

**ROCKY MOUNT TOWN COUNCIL  
REGULAR MEETING MINUTES  
SEPTEMBER 14, 2015**

The September 14, 2015 regular 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
- P. Ann Love
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton

The following staff members were present:

- John Boitnott, Town Attorney
- Ken Criner, Chief of Police
- Bob Deitrich, Water Treatment Plant Superintendent
- Rebecca Dillon, Interim Executive Assistant
- C. James Ervin, Town Manager
- Josh Gibson, Town Planner
- Amy Gordon, Assistant Finance Director
- Matthew Hankins, Assistant Town Manager
- Mark Lovern, Lieutenant, Rocky Mount Police Department
- Cecil Mason, Public Works Director
- Jeff Rakes, Fire Chief
- Linda 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**

Additions or Corrections: Council Member Love requested to amend the agenda to include a work session after the regular meeting in order to receive Mr. Andy Turner's report for the Harvester Performance Center.

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**Motion:** To approve the agenda as amended  
**Motion By:** Council Member Snead  
**Second:** Vice Mayor Walker  
**Motion Discussion:** None  
**Ayes:** Cundiff, Love, Moyer, Snead, Stockton, Walker  
**Nays:** None  
**Action:** The amended agenda was approved by a unanimous vote

### **SPECIAL ITEMS**

Let the record show there were no special items to discuss at this time.

### **PUBLIC HEARINGS**

Mayor Angle recessed the meeting to go into public hearing.

***Public Hearing No. 1: Review and final determination of the rezoning application submitted by Dr. James Cornick of the Crooked Road Family Dentistry, located at 40 Tanyard Rd, known as Franklin County tax map and parcel number 2070016401 from R1(residential district) to RB (residential business district)***

After being duly advertised, the staff of the Community Development Department presented for public hearing Dr. James Cornick's request to rezone the property located at 40 Tanyard Rd (parcel number 2070016401) from R1(residential district) to RB (residential business district).

**Staff Report by Assistant Town Manager Hankins:** Dr. James Cornick's application requests a rezoning of his property at 40 Tanyard Road, and known as Franklin County Tax Map and Parcel Number 2070016401 from R1 (Residential District) to RB (Residential Business District). The building at this address currently houses his dental practice, Crooked Road Family Dentistry.

Dr. Cornick wishes to add a dedicated parking area to enhance the safety of his clients and those driving along Tanyard Road. The site has been used as a dentist office for many years, but since the parcel is zoned R1 it is currently classified as a nonconforming use according to Town Code. Due to its current zoning classification and nonconforming status, neither an expansion of the building nor its parking area is possible. A rezoning to RB will eliminate a nonconforming use on a parcel that is no longer well-suited for residential conversion or use, while maintaining the residential character for the area and avoiding a higher-intensity commercial rezoning which may be more disruptive. The rezoning is supported by staff and the Town's Comprehensive Plan.

A site visit was held by Planning Commission at the property on Tuesday September 1, 2015 at 5:15 p.m. prior to the Planning Commission Public Hearing. The Planning Commission of the

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Town of Rocky Mount held a public hearing on Tuesday, September 1, 2015, and made a motion to recommend the approval of the application request for rezoning to Town Council.

Comments from Council:

Council Member Love questioned if there were any concerns from Mr. Tuning or any other neighbors. Assistant Town Manager Hankins advised that Mr. Tuning as well as other adjoining property owners had no concerns.

Assistant Town Manager Hankins also stated that this rezoning request is in keeping with the Town's current comprehensive plan.

Mayor Angle opened the floor to any member of the public wishing to speak regarding the proposed rezoning.

Public Hearing: Let the record show that no member of the public came forward to speak.

Mayor Angle called the meeting back into regular session.

Discussion By Council: Let the record show there was no discussion by Council.

**Motion: To rezone the property located at 40 Tanyard Rd (parcel number 2070016401) from R1 (residential district) to RB (residential business district)**

**Motion By: Council Member Love**

**Second: Council Member Snead**

**Motion Discussion: None**

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

**Nays: None**

**Action: The rezone was approved 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:

- August 10, 2015 Regular Meeting Minutes

**Motion: To approve the draft minutes as presented**

**Motion By: Vice Mayor Walker**

**Second: Council Member Stockton**

**Motion Discussion: None**

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

**Nays: None**

**Action: The draft minutes presented were approved by a unanimous vote**

## **APPROVAL OF CONSENT AGENDA**

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

(1) **Miscellaneous Action**, including:

- Clarification of Council's action to include non-profit customers in the amended elderly and disabled relief utility rate, to consist of all water customers, in Town and out of Town

(2) **Department Monthly Reports**, including:

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

Discussion: None

**Motion: To approve the consent agenda as presented**

**Motion By: Council Member Stockton**

**Second: Council Member Walker**

**Motion Discussion: None**

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

**Nays: None**

**Action: The presented consent agenda was approved by a unanimous vote**

## **HEARING OF CITIZENS**

Let the record show that prior to the meeting, there was one person who requested to speak during the "Hearing of Citizens" segment of the meeting.

Mayor Angle called upon **Mr. Jim Currie, CEO of the Franklin County YMCA, located at 235 Technology Drive, Rocky Mount, VA** to come forward and address Council.

Discussion: Mr. Currie spoke to give Council an update on the YMCA's current financial status compared to two years ago. He also reviewed the various platforms that the YMCA offers the citizens of Franklin County, with emphasis on the Veterans Program, Childrens Substance Abuse Program, Franklin County High School Swim Team, Feeder Swim Team (Rip Tide), Teach Franklin County 2<sup>nd</sup> Graders to Swim Program, as well as the Senior Adults Aquatic Program. Mr. Currie provided Council with an Expense Analysis of the Aquatic Programs and a breakdown of scholarships given to children in the County, emphasizing the number of children in Rocky Mount only.

Mayor Angle asked if the Franklin County school system funded any of the swim programs. Mr. Currie replied that the schools did pay for the cost of transportation to bring the 2<sup>nd</sup> graders to and from the YMCA and elementary schools for lessons.

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Mr. Currie asked Council to consider funding a portion of the aquatic programs, or to contribute a dollar amount of their choosing. Mayor Angle referred this request to be reviewed by the Finance Committee and asked that Council Member Stockton give Council a report next month with the committee's recommendation.

Mayor Angle opened the floor to any other citizens wishing to speak. Let the record show no one came forward.

## **OLD BUSINESS**

***Old Business Item No. 1: Review and consideration of approval of proposed amendments to Articles 4, 20, 24, and 29 of the Town of Rocky Mount Zoning & Development Ordinance regarding the terms *bed and breakfast*, *bed and breakfast inn*, and *mixed-use inn*.***

Staff Report by Assistant Town Manager Hankins: On August 10, 2015, the staff of the Community Development Department presented for public hearing its request to amend Articles 4, 20, 24, and 29 of Appendix A, also known as the Zoning and Development Ordinance, of the Code of the Town of Rocky Mount, Virginia, 2002 (as amended).

The proposed amendments recommended by staff included:

1. Definition Updates:
  - a. ARTICLE 4 (Definitions) of the Town of Rocky Mount Zoning and Development Ordinance will be updated to **strike** the following definitions from 4-3:
    - BED AND BREAKFAST ESTABLISHMENT: A home occupation involving the rental of up to four rooms to overnight guests and offering breakfast meals only to said guests.
  - b. ARTICLE 4 (Definitions) of the Town of Rocky Mount Zoning and Development Ordinance will be updated to **add** the following definitions to 4-3:
    - BED AND BREAKFAST: A home occupation wherein the owner of the premises resides at the establishment, and which (1) may contain up to five (5) guestrooms for temporary/overnight guests, (2) shall not contain restaurant facilities but may provide food service for temporary/overnight guests and (3) may host indoor/outdoor events such as weddings, receptions, and similar activities on site subject to other applicable restrictions.
    - BED AND BREAKFAST INN: A dwelling and its associated building(s) used for temporary/overnight guests wherein the owner or manager provides full-time management of the establishment at all times when the facility is occupied by one or more guests, and which (1) may contain up to ten (10) guestrooms for temporary/overnight guests, (2) shall not contain restaurant facilities but may provide food service for temporary/overnight guests, and (3) may host indoor/outdoor events such as weddings, receptions, and similar activities on site subject to other applicable restrictions.
    - MIXED-USE INN: A building designed or occupied as an abiding place featuring no less than 8 rooms and no more than 20 rooms available for temporary/overnight guests who are, for compensation, lodged with or

without meals, and in which provision is not generally made for cooking in individual rooms or suites. In addition to the 8-20 rooms/suites, a mixed-use inn may or may not also include on-premises restaurants, banquet halls, meeting rooms, retail uses and similar facilities as approved by the zoning administrator. The intent of this lodging category is to encourage compatible mixed uses as an enhancement and compliment to the primary use, lodging.

2. Other Ordinance Updates:

a. RESIDENTIAL DISTRICT R1 (ARTICLE 20)

- Under Article 20, 20-2-1 should be updated as follows: strike “Bed and breakfast establishments” and add “*Bed and Breakfast and Bed and Breakfast Inn*”

b. RESIDENTIAL BUSINESS DISTRICT RB (ARTICLE 24)

- Under Article 24, 24-1-15 should be updated as follows: strike “Bed and breakfast establishments” and add “*Bed and Breakfast and Bed and Breakfast Inn*”

c. CENTRAL BUSINESS DISTRICT CBD (ARTICLE 29)

- Under Article 29, 29-1-2 should be updated as follows: strike “Bed and breakfast establishments” and add “*Bed and Breakfast and Bed and Breakfast Inn*”
- Under Article 29-2 “Uses by special exception” an additional definition should be added as follows: “29-2-8. Mixed-Use Inn

Assistant Town Manager Hankins stated that the proposed amendments are part of Community Development’s attempt at modernizing the Town’s Zoning and Development Ordinance, and to achieve some clarity in this area.

General Discussion: None

**Motion: To approve the proposed amendments as presented**

**Motion By: Council Member Snead**

**Second: Council Member Love**

**Motion Discussion: None**

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

**Nays: None**

**Action: The proposed amendments were approved as presented by a unanimous vote**

## **NEW BUSINESS**

***New Business Item No. 1: Review and recommendation from Planning Commission to consider designating Urban Development Area for transportation funding.***

Staff Report by Assistant Town Manager Hankins: House Bill 2 applications are underway and VTrans 2040, Virginia’s long-range multimodal transportation plan, is being finalized. At the end of this process, the Commonwealth will have new projects identified for the Six Year

Improvement Program (SYIP) based on a scoring system developed under House Bill 2, which identifies how well projects address the transportation needs in VTrans 2040.

Urban Development Areas (UDAs) may provide an opportunity for the Town to achieve additional project advancement under current transportation project categories. There are currently no UDAs included in our comprehensive plan, but designating them may make our HB2 applications more competitive. Projects within designated UDAs may score higher since they may meet VTrans 2040 needs not addressed under other categories. Consequently, staff is recommending the Town designate UDAs to help bolster specific project competitiveness.

The Central Business District, which corresponds roughly to the Mixed Use District on the Town's Future Land Use Map, is well-suited as a UDA now, and the Town could benefit immediately from having it designated as such. Town Council may pass a resolution identifying which locally designated growth areas in the most recent, approved comprehensive plan (with specific, identified boundaries) are consistent with the intent of the Commonwealth of Virginia Code: § 15.2-2223.1. The area designated is consistent with these requirements. The residential and commercial density, pedestrian-oriented design and traditional neighborhood development elements all serve the purposes of UDAs as defined by state code.

Staff recommends that Town Council pass a resolution that designates the Mixed Use District on the Town's future land use map as an Urban Development Area.

#### General Discussion:

Assistant Town Manager Hankins stated that designating an Urban Development Area does not require the Town to change its current Zoning and Development Ordinance and is also not essential for this year's funding, but it could aid in future years as the Town seeks funding to realign Angle bridge intersection.

Mayor Angle commented that the proposed Urban Development Area seems to include a few residential parcels. Assistant Town Manager Hankins stated that one requirement for a UDA designation is that it must include residential and commercial areas with potential for growth.

Town Manager Ervin added that there is no guarantee that we will be competitive in our request for funding, especially in this first year.

Council Member Love inquired as to when the Town had to respond with a filing to VDOT on the Angle bridge project again. Assistant Town Manager Hankins stated the filing deadline is toward the end of October.

Vice Mayor Walker and Council Member Snead stated that UDAs have been discussed for several months at West Piedmont Planning District Commission, and that Southside Virginia is facing an uphill battle in relation to VDOT's planning and scoring process.

Town Manager Ervin stated that Town Council could consider the resolution in front of them even though it was not on the agenda, as it could be used to include in an application with all projects that the Town can score high on. Assistant Town Manager Hankins stated this is a

common process for applications to be completed, realizing that you might not receive the funding this year, but it produces benchmarks for future years.

**Motion: To approve the designation of an Urban Development Area and proposed resolution**

**Motion By: Vice Mayor Walker**

**Second: Council Member Snead**

**Motion Discussion: None**

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

**Nays: None**

**Action: The request was approved as presented by a unanimous vote**

***New Business Item No. 2: Review and consideration of the Community Partnership requests to Town Council on Street closings for the Come Home to Franklin County Christmas event on December 4, 2015***

Staff Report by Town Manager Ervin: Community Partnership for Revitalization (CPR) requests that the street closing for Come Home to Franklin County Christmas being held on December 4, 2015, include from the intersection of Franklin Street and Floyd Avenue to the intersection of Franklin Street and Main Street. This modification in the street closure has been discussed at length with the Rocky Mount Police Department as well as businesses located in the area. Carter Bank and Hema's Restaurant are the only two businesses affected by this area that have not participated and/or remained opened in previous years for the event. Both locations have been approached with the proposed street closure and have agreed to the modifications.

General Discussion:

Carolyn Johnson, President of CPR, stated that this will be the twelfth year for Come Home to Franklin County Christmas and that these modifications to extend the street route closure would aid in eliminating risk of people possibly getting hurt and would allow for the use Depot and surrounding area to be utilized safely for individuals walking and participating in the event. Ms. Johnson stated Hema's Restaurant was going place signs in its establishment to notify its customers of the upcoming event and closure to the street.

Lieutenant Lovern identified that the proposed street closure has been reviewed thoroughly and that the safety factor will increase dramatically and aid in decreasing risk to citizens.

With Vice Mayor Walker's concern as to the businesses affected by the closure, Mrs. Johnson responded by stating that Carter Bank is going to close at 5:00 p.m. that day, Hema's Restaurant will remain open during the event, and Cox's Fashions and Virginia Shoe & Lock close at 5:00 p.m.

Lieutenant Lovern stated that Kay's Corner (the dry cleaner) has not been approached, but the police department does have a plan of action to allow customers to access the facility for their last hour of operation as they close at 6:00 p.m.

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**Motion:** To approve the request as presented  
**Motion By:** Council Member Stockton  
**Second:** Council Member Cundiff  
**Motion Discussion:** None  
**Ayes:** Cundiff, Love, Moyer, Snead, Stockton, Walker  
**Nays:** None  
**Action:** The request was approved as presented by a unanimous vote

### **COMMITTEE REPORTS**

Let the record show there were none given at this time.

### **OTHER MATTERS & CONCERNS**

#### ***Referrals from Council:***

Assistant Town Manager Hankins requested a referral by Council to the Planning Commission. Planner Gibson has been studying other communities in their approach to accessory buildings in the Central Business District (CBD), particularly as it relates to residential. Community Development would like to study this with Planning Commission to see if there are any changes that need to be made to allow for the use of accessory buildings.

Mayor Angle approved the request.

#### ***Rise and Shine Franklin County Appearances:***

Assistant Town Manager Hankins appeared on *Rise and Shine Franklin County* with Host Dick Shoemaker this morning.

#### ***Council Concerns:***

Let the record show there were none at this time.

### **CLOSED MEETING & ACTION**

*Entering Closed Meeting:*

**Motion:** To go into closed session under the Virginia Code Section cited below  
**Time:** 7:38 p.m.  
**Virginia Code Sections:** Section 2.2-3711(A).1 - Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion,

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performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employee of any public body (Economic Development Authority, Board of Zoning Appeals, Town Manager's Office).

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:** Council Member Walker

**Second:** Council Member Moyer

**Motion Discussion:** None

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

**Nays:** None

**Action:** Meeting convened into a closed session by a unanimous vote

*Exiting Closed Meeting:*

**Motion:** To reconvene back into open session

**Time:** 8:38 p.m.

**Motion By:** Council Member Love

**Second:** Council Member Snead

**Motion Discussion:** None

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

**Nays:** None

**Action:** The meeting was reconvened into regular session by a unanimous vote

*Certificate of Closed Meeting Discussion:*

**Motion:** To certify that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting

**Motion By:** Council Member Cundiff

**Second:** Council Member Moyer

**Motion Discussion:** None

**Ayes:** Cundiff, Love, Moyer, Snead, Stockton, and Walker

**Nays:** None

**Action:** The Mayor swore to adopt the motion on the floor by Council Member Cundiff and reported that no action was taken during the closed meeting.

*Whereas, the Rocky Mount Town Council has convened a closed meeting on Monday, September 14, 2015 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;*

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*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

## **WORK SESSION**

Andy Turner presented Council with the quarterly financial statements for the Harvester Performance Center.

## **ADJOURNMENT**

There being no further business to discuss, Mayor Angle entertained a motion to adjourn:

**Motion to Adjourn By: Vice Mayor Walker**  
**Second: Council Member Stockton**  
**Motion Discussion: None**  
**Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker**  
**Nays: None**  
**Action: The meeting adjourned by a unanimous vote**  
**Time of Adjournment: 9:32 p.m.**

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Steven C. Angle, Mayor

ATTEST:

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Amy D. Gordon, Acting Town Clerk