, 2018 – Special Called Meeting Minutes

Discussion: None

Motion: To approve the draft minutes

Motion By: Council Member Newbill

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the motion by a unanimous vote.

APPROVAL OF CONSENT AGENDA

This month's consent agenda consists of the following items:

- (1) **Miscellaneous Action** (none at this time)
- (2) **Miscellaneous Resolutions/Proclamations** (none at this time)
- (3) **Department Monthly Reports**

- Community Development Department
- Finance Department
- Fire Department
- Police Department
- Public Works Department
- Wastewater Department
- Water Department

Discussion: None

Motion: To approve the consent agenda as presented.

Motion By: Vice Mayor Walker

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the consent agenda as presented by a unanimous vote.

HEARING OF CITIZENS

Mayor Angle opened the floor to any citizens wishing to speak.

Mr. Ralph Hall, of 750 East Court Street, Rocky Mount, Virginia, stated that on December 23, 2017, a vehicle went through Mr. Hall's fence in Mr. Hall's cow pasture. Mr. Hall stated that since December; two more vehicles had gone through the fence at the same place the vehicles went through previously. Mr. Hall stated that he had lived at his residence for 52 years and asked Council how might this issue be corrected.

The Mayor suggested for Mr. Schofield to go out to 750 East Court Street to take a look at Mr. Hall's property and report back to Council at the next regular meeting.

OLD BUSINESS:

1. Diamond Avenue Water Line Repair/Replacement

Mr. Ervin stated that capital for the year 2018 included replacing a failing water line on Diamond Avenue. Mr. Ervin also stated that bids were received on January 25, 2018 and Concrete Foundations, Inc. was the low bidder at \$399,410.50. Mr. Ervin asked for Council's approval to issue a "Notice to Proceed" and enter into an agreement for the completion of the work with Concrete Foundations, Inc.

Mr. Hankins stated that the completion contract called for 120 days but the Town hoped to be finished with the project, by the end of the physical year.

Council Member Moyer asked if the water supply would be interrupted. Mr. Hankins replied that the interruption would only be a limited one, with one section done at a time.

Council Member Cundiff asked regarding the cost \$540,000. Mr. Hankins replied that the cost of the project was expected to come in under budget but there could always be a possibility of change orders.

Discussion: None

Motion: To authorize the Town Manager to issue a notice to proceed and enter into an agreement with the low bidder for the Diamond Avenue Water Line Repair/Replacement.

Motion By: Council Member Snead

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the motion by a unanimous vote.

NEW BUSINESS

1. Presentation of Audit

Presentation of Town of Rocky Mount Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017.

Emily Viers of Robinson, Farmer and Cox Associates spoke regarding the Audit Report. Ms. Viers began by going over the Auditor's Report and touched on the yellow book opinion with one modification. The Government Financial Officials Award was received again for this year's audit.

Council Member Snead said it was the consensus of the committee to approve the audit as presented.

Discussion: None

Motion: To accept the 2017 audited financial statements as presented

Motion By: Council Member Snead

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the motion by a unanimous vote.

The Mayor and Mr. Ervin thanked Ms. Woody for another successful audit.

2. Public Art

Mr. Hankins stated that Town Council's approved comprehensive plan called for the creation of public art as a means to enhance quality of life, produce economic development, support the local arts community and improve usability of public spaces.

Mr. Hankins stated that Staff had produced a plan which would use a mixture of public and private spaces to create public art. For example, the Economic Development Authority had been working to create a town anchor for the Franklin County Barn Quilt trail and a Virginia Love Works sign, both at the Farmers Market.

Mr. Hankins also stated that the initial program would be limited to the Arts and Culture District. Examples of public art locations include storm drain covers (an idea started by the city of Richmond and since adopted by the City of Roanoke for this year), traffic barriers, public and private walls, and other locations which would contribute to a more vibrant Arts & Culture District. Funding for the project would come from a portion of the tourism/branding line item in Community Development, so long as budget allows.

Council Member Cundiff stated that he would like to see the idea held over one month and brought before committee to review, prior to coming before Town Council. It was the general consensus of Council then, to refer the matter to the Streets, Sidewalks and Streetlights committee and report back to Council at the next regular meeting.

Council Member Snead asked what the votes were for the Economic Development Authority and Planning Commission. Mr. Hankins stated that both governing bodies were unanimous votes in favor of adopting the public art.

3. Johnny CASA 5Miler–5K Run/Walk Event

Mr. Ervin stated the Johnny CASA 5Miler-5K Run/Walk Event was scheduled for December 15, 2018 beginning at 9:00 a.m. The course for 2018 was the same as in the previous two years. The organizer/race director is Mr. Johnny Nolen who has met with your police department and together they have reviewed all information. Your police department has approved the plans for the race.

Mr. Nolen of 78 Cromwell Drive, Rocky Mount, VA spoke briefly regarding the Johnny CASA event.

Discussion: None

Motion: To approve the request for the Run/Walk Event

Motion By: Council Member Newbill

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the motion by a unanimous vote

4. Cell Phone Tower Lease with Verizon

Mr. Ervin stated that Verizon had requested to attach to the Town owned water tank on Scuffling Hill and the Town owned tower at the former Tank Hill water site. This would be a secondary attachment in each location.

Town staff had spent six months negotiating attachment agreements. The agreements presented allow for a monthly rent of \$2,800 per site and a term of five years with four additional extensions of five years. The agreements have been reviewed as to form by the Town Attorney.

The Mayor asked how much notice should be given if the Town decided not to renew the agreement. Mr. Hankins responded, stating a 90 days' notice should be given.

Staff recommended accepting the agreements as submitted and scheduling a public hearing on the leasing of public property at the March meeting.

Discussion: None

Motion: To authorize Staff to advertise for and hold a public hearing at the March 12, 2018 Regular Town Council Meeting.

Motion By: Council Member Stockton

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the motion by a unanimous vote

5. The Kingdom Run 5K to Benefit Food Bank

Ms. Jacqueline C. Meador (SeaJay) spoke regarding the Kingdom Run. Ms. Meador stated that the Kingdom Run was a benefit 5K, scheduled for August 25, 2018 beginning at 8:00 a.m. The course would begin and end at the location of Rocky Mount Church of God at 1360 North Main Street in Rocky Mount. Ms. Meador, who was the event organizer, stated that she had met with the police department who had reviewed and approved the plans for the benefit. The event was considered a rain or shine event.

Discussion: None

Motion: To approve the request

Motion By: Council Member Moyer

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Approved the motion by a unanimous vote.

COMMITTEE REPORTS

None at this time

REFERRALS TO PLANNING

None at this time

OTHER MATTERS AND CONCERNS

Mr. Hankins was on Rise n' Shine.

The Town Clerk briefly spoke to Council, inviting them to Gloria Wade's retirement luncheon which was to be held on Thursday, March 1, 2018 in Council Chambers. The luncheon was to be in celebration of Ms. Wade's 40 years of service to the Town of Rocky Mount.

CLOSED MEETING AND ACTION

None at this time

ADJOURNMENT

Motion: To adjourn meeting

Time: 7:38 p.m.

Motion By: Vice Mayor Walker

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Adjourned by a unanimous vote

Steven C. Angle, Mayor

ATTEST:

Rebecca H. Dillon, Town Clerk