

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
DECEMBER 8, 2008**

The December 8, 2008 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 Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker

The meeting was called to order by Mayor Angle.

The Town Clerk read for the record the following being present: All members of Town Council as noted, Town Manager C. James Ervin, Assistant Town Manager/Community Development Director Matthew C. Hankins, Town Attorney John T. Boitnott, Chief of Police Erik Mollin, Finance Director Linda Woody, Planning & Zoning Administrator Paul Stockwell, Fire Chief Posey W. Dillon, and Town Clerk Patricia H. Keatts.

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.

- Motion was made by Vice Mayor Dillon to approve the agenda as presented, seconded by Council Member Walker and carried unanimously.

The Mayor welcomed two Franklin County High School students of Mrs. Shepherd's government class.

SPECIAL ITEMS

Mr. B. W. Wright, Chairman of the Veterans' Memorial Park Commission (VMPC), came before Council, briefing them on the background of a reward that the VMPC won. He stated that Stacey Sink (Deputy Clerk and the Administrative Assistant of the Community Development Department), along with Matthew C. Hankins (Assistant Town Manager and Community Development Department) have worked really hard in processing the application for the award. He further stated Finance Director Linda Woody and Town Clerk Patricia Keatts, have been willing to help him and the VMPC whenever he needs it. He

also complimented the Community Development Department for all the help they give the VMPC, as well. Mr. Wright informed Council that Mrs. Sink and Mr. Hankins filed on behalf of the VMPC a nomination form to the "2008 Scenic Awards", which is sponsored by Scenic Virginia, in the category of "Creative Scenic Enhancement". He further stated that himself, along with VMPC member Charles Santrock, attended the award ceremony, with the VMPC receiving honorable mention, second only to the \$24 million dollar restoration of James Madison's Montpelier. Mr. Wright also informed Council that the awards will be highlighted on the Scenic Virginia website.

After Mr. Wright presented the Mayor the award, the Mayor read the award into the record, being: "Scenic Virginia presents the Sixth Annual Creative Scenic Enhancement Award – Honorable Mention to the Franklin County Veterans' Memorial Park, a project along the Pigg River in Rocky Mount that was instituted by the five Ruritan Clubs in Franklin County and supported by the Town of Rocky Mount, and that transformed a blemished, environmentally-challenged junkyard into a picturesque and tranquil reminder of the honor, courage and sacrifice of those who have preserved our freedoms", dated November 13, 2008, Richmond Virginia, by Eugenia Anderson-Ellis, President of Scenic Virginia.

PUBLIC HEARING

Let the record show the Mayor recessed the meeting to hold the following public hearing:

Request of Keith and Donna Renick for Special Exception

The Planning Commission met on December 2, 2008 to hear a request from Keith and Donna Renick for a special exception from the minimum required parking spaces for Franklin County Tax Map and Parcel Number 2070071500, located at 345 South Main Street, Rocky Mount, Virginia. The request is to reduce the minimum required parking spaces from 31 spaces to 15 spaces, which would include two each handicapped spaces.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request.

- The Assistant Town Manager came before Council stating that this request came into play as a result of recent parking changes made by Council. The permitted spaces are felt to be too many and that 15 spaces would be good common sense for this parking. He further informed Council that the Planning Commission recommended unanimously for Council to consider approval of the special use request on the condition that the business remains an antique retail business.

There being no further discussion, the Mayor reconvened the meeting back into regular session.

There being no further discussion regarding this portion of the public hearing, the Mayor entertained a motion.

- Motion was made by Council Member Walker to approve as recommended by the Planning Commission, 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.

APPROVAL OF MINUTES

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

- October 6, 2008 Draft Special Council Meeting Minutes
 - October 13, 2008 Draft Regular Council Meeting Minutes
 - November 10, 2008 Draft Regular Council Meeting Minutes
 - November 15-16, 2008 Draft Council Retreat Meeting Minutes
- Motion was made by Council Member Strickler to approve the draft Council meeting minutes as presented 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.

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
 - Bill List
- Motion was made by Council Member Seale to approve the draft *Consent Agenda*, with motion on the floor being seconded by Vice Mayor Dillon. There being no discussion, let the record show that the motion on the floor passed unanimously.

HEARING OF CITIZENS

Request of Ralph Hall

Mr. Ralph Hall of 750 East Court Street, Rocky Mount, Virginia, asked Council to consider putting in place recycling bins within the Town corporate limits. He also pointed out that the only one available are located outside the Town, one at the Franklin County Landfill, and the other at what is known as "Blackwater Hill". The Mayor requested the Town Manager to contact the County to see if a recycling bin can be put in Town. The Town Manager so noted.

OLD BUSINESS

A) Request of Franklin County Industrial Development Authority

The Town Manager informed Council that the Franklin County Industrial Development Authority (IDA) has agreed to issue bonds under the Industrial Development and Revenue Bond Act to finance the development of the facilities proposed by Empire Foods. These bonds offer a tax free investment vehicle that will enable Empire Foods to borrow funds in the current economy. Though the IDA is involved, the ultimate note and obligation will be between the bond purchaser and Empire Foods. The Town Manager stated that the IDA needs the approval of the Franklin County Board of Supervisors and Rocky Mount Town Council to issue the Industrial Development Bonds and has requested that approval via a resolution of the IDA.

Council had received prior to the meeting a draft "Resolution of the Town Council of Rocky Mount, Virginia Regarding an Industrial Development Revenue Bond Financing for Empire Foods, Inc." for their review and consideration of approval.

The Mayor stated that the Town certainly wants Empire Foods to be successful, and asked what the pleasure of Council was regarding the request.

- Motion was made by Council Member Greer to approve the request for approval of draft resolution, with motion on the floor being seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

NEW BUSINESS

A) Request of Finance Director

The Finance Director relayed to Council that the Town's normal holiday schedule is for Town employees to be off Wednesday, December 24th, for Christmas Eve; Thursday, December 25th, for Christmas Day; and Thursday, January 1st, for New Year's Day. She stated that the Finance Department has surveyed several localities in the area regarding their holiday schedules for Christmas and New Year's, since both fall on a Thursday this year. Based upon their findings, they are proposing for Council's review and consideration the same schedule as the state and Franklin County (and most other

surrounding localities); therefore, requesting Council's consideration of granting the following holiday schedule to Town employees:

One-half day (afternoon) on Wednesday, December 24th (Christmas Eve)
Thursday, December 25th (Christmas Day)
Friday, December 26th
Thursday, January 1st (New Year's Day)
Friday, January 2nd

The Town Manager confirmed to Council that those Town employees having to work on the days proposed as holidays would get holiday pay.

- Motion was made by Council Member Lester to approve the Finance Director's request, 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.

B) Review & Consideration of Approval of Contract with Franklin County Retail Merchants Association, Inc.

The Assistant Town Manager stated that at the request of Council, the Public Facilities & Special Events Committee was designated to review proposals received to manage the Farmers' Market At Citizen Square, with the committee recommending staff to develop an agreement with Franklin County Retail Merchants Association, Inc. (RMA). A lease agreement was drafted and presented to Council prior to the meeting for review and consideration of approval that has been negotiated with RMA to manage the Farmers' Market At Citizen Square, outlining the compensation between the Town and RMA. The Assistant Town Manager went over the terms of agreement with Council.

- Motion was made by Council Member Greer for the Town to enter into the agreement with Franklin County Retail Merchants Association, Inc., with minor edits from the Town Attorney, with motion on the floor being seconded by Vice Mayor Dillon. There being no discussion, let the record show that the motion passed five to one, with Council Member Lester voting in opposition to the motion on the floor.

C) Review & Consideration of Approval of Contract with Franklin County Chamber of Commerce

The Town Manager stated that at the request of Council, the Public Facilities & Special Events Committee was designated to review proposals received to operate the Community & Hospitality Center (Depot), with the committee recommending staff to develop an agreement with the Franklin County Chamber of Commerce. A lease agreement was drafted and presented to Council prior to the meeting for review and consideration of approval to negotiate with Franklin County Chamber of

Commerce to manage the Community & Hospitality Center in exchange for their use of the office portion of the facility.

The Town Manager asked that the motion include minor edits from the Town Attorney.

- Motion was made by Vice Mayor Dillon for the Town to enter into the agreement with Franklin County Chamber of Commerce, with minor edits from the Town Attorney, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion passed unanimously.

D) Request of STEP, Inc. for Donation

The Assistant Town Manager informed Council that the Town had been approached by STEP, Inc., requesting a donation of \$1,000 for a project commencing in June 2009. He explained that STEP, Inc. is working with Ferrum College and Group Workcamps, a faith-based organization that performs minor renovations and quality-of-life improvements for elderly and low-income homes, with approximately 75 to 100 homes that are being renovated located in or around Rocky Mount. He further explained that STEP, Inc. will be identifying the homes that need the work, along with the assistance of local churches and other groups.

Jon Morris, Executive Director of STEP, Inc., came forward at the request of Council, giving them an update on what Workcamps do. He further stated that STEP, Inc. has already partnered with Ferrum College to allow 400 of the volunteer students to stay and eat at Ferrum College's facilities. He explained that STEP, Inc. needs to raise \$20,000 for this project, with Workcamps having to do the same. Mr. Morris confirmed to Council that STEP, Inc. has raised approximately \$1,800, and will be requesting a donation from the County of Franklin Board of Supervisors. He also explained how they will determine the eligibility of the homes.

- Motion was made by Council Member Greer for the Town to give STEP, Inc. \$1,000 to go towards this project, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously.

COMMITTEE REPORTS

A) Charter Review Committee

The Town Manager stated that the ad-hoc Charter Review Committee met on November 13, 2008 and reviewed a summary prepared by the Town Attorney on the Town Charter changes made over time in Rocky Mount. He further stated that the

Committee had expressed a desire to be more in the loop on the hiring of management level employees, such as department heads or plant managers. He explained that the Town Attorney, Committee members, and himself had discussed several options available under the Town's current Charter; and furthermore, it was agreed that Council would be given advance notice of significant hiring events so that Council could be better prepared to discuss the events when they become public.

The Town Manager informed Council that no motion was needed from them at this time.

B) Public Facilities & Special Events Committee

The Mayor stated that this item had already been taken care of under *New Business*.

C) Main Street Committee

The Town Manager informed Council that the ad-hoc Main Street Committee had met on November 20, 2008 and reviewed a proposed job description for the Main Street Director position, as well as information supplied to the Town from the Virginia Department of Housing & Community Development that outlined the process of changing the organization that the Town designated as its Main Street entity. Prior to the meeting, Council had received a more elaborate letter from Jeff Sadler, the Program Manager with the Virginia Main Street Program with the Department of Housing & Community Development (DHCD), where the language of the letter implied that the Town would have to drop out of the program and then reapply if the Town should choose to not support Community Partnership for Revitalization, but the letter also implied that the Town's application may not be favorably considered, with it stating "Giving up a previous designation could factor negatively in the scoring process". The Town Manager stated that the Committee considered two distinct options: (1) drop out of the Main Street program and attempt to re-apply with another designated entity in the future; or (2) attempt to work with the current Main Street entity (Community Partnership for Revitalization) to enhance the functionality of that group and to resolve some of the recent objections of the Town and County to the operation of the Main Street program in the Town. He further stated that it was the recommendation of the Committee that Council authorize the Town Manager, in conjunction with Franklin County, to hire a Main Street Director that would answer on a day-by-day basis to the Board of Community Partnership for Revitalization (CPR), but on a strategic quarterly and yearly basis to the Town and County, and that this mutual relationship be used to set acceptable long term goals and objectives for the program.

Barbara Chauncey with CPR confirmed to the Mayor that they had four officers and nine directors on their Board, with the Mayor questioning if they needed that many members on their Board and if they decreased their number, would it be doable. It was also confirmed to Council by Mrs. Chauncey that all of CPR Board meetings are

open to the public.

Council Member Walker referenced the current three year lease agreement the Town has with CPR, with Mrs. Chauncey stating that the lease agreement did expire June 30, 2008. In response to Council Member Walker's question, the Town Attorney informed Council that as of right now, the Town is under a carryover from that expiration time with question about the Executive Director and everything, and that he anticipates that once all the questions have been resolved and the Town moves forward with the Main Street program, the Town will move into a similar three year agreement, with the paperwork catching up.

The Mayor commented that it was the recommendation of the Public Facilities & Special Events Committee and Council to keep the Main Street Program in the Town.

Council Member Walker commented that from what he understood in reading the letter from Mr. Sadler with the Virginia Main Street Program, is that the Town is being forced to fund the Main Street Director position, when the Town could pursue other avenues.

Vice Mayo Dillon questioned what funding requests are being held by DHCD at this time, with the Assistant Town Manager stating that the Town does have a couple of things pending in front of the state at this time, being: one is the façade improvements for the uptown and downtown grant, which CPR is managing; and when the Town applied for uptown grant money, CPR was written in the grant, with the state waiting to see how the Town will be managing this. The Assistant Town Manager also mentioned that the Town also has before the state a grant for Franklin County Perinatal, and one for the Town's amphitheatre, with the funds are being held until some type of resolution can be made by the Town.

- Motion was made by Council Member Lester to proceed accordingly with the recommendation of the Public Facilities & Special Events Committee, with motion on the floor being seconded by Council Member Greer. Discussion ensued. Council Member Walker stated that if he votes in favor of the motion on the floor, it will be only because he does not want the Town to lose the Main Street program, and also that steps are put in place to reorganize the CPR Board. Council Member Lester commented that the steps are already in place. Council Member Walker clarified his earlier comment by stating that he is not talking about those guidelines, but guidelines for the Director position. Council Member Seale stated that the Director's job description outlines this, and that the CPR directors in the past have always worked cooperatively with the Town. He further stated that CPR is composed of volunteers who give up their time for the good of the Town, not getting paid for any of the work they do. He also stated that the Main Street program does require this type of organization to run the program, with the State owning the game, letting the Town know plain and simple how it is run, which applies to all jurisdictions that have the Main Street

program, not just the Town of Rocky Mount. Council Member Greer stated that Mr. Sadler had stated in his letter that the Town needs to play by the rules, with Council Member Greer stating that the Town needs to do this. Vice Mayor Dillon commented that if the Town sees that the funding is not coming in to the Town, at budget time the Town needs to see if it needs to be funded, and right now, CPR is that entity.

Vice Mayor Dillon recognized Ann Carter Lee Gravely needing to speak before Council. Mrs. Gravely came to the podium, stating that the state requires the CPR Board to do the Main Street program a certain way, which they do, and that the directors have always reported to the Town and County consistently. She further stated that the Main Street contract is very competitive among localities and is difficult to get. She further relayed to Council that CPR has done a lot with the help of the Town and County, with the state continuing to give the Town funding. She also stated that when the Town did not have the Main Street program, the Town lost grants. She ended her comments by stating that the Main Street program is throughout the state, which has help revitalize communities, and as far as she knows, CPR has already done what the Town and County wanted them to do. Council Member Greer called for the question. Let the record show that the motion on the floor carried unanimously.

OTHER MATTERS & COMMENTS

A. Referrals to Planning Commission from Town Council

The Assistant Town Manager informed Council that during the Council's September retreat with the Planning Commission, Council had requested that the Planning Commission refer matters to them when requested by staff. Based upon this, he informed Council that staff and several Council members have contemplated the possibility of a light control ordinance to minimize nighttime light intrusion in neighborhoods, particularly in those zones bordering industrial and commercial districts. He stated that he has directed the Town Planner to research light control ordinances in other localities and to make recommendations to improve light control, particularly in new developments. He further stated that it is the staff's intent not to create a "dark sky" ordinance, but to effect some common sense controls that keep residents from having their interior rooms lit by outside artificial light at times when they would normally expect to be sleeping. He also stated that if it is Council's wish for the Planning Commission to review the lighting ordinance, staff will develop a model ordinance, based on local conditions, best practices demonstrated by other communities, with it staff's desire to implement a common sense balance between the needs of industries and commercial sites to light their localities, and the privacy of individual protection for homeowners.

The Mayor stated that staff could certainly gather the information and bring it back before Council, but not to implement anything until Council hears the

recommendation from the Planning Commission. The Assistant Town Manager so noted.

The Assistant Town Manager confirmed to Council Member Greer that the Town will not spend a lot of money on this, but will do all they can to implement an ordinance with common sense.

B. Rise 'N Shine Appearances

The Assistant Town Manager stated he was the only one that appeared today on *Rise 'N Shine*, and would remember to call Council next time to see if any of them would like to appear with him on the show.

The Town Manager stated he would be appearing on the next show, January 12, 2009, and any Council member wanting to go with him, to let him know.

COUNCIL CONCERNS

A) Council Member Lester

1. Thanked Council for their unity and support of Community Partnership for Revitalization and the Main Street program.
2. Requested staff to write a resolution asking the state legislation for funding that is related to the U.S. Congress bailout to help localities with projects (specifically, CDBG projects). The Town Manager and Mayor confirmed that West Piedmont Planning District Commission is already working on this, communicating with the localities.

B) Council Member Seale

1. Requested that the Streets, Sidewalks & Sanitation Committee look into the need of installing a streetlight near the end of Grayson Street.

C) Council Member Walker

1. Requested that the Streets, Sidewalks & Sanitation Committee look into the need of installing another streetlight on Leonor Avenue, as it is very dark on that street.

CLOSED MEETING

At 8:07 p.m., motion was made by Vice Mayor Dillon to go into *Closed Meeting*, and seconded by Council Member Seale and carried unanimously to discuss the following:

- Section 2.2-3711(A).3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (two items, being: property located at Bernard Road/North Main Street; and also property located on South Main Street).

At 8:15 p.m., motion was made by Council Member Lester 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 Seale and carried unanimously.

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.

Steven C. Angle, Mayor

- Motion was made by Council Member Walker 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 consider in the meeting by the public body was discussed. Motion was seconded by Council Member Greer. The Mayor swore to adopt the motion on the floor by Council Member Walker that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker.

The Mayor reported that no action was taken.

ADJOURNMENT

At 8:17 p.m., motion was made by Council Member Lester to adjourn, seconded by Council Member Greer and carried unanimously.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk
/phk