

**ROCKY MOUNT TOWN COUNCIL  
REGULAR MEETING MINUTES  
AUGUST 13, 2018**

The August 13, 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 Billie W. Stockton
- Bobby M. Cundiff
- Robert L. Moyer
- Mark H. Newbill
- Jon W. Snead
- Gregory B. Walker

The following staff members were also present:

- Dallas Bailey, Interim Water Plant Superintendent
- Tim Burton, Waste Water Treatment Superintendent
- Ken Criner, Chief of Police
- Rebecca H. Dillon, Town Clerk/Executive Administrative Assistant
- C. James Ervin, Town Manager
- Matthew Hankins, Assistant Town Manager
- Mark Lovern, Lt. of Patrol
- 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:** Council Member Snead

**Second:** Council Member Walker

**Motion Discussion:** None

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

**Nays:** None

**Action:** Approved the agenda by a unanimous vote.

## **SPECIAL ITEMS**

A moment of silence was observed in remembrance of the late Mr. Tommy Davis, who passed away on August 6, 2018. Mr. Davis was an honorary member of the Rocky Mount Fire Department for 33 years.

## **PUBLIC HEARING**

### 1. 182 Woodlawn Drive – Nuisance Property

Mr. Hankins stated that the public hearing was being held to determine whether the property at 182 Woodlawn Drive, Tax Map Number 204.00-501.00, owned by Mr. Bruce Brown, was a nuisance and a blight on the community. Mr. Hankins stated that the Town of Rocky Mount's Community Development staff had dealt with the property issues at 182 Woodlawn Drive for over six years. The property burned, with a commitment from the owner to repair, renovate and rebuild, without any follow-up to that commitment. The property changed hands to a new owner, who also failed to meet community expectations for the property, before being repossessed by Mr. Bruce Brown.

After the fire at 182 Woodlawn Drive and numerous complaints from neighbors, windows were boarded up to reduce the risk of trespassing. The Town Public Works mowing crews visited the site over and over again to deal with vegetation. The property was covered by trash and debris, resulting in repeated liens placed against the property owner. Mr. Hankins stated that he had asked the Franklin County Building Inspector, acting on behalf of the Town, to review the property. Chief Building Inspector Andy Morris did so and determined the property to be condemnable under state code. Mr. Hankins notified Mr. Brown by certified mail on July 5 that he had 30 days to remediate or raze the structure, make all necessary repairs, meet with Mr. Hankins to set forth a plan to do so or appeal Mr. Hankins determination.

Mr. Hankins stated that he would like to see Council adopt the resolution condemning the structure; raze the structure and place a lien for all costs associated with doing so against the property.

Mayor Angle stated that no one signed up to speak regarding 182 Woodlawn Drive so Mayor Angle opened the floor and asked if anyone would like to come forward to speak regarding the property.

No one came forward.

**Discussion:** None

**Motion:** To accept the recommendation from Town Staff regarding the property at 182 Woodlaw Drive, approving the resolution to raze or tear down the property and place a lien for all costs associated with doing so against the property.

**Motion By:** Council Member Newbill

**Second:** Council Member Cundiff

**Motion Discussion:** None

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

**Nays:** None

**Action:** Approved the motion by a unanimous vote.

## 2. 325 Franklin Street, LLC

Mrs. Heckman stated that the property at 325 Franklin Street, LLC, represented by Phillip Bane, had applied for a special use permit in order to operate a hotel and community center on the second and third floors of the property zoned as CBD. Mrs. Heckman stated that if Council approved plans for 325 Franklin Street, LLC as presented, the applicant intended to develop the property to include a restaurant and gift shop on the first floor which would be uses by right and would not require a special use permit. The uses combined with overnight lodging met the Town's definition of a mixed-use inn which would be a use by special exception in the Rocky Mount Zoning Ordinance. The applicant intended to have either 12 one-bedroom suites, or 20 standard rooms.

The property met requirements for public parking per Town code as the property would be located only a short distance from public parking and as there were approximately 373 parking spaces within a 500 foot radius of the downtown property. The proposed business would further support tourism in Rocky Mount and possibly increase the lodging and food tax as Harvester patrons would be able to find accommodations in Town versus seeking lodging in surrounding areas.

Mr. Heckman stated that based on the planning department's review, she did not believe that the property would meet any of the proposed reasons for denial which would be the following:

- 1) The property owner failed to meet all of the requirements for granting of the permit.
- 2) The proposed use was inconsistent with the comprehensive plan.
- 3) The proposed use would have adverse impacts on the character of the neighborhood.
- 4) The proposed use would have adverse impacts on roads or create a hazardous traffic situation.
- 5) The proposed use would have an adverse impact on the abutting property.

Given that the property had been vacant for several years; having not met any grounds for denial and given the possible positive impact on the Town of Rocky Mount, Staff, along with the Planning Commission, recommended approval of the Special Use Permit with a (7-0) vote on August 7, 2018, at the Planning Commission Meeting.

Mayor Angle asked if there had been any preliminary site plans submitted? Mrs. Heckman replied, no plans were submitted; only a proposal.

Mayor Angle stated that only one person had signed in to speak regarding 325 Franklin Street, LLC. At that time, Mayor Angle asked Mrs. Betty Kingery to come forward to speak.

Mrs. Betty Kingery of RE/MAX, Mountain to Lake Realty located at 195 South Main Street, Rocky Mount, Virginia stated that she couldn't see any reason for the Town to deny the request at 325 Franklin Street, LLC.

Mayor Angle stated that no one else signed in to speak regarding 325 Franklin Street, LLC so Mayor Angle opened the floor and stated if anyone would like to come forward to speak regarding the property, they could do so.

Mr. Hankins stated that Mr. Bane was present and should be able to come forward to speak if Mr. Bane would like to do so. Mr. Bane indicated, not at that time.

No one else came forward to speak.

Mayor Angle opened the floor up that Council might continue to be able to ask any questions that they might have had regarding the property proposal.

Council Member Cundiff and Council Member Moyer had questions related to parking in regard of the property proposal. Mr. Ervin stated that there was long term parking available to the patrons that might come to the property and the Town's police force would be available to help enforce parking rules and regulations.

Mayor Angle stated that the use of the building was appropriate but further said it was encumbered upon Council to request plans so that Council could see what sort of concept idea was in mind for the property. Mayor Angle stated that although to submit plans would require some expenditure of money; Mayor Angle stated that a good compromise would be to approve the Special Use Request contingent upon the submittal of Concept Plans to Town Staff within 90 days for their approval. Once approved, the developer would continue forward with substantial conformity to the plans that were submitted to the Town for review and approval. The Special Use Request would have been in hand, therefore the expenditure of money could be justified and the Town would have a specific concrete plan as to what to expect with the property.

**Discussion: None**

**Motion: To approve the Special Use Request contingent upon the submittal of Concept Plans to Town Staff within 90 days for their approval. Once approved then the developer continues forward with substantial conformity to the plans that were submitted to the Town for review and approval.**

**Motion By: Council Member Snead**

**Second: Vice Mayor Stockton**

At this time, Mr. Phillip Bane of 3430 Garth Mill Road in Roanoke, Virginia approached the podium and stated that the suggested was not a workable proposal. Mr. Bane stated that the Special Use Request was simply a first step in the process. Mr. Bane further stated that before any funds on his part would be spent on plans, etc., other issues would have to be addressed. Mr. Bane stated that he had made a request to the Town to purchase the parcel in behind the

building in question, for a dumpster pad and a place to make deliveries. Mr. Bane said he would also need to go back before Town Council to ask for some type of tax abatement plan to make the area a redevelopment area from Team Nurse, on Franklin Street, down to the Harvester Performance Center, also on Franklin Street.

Mayor Angle stated that it was encumbered upon Council to get all of the instructions before making decisions. Mayor Angle asked Mr. Bane if 90 days wasn't agreed upon, what could he hold manageable and the suggestion was given for 180 days.

**Motion Discussion:** The motion had been made by Council Member Snead and seconded by Vice Mayor Stockton when Mr. Bane stated the time deadline of 90 days would not work for him. After Mr. Bane approached the podium, Mr. Bane and Mayor Angle agreed on 180 days. Council Member Snead then amended his motion to reflect the Conceptual Plan within 180 days, with Staff approval, and following substantial conformity to the plan. Vice Mayor Stockton, then seconded Council Member Snead's amended motion.

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

**Nays:** None

**Action:** Approved the motion 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:

- July 9, 2018 – Regular Meeting Minutes

**Discussion:** None

**Motion:** To approve the draft minutes

**Motion By:** Council Member Newbill

**Second:** Council Member Snead

**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**
- (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 Stockton**

**Second: Council Member Walker**

**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 stated that no one contacted the Town prior to the meeting.

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

Let the record show that no one came forward.

## **OLD BUSINESS:**

1. Adjustments to Yard Sale Ordinance

Mr. Ervin updated Council on the revision of the Town's yard sale ordinance. Mr. Ervin stated that the language in the revised ordinance would limit yard sales to weekends and federal holidays only and would not allow for the accumulation of refuse in yards under the guise of a "yard sale". Mr. Ervin also stated that the revision simply said that a person could have a yard sale on any given Friday, Saturday, Sunday or Federal Holiday, during daylight hours. If someone was having a yard sale, and it was not on a Friday, Saturday, Sunday or Federal Holiday, during daylight hours, then the person was having a perpetual yard sale and the Town would have the right to shut the yard sale down.

**Discussion: None**

**Motion: To approve the revision of the Town's yard sale ordinance as presented.**

**Motion By: Council Member Snead**

**Second: Council Member Cundiff**

**Motion Discussion: None**

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

**Nays: None**

**Action:** Approved the revision of the Town's yard sale ordinance as presented by a unanimous vote.

## **NEW BUSINESS**

### 1. Ghost Walk 2018

Mr. James Williams of 3230 Webster Road, Glade Hill, Virginia spoke regarding the Franklin County Virginia Paranormal (FCVAP). Mr. Williams asked to conduct a ghost walking tour on the streets of downtown Rocky Mount. The walk was planned for the dates of October 5, October 12, October 19, and October 26, 2018. The walk would be guided with a narrator and guide. The event was approved by the Rocky Mount Police Department. The walkers could begin to arrive at 7:30 p.m. and the walk would begin at 8:00 p.m.

**Discussion:** None

**Motion:** To approve the ghost walk tour in downtown Rocky Mount.

**Motion By:** Council Member Snead

**Second:** Council Member Walker

**Motion Discussion:** None

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

**Nays:** None

**Action:** Approved the motion by a unanimous vote.

### 2. Utility Write Offs

Mr. Ervin presented to Council the \$10,498.10 of write offs that were defined to Council as uncollectible, finalled, utility billing balances. Mr. Ervin stated that the write off balances were account balances of which the Finance Department had already tried to collect but for whatever reason, could not. The accounts then were compiled into a list to prepare to write off for non-collection.

Ms. Woody, the Town's Finance Director, stated that phone calls had been made to try and collect the debt as well as monthly bills being sent out. Ms. Woody stated that another method of trying to collect bad debt owed to the Town was for the Finance Department to ask for an old balance to be paid when a subsequent water account was requested to be set up.

Council Member Moyer asked if the Town reported debt to the credit union. Ms. Woody replied that the Town did not.

Council Member Walker asked why the amount of debt was so much. Ms. Woody replied that some of the water/sewer bills were from high usage and or leaks.

**Discussion:** None

**Motion:** To approve the write offs in the amount of \$10,498.10 as presented.

**Motion By: Council Member Walker**

**Second: Vice Mayor Stockton**

**Motion Discussion: None**

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

**Nays: None**

**Action: Approved the motion by a unanimous vote.**

### 3. GFOA Certificate of Achievement

Mr. Ervin stated that the Town of Rocky Mount had received the Government Finance Officers Association (GFOA) Certificate of Achievement again for the Fiscal Year Ended June 30, 2017 for Excellence in Financial Reporting. The Certificate of Achievement was the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represented a significant accomplishment by a government and its management.

The Comprehensive Annual Financial Report (CAFR) for the year ended June 30, 2017 was judged by an impartial panel to meet the high standards of the program including demonstrating a constructive spirit of full disclosure to clearly communicate the Town's financial story and motivate potential users and user groups to read the CAFR.

Mr. Ervin stated that the award would not have been possible without the dedicated staff of the Finance Department. The Town of Rocky Mount had now achieved the award for the twelfth consecutive year.

No Action was required.

### 4. VML Grant for Rocky Mount Police Department

Mr. Ervin stated that the Virginia Municipal League (VML) had awarded the Town a \$4,000 safety grant towards the purchase of 16 trauma kits to be carried by the officers for use in the field and towards the purchase of a DVR camera system.

**Discussion: None**

**Motion: To approve the supplemental appropriation resolution toward the purchase of 16 trauma kits and a DVR camera for the Rocky Mount Police Department.**

**Motion By: Council Member Newbill**

**Second: Council Member Walker**

**Motion Discussion: None**

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

**Nays: None**

**Action: Approved the motion by a unanimous vote.**

#### 5. Diamond Avenue Water Line

Mr. Hankins stated that the Diamond Avenue Water Line Replacement Project was complete. The contractor, Concrete Foundations, completed the work 26 days ahead of schedule, earning a performance incentive. The \$540,000 project was completed under budget, coming in at \$531,828.09, not including paving, which came out of state funds. In total, 45 residential and commercial customers along the line were connected to new service on an 8-inch water main tied into Franklin Street at Diamond Avenue.

Mr. Hankins stated that the Town should note that Steve McGhee of the Public Works Department served as the on-site representative and clerk-of-the-works for the project. Mr. McGhee's knowledge of the neighborhood, existing utilities and drainage made him an excellent point of contact. The Town believed that Mr. McGhee's service on-site, saved the Town a significant amount of money and time on the project.

No Action was required.

#### 6. Gilley's Park Progress Review

Mr. Hankins gave an update on the progress of all of the changes and improvements that had been made to Gilley's Park on Trail Drive in Rocky Mount. One of the changes made was a unisex public restroom added for the picnic shelter users. Improvements were made to the gravel trail around the fishing areas. The lily pads were cut out considerably, although not completely, for the health of the pond. The lily pads provided cover and helped manage the pond temperature during the summer. Mr. Hankins stated that the Town treated the pond twice with beneficial bacteria designed to eat and reduce the muck in the pond, clarify the water and improve fish health.

The grass area around the ponds will continue to be treated to deter geese from nesting in the area and Mr. Hankins stated that the Town had researched and had selected an aeration windmill to help with continuous airflow to aerate both ponds and improve the fish habitat.

Mr. Hankins further stated that the Town expected to install the aeration windmill in late September, with water lines and air stones to serve both ponds.

No Action was required.

### **COMMITTEE REPORTS**

None at this time

### **REFERRALS TO PLANNING**

None at this time

**OTHER MATTERS AND CONCERNS**

Mr. Hankins was on Rise n' Shine.

Mayor Angle commended the Rocky Mount Fire Department for a job well done regarding the visitation and funeral for Mr. Tommy Davis on August 8<sup>th</sup> and August 9<sup>th</sup>, 2018.

**CLOSED MEETING AND ACTION**

Enter Closed Meeting

**Motion: To go into closed session under the Virginia Code Section cited below**

**Time: 7:48 p.m.**

**Virginia Code Section:**

**CLOSED MEETING AND ACTION**

**Section 2.2-3711(A)(5)**

**Discussion concerning a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Industrial Park)**

**Motion By: Vice Mayor Stockton**

**Second: Council Member Moyer**

**Motion Discussion: None**

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

**Nays: None**

**Action: To go into a closed meeting**

**Certificate of Closed Meeting Discussion:**

**Council certified unanimously that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting. No action was taken during the closed meeting.**

Whereas, the Rocky Mount Town Council has convened a closed meeting on Monday, March 14, 2016 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 (1950), as amended, 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.

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Steven C. Angle, Mayor

**ADJOURNMENT**

**Motion:** To adjourn meeting

**Time:** 8:20 p.m.

**Motion By:** Vice Mayor Stockton

**Second:** Council Member Moyer

**Motion Discussion:** None

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

**Nays:** None

**Action:** Adjourned by a unanimous vote

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Steven C. Angle, Mayor

ATTEST:

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Rebecca H. Dillon, Town Clerk