

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
MARCH 10, 2008**

The March 10, 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 Roger M. Seale and Council Members Stephen F. Agee, Posey W. Dillon, Jerry W. Greer, Sr., John H. Lester, and Sadie W. Tuning

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, Public Works Director Cecil R. Mason, 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 Council Member Agee to approve the agenda as presented, seconded by Council Member Greer and carried unanimously.

SPECIAL ITEMS

The former Mayor Mark H. Newbill and his family were invited to the unveiling of his Mayor's portrait, which was unveiled in the Council Chambers. The Mayor informed everyone that it was customary for a former Mayor's picture to be done and hung with the other past Mayor pictures. Mr. Newbill thanked Council and the Town citizens.

PUBLIC HEARING

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

A) Review and Consideration of Acquisition of Easements for Grayson Street Sewer Improvement Project

After being duly advertised, a public hearing was held to consider acquisition of property and easements necessary for the construction and permanent use of sewer utilities extended into the Grayson Street Sewer Improvement Project area by condemnation or other means. Also presented to Council for their review and consideration was a draft "Resolution of Approval and Acceptance of Grayson Street Sewer Improvement Project" as prepared by the Town Attorney.

The Mayor opened the floor to anyone wishing to come before Council to speak regarding this request.

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

Let the record further show there were no comments from Council.

There being no discussion, the Mayor reconvened the meeting back into regular session and entertained a motion.

- Council Member Agee stated that he wanted Council to understand that this was an important matter to approve; therefore, motion was made by Council Member Agee to adopt the Grayson Street project, 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.

The Mayor recessed the meeting to hold the second public hearing.

B) Review and Consideration of Request of PSWW Properties, LLC

After being duly advertised, PSWW Properties, LLC requested a waiver from Section 8-8(F) of the Town of Rocky Mount's Subdivision Ordinance (relating to road construction) to provide for a smaller culvert size than would be required by the present Virginia Department of Transportation standards. The property is identified as Franklin County Tax Map and Parcel Number 203-90 and is located on School Board Road near Franklin Heights Subdivision.

The Mayor opened the floor to anyone wishing to come before Council to speak regarding this request.

- Clyde Perdue, Esquire, representing PSWW Properties, LLC, (Paul Shively and William Bill Walker) came before Council. Mr. Perdue stated that his clients both had a lot of experience and were very involved in the State Route 40 East improvements, and have a lot of experience in marking property for sale. He handed out to Council aerial and ground photographs of the

proposed site in question, outlining to Council exactly where the property was located, and how the property looked in its current state.

There were questions from Council and discussion between Council, Mr. Perdue, and Mr. Dean Stone of Stone Engineering (engineer for the project) regarding the existing flooding of water runoff in that area, and PSWW Properties, LLC request for two each 48" culverts. Question from Council arose about the curbing and guttering for this area, with Mr. Stone stating that they will still have to do a storm water management plan with retention ponds for the Planning & Zoning Administrator to review. Mr. Perdue informed Council that their request would not solve the storm water runoff in that area, but he does believe the request of his clients would be a win-win situation for all involved by adding the two culverts, as the second culvert will provide another 48" for extra capacity if ever needed. There was further discussion that this was a low lying area on School Board Road that causes the stream to collect, and with two 48" culverts, it may help it not to pond up as frequently, causing it instead to pond up downstream away from the low-lying area.

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

Let the record further show there were no comments from Council.

There being no discussion, the Mayor reconvened the meeting back into regular session and entertained a motion.

- Motion was made by Council Member Greer to grant the request, with motion on the floor being seconded by Vice Mayor Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

The Mayor recessed the meeting to hold the third and fourth public hearing.

C) Review and Consideration of Request of Ronald B. and Rebecca T. Wilson

After being duly advertised, Ronald B. and Rebecca T. Wilson requested a waiver of Article 3-2(H) of the Town of Rocky Mount Subdivision Ordinance which states, "No lot created by the family division may be transferred, except by devise of operation of law, to a person other than a member of the immediate family of the subdivider, for a period of three (3) years...." for Franklin County Tax Map and Parcel Numbers 213-95 and 213-95.2. The property is located off of Glenwood Drive along the Pigg River.

The Mayor opened the floor to anyone wishing to come before Council to speak regarding this request.

- Mr. Ronald B. Wilson of 325 Glenwood Drive came before Council stating that he and his wife were withdrawing both requests at this time.

For the record, the second request of Ronald B. and Rebecca T. Wilson was:

Waiver of Article 8 of the Town of Rocky Mount Subdivision Ordinance relating to required public improvements for a subdivision including water, sewer, and road improvements for Franklin County Tax Map and Parcel Numbers 213-95 and 213-95.2. The proposed subdivision will consist of three lots accessed by a 50' private access easement. The property owners have also proposed a minimum 20' Public Trail Easement along the Pigg River. The property is located off of Glenwood Drive along the Pigg River.

Due to the withdrawal of both requests, the Mayor reconvened the meeting back into regular session.

Council Member Dillon stated that it was his understanding that Mr. Wilson withdrew his request verbally on March 6. Council Member Dillon questioned why the people in the audience (adjoining property owners) that may want to speak regarding this request did not receive any notification earlier that the request had been withdrawn.

Staff explained that although Mr. Wilson stated he would be withdrawing his request, it was State Code that once a request is advertised, the municipality has to hold a public hearing, and then the applicant publicly, for the record, states that they are withdrawing the request.

The Mayor recessed the meeting to hold the final public hearing.

D) Review and Consideration of Proposed Amendment to Article 13 of the Town of Rocky Mount Zoning & Development Ordinance

After being duly advertised, staff requested amending Article 13 "Nonconforming Uses" of the Town of Rocky Mount Zoning & Development Ordinance by changing the article to Article 13 "Nonconformities" by revising the regulations for nonconforming uses, structures, and lots.

The Mayor opened the floor to anyone wishing to come before Council to speak regarding this request.

- The Planning & Zoning Administrator came before Council outlining the purpose of the proposed article. He explained that the changes were an attempt to provide greater flexibility and reduce the burden that currently exists in construction where nonconforming lots or structures come into play. He further explained that the proposed regulations outline a process for determining the value of maintenance and repairs, or replacement, of a nonconforming structure that was previously ambiguous. It was also pointed out that the changes permit reconstruction within substantial compliance of the existing neighborhood character, whereas previously, structures would

have to be rebuilt according to the current regulations of the zoning district. It was further explained that the proposed changes would allow an administrative determination of issuance of permits on nonconforming lots if they meet 80 percent of the lot frontage and area requirements; otherwise, the applicant would be required to obtain a variance from the Town's Board of Zoning Appeals. In conclusion, he stated that all these changes either reduce the burden of the property owner/applicant, or make an ambiguous process more clear.

Discussion ensued between the Planning & Zoning Administrator and Council members regarding several items, specifically: that the proposed article does not restrict the property, but all the current setbacks would have to be met; if a person's house burns down, this article would allow the person to rebuild their house if the setbacks are met; there is nothing in the ordinance that would prevent a house being turned in a manner that would not be facing the road; and confirmed that the proposed ordinance would have to be subject to setback requirements and character of the neighborhood.

The Planning & Zoning Administrator informed Council that the Planning Commission during their meeting of February 5, 2008 recommended approval of this request.

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

Let the record further show there were no further comments from Council.

There being no further discussion, the Mayor reconvened the meeting back into regular session and entertained a motion.

- Motion was made by Council Member Lester to accept the recommendation of 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:

- February 11, 2008 Regular Council Meeting Minutes
- February 19, 2008 Special Council Meeting Minutes

- Motion was made by Vice Mayor Seale to approve the draft council meeting minutes as presented 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.

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
 - Miscellaneous Action
 - Request of Community Partnership for Revitalization:
 - During their annual walk/run race in Uptown/Downtown Rocky Mount "Chug for the Jug" event to be held Saturday, April 19, 2008, requesting permission to close Franklin Street from 8:25 a.m. to 9:05 a.m. of that morning to start a four mile road race/walk and Kid's Fun Run.
 - During the same "Chug for the Jug" event, requested assistance from the Rocky Mount Police Department for the street closure.
 - Departmental Monthly Report
 - Bill List
- Motion was made by Council Member Agee to approve the draft *Consent Agenda*, 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.

HEARING OF CITIZENS

A) Request of Jerry Robertson, President of Community Partnership for Revitalization

Mr. Jerry Robertson, President of Community Partnership for Revitalization, came before Council asking for permission to allow the Outlaw Cruisers Car Club to hold a special event to help raise funds for non-profit organizations they support. He further stated the special event was to hold a car show along Franklin Street on Sunday prior to Memorial Day (May 25). He further requested that they be allowed to close Franklin Street from the Diamond Avenue/Franklin Street intersection down to intersection of Town square clock, allowing traffic flow to continue on West College Street and Maynor Street. Mr. Robertson confirmed that the streets would not be closed during church hours, and that the event would go until approximately 4:30 p.m. to 5:00 p.m. He further confirmed that he will work with the Chief of Police on closing of the streets.

The Mayor stated that he doesn't see anything wrong with the request, as long as

they work with the Chief of Police and make sure it is after church hours.

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

- Motion was made by Council Member Agee to grant the request of Community Partnership for Revitalization, 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 carried unanimously.

OLD BUSINESS

Let the record show there were no items to be discussed under *Old Business*.

NEW BUSINESS

A) Request of Virginia Cooperative Extension – Franklin County

It was brought to Council's attention by the Town Manager that the Town had received a written request from the staff of the Virginia Cooperative Extension – Franklin County, and American Community Gardening Association to submit a proposal to Council for the use of Town property located behind the Town's Public Works Department building located at 256 Cliff Street in order to create a "Community Garden".

- Vice Mayor Seale stated that he was involved with looking at the site with the parties involved, including the Public Works Director, and the parties involved wanted to come before Council with their request.
- Shewana Hairston with Virginia Cooperative Extension – Franklin County introduced herself to Council and informed them that the "Community Garden" would target low income families, with this type of gardening not only improving their physical health, but also they will spend less money on groceries. She explained to Council that they will be using the box (square foot) type garden. It was also explained to Council they will be working with American Community Gardening Association on this project to make it possible. Ms. Hairston confirmed that they would like to start on this project as soon as possible.

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

- Motion was made by Vice Mayor Seale for Virginia Cooperative Extension – Franklin County to proceed with the 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.

B) Traffic Signal Changes

The Town Manager reported to Council that as the staff works through the development of the Town's budget, he has asked staff for cost estimates to resolve some of the complaints with the South Main Street corridor traffic signals (the intersection of South Main Street and Floyd Avenue, and West Court Street and Maple Avenue). He further reported that the Town is faced with a mandate to upgrade the signal located at Dent Street, now that the Town has replaced the controller.

Presented to Council by the Town Manager was a list of improvements that have been proposed by the Chief of Police, with the Town Manager stating that he and the Finance Director feel that these proposed improvements can be accomplished in the Town's current fiscal year budget. A list of the improvements are as follows:

1. Protected left turn onto Floyd Avenue (with motion detector): \$3,600
2. Protected left turn onto West Court Street (with motion detector): \$2,700
3. Protected left turn onto Maple Avenue from Tanyard Road: \$4,000
4. Upgrade Dent Street/Franklin Street with a single mast arm and new signals: \$26,800

The Chief of Police confirmed to Council that these recommendations were based on citizens' and Council's concerns.

There was discussion between Council, Town Manager, and the Chief of Police regarding each located suggestion, which included:

- Make sure the motion detectors work properly and are set correctly.
- Make sure the traffic patterns to make designated left hand turns make sense.

Staff confirmed to Council the following:

- There is enough money in this year's budget for these improvements.
- Will be working with Draper Aden (engineering firm that Town was originally involved with in upgrading the traffic lights) to make sure that a reconfiguration can possibly be done for the designated turn lanes to allow the traffic to move.
- Virginia Department of Transportation requires a warranty study before the Town can do any changes.
- Joey Cerebe with the Public Works Department can make adjustments on the traffic light cameras, but cannot adjust the sensitivity as much, and in order to do that, the Town has to pay a firm to come and adjust the traffic lights now.

Staff asked for direction and input from Council regarding whether to add, change or

tweak the traffic lights.

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

- Motion was made by Vice Mayor Seale to move forward with the proposed changes in this year's operating funds with funds available, 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 carried unanimously.

C) Review Proposed Fiscal Year 2009 Budget and Capital Improvement Plan Schedule

Prior to the meeting, Council had received a revised proposed Fiscal Year 2009 Budget and Capital Improvement Plan schedule for their consideration of approval. The Town Manager informed Council that the dates remain as originally proposed except for the June 9 and June 16 meeting dates. He further informed Council that the State had yet to pass the State budget, and it is his understanding State funding would be cut to the localities, and as of right now, the final amount had yet to be disclosed to the localities. He explained that since staff did not know the final figures to be submitted to the Town, it would be best not to hold a public hearing on any proposed tax rate changes due to the reassessment that was done by Franklin County until the Town receives final figures from the State.

Let the record show there were no comments from Council regarding this matter.

There being no discussion from Council, the Mayor entertained a motion

- Motion was made by Council Member Tuning to alter the proposed Fiscal Year 2009 budget schedule and Capital Improvement Plan as presented, with motion on the floor being seconded by Council Member Agee. There being no discussion, let the record show that the motion on the floor passed unanimously.

COMMITTEE REPORTS

A) Combined Meeting of the Public Facilities & Special Events Committee and the Farmers' Committee Meeting

It was brought to Council's attention by the Town Manager that staff had held a combined meeting of the Public Facilities & Special Events Committee and the Farmers' Committee on March 6, 2008 to review several items, being:

1. *Review and consider approval of grant application for Pigg River Heritage Trail, with application being due in March.*

The Planning & Zoning Administrator informed Council that the maximum grant available is \$125,000 and would require a 20% match (\$31,250) from the Town in Fiscal Year 2009. Also before Council for review and consideration are the following:

- a. "Resolution of Funding Assistance for Recreational Trails and Trails-Related Facilities – Town of Rocky Mount".
- b. Construction cost estimate from LMW Engineers for boardwalks.

The Planning & Zoning Administrator confirmed to Council that the draft resolution was for the approval of application for the grant, and the concrete walk was the cheaper of those presented.

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

- Motion was made by Council Member Lester to allow staff to apply for the grant application, with motion on the floor being seconded by Council Member Tuning. There being no discussion, let the record show that the motion on the floor passed unanimously.

2. *Review and consideration of approval of changes to rules and operating guidelines for the Farmers' Market at Citizen Square.*

The Town Manager informed Council that the committees voted to unanimously recommend that the Farmers' Market vendors be charged the same rate regardless of the type of products sold, and that there was a consensus among the committee members that the fee schedule for vendors should be as follows:

- Daily Fee \$5.00
- Monthly Fee \$35.00
- Quarterly Fee \$100.00
- Annual Fee \$150.00

The following was also pointed out by the Town Manager:

- Regarding craft vendors, the committees recommended that handcraft vendors should be limited to no more than four spaces, unless additional tables are open, as opposed to the proposed three tables.
- Recommended that annual vendors should not be required to meet a three day per week requirement for sales.
- Recommended changing the Farmers' Market year to April 1 – March 31.
- Recommended allowing meat and seafood sales by inspected vendors to be sold at the Farmers' Market.
- Staff has reached an agreement with Goodwill Industries to

continue cleaning the Farmers' Market, moving to five days per week with a supervised crew of six to eight at-risk youth, with the cost of cleaning the Farmers' Market continuing to be \$110 per month (same as it is currently).

In conclusion, the Town Manager informed Council that staff will fold these changes into the proposed rules and hold meetings with the vendors for additional comment, and once that is completed, will bring forth a draft copy of the proposed rules before Council for review and consideration of adopting.

3. *Review and consideration of request submitted by Assistant Franklin County Administrator Larry V. Moore, Sr. for right-of-way to extend fiber-optic from The Franklin Center to the future Franklin County Government Center (old Winn-Dixie Building).*

The Town Manager presented the request submitted by the Assistant Franklin County Administrator Larry V. Moore, Sr. for a right-of-way to extend fiber-optic from The Franklin Center to the future Franklin County Government Center.

This item was presented as information only and let the record show no discussion took place and no motion was taken.

4. *Review and Consideration of request concerning Gilley's Park.*

For informational purposes, the Town Manager brought before Council an offer from the Glasgow family regarding Gilley's Park, which Council had received prior to the meeting.

Let the record show that no motion was taken.

RISE 'N SHINE APPEARANCES

Council Member Dillon was scheduled to appear on the next *Rise 'N Shine* program with the Assistant Town Manager/Community Development Director that will take place at 7:00 a.m. on April 14, 2008. Council Member Dillon expressed concern that he may be out-of-town that day and may not be able to appear on the show, but he will check his schedule to make sure and let staff know.

The Mayor informed the Assistant Town Manager that if Council Member Dillon cannot do

the show, to confirm with him to see if he can do it instead.

COUNCIL CONCERNS

A) Council Member Lester

Referenced the Ferrum College incident regarding a man with a gun being seen on the Ferrum College campus, and how well the local law enforcement handled the situation.

B) Council Member Agee

Reminded everyone of the Public Safety Committee that will meet on Tuesday, March 11, at 4:00 p.m., and he welcomed anyone who wished to attend.

CLOSED MEETING

At 8:25 p.m., motion was made by Council Member Lester to go into *Closed Meeting*, seconded by Council Member Tuning 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 (property in the vicinity of Franklin Street and Maynor Street).

At 9:00 p.m., motion was made by Council Member Agee 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 Greer 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 Vice Mayor Seale 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 Dillon. The Mayor swore to adopt the motion on the floor by Vice Mayor Seale that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Roger M. Seale and Council Members Stephen F. Agee, Posey W. Dillon, Jerry W. Greer, Sr., John H. Lester, and Sadie W. Tuning.

The Mayor reported that no action was taken.

ADJOURNMENT

At 9:03 p.m., motion was made by Council Member Agee to adjourn, seconded by Council Member Lester and carried unanimously.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk

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