

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
OCTOBER 13, 2008**

The October 13, 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., Robert W. Strickler, and Gregory B. Walker

Let the record show not present were Council Members Roger M. Seale and John H. Lester.

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*.

The Mayor led a moment of silence for Patrolman Jason Maxey, who was killed on September 11, 2008 in an automobile accident unrelated to his job.

APPROVAL OF AGENDA

Prior to the meeting, Council had received the agenda for review and consideration of approval.

- Motion was made by Council Member Greer to approve the agenda as presented, seconded by Council Member Walker and carried unanimously by those present.

SPECIAL ITEMS

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

PUBLIC HEARING

A. Rezoning Request of Patrick Ephriam

Let the record show that the Mayor stated that Patrick Ephriam had requested that his rezoning request be withdrawn.

No action needed as the request was withdrawn.

For the record, Mr. Patrick Ephriam, representative of Chapter 10 Mental Retardation Group Home, was requesting a rezoning of the property located at 220 Claiborne Avenue, Franklin County Tax Map and Parcel Numbers 2070021200, from Residential District R-2 to Residential District R-3.

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

B. Revision of Article 10 of the Town of Rocky Mount Zoning & Development Ordinance – Floodplain Ordinance

The Mayor opened the floor to anyone wishing to come forward to speak:

- The Assistant Town Manager stated that the Federal Emergency Management Agency (FEMA) has produced updated floodplain maps for Franklin County, and in order for residents of the Town to be eligible for federal flood insurance, the Town is required to adopt a standard floodplain ordinance referencing the updated floodplain maps. Staff took the model ordinance from the Department of Conservation & Recreation and integrated it with the Town's current Floodplain Ordinance. As with any amendment to the Zoning & Development Ordinance, a public hearing is required at both the Planning Commission and Town Council prior to adoption. This is a standard update required by FEMA for federal flood insurance purposes. He further stated that the Planning Commission has requested to postpone a recommendation to Council until a final draft is completed.

Confirmed to Vice Mayor Dillon that anyone wanting to know where the floodplain is would be able to do so by looking at the floodplain map. Also confirmed to Vice Mayor Dillon that at this time, no one is living within the floodplain, but if someone is affected by it, the Town will work with them to make sure they build outside of the floodplain. Stated that the changes to the ordinance is basically tailored as to the model they went by.

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

Let the record show that no action was taken per the request of the Assistant Town Manager.

The Mayor recessed the meeting to hold the third public hearing:

C. Proposed Central Parking District (CBD) Parking Changes

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

- The Assistant Town Manager informed Council that at previous and current Town Council direction, staff had been asked to look at the Town's current parking. He stated that after considerable deliberation by the Planning Commission, staff presented a draft ordinance of the Town of Rocky Mount amending Appendix A of the Code of the Town of Rocky Mount, Virginia (2002), known and cited as the "Zoning and Development Ordinance of the Town of Rocky Mount, Virginia" and providing for additions and changes to Article 26 (Central Business District CBD) parking regulations.

Informed Council that it was the unanimous recommendation of the Planning Commission to approve the proposed ordinance change.

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

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

- Motion was made by Vice Mayor Dillon to approve as presented and approved 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 by those present.

The Mayor recessed the meeting to hold the third public hearing:

D. Review and Consideration of Transportation Enhancement Application – Pigg River Heritage Trail Government Center Extension and Draft Resolution for Funding Assistance

Presented to Council prior to the meeting was a draft application for Transportation Enhancement funds for an alternative route for the Pigg River Heritage Trail. The trail would connect the new Franklin County Government Center located in the old Winn-Dixie Building on 40 West to Celeste Park along Furnace Creek.

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

- Jim Lovell with Earth Environmental Consultants, Inc. (who did preliminary work

on this project for the Town) stated that due to last month's presentation to Council, at this time they would present to Council for their review an alternative route.

A PowerPoint presentation was given on the project, known as "A Pigg River Heritage Trail Government Center Extension – Phase I & II – SAFETEA – LU Grant Application":

Project Description:

- Construction of approximately one mile of paved trail to connect Celeste Park and the new Franklin County Government Center.
- The trail would be ten feet in width and suitable for pedestrian and bicycle use.
- Four access gates are proposed, one for each end and one each side of Old Furnace Road.
- Landscaping will be provided at public road crossings.
- Interpretive signage will be placed along the trail.
- Trash receptacles and benches are planned approximately every 500 feet.
- If needed, split rail fence may be used in certain situations to deter users from leaving the trail (price estimate does not include the split rail fence).

Project Approach / Timeline:

- Grant Application:
 - Prepare draft grant application
 - Hold public hearing regarding grant application
 - Town Council resolution to submit grant application
 - Submit grant application to Virginia Department of Transportation (VDOT) on or before November 1, 2008 (basically wait for VDOT approval and see how much funded, then see what Town Council wants to do)
- If the Town of Rocky Mount Receives Grant Approval from VDOT:
 - Complete preliminary trail design
 - Conduct public input meetings with citizens and Town Council
 - Prepare final trail design
 - Present final design to Town Council and citizens for final approval at public hearing
 - Submit final trail design to VDOT for approval
 - Bid and construct project
- Subsequent grant applications can be submitted annually if the original application is not fully funded.

Pigg River Heritage – Government Center Extension is Intended to:

- Provide the first public trail in Rocky Mount
- Provide recreational opportunities
- Encourage health benefits

- Increase connectivity
- Promote historical and education opportunities
- Enhance economic growth
- Promote community involvement and interaction
- Attract business and home buyers

Discussion ensued between Mr. Lovell and Town Council:

- Mr. Lovell stated that the estimate on this section of Phase I is approximately \$920,000. The second phase costs approximately \$415,000 to \$416,000. The big cost on the most part for this type of project would be the foot bridges, as asphalt is really expensive. The grading should be minimal as Phase I is really a good lay of land for this trail. Mr. Lovell confirmed the following to Council:
 - The trail would be touching three businesses.
 - The Grassy Hill Trail does not come near Waid Park, explaining where the trail looped to.
 - Town will have to match approximately \$250,000, but that the Town does not have to go forward with the project and the resolution for applying does not obligate the Town at all.
 - Does not know the likelihood of the application being approved, being based on the amount of how many people will be applying due to the state economic conditions.
- The Chief of Police confirmed that he does not expect that there will be any issues regarding patrolling the area due to the businesses around the trail, but anytime something occurs off the road needs some type of monitoring.

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

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

The following comments were made prior to a motion being made:

- Mayor stated that if the Town doesn't apply for the grant and receive it, another locality will.
- Vice Mayor Dillon stated that this could either be a good or bad example if the funding goes through.
- Council Member Walker questioned if VDOT would think it would be detrimental for the Town not to apply for the grant in this cycle, with Mr. Lovell stating that VDOT would not know if the Town will be applying at this time, but if not applied for by November 1 of this year, the Town would have to wait until November 1 of

next year.

- Motion was made by Council Member Strickler to approve the request for submittal of the application to VDOT under the conditions that the Town is not obligated, with motion including approval of the draft “Resolution – Funding Assistance for Bicycle and Pedestrian and Related Facilities – Town of Rocky Mount”, with motion on the floor being seconded by Council Member Greer. Discussion ensued. Council Member Walker questioned if any potential things of this nature would cost the Town’s taxpayers money for this particular project, with the Mayor stating that if the Town is successful in getting the grant, the Town would more than likely be responsible for approximately one-fourth of the amount. Council Member Walker also questioned if the Town citizens want a walking trail or music venue, with the Mayor stating that is why the Town has public hearings. Vice Mayor Dillon stated that this motion does not obligate the Town for anything other than applying for the grant funding. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

APPROVAL OF MINUTES

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

- September 8, 2008 Regular Council Meeting Minutes
- September 15, 2008 Special Council Meeting Minutes

- Motion was made by Vice Mayor Dillon to approve the draft Council meeting minutes as presented with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

APPROVAL OF CONSENT AGENDA

The approval of the *Consent Agenda* consists of approving any miscellaneous resolutions/proclamations, miscellaneous action, departmental monthly reports, and bill list that were submitted prior to the meeting for Council’s review and consideration.

- Miscellaneous Resolutions/Proclamations
 - Review and consideration of approval of draft “Proclamation for National Business Women’s Week by the Rocky Mount Town Council”
- Miscellaneous Action
 - Review and consideration of approval of reappointment of Andy Turner to BUD Commission, and appointment of Jerry Trotter and Susan Hapgood per request of BUD Commission

- Departmental Monthly Report
- Bill List

- Motion was made by Council Member Strickler to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

HEARING OF CITIZENS

Let the record show that no citizens came forward to speak.

OLD BUSINESS

A) Emergency Services Building Roof

The Town Manager reported the following:

- During the budget development process for the current year's budget, he had requested funds to have an engineering firm trace the cause of the leak in the roof at the Emergency Services Building and at the time of this request, it was the consensus of Council not to use the funds for such a purpose but to instead budget to replace the roof completely.
- To get the process started, he had asked Jim Lovell of Earth Environmental Consultants, Inc. to develop a set of specifications for the replacement of the roof so that the project could be started.
- Upon reviewing the leaks, Mr. Lovell indicated that he, like the other firms that had looked at the problem previously, was not certain that a roof replacement would solve the problem. In addition to the possibility of the roof leaking, the water issues may be arising from absorption of water into the brick and various vents. Mr. Lovell recommended:
 1. Contact at least two contractors familiar with this type of construction and explain the possibility of developing a bid package to address the water issue and solicit their input.
 2. Based on the input received from the contractors, do one of the following:
 - Develop a bid package to complete the work; or
 - Conduct further study along the lines of that proposed by Whitlock, Dalrymple, Poston & Associates (the forensic engineer recommended by Virginia Tech, who proposed a course of action to investigate the source of the water ingress).

Mr. Lovell reported the following:

- Reminded the Town that further investigation may reveal a way to determine liability so that the ultimate repair could be potentially charged to the architect or the building.
- Stated that he has looked at the building, but has a problem finding past reports

- on the building.
- Discussed where most of the rain is coming in from (from west and southwest facing Gusler's. Has looked at the corners of the building, trying to find weepholes. Doesn't appear that any of the leaks are from the center of the roof, but are in the brick.
 - There is a lot of roof to replace and that would be costly, although he hasn't come up with any cost estimate at this time.
 - Confirmed to the Mayor that if roof is replaced by Town, any warranty liability on the contractor would be lost.
 - The roof is only seven years old and should have at least a ten to 20 year warranty, although he is not an expert or architect.
 - Not sure he can get a contractor for warranty replacement for that roof, which is a concern.

Vice Mayor Dillon stated the following:

- Had a roofing company that actually came and looked at it in relation to the way it was installed. The roofer had relayed to him that he is not able to tell what is wrong unless the roof is pulled up.
- He and another fireman pulled up a section and showed the roofer what was under the roof.

The Town Manager stated that he expects the contractor is one of the ones he contacted to come out and look at the roof. Asked for Council's consensus in getting the contractor that Vice Mayor Dillon knows about to contact Mr. Lovell.

Let the record show that no motion was taken, but it was the consensus of those present to grant the request of the Town Manager to have the contractor Vice Mayor Dillon knows to contact Mr. Lovell.

B) Parking Plan and Parking Signs

The Assistant Town Manager came before Council regarding parking plan and parking signs:

- Handed out to Council a draft public parking plan that his staff had developed using their expertise in traffic planning and mapping where they believe parking signs are needed to direct people to parking, particularly during heavy traffic hours and special events.
- In an effort to make progress on directional signs for downtown parking, has worked with a local sign contractor who previously worked on downtown parking signs. Together, have developed a sign that will have the necessary visual impact, fit in with the overall downtown, and direct people to the Town's public parking areas.
- Presented a sample to Council for their review and consideration of approval.
- Total estimate cost is less than \$1,000 (not counting labor for the Public Works crew having to mount). Will produce about a dozen signs.

- Although plan is not a perfect parking plan, it is most important to get visitors and customers pointed in the right direction to parking lots.
- On the recent business surveys taken, a concern was the lack of directional signs for parking areas.

The Town Manager informed Council that no motion was needed from Council, but staff would like to know if it was the consensus of Council to proceed with getting the signs and posting them in the areas as indicated in the parking plan.

Let the record show that no motion was taken, but it was the consensus of those present for staff to proceed as requested by the Town Manager.

C) Arlene Jones

Arlene Jones came before Council, giving them an update on The Franklin Street Festival that was held on September 27:

- Although it rained, it was successful.
- Parking was one of the things that did come up with festival goers.
- Other things that did not work is what they have control over.
- Plan on doing this again next year.
- Vendors want to come back again next year. If vendors want to come back, you know the event is successful.

Mrs. Jones stated that when they came before Council asking for financial help, Council had given them \$500 with the condition that they give it back if they made a profit, and due to this, Mrs. Jones mentioned she would be returning the \$500 to Council.

The Mayor congratulated Mrs. Jones on the festival, mentioning that he did attend and they did have a lot of fun things there.

Vice Mayor Dillon stated that although he did not vote in favor of the Town giving the \$500 contribution to the event, he does think they did a good job in putting it on, especially with all that was going on. He further stated that he believes business owners were pleased that Franklin Street wasn't closed during the event. Also mentioned that some of the festival goers came by the fire department and participated in the spaghetti dinner.

NEW BUSINESS

A) Review and Consideration of Council Work Sessions Before or After Regular Scheduled Meetings on an Alternate Date

The Town Manager presented the following before Council for their consideration:

- Allow the Town Manager to schedule periodic work sessions so that Town staff can get Council's guidance and input on issues outside the formal Council meeting.
- This would enable Council to discuss and consider items and issues outside of the more rigid format of a regular meeting and would help promote a more open discussion-like atmosphere.
- This would ultimately help staff to orient projects and actions towards the goals and objectives of Council because they could propose projects or ideas in a work session environment and get direction and input from Council earlier in a project's life span. Gave an example of the trail concept, which would have benefited from such a work session environment.
- Options for Town work sessions would include:
 - Schedule a work session as needed, no more than an hour long, after a regular Council meeting.
 - Schedule a work session as needed before the regular meeting (6:00 p.m. for example).
 - Schedule a work session on a non-council meeting day as needed.
- Council can freely meet in a work session environment as long as the meeting is advertised and open to the public. The gathering will not technically be a Council meeting, as it will occur prior to calling a meeting to order or after adjournment. No action can be taken in a work session, but any issue can be considered and a consensus of Council can be established.

The Mayor stated that he believes that having work sessions is a good idea, but need to hold them on a non-council date. Advised the Town Manager to just let Council know when a work session needs to be held.

Let the record show that no motion was made.

B) Review of Tank Hill Neighborhood Meeting

The Chief of Police informed Council the Rocky Mount Police Department (RMPD) held a meeting with the citizens in the Tank Hill Neighborhood.

- To sum everything up regarding the meeting that the RMPD had with the Tank Hill neighborhood was to say it was successful.
- The RMPD is already looking at taking care of the issues that were discussed and moving forward on the concerns that were voiced by the citizens during the meeting.
- Estimate that approximately 75 people attended the meeting.
- Do not believe there were any real surprises from the concerns that were brought up by the citizens, but his eyes were open to what the citizens perceive are problems in the Tank Hill neighborhood.

The Mayor stated that he has heard nothing but positive comments about the meeting.

The Chief of Police stated that the RMPD will continue go through the Tank Hill neighborhood and talk with the citizens that live there. He further stated that he believes this has improved relations between the citizens there and the Town. Also, the Chief of Police mentioned that he hopes to have another meeting with those citizens next month.

C) Windscreens at Farmers' Market

The Assistant Town Manager stated that one of the concerns he hears from vendors at the Farmers' Market is the need for some type of screening from the sun and wind. He further stated that one of the ways to help rectify that concern and prevent vendors from strapping up a tarp (which can do damage to the Farmers' Market) is for the Town to install some type of windscreen.

The Assistant Town Manager stated that he proposes for the Town to do the following:

- Put up a tennis style windscreen, which will block 75% of the sun and wind, and should not cause structural damage as it allows the wind to blow through, and allows enough sun to allow the police to see through them.
- If Council agrees, will install a couple of the windscreens and see if the vendors have any problems with them, then will move forward and install the windscreens and provide proper coverage from the sun and wind.

There was discussion from Council regarding the best place to put a couple of the windscreens in order to see if they will work. It was determined by Council for the Assistant Town Manager to place the windscreens on the back side of the Farmers' Market first, and if successful in meeting the needs of the vendors, then proceed with placing them on the Franklin Street side. The Assistant Town Manager so noted.

Two different issues were brought to the attention of the Assistant Town Manager regarding the Farmers' Market area, being:

1. Vice Mayor Dillon requested that staff make sure that the grassy area under the tree near the clock at the Farmers' Market not be used to park vehicles.
2. Council Member Greer requested that staff look at the handicap ramp at the Farmers' Market to see if it possibly needs a handrail.

D) Costs of Water Production and Wastewater Treatment Per Thousand Gallon Over the Past Ten Years

Prior to the meeting, the Finance Director made available to Council information regarding the costs of water production and wastewater treatment per thousand gallon over the past ten years. The Finance Director highlighted the following and also presented and referenced a chart that was made available with the information:

- Converted the utility fund (water and sewer) revenues and expenses to a per gallon produced / processed figure for the fiscal years ended 1996 through 2007. The numbers have not been finalized for fiscal year 2008 and are, therefore, not shown.
- Had rate hikes of \$4.76 in 1999 (the first since 1991), \$3.00 in 2001, \$2.50 in 2003, \$1.00 in 2004, .50 cents in 2005, and .50 cents in 2007.
- Other significant events which affected the cost per gallon include: (1) conversion of 2000 to 3000 gallons minimum charge in 1999; (2) additional debt for the annexed area water and sewer lines in 2001; (3) cell phone rental income began in 2003; (4) a portion of the Finance Department expenses related to their utility billing function began to show in 2003; and (5) new accounting standards associated with GASB 34 reporting were implemented in 2005, which especially affected fixed assets and their associated depreciation. Of course, the actual number of gallons produced in the Water Plant and the number of gallons processed in the Wastewater Plant directly affect the per gallon figure. These gallons can vary from year to year based on environmental circumstances, repairs at the plants or within the distribution and collection lines, and new line projects that might be approved for any particular year.
- The three charts presented for review included: One for water only, one for sewer only, and one has both water and sewer combined. All display revenue verses expenses. The expenses are divided into three categories: (1) total operating expenses before debt service; (2) total operating expenses plus debt service; and (3) total operating expenses plus debt service plus depreciation. Debt service should be covered by water and sewer charges. Depreciation is not funded in the water and sewer fee schedule; fund balance is used.
- Explained the grid sheets presented to Council. Summary of basic results:
 - Rates were increased for the first time in eight years in fiscal year 1999. A gain continued for water and a gain reappeared for sewer.
 - In 2001, another rate increase was implemented and the gain continued for both water and sewer. This gain continued for 2002 as well. New debt for the annexed area water and sewer lines was issued in 2001; interest and reduced principal payments will not begin until 2002.
 - In 2003, a loss for both water and sewer appeared. The rate increase in 2003 was a 13.8% increase from the previous rate increase two years before. 2003 was the first full year of principal and interest payments on the new debt. This additional debt service was a 28% increase in expenses. The rate increase did not keep up with the debt service demand. A portion of the Finance Department's expenses began showing up in the utility fund to reflect their utility billing duties; this represented 4% of total fund expenses in 2003. The loss continued for water through fiscal years 2004 and 2005, despite rate increases for all three years (2003, 2004, 2005).
 - In 2006, both water and sewer showed a gain after debt service.
 - In 2007, despite a small rate increase, a loss was shown for water (but not sewer).
- Still do not have final numbers from auditors for fiscal year 2008. Once this is done, it will be analyzed with other historical data and with projected results for

- fiscal year 2009 to recommend any rate adjustments for the fiscal year 2010 budget.
- The Town still has one of the lowest water and sewer rates in the region. However, the rates are not keeping pace with the expenses necessary to keep the Water Treatment Plant and the Wastewater Treatment Plant running efficiently. Coverage to maintain the related distribution and collection lines is also necessary. Debt service should also be covered by the water and sewer fees.
 - In 2007, debt service accounted for 40% of total utility fund expenses. Of the total debt service in the utility fund, 53% is being funded from a transfer of meals tax (\$514,278) in the general fund to pay the annual debt service on the Wastewater Treatment Plant. During fiscal year 2008, the first full year of principal and interest payments will be paid on the 2007 Virginia Municipal League (VML) bond issue to cover utility lines in the Old Fort Road area; therefore, debt service in fiscal year 2008 will increase.
 - In this economy, expenses to run an efficient water and sewer operation continue to increase. The Town provides a vital service to its customers in providing potable water that is available at the turn of a faucet and in providing sanitary sewer services. Fees for water and sewer usage should make the utility fund self-sufficient. However, many of the Town's customers are seeing expense increases and revenue decreases of their own. The Town saw a loss in 2007 and will probably see one in 2008 and 2009. Many considerations will take place between now and the presentation of the 2010 budget, but it looks like the Town may need some sort of rate increase. The Town's last rate increase in 2007 was for .50 cents per water and sewer account.

COMMITTEE REPORTS

A) Public Utilities Committee

The Town Manager reported to Council that the Public Utilities Committee met on September 18, 2008 to discuss the following, with the following recommendations being made by the committee to Council:

1. Request of Ferguson Land & Lumber Company

Mr. Johnny Ferguson with Ferguson Land & Lumber Company requested the Town relocate a portion of sewer line crossing their property to allow them to expand their operation.

It was the recommendation of the committee to direct the Town Manager to proceed with the engineering for the relocation and to approach Franklin County to determine if they will share in the costs. Pending a final estimate for the relocation and a firm estimate of the investment being made, the committee recommended to Council that the sewer line be relocated to allow Ferguson

Land & Lumber Company to expand their operations.

2. Request of Mrs. Norma Jean Akers to Connect to Town Water and Sewer

Mrs. Akers owns an eight unit apartment building on Wrays Chapel Road that is near Town utilities. The well serving the building has recently produced less due to the drought and Mrs. Akers has approached the Town for assistance. The committee recommended allowing Mrs. Akers to connect to Town utilities if Franklin County consents to the connection.

- Motion was made by Council Member Greer for the Town to proceed with the recommendations of the committee regarding Mrs. Akers' request, pending approval from Franklin County, with motion on the floor being seconded by Council Member Strickler. Discussion ensued regarding the request of Mr. Ferguson, with the Public Works Director confirming to Council that he feels that fill dirt would be too heavy to put on the sewer line, with following discussion on how best this could be handled. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

B) Streets, Sidewalks & Sanitation Committee

1. Request of Donnie Farris to Repair Wall

The committee recommended that the Town offer to partner with Donnie Farris in the repair of his wall located on Harvey Street, offering to pay one-half of the lowest estimate of \$3,500 and to use Town staff to manage the project. Additionally, the committee agreed that the wall would be reconstructed on Mr. Farris' property so that maintenance and ownership of the wall will run with the land.

The Town Manager reported that he has contacted Mr. Farris regarding the recommendation of the committee, and at this point and time, he is still waiting to hear from Mr. Farris.

Let the record show no motion was taken regarding this matter.

2. Tree Trimming Project for Tank Hill Neighborhood

The committee authorized the Town Manager to seek prices for tree trimming firms to remove the branches from around the lights in the Tank Hill neighborhood.

The Town Manager reported that he has received two prices from two professional tree trimming firms: \$980 from Asplundh Tree Expert Company; \$3,175 from All Seasons Tree Service, LLC.

- Motion was made by Council Member Greer to expend the funds, with motion on the floor being seconded by Council Member Strickler. Let the record show that the motion on the floor passed unanimously by those present.

3. Picnic Tables

The committee instructed the Assistant Town Manager to make a presentation during the regular monthly October Council meeting regarding the placement of picnic tables in the downtown area, which should include costs and suggested locations.

The Assistant Town Manager stated the following:

- This is part of the pilot program of placing picnic tables downtown to eat during lunch hours, etc.
- Staff has looked at placing three picnic tables in (1) the grassy area at the Farmers' Market near the clock; (2) one on the trail behind Wray's property at trail head where existing trash can is (behind Wray/Arrington Flowers property); and (3) trying to decide internally whether to place behind J&J Fashions in the shaded area, or behind the florist located on Mayor Street.
- The picnic tables will be three different styles with one being handicap accessible.
- Approximate cost for three picnic tables with two having trashcans is just under \$3,000. These funds are in the park budget.
- Picnic tables will be vinyl cover over metal, which is pretty standard for this type of table that will fit into the Town's budget.
- Confirmed to Council Member Strickler that it was not taken into consideration the concrete tables due to cost.
- Has worked out with the Public Works Director securing the picnic tables.
- Confirmed to Vice Mayor Dillon that he will mark where the tables will be going by the end of this week.
- Will try to have the picnic tables in place by the spring of next year.

Let the record show no motion was taken regarding this matter.

4. Installation of Curb and Gutter on Maynor Street

The committee asked the Public Works Director to obtain cost estimates to install curb and gutter on Maynor Street so that parking could be encouraged on the east side of the street.

The Town Manager reported that the Public Works Director is working up a cost estimate on installing the curb and gutter and will present during the next committee meeting.

Let the record show no motion was taken regarding this matter.

C) Charter Review Committee

The Town Manager reported that the committee met on October 2, 2008 and highlighted the following that was brought before the committee:

- Committee received an overview of the evolution of the Town's Charter and the Town's Grievance Procedure by the Town Attorney. It was pointed out that Section 3.9 of the Charter that pertains to the interaction of Council and Town staff was discussed in detail, as was the change of the final step in the Grievance Procedure from one resting with Council to one resting with the Circuit Court.
- The newly elected members of Council indicated that they were under the impression that they could not interact with Town staff on a one-on-one basis, or that Town staff were forbidden from approaching Council with concerns relative to their employment.
- Town Manager and Town Attorney reviewed areas of the Charter that specifically allowed such interaction and the Town Manager gave an overview of a work session concept that would encourage such interaction on a regular basis.
- Town Manager gave an overview of his core philosophy of creating a workplace of high morale that was also highly productive and a fun and enjoyable place to work. Various options for Council's participation in this process was discussed and encouraged.
- Town Manager and Town Attorney reported that the Grievance Procedure could be altered without changing the Charter, but that the current Grievance Procedure was one based on State standards and had been tested twice and has proved to be a well written procedure.

It was relayed to Council by the Town Manager that the committee made no recommendation to the full Council, but did ask that the Town Attorney prepare an executive summary of the differences between the present and the former Charter, and to have the committee reconvene to continue the discussion. The request was to reconvene prior to the end of November so that any Charter change that was proposed would have time to be developed and submitted to the General Assembly prior to pre-filing deadline.

The Town Manger informed Council that if they were open to the concept of a work session being periodically held prior to a Council meeting, that the Town Attorney could present his findings at a work session to be held at 6:00 p.m. prior to the November 10 Council meeting.

Let the record show that no motion was taken, but the Mayor did request that when a rough draft of the executive summary is prepared by the Town Attorney for the committee, that it be given at the same time to the full Council.

RISE 'N SHINE APPEARANCES

It was mentioned that the Assistant Town Manager was on the *Rise 'N Shine* show this morning and did a good job.

The Town Manager stated he would be on the next *Rise 'N Shine* show and encouraged anyone wishing to appear with him to let him know.

OTHER MATTERS & COMMENTS

The Assistant Town Manager informed Council that during the work session between Council and the Planning Commission, the Planning Commission members wanted to bring items before Council first to make sure both the Council and Commission were on the same page and certain items come through Council first for clarification to the Planning Commission.

The following are two items at this time that the Planning Commission needs input from Council are:

1. Is there interest in moving forward to placing the Bald Knob area into the historic district?
2. Current ordinance is vague regarding accessory structures and would like this to be clarified through the Planning Commission and asks Council to send to the Planning Commission for review.

Council so noted.

COUNCIL CONCERNS

Mayor Steven C. Angle

The Mayor came before Council reading from a public statement that was read for the record, being:

“There has been much discussion recently among citizens and in the local media concerning the status of Community Partnership for Revitalization (CPR), Retail Merchants, and other organizations in regards to their relationship with the Town. Who will oversee the Community & Hospitality Center and the Town of Rocky Mount’s involvement in the Virginia Main Street Program, and funding from the Town for CPR, seems to be garnering the most attention. Let me take a few minutes to present some facts about these issues. First, the **only** decision that has been made by a majority vote of the Town Council is to discontinue funding to CPR for staffing the Community & Hospitality Center, also known as the Depot. CPR was not required to move from the premises; it was a decision that was made by their board of directors. As for the Main Street Program, let’s examine some facts about it and Rocky Mount.

Main Street Funding and Return on Investment

- The Town of Rocky Mount has funded CPR as the Town's designated Main Street agency for over a decade. Last year, CPR received \$28,000 from the Town and Franklin County combined. This year's budget proposed pooling the County and Town funds together to pay the salary of an Executive Director in place of giving the organization a cash grant.
- Though a budget with the funding for the Director passed, Council asked that no new positions be filled without seeking Council's consent. It appears to be the consensus of a majority of Council not to fill the proposed Executive Director position. This calls into question how or if the Town will fund CPR and the Main Street program in Rocky Mount.
- The Main Street program requires some public funding by the locality to create the foundation of the public/private relationship that Main Street represents. Even if CPR were to continue without Town funds, the lack of investment from the Town would violate the core philosophy of the Main Street program.
- Public funding of Main Street programs in the Commonwealth varies widely. Currently, Rocky Mount ranks at the bottom of participating Main Street communities in terms of the amount of funding given to their Main Street entity. As a comparison, the Town of Orange with a population of 4,170 gives \$70,000 annually; Town of Luray with a population of 4,871 gives \$37,000 annually; Town of Berryville with a population of 2,970 gives \$20,000 annually; with the Town of Rocky Mount with a population of 4,800 giving \$14,000 annually.
- When viewed as a contribution per capita, Rocky Mount's contribution is \$2.92 a year. The average per capita contribution in the Commonwealth (eliminating the two highest and two lowest numbers) is \$4.27. To fund a Main Street program in Rocky Mount at the average per capital of other localities, Rocky Mount would need to contribute \$20,000 a year to the program.
- In the past decade, the Town has contributed a total of over \$175,000 to Main Street, but what has been the return on that investment? This return has chiefly been in the form of increased investment by the state, increased private investment, increased public investment, and increase property values.
- The increased investment of the state came in the form of over \$1,000,000 in state funded grants given to Rocky Mount that probably would not have been granted (or even applied for) without the driving incentive of a Main Street organization. The question has been raised as to the potential need to pay back grants if the Town ceases to support Main Street. Though it is not likely that the Town will have to repay any grant funds, it is certain that being a Main Street community helped the Town qualify for grant funds in the past, and the lack of a Main Street program will hinder any future application. The Town has applied for Community Development Block Grant (CDBG) funds to help develop a business case for a music venue in our community, and it is

not likely that such an application will be considered favorably if the Town is moving away from the Main Street program and the economic restructuring and downtown revival that it represents.

- The increased private investment in the central business district is evidenced by the ongoing investment of Spectrum Design in a historic building, by the decision of the Child Advocacy group to rebuild in uptown, by the ongoing investment by Center Stage Catering, by the significant investment made by the Wray's on Franklin Street, and the continued contributions from merchants in the central business district. Though these are just examples, the total private investment in the central business district over the past decade is estimated over \$5,000,000. Though this investment is not all attributed to the existence of a Main Street organization, many of the investors have specifically stated that the Main Street driven revitalization efforts were the deciding factor in making a decision to invest in Rocky Mount.
- The increased public investment in the central business district includes the Town contribution to the downtown/uptown renovations, the investment in the Franklin Center, the investment in the library, and other public space improvements in the area. As in the private investment, many of these projects would not have occurred without a community focus on revitalization.
- During the past decade, commensurate with the state, private and public investment mentioned above, property values in the central business district rose by over \$20,000,000. This increase outpaced the rest of the Town by 26% and outpaced the County by 22%. Though there were many players involved in the turnaround and reinvestment in downtown/uptown, Main Street was a key player and helped facilitate the process.
- Given the leveraged investment, the return on the funds invested in Main Street is significant. With the great return on investment that Main Street represents and its role in helping the Town qualify for and manage state grant funds, it is worthwhile to look at ways to retain this program in Rocky Mount. The options fall into two broad categories: continue funding CPR, or attempt to create a new organization. Each of these courses has a few options as well in addition to having some advantages and disadvantages.

Create a New Main Street Organization

- The Town can elect to fund a new Main Street organization, provided that the organization can be setup according to the requirements of the Virginia Main Street program. Key challenges would be: attracting private funding in addition to the public funding; further diluting the pool of community action agencies (going from four groups – Retail Merchants, the Chamber of Commerce, the Historical Society, and CPR – to five groups with the addition of a new group), attracting volunteers to the new organization given the number of other groups already operating in a similar fashion and the length of time it would take to create a new group in the absence of an emerging community leader.
- This process could take a year or longer to accomplish as the first step would

be to define a board of central business district stakeholders and work with them to design a new program around the Main Street philosophy.

- If the Town was to opt to pursue this route, a funding level of \$20,000 a year would provide a similar level of service to that seen in other communities. Franklin County would need to be requested to continue their funding of Main Street. The Town could also exercise the option to pay the Director's salary in lieu of a contribution so that the new organization could attract and keep a professional.

Continue Funding CPR

- The Town can elect to continue to support CPR as its Main Street organization. This support could take the form of a return to a cash grant in the amount of Fiscal Year 2008 value of \$14,000 or the average per capita amount in Virginia of \$20,000. The Town could also re-examine the option to fund the Director's position in conjunction with the County and use that relationship to set goals and objectives of CPR that are in keeping with the expectations of the Town and the County and in keeping with the Main Street program.
- A variation of the above is to fund the Director's position during the period of time that the Town is implementing a CDBG grant.
- Challenges to this approach include the political climate in which CPR is seen as more than the Town's Main Street organization and is seen as supporting (rather than some of its board members supporting) a given slate of candidates. Another challenge is the implied need to commit to funding Main Street, and hence CPR, on a continual basis.
- Advantages of this option include the fact that the group is already set up. Working with an existing group would prevent the dilution of the members of the community that wanted to volunteer for and engage in revitalization and the Main Street program. Using the existing group would prevent the creation of yet another group working in the same limited sphere of community activity.

Results of the Town's Survey of Uptown/Downtown Businesses and Property Owners

- The Town of Rocky Mount recently conducted a survey of central business district business and property owners. 141 surveys were sent out and 60 were returned. Of the responding participants, 85% were familiar with the Main Street program. Of those who were familiar with Main Street, 73% supported the Town's participation in the program. 63% of the participants familiar with Main Street would support the Town funding an organization to implement Main Street. A majority of the participants feel that the Town should finance the Main Street program out of the current budget and not with a special tax district.
- Out of the participants, 23% were members of CPR, 45 % were member of the Chamber of Commerce, 31% were members of Retail Merchants, and

11% were members of the Historical Society. Some memberships overlapped as some respondents were members of multiple groups.

- The respondents were asked to rate the effectiveness of these various community groups in helping promote and enhance the Town of Rocky Mount. CPR was rated as the most effective organization of all those rated. The Chamber of Commerce was second, with Retail Merchants and the Historical Society receiving similar effectiveness rating just behind the Chamber.
- When asked the most important investment for the Town and its partners to make, a majority of respondents chose transportation, job creation incentives, and public parking development.
- Of all participants, 68% believe the Town should continue to participate in the Main Street program.

Conclusion

- In conclusion, as elected members of the Rocky Mount Town Council, we are charged with governing the Town in a manner to benefit its citizens, businesses, industry, and to provide the necessary infrastructure for the well-being of the populace, in addition to making our community attractive for new residents and businesses. We must put aside individual feelings about people or organizations. We must have a vision for the future of Rocky Mount, not next week or next month, but for future years. To have vision, we must have wisdom. Wisdom is a concept of a personal gain of knowledge, experience, discretion, and intuitive understanding, along with a capacity to apply these qualities towards finding solutions to problems. Let me close with a quote by the Chinese philosopher, Confucius (551 BC – 479 BC). He said, “By three we may learn wisdom: First, by reflection, which is noblest; Second, by imitation, which is easiest; and Third, by experience, which is the bitterest.”

We are charged with the responsibility to leave Rocky Mount a better place for future generations. The citizens of Rocky Mount deserve nothing less.”

CLOSED MEETING

At 8:40 p.m., motion was made by Vice Mayor Dillon to go into *Closed Meeting*, and seconded by Council Member Strickler 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 (Industrial Avenue).
- 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 in the business' or industry's interest in locating or expanding its facilities in the community (industrial property).

At 9:25 p.m., motion was made by Council Member Greer to come out of *Closed Meeting* and to reconvene the meeting back into open session, with motion on the floor being seconded by Vice Mayor Dillon 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 Strickler 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 Walker. The Mayor swore to adopt the motion on the floor by Council Member Strickler 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., Robert W. Strickler, and Gregory B. Walker.

The Mayor reported that no action was taken.

ADJOURNMENT

At 9:28 p.m., motion was made by Vice Mayor Dillon to adjourn, seconded by Council Member Greer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk