

**TOWN OF ROCKY MOUNT  
PLANNING COMMISSION  
MINUTES  
FEBRUARY 2, 2010  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, February 2, 2010 at 6:00 p.m., with Madame Chair Janet Stockton presiding.

The following members of Planning Commission were present when the meeting was called to order: Madame Chair Janet Stockton and Vice Chair John Speidel; and Planning Commission Members Ina Clements, Bobby Cundiff, Jerry Greer, Derwin Hall, and John Tiggle.

The following staff members were present when the meeting was called to order: Town Manager C. James Ervin, Assistant Town Manager Matthew C. Hankins, Town Attorney John Boitnott, and Deputy Clerk Stacey B. Sink.

**APPROVAL OF AGENDA**

Madame Chair Stockton asked if there were any additions or corrections to the presented agenda. There being none, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Clements to approve the agenda as presented with motion on the floor being seconded by Planning Commission Member Greer. There being no further discussion, let the record show that the motion on the floor passed unanimously.

**APPROVAL OF MINUTES**

Prior to the meeting, the Planning Commission received a copy of the following minutes for review and consideration of approval:

- January 5, 2010 – Regular Meeting Minutes

Madame Chair Stockton noted that in reviewing the minutes she made one note, and she referenced page 1174, second bullet. Madame Chair Stockton asked that the

phrase “the distilling process” be added to the end of her statement. The Deputy Clerk noted that she would add the phrase for clarity.

Madame Chair Stockton asked if there were any other additions or corrections to the minutes, and being none, entertained a motion.

- Motion was made by Planning Commission Member Tiggle to accept the minutes as corrected, with motion on the floor being seconded by Planning Commission Member Cundiff. There being no further discussion, let the record show that the motion on the floor passed unanimously.

## **PUBLIC HEARINGS**

Let the record show that Madame Chair Stockton recessed the meeting to hold the following public hearing:

### ***(1) Request of Flora Funeral Service, Inc. to add a crematory***

After being duly advertised, and pursuant to the Town of Rocky Mount Zoning & Development Ordinance and the Code of Virginia, Flora Funeral Service, Inc. requested a special use permit to add a crematory to an existing building on the property located at 665 South Main Street and known as Franklin County Tax Map and Parcel Number 2100029900.

Madame Chair Stockton called upon the Assistant Town Manager to deliver his staff report. The Assistant Town Manager noted the following:

- Staff has received a request from Flora Funeral Service to permit the use of its property at 665 South Main Street for a crematory to be installed on the existing garage at the back of the property.
- The property is zoned Central Business District (CBD), in which funeral homes are a use by right. However, Town code does not define funeral homes and the funeral services which are acceptable in that zoning. Without clear definition in Town zoning establishing crematories as a use by right, staff viewed this as a use not provided for (Article 15-4) requiring a special use permit and a review by the Planning Commission and Town Council. Staff recommends correcting this oversight within the next 12 months by amending code and adding definitions.
- Lee Flora applied for the special use permit. In preparation for this review, Mr. Flora arranged a visit for the Town Manager and the Assistant Town Manager to

a Roanoke funeral home which uses similar equipment. They were both impressed by the clinical nature of the process, the cleanliness of the facility, the professionalism of the staff, and the limited external indications of the crematory's operation.

- Essentially, the only recognizable sign that the operation was working was the small amount of heat rising from the exhaust stack, which was no more imposing than a standard home chimney. He noted that the technical information regarding the crematory equipment, which was provided to the Planning Commission in their meeting packet, demonstrates that because of the 1600 Fahrenheit degrees required for operation, all byproducts are destroyed except for water vapor, heat and carbon dioxide. The process produces no external ash. Some fan noise was audible for up to approximately 100 feet, although the fan noise was less audible than traffic from nearby streets, but would be audible throughout the three-hour cremation process. The manufacturer of the equipment Mr. Flora plans to use was available at the site visit earlier in the evening, and he indicated that the proposed equipment will not use a fan but a louvered exhaust system instead.
- He noted that the primary differences in what Mr. Flora is proposing for his site and the Roanoke location are: (1) the manufacturer of the equipment; and (2) the fuel, as Roanoke has natural gas service, while any Rocky Mount facility would have to use propane.
- Funeral home staff must receive training before operating the facility, and the entire operation is monitored by the Virginia Department of Environmental Quality. He noted that the Virginia Administrative Code section regarding the regulation of crematories was included in Planning Commission's meeting materials. The training is offered twice per year, and if Mr. Flora receives approval this month, his staff will attend the next training session in March.
- Mr. Flora indicates that his current demand is for an average of one cremation per week, but the regularity of use is unpredictable, given the unscheduled nature of the funeral business.
- This special use, if granted, would expire and become a use by right in the future if Planning Commission and Town Council see fit to amend the code to better define funeral homes and acceptable uses.
- Staff, therefore, makes the following recommendation: given the tight regulation of this activity by the Commonwealth of Virginia, its nonpolluting nature, and its limited impact on the surrounding properties, staff believes the special use permit should be granted. He noted that if Planning Commission deems it necessary, they may choose to place some limits on use, by limiting hours of operation or noise creation.

Madame Chair Stockton asked if there were any questions from Planning Commission for the Assistant Town Manager.

Planning Commission Member Hall stated that he noticed in one of the potential motions the Assistant Town Manager mentions limiting operations, and he questioned when the crematory would normally be in operation and asked the Assistant Town Manager to explain his thoughts behind this.

The Assistant Town Manager advised that this is something that would probably be better answered by Mr. Flora, as he isn't sure of what times Mr. Flora plans to operate the equipment.

**Lee Flora, president of Flora Funeral Service**, came to the podium. To address Planning Commission Member Hall's question, he stated that the normal business hours are from 8:30 A.M. until 5:00 P.M. Most likely, cremations will be done during those hours; however, there may be exceptions if there is a pending service where the cremains are required and they may need to go into the evening hours to accomplish this.

The Assistant Town Manager also clarified that he initially made the recommendation under the assumption that there would be a similar fan to the operation in Roanoke. But, since the equipment is different and there is not going to be a fan noise, then limiting the hours wouldn't be as much of a concern.

Mr. Flora acknowledged that at the site visit there were some questions raised in regards to smoke, smell and sound, and he thinks most of those were addressed at the site visit. He then offered that any more technical questions could be addressed to Mr. Glenn Lyle of B&L Cremation Systems, Inc., who is a representative of the company from which Mr. Flora will be purchasing the cremation equipment.

Vice Chair Speidel questioned if Mr. Flora planned do anything with the rest of the storage space as it is now. Mr. Flora stated that he hopes to maintain the balance of the space as it is now for vehicles and storage of inventory, such as caskets and chairs. They do plan to clean up the area, and if the County of Franklin has an ordinance that requires the cremation equipment to be sectioned off then they will have to comply, but right now they do not plan to do that. Mr. Flora clarified that when the doors are open, the cremation equipment would be exposed.

Planning Commission Member Clements questioned if there was any chance that cremations would be done at night. Mr. Flora stated that they do have visitations

that run into evening hours, usually up to 9:00 P.M., and there is a possibility that if cremains will be needed for a ceremony the following day they will need to do a cremation during those evening hours while staff is on site. However, their hope is to accomplish most of this during normal business hours.

Planning Commission Member Tiggle stated that he had read in the materials that one should not knowingly cremate a body with a pacemaker or defibrillator, and just for informational purposes, he wondered what the rationale was behind this.

**Mr. Glenn Lyle** came to the podium to speak, stating that he is with B&L Cremation Systems, Inc. in Largo, Florida. In regards to pacemakers, it is the battery that causes the problem, as it can explode in the crematory due to the excessive heat. It can be a projectile and cause damage to brick inside the unit, although it will not damage the crematory equipment. It is very similar to instances they have had where bullets were left in pockets. He further stated that on average the first cremation of the day usually lasts approximately two and a half hours. The second or third cremations will not take as long. Currently, Mr. Flora only does about 50 cremations a year, so right now, he is not looking at volumes of cremations, but rather serving his families so that he does not have to go to a third party.

Vice Chair Speidel questioned what the sound transfer would be from this equipment since there is no blower. Mr. Lyle clarified that there is a blower on top of the machine that is in its own encasement which muffles the sound. The decibels on this are about 64, so it is a relatively quiet machine. The crematory requires 20 percent air at all times, so there needs to be something to move the air. It shouldn't be heard outside the building. Vice Chair Speidel commented that one of Planning Commission's major concerns is that this is next to a residential area, and asked if it was possible that air could be heard going through the louvers. Mr. Lyle stated that the two-foot by two-foot air louver is only there to bring in naturally flowing air. When the louver is open, it should not be heard even from the parking lot. With the garage doors open, the crematory still should not be heard, and since Mr. Flora will want to do the cremations in the most dignified way possible, he will not be doing cremations with the garage doors open anyway. Noise is a non-issue.

Madame Chair Stockton asked if anyone else would like to come forward to speak in favor of the request. There being none, Madame Chair Stockton asked Gabe Stalnaker to the podium, as he had signed up to speak.

Mr. Gabe Stalnaker, of 65 Herbert Street, came forward to speak, stating that he is Mr. Flora's neighbor and he likes him very much. It is not his intention to cause

trouble in any way. The only reason he is here to speak is that he is the closest neighbor and his house is probably 60 feet from the garage and he doesn't know anything about this process. He was unable to come to the site visit this evening but he did visit Mr. Flora last week. One of his concerns is the noise, and if he is sitting in his back yard with his family and they hear a big fire start up then they'll know it is a body and it seems a little strange. He has a young daughter and another on the way and he is unsure about the health issues associated with it. He stated that the internet can be a good thing and a bad thing, and that they have seen where certain states have required 500 foot ordinances from the unit to a residential property. These are just some of the things that have come up as concerns, not to mention the fact that there is a certain stigma that goes with it. Maybe it isn't an issue, but he is also concerned about his property value.

Madame Chair Stockton asked Mr. Stalnaker if he felt his questions had been answered tonight or if there were any questions he wanted to ask of Mr. Lyle.

Mr. Stalnaker advised that he is thrilled to hear that it can't be heard from outside the garage, and as far as emissions go, his hope is that everything is contained. It is interesting for him to think about what is being released outside of the garage when his family lives so close.

Madame Chair Stockton stated that her information addressed water vapors and she asked if Mr. Lyle would come back to the podium to address this. Planning Commission Member Greer asked if the Stalnakers had received the same information, and Mrs. Stalnaker confirmed that they had been given a packet of information.

Mr. Lyle advised that their equipment is tested by third party agencies throughout the world and this is through what is called a stack test. They are required to meet stringent Environmental Protection Agency (EPA) rules everywhere, and each EPA office in the United States is federally controlled, and these standards must be met. As far as emissions, there are no visible emissions from a crematory. The air is very clean. The gases that are released during the cremation process go through an emissions bath. There is a cremation burner that cremates the body, which dehydrates the body. Eighty-five percent of the body is liquid, five percent is bone, and ten percent is mass. So, in the end, all that is left is the bone. This is a very clean process. As the gases leave the main chamber, they go into the afterburner chamber which is below and the gases pass through a curtain wall and are cleansed. The gases are then reabsorbed and recycled multiple times. In the United States, a one-second retention time is required, but this equipment has a four- to

five-second retention time. There are no harmful gases and the air is extremely clean. As far as property values, he has never seen this happen anywhere in the United States that he is aware of. This is not something that brings hazardous materials into the environment. There are crematories that are directly adjacent to playgrounds. Crematories are studied and his company does everything it can do to take care of the environment. His company is a very green company. The equipment can be hooked into the internet and his company can monitor Mr. Flora's equipment from his office. All of the components of the machine, as well as the control panel, are Underwriters Laboratories (UL) listed. His company also only uses parts from United States manufacturers. His company tries to be forward thinking and in April the company will be in its 26<sup>th</sup> year of manufacturing in the United States. He reiterated that crematories fall under the oversight of the EPA.

Madame Chair Stockton asked if anyone else wished to speak in regards to the request.

Hannah Stalnaker, of 65 Herbert Street, came forward stating that they are directly behind the funeral home. She reiterated that they have a great working relationship with Mr. Flora and they are not here to make enemies. The synopsis of what she and Mr. Stalnaker are trying to say is that the property is going from being a garage, which houses property and things, to being a crematorium. This is a big change and she thinks that anyone who had a house behind it would have the same concerns. This is a huge stigma and she doesn't think that anyone would desire to have a crematorium 60 feet from their home. She pointed out that theirs is not the only home, as Ann Sink Street is on one side, Herbert Street is on the other side, and then Main Street is lined with older homes and there is a pediatrician's office. The claims are wonderful and it sounds like the process is a lot better than what it has been in the past. She hopes this is the case, but again, they live 60 feet from the funeral home and they have legitimate concerns.

Let the record show that no one else from the audience came forward to speak.

Planning Commission Member Clements questioned Mr. Flora as to where the propane tank will be. Mr. Flora confirmed that he has not spoken with the propane company but he believes that it will be on the back side of the building.

Vice Chair Speidel questioned if a propane burner will produce additional sounds as compared to a natural gas burner, with it being noted that there would be no difference.

Vice Chair Speidel commented that he thinks the most difficult thing is the concept of a crematorium being in a residential area, more so than what it might produce.

The Assistant Town Manager advised that utilities require screening, so the propane tank would need to be screened, noting that this was not particularly material to Planning Commission's discussion.

Planning Commission Member Cundiff noted that in his experience, the larger propane tanks have to be located a certain distance away from the structure. He also advised that the information he received about the cremation process was very enlightening, and that as far as property values are concerned, he believes that if he had a property close by he wouldn't even know the crematory was there and he doesn't think he would be too concerned. He didn't realize that cremation is such a clean process.

Planning Commission Member Clements confirmed with Mr. Flora that the equipment will be located in the middle bay of the garage and the smoke stack will be on the opposing side to the Stalnakers.

Vice Chair Speidel questioned Mr. Lyle about what the worst thing that can go wrong is during the cremation process. Mr. Lyle advised that the worst thing would be that the building could burn down. He noted, however, that in 26 years of business this has never happened. Fires that have occurred have been because stacks were improperly installed. There must be a chase around the stack with a minimum of six inches of air space, and it must shield all combustible from the bottom of the ceiling all the way up to nine inches on the roof line. If this is done properly, then the crematory will not catch fire. Some of the older machines did not have this and they didn't insulate the stacks. They have three inches of insulation inside the stacks which means that the radiant heat on the outside is not great enough to create a fire. It is only about 200-300 degrees and it must be over 500 degrees to start a fire. There have been electrical fires, but most of them have not been due to the crematory, but something else. This is very modern equipment with many safety devices. If something happens, then the machine will go into a different mode. For example there is a safety mechanism, a ray of light that is in the stack and if it sees emission, such as smoke, then it completely shuts down the burners and brings in a flood of air, which will immediately deplete the smoke. Could something happen? Yes, but a gas grill, or a chimney on a house, or a diesel truck running down the road, they all put out pollutants because they aren't cleansed with an afterburner. If there was an afterburner behind the gases that are released then the air would be clean. So, as far as harmful [emission], it doesn't exist. Cremation is growing rapidly

throughout the world. By 2020 the United States will be cremating at 50 percent. Markets that are at four percent today will be at 50 percent. This is a very safe and clean process, and it is basically no different than having an embalming room at the funeral home. It is part of the funeral process. Cremations have been performed since before Christ, so it is not a new process. The process has become very fine, safe, and clean, and the EPA doesn't regulate a crematory today. He understands the concerns and if he didn't know about crematories, then he would share the same concerns. The Cremation Association of North America (CANA) is the governing body for cremations and it has been around since 1913.

There being no further discussion, Madame Chair Stockton reconvened the meeting and entertained a motion.

- Motion was made by Planning Commission Member Cundiff that the Planning Commission recommend to Town Council the approval of the Flora Funeral Service special use permit for the operation of a crematory on its property at 665 South Main Street, Tax Map and Parcel Number 2100029900, with motion on the floor being seconded by Planning Commission Member Tiggle. There being no further discussion, a roll call vote was taken. Let the record show that the motion on the floor passed unanimously.

## **OLD BUSINESS**

### ***(1) Continuation of Arts and Culture District discussion***

The Assistant Town Manager addressed the Commission stating that he is not as far along on this topic as he would like to be. He had hoped to have some code drafted for Planning Commission to review over the next couple of weeks. However, Katie McElroy, the Executive Director for the Community Partnership for Revitalization (CPR) attended an event last week in Richmond which offered some guidance for communities that are considering this, and he would like to meet with her before he moves forward. He hopes to have some code drafted for review at the next meeting.

### ***(2) Bylaws review update***

The Assistant Town Manager advised that all of the Planning Commission members should have been provided with a copy of the most recent bylaws document which had been located by the Town Attorney. The only question that remains from the last discussion, unless something new has come up, is the suggestion from Planning

Commission Member Cundiff that consideration be given to using the new simplified version of Robert's Rules of Order. He noted that the Deputy Clerk has ordered some alternative versions if anyone would like to review them.

Vice Chair Speidel asked if there were major differences in the different references, with the Assistant Town Manager advising that basically the simpler rules are for smaller bodies. Planning Commission Member Cundiff stated that Section 10-2 of the Bylaws actually gives the Planning Commission relief if something is done outside of Robert's Rules, by stating: *parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order. However, failure to strictly comply with Robert's Rules of Order shall not invalidate any actions.* Therefore, it really depends on what the Chair wants. He was worried about the other bylaws copy, but the most recent document covers this, so his main concern has been addressed. This was something that was addressed at the training session.

## **NEW BUSINESS**

### ***(1) Review and consideration of 2009 Annual Report***

The Assistant Town Manager advised that one of the requirements of a Planning Commission is that the Commission must submit an annual report. Due to the timing of the planner vacancy last year, a report was not done, but this year the Deputy Clerk and Madame Chair Stockton reminded him of the requirement.

Madame Chair Stockton advised the Assistant Town Manager that this year's report was well done and Planning Commission is not accustomed to the report looking so nice. It was the consensus of Planning Commission that the report is impressive.

The Assistant Town Manager noted that this report may not include all of the information that may have been included in past reports, but it does summarize what was worked on at the staff and Commission level, and it gives a more comprehensive look at what is coming up.

Madame Chair Stockton noted that she would like this to be something that is made available in the lobby, with the Assistant Town Manager advising it will be made available both in the lobby and on the internet.

Planning Commission Member Hall questioned the Article 13 update listed on the report, stating that he thought Planning Commission had already looked at this and it

was decided that cases pertaining to this would be handled by the Board of Zoning Appeals (BZA), since this is such a rare occurrence. The Assistant Town Manager advised that in speaking with Town Council members regarding the discussion last fall they suggested that it be brought back to Planning Commission without the extraordinarily complex computations that were proposed by the previous planner. He stated that he would like to take another swing at simplifying what is in the code, with the hopes of making it less labor intensive than it was last time. Planning Commission Member Hall stated that, in general, he has never thought it was a good idea to write code to the exception.

The Assistant Town Manager advised that discussion had actually moved into the next new business item on the agenda. He further advised that the Article 13 update could be removed from the annual report if Planning Commission so wanted. Madame Chair Stockton advised that she felt it could still be left as an upcoming project, as that doesn't necessarily mean that it will be fulfilled.

For the record, the Deputy Clerk clarified that it was the consensus of Planning Commission to accept the 2009 Annual Report as presented.

***(2) Guidance on Council Referral: Revisions to Article 13***

The Assistant Town Manager advised that with Planning Commission Member Hall's comments, what he can offer is that he can review the code from similar localities to see how it is handled elsewhere, and if he sees that it deserves a more full Planning Commission review then he can bring it back.

Planning Commission Member Greer questioned if this is in relation to houses that burn most of the way down and then [because of code] can't be built back on the footprint, with the Assistant Town Manager confirming his understanding to be correct. Planning Commission Member Greer addressed the other Planning Commission members stating that the Town has had several houses to burn, and where the houses are in a row, code requires that the house be set further back so that it is looking at the back door of a neighboring house. This is what Council wants to correct so that it can be built back on the footprint. Planning Commission Member Cundiff stated that it needs to conform with the community. Planning Commission Member Hall stated that this would be a hardship and could be addressed by the BZA. Planning Commission Member stated that Town Council wants this to be fair because it costs money to go before the BZA.

It was the consensus of Planning Commission that if the Assistant Town Manager

will bring them something, they will review it.

**COMMISSIONER CONCERNS**

Planning Commission Member Clements stated that she has heard a lot of complaints about sidewalks and streets that were not taken care of during the recent snow. Planning Commission Member Greer advised that the Town's Public Works crew worked all weekend to clear the streets, and the Town is not used to this amount of snow. Everyone thinks that the Town should get the State to bring a machine to apply chloride to the streets, but he has been advised that this will damage the streets, and the best thing to do would be to hire some independent drivers to push snow. However, independent drivers don't know where the manholes are and they can tear them up.

**ADJOURNMENT**

There being no further business to discuss, at 7:05 P.M. Madame Chair Stockton entertained a motion to adjourn, with motion being made by Planning Commission Member Clements, seconded by Planning Commission Member Hall and carried unanimously.

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Janet Stockton, Chair

ATTEST:

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Stacey B. Sink, Deputy Clerk

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