

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
JUNE 9, 2014**

The June 9, 2014 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 Billie W. Stockton

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, Captain Kenneth Criner (Rocky Mount Police Department), Finance Director Linda Woody, Public Works Director Cecil R. Mason, Superintendent of Water Department Robert Deitrich, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, and Town Clerk Patricia H. Keatts.

Absent were Town Planner Patrick Rust and Chief of Police David Cundiff.

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 Assistant Town Manager requested the agenda be amended to include an item under "New Business": request from Warren Preston Coleman, II and Tacoma, Inc. to take into the Town's public road system the spur road off of Marketplace Drive.

The Mayor requested to amend the agenda to include an item under "Closed Meeting" regarding personnel, specifically, Town Manager's Office.

#### **Motion Action Taken:**

***Motion was made by Council Member Greer to approve to amend the agenda as requested, with motion on the floor seconded by Council Member Love and carried unanimously by those present.***

## **SPECIAL ITEMS**

1. Captain Kenneth Criner of the Rocky Mount Police Department informed Council that the Rocky Mount Police Department has been awarded a "Cop in the Box" award by the Altavista Moose Lodge, which will enable the Town's police department the ability to go after on-line predators. He explained that this is basically a computer to monitor the on-line predators. The award is about \$3,500 and confirmed to the Mayor that this award does not require an in-kind match from the Town, and is basically free money. He stated that Bedford County would be assisting them in getting this program started.
2. The Town Manager referenced the award nomination that was completed and drafted by the Assistant Town Manager for an award through the Virginia Municipal League (VML) for the Harvester Performance Center. If the award is given to the Town, the Town will get a chance to be recognized at the VML conference during the fall in Roanoke, Virginia.

## **PUBLIC HEARING(S)**

Let the record show that there were no public hearings at this time.

## **APPROVAL OF MINUTES**

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

- May 12, 2014 Regular Council meeting.

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

### **Motion Action Taken:**

***Motion was made by Council Member Stockton to approve the draft minutes 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.***

## **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 (*none presented*)
- Miscellaneous Action (*none presented*)
- Departmental Monthly Report
  - Community Development
  - Finance Department
  - Fire Department

- Police Department
- Public Works Department
- Waste Water Department
- Water Department
- Bill List

There being no comments, the Mayor entertained a motion.

**Motion Action Taken:**

*Motion was made by Council Member Love to approve the "Consent Agenda" as presented, 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.*

**HEARING OF CITIZENS**

Let the record show that no one had contacted the Town Clerk's Office wishing to come before Council to speak.

At this time, the Mayor opened the floor to anyone wishing to come forward to speak. Let the record show that no one came forward.

**OLD BUSINESS**

Let the record show there were no items under "Old Business" to discuss at this time.

**NEW BUSINESS**

- A. Review and consideration of request of Franklin County High School Senior Class for approval of their "Eagle Pride 5k/10k Race".

On behalf of the Franklin County High School Senior Class, Senior Class President Marnia Toney and Senior Class Secretary Kelly Keith came forward and presented their request for approval to hold their "Eagle Pride 5k/10k Race" on Saturday, September 27, 2014. Captain Kenneth Criner with the Rocky Mount Police Department confirmed to Council that the proposed race routes had been revamped for safety reasons by the Police Department and was workable with the Senior Class advisors, with Council receiving prior to the meeting the new routes.

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

**Motion Action Taken:**

*Motion was made by Council Member Greer to approve the race as approved by the Rocky Mount Police Department, 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.*

B. Review and consideration of approving draft Virginia Retirement System (VRS) resolution “Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions” reflecting the Town or Rocky Mount’s desire to fund the employer share.

The Town Manager explained to Council that the Virginia Retirement System (VRS) needs an adopted resolution by the Rocky Mount Town Council reflecting the Town of Rocky Mount’s desire to fund the employer share at 14.61%, which is the certified rate determined by the VRS actuarial report for the Town of Rocky Mount for fiscal years 2015 and 2016. He further explained:

- The alternate rate of 12.75% would not fully fund the employer obligation for the retirement liability.
- The employer unfunded liability is shown on the Town’s annual financial reports.
- The Fiscal Year 2015 budget contains funds for the 14.61% employer contribution.
- The Town employee would still contribute their own 5% share, explaining the three tiers that the Town employee has.
- This is mandated by the State of Virginia.

The Town Manager requested Council to consider approving the draft resolution as presented to Council.

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

***Motion Action Taken:***

*Motion was made by Council Member Stockton to approve the draft “Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions” resolution as presented, 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 presented.*

C. Review and consideration of approval of draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2014” for the Virginia Municipal League Insurance Program award to the Rocky Mount Police Department in the amount of \$4,000 to offset the purchase of patrol car laptops.

The Town Manager explained to Council the need for the approval of the proposed draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2014” where the Virginia Municipal League (VML) Insurance Program is awarding the Rocky Mount Police Department a safety grant in the amount \$4,000 to offset the purchase of patrol car laptops. It was confirmed to Council by the Town Manager that this is basically free money as there is no matching in-kind funds required from the Town.

The Town Manager requested approval of the draft resolution.

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

**Motion Action Taken:**

*Motion was made by Council Member Greer approving 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.*

- D. Review and consideration of approval to allow the Planning Commission to study the keeping of chickens in the Town of Rocky Mount, which would require an amendment to the Town of Rocky Mount's Planning & Zoning Ordinance.

The Town Manager informed Council that the Town Planner had received a letter from Mr. Sterling White (who lives at 260 Maple Avenue) wanting the Town's Zoning Ordinance changed that would allow residents to keep chickens at their home. His residential address is currently zoned Residential-1 (R1). Under Town of Rocky Mount Town Code, keeping of fowl is not allowed in any zoning district except Residential Agricultural (RA).

The Town Manager stated further the following:

- Mr. White currently has chickens on his property and upon a complaint received by the Town, the Town Planner inspected the property and found the complaint had merit.
- A letter was sent from the Town Planner to Mr. White explaining the Town Code and that chickens are not allowed on his property.
- Mr. White expressed his desire to keep his chickens, with Town staff recommending Mr. White to write a letter addressing Council to consider changing the Town Code.
- Explained further to Council the Town Planner has relayed to him that over the past several years, staff has received numerous inquiries about keeping chickens in-town; and, that it is his understanding that other nearby localities have made code amendments allowing the keeping of fowl in residential areas, so there are local examples available for comparative review.

There was brief discussion regarding this matter between Council and the Town Manager.

Council Member Greer (and also Planning Commission member) relayed to Council that he thinks this needs to be looked into further, with Vice Mayor Walker stating that he agrees with Council Member Greer that the Town needs to look into this further and to see what surrounding localities do.

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

**Motion Action Taken:**

*Motion was made by Vice Mayor Walker to allow the Planning Commission to study the issue and report back to Council, with motion on the floor being seconded by Council Member Greer. Voting in favor of the motion on the floor were Vice Mayor Walker and Council Members Greer, Moyer, Love and Stockton. Voting in opposition to the motion on the floor was Council Member Cundiff. Let the record show that the motion on the floor passed five to one.*

E. Review and consideration of approval of agreement for professional services with Hill Studio for Town of Rocky Mount's Comprehensive Plan update.

The Assistant Town Manager came before Council stating the following:

- The Town of Rocky Mount's Planning Department staff solicited proposals from community development consulting firms interested in leading development of the Town's next comprehensive plan. The Town Planner led the effort and received six proposals. Staff narrowed the list down to three highly qualified firms.
- The Town Planner, Planning Technician, and Mr. John Speidel (member of the Town of Rocky Mount's Planning Commission and Board of Zoning Appeals) interviewed all the firms. The Assistant Town Manager was unable to interview the first firm; therefore, did not vote on the selection. Staff was impressed by the quality of the applicants and the scope of work proposed by all three firms.
- Staff's recommendation to the Planning Commission, after due consideration of the benefits to the Town, was to enter into a contract with Hill Studio of Roanoke, Virginia. Hill Studio has worked with the Town on a number of projects, is familiar with many of the Town's goals, and is qualified to offer the skilled advice needed to advance the Comprehensive Plan. The Assistant Town Manager has conferred with several colleagues who have used Hill Studio in the past, and the firm comes highly recommended both for the quality of its work, and the timeliness of its effort. Hill Studio states that it can complete the Town's Comprehensive Plan six months after engagement. Staff rationally expects a few bumps in the road; however, this puts the expected completion date in early 2015.
- If approved, Hill Studio's lead staff on this project will be Evie Sloan. The Town Planner and Ms. Sloan developed a draft contract, which was presented to the Planning Commission at its June meeting. The contract falls within the Town's budgeted allocation for completion of this project. It was a unanimous recommendation of the Planning Commission that the presented Agreement for Professional Services with Hill Studio be approved by Town Council. The contract is presented for Council's review and consideration.

There was discussion between Council and the Assistant Town Manager regarding Hill Studio completing the project on a timely basis.

Council Member Moyer stated that he did not understand the need for the Town to enter into contract with a professional firm to do the comprehensive plan. The Town Manager and Assistant Town Manager informed Council that the State mandates that the comprehensive plan be updated every five years, and at this point and time, the Town's need for an update is going into the seventh year; therefore, the Town is lagging behind in getting the update. The Assistant Town Manager confirmed to Council that Hill Studio would meet those needs mandated by the State.

Council Member Greer informed Council that the last comprehensive plan document that was completed was done so by using Town staff and the Planning Commission, and he does not believe the Planning Commission wanted to have to undertake doing it again as it was very time-consuming. The Assistant Town Manager also stated that the document the Town has now was not only not up-to-date, but the Town needs one that is stream-lined and more in-line to the Town's needs.

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

**Motion Action Taken:**

***Motion was made by Council Member Greer to approve to enter into contract with Hill Studio for the Town's Comprehensive Plan update, 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. Review and consideration of approval of setting a new rate for curb/gutter installation, effective July 1, 2014.

The Town Manager informed Council that the Town of Rocky Mount has charged \$30 per foot for curb cuts and curb/gutter installation since approximately 1990 (25 years), and a review of the practice by the Public Works Director shows the actual cost to the Town is approximately \$80 a foot. The Public Works Director and Town Manager recommends a new rate be set by the Rocky Mount Town Council of \$85 a linear foot for curb cuts and curb/gutter installation, effective July 1, 2014.

There was discussion between Council, Town Manager and Public Works Director on what the costs should be, with some Council members voicing concern of raising the costs so much at one time.

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

**Motion Action Taken:**

***Motion was made by Council Member Moyer to increase the cost for curb/gutter installation to \$60 per linear foot, effective July 1, 2014, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show the motion on the floor passed unanimously by those present.***

- G. Amended agenda item to add under "New Business" regarding request of Warren Preston Coleman, II and Tacoma, Inc. to take into the Town's public road system the spur road off of Marketplace Drive.

The Assistant Town Manager informed Council that he has received a request from Warren Preston Coleman, II and Tacoma, Inc. for the Town of Rocky Mount to take into the public road system the spur road off of Marketplace Drive. He further stated that Arrington Paving recently completed the current road to Town specifications, and the developer is asking that the Town accept the road and maintain it as a Town street.

The Town's Public Works Director and the Community Development Director have reviewed the road and find it meets the Town's specifications for public improvements, and recommend that Council approve the Town accepting the road.

The Assistant Town Manager informed Council that before them at this time were two draft resolutions for accepting the improved right-of-way into the public transportation network: Option 1: draft resolution showing names for the street; and Option 2: draft resolution leaving the proposed street names off.

Mr. Tim Reith, President of Tacoma, LLC, came before Council basically confirming what the Assistant Town Manager had stated. He also confirmed where Taco Bell will be located (behind Bojangles).

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

**Motion Action Taken:**

**Motion was made by Council Member Love to accept Option No. 2 draft "Resolution for Accepting the Improved Right-of-Way into the Public Transportation Network" (where no names for the street are mentioned), 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.**

**COMMITTEE REPORTS**

Let the record show there were no committee reports at this time.

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

A. Referrals to Planning Commission from Town Council

The Assistant Town Manager confirmed to Council that there were no referrals at this time.

B. Rise 'N Shine Appearances

The Assistant Town Manager confirmed to Council that he appeared on the *Rise 'N Shine* show this morning.

**COUNCIL CONCERNS**

The Mayor thanked Council Member Greer for all his years of service to the Town, stating that he has done a good job and has had insight to the Council that no one else has had, and he thanks him very much for this.

**CLOSED MEETING**

At 7:45 p.m., motion was made by Vice Mayor Walker to go into *Closed Meeting*, and seconded by Council Member Stockton and carried unanimously to discuss the following:

- Section 2.2-3711(A).1 - Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body (specifically, Town Manager's Office).

At 8:05 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 Moyer and carried unanimously by those present.

### **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.

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Steven C. Angle, Mayor

- Motion was made by Council Member Greer 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 considered in the meeting by the public body was discussed. Motion was seconded by Council Member Moyer. The Mayor swore to adopt the motion on the floor by Council Member Greer that this was all that was discussed as defined in Section 2.2-3712 Code of Virginia. Voting yes were Vice Mayor Gregory B. Walker and Council Members Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L. Moyer, and Billie W. Stockton.

The Mayor reported that no action was taken.

### **ADJOURNMENT**

At 8:10 p.m., motion was made by Council Member Love to adjourn, seconded by Council Member Stockton and carried unanimously by those present.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

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