

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

The September 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, 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.

The Mayor requested that the agenda be amended to add under *Consent Agenda* for review and consideration of approval a draft "Resolution by the Rocky Mount Town Council in Support of United Way of Franklin County, Inc."

- Motion was made by Council Member Greer to amend the agenda to include the request to add the draft resolution for the United Way of Franklin County, Inc., seconded by Council Member Lester and carried unanimously.

SPECIAL ITEMS

The Mayor read a note from Mr. John Speidel, thanking Council for his gratitude for the resolution of appreciation and key to the Town that was presented to him.

PUBLIC HEARING

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

A) Review and Consideration of Approval of Rezoning Request of Patrick Ephriam, Representative of Chapter 10 Mental Retardation Group Home

The Planning Commission had met on September 2, 2008 to hear the rezoning request of Patrick Ephriam, representative of Chapter 10 Mental Retardation Group Home, for a rezoning of the property known as Franklin County Tax Map and Parcel Number 2070021200, located at 220 Claiborne Avenue, from Residential District R-2 to Residential District R-3.

The Mayor explained that this request would not be heard at this time, as it had not been heard by the Planning Commission on September 2, and had to be rescheduled by the Planning Commission to be heard during their October public hearing.

The Mayor continued to have the meeting recessed for the second public hearing:

B) Overview of Application for Transportation Enhancement Program – Pigg River Heritage Trail

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

- Mr. Jim Lovell, representing Earth Environmental, and the Town's Planning & Zoning Administrator presented to Council and the public a PowerPoint overview of the project, which was entitled "Pigg River Heritage Trail – Phase III – SAFETEA – LU Grant Application". The following items were highlighted in the overview:
 - Went over the project description for Phase III.
 - Showed current signage for the Veterans Memorial Park, Vernon Lynch Riverside Heritage Park, and the concept drawing for the proposed Celeste Park.
 - Showed overview of the topography and grade of the proposed Phase III project.
 - Showed overview of other trails in different localities, such as Roanoke City in their business areas, which contained slides for bicycles for adults and children.
 - Showed inner-neighborhood park trails in Roanoke City.
 - Went over project approach and timeline, and what the trail is intended to provide and do.
 - Went over safety and privacy concerns.

- Went over the general trend in property values when a trail is built next to people's properties.
 - Regarding liability, stated that every state has a recreational use statute.
 - In conclusion, stated that the application is for funds and does not indicate that the trail will ultimately occur; and if the Town receives funds, the Town staff will work with property owners to address concerns, share ideas for the trail, and negotiate possible easements. This will most likely occur, beginning next fiscal year. The total amount applied for is one million dollars, with the Town's match share amount being \$250,000. If funding is granted, the Council would have to allocate funds in next year's budget. It would be reasonably assumed that the amount will be spread over three to four fiscal years. Earth Environmental staff looks forward to potentially working with property owners and potential users of the trail in working towards a project that could provide numerous benefits to the Town and its resources.
- Richard Shoemaker of 25 Old Furnace Creek Road stated the following:
 - Pictures shown in the PowerPoint presentation were miles away from what their properties look like and is not what the trails would look like in Rocky Mount, as there is not as much open space.
 - Trails would be hard to build and police, with the trails being well hidden as it pertains to his concerns.
 - Not everyone will benefit from this project, and at best, it may break even.
 - Don't know if homes will increase in value.
 - There would be liability of people coming upon homeowners' properties. Even if the Town trail is not on his property, it is close enough for him to incur liability. Strangers will be too close to his property and would hinder what he and his wife, and grandchildren, could do.
 - He and his wife do agree for the Town to connect the Veterans' Memorial Park to the Lynch Park.
 - Asks that the Town take into consideration him and his neighbors' concerns.
 - Let them see other trails that will proceed this phase, if possible, and would like to see this kind of trail in a wooded setting, not as presented in the PowerPoint presentation. It is not attractive to have a black top trail in a wooded area. He does not want a black top trail near his property.
 - Support any funding for these types of projects when everyone benefits.
 - This type of project will be a long process.
 - He is a near-by property owner and will be affected.
 - Confirmed to Vice Mayor Dillon that the trail is not on his property, but feels that he will be affected.
 - Clint L. Hege, Jr. of 95 Old Furnace Road stated the following:
 - Agrees with everything Richard Shoemaker has stated.
 - In looking at pictures presented in PowerPoint presentation, what was shown was a lot of trails and things that are not in people's back yard in

- Rocky Mount, and what is proposed for a trail in his back yard.
- He supports trails that are not near people's homes.

- Does believe it will affect potential home owners, and if he had known the trail was being proposed when he bought his home and that there would have been a bike trail there, he would not have bought his home.
- He and his wife are excited about moving to Rocky Mount, as they are renovating the old Joplin home.
- Not sure there will be low crime by this type of bike trail.
- Regarding liability, someone will have to be responsible, if not the homeowner.
- Showed Council a beer can he has collected near the creek in his back yard, with him and his wife collecting about 50 in total.
- In getting the grant to build the trail, does the Town have to have the consent of each landowner.
 - The Town Manager responded by stating that part of the VDOT grant is working with the landowners to get their consent, and that this project is for mutual collectively in the property owners' best interest.
 - The Mayor responded by stating that the Town has the right of condemnation, but Council does not seek to use this to build something on this scale and nature.
- Stated that Mr. Lovell had stated that they would decide what the citizens want, and question if the bike trail would truly be determined by the people, taking into consideration that if property owners are definitely against this, will Council build the trail anyway. The Mayor stated that Council would certainly seek people directly impacted by this project before any final decision would be made by Council. He further stated that just because the Town applies for a grant it does not mean the project will go through.
- Mentioned that on the hill behind the creek he has noticed a lot of rock, and was wondering what the environmental impact would be if the Town has to blast that rock to make a trail. Further mentioned that he has personally seen an eagle teaching a baby eagle how to fly from that rock, and wondered how this would impact the environment.
- He and his wife like their privacy and serenity in their own home and they believe this trail will hinder them, even though not directly connecting to the property, but across the creek.

- Robert Swain of 55 Avalon Drive stated the following:
 - When he had first received the notice from the Town regarding the proposed trail, he was in favor of it, but since then, he is not in favor of the trail. Has property that adjoins the creek and thought it strange that the Town did not honor the Arrington easement, and since the Town did not honor that agreement, what guarantee does he have the Town will honor an easement agreement with him.

- Also not in agreement with agreement that the Town is going to give up Community Partnership for Revitalization (CPR), as they benefit the Town. He believes the new Town Council is not working with a full deck.
- Was not appreciative of the second letter he received from the Town.

- Mary Williams of 595 Diamond Avenue stated the following:
 - Was wondering what the trail had to do with her property.
 - The Planning & Zoning Administrator explained that letters were sent to those properties in the vicinity, although the trail may not affect her property directly and be part of the actual trail.
 - Questioned that once the trail is put in, would it affect what she could do to her property as she is not clear how this all involves her.
 - Council Member Seale confirmed with the Planning & Zoning Administrator that based on the current trail plan, this would not impact her property for any future thing she plans to build on her property.

- Ricky Robertson of 280 Hillcrest Drive stated the following:
 - Stated that the sewer line easement is on the edge of his property and questioned if the Town would have to get another one for the trail.
 - The Mayor confirmed that the Town would have to have another easement for the Town to put the trail in.

- Mary Brammer of 50 Avalon Drive stated the following:
 - Wondered what the trail would do if put in at the back of her property.
 - Recommended any grant money Town gets from this grant be used to build a sidewalk and trail from Route 40 to Celeste Park.
 - Keep the Heritage Pigg River area and leave Furnace Creek alone.
 - Already have Grassy Hill trail; put a bike trail there.
 - Put historic trail on North Main Street.
 - Agrees with questions about privacy and liability.
 - Property values would go up.
 - The proposed trail would become a lover's lane and beer parties would take place on the trail, with trash going onto the property owners' land.
 - Questioned Town's agreement concerning other easement agreements made.
 - Putting in this trail would bring problems to the Town.
 - Questioned if the Rakes pavilion had been build yet.
 - Mayor confirmed that it had not.
 - Questioned that if the property owners are against this trail, would the Town still do it if they receive the grant money to do so.

- Paula Hege of 95 Old Furnace Creek Road stated the following:
 - Addressed concern that she would have problems with her dogs barking at people on the trail.
 - Real issue with liability and the Town will have to face this head-on, and if

her dogs bother someone on the trail, those people will come looking for her, not the Town.

- Beers cans on their property are innumerable.
- She has put up signs for no trespassing.
- Too dark down at the end of their property for a trail.
- The trail can be a detriment to the environmental as she has seen a gopher, baby deer, and an eagle.
- What good is it to build a trail across the creek from their property when those on the trail can't cross the creek to see the historic old furnace. They welcome school tours as long as they are scheduled and controlled.

- Keep being told this is a bike trail also, but behind their property is a steep hill.
- If the trail is funded by Federal money, the trail would have to be handicap accessible.

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

Council discussed several concerns raised by those that came before them for public comment, being:

- The window of opportunity to apply for this grant is November 1, and if application is not submitted, can resubmit at another time.
- If grant is applied for and the Town receives the funding, the grant itself will allow the Town to see if the work is feasible.
- If easements are unattainable, the Town will not use condemnation to obtain.
- If funding is granted, can the Town use alternative route for Phase III.
- Should look for alternative route for this trail, if possible.

The Planning & Zoning Administrator confirmed to Council the following:

- He would not have proceeded with trying to get approval of the application if he had not received favorable comments from property owners regarding the trail and the granting of easements.
- He believes that if the grant is funded, he can work with the property owners on obtaining the easements in order for a portion of the trail to be built.
- In order for the project to go forward, need to make sure the property owners and adjoining property owners concerns are addressed up front, and that the Town wants to work continually with the property owners in that aspect.
- Explained that some of the funding could be used to help purchase the easements, as well; does the Town try to obtain easements beforehand when Town may not be comfortable of what might happen in the future, or does the Town take a step back and get the concept plan to take to the property owners to see if this will make them happy with the neighborhood and the entire community.

The Town Manager stated the following:

- Since it is the consensus to work with more people in the community regarding this project, it may be that the Furnace Trail may be nothing more than a sidewalk in the trail.
- It is staff's intent to fold into these concerns of the property owners and reach a functional and attainable goals.
- Does the Town need to apply for the grant at this time, or work more with the community?

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

- Motion was made by Council Member Lester to not apply for the grant, 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.

APPROVAL OF MINUTES

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

- August 11, 2008 Regular Council Meeting Minutes
- Motion was made by Council Member Walker 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
 - Review and consideration of adoption of draft "Town of Rocky Mount - Supplemental Appropriation Resolution for Fiscal Year Ending June 30, 2009 (Division of Motor Vehicle (DMV) Grant for the Rocky Mount Police Department).
 - Review and consideration of draft "Resolution by the Rocky Mount Town Council in Support of United Way of Franklin County, Inc."
- Miscellaneous Action
- Departmental Monthly Report
- Bill List

- Motion was made by Council Member Walker to approve the draft amended *Consent Agenda*, 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.

HEARING OF CITIZENS

- Tammy Hooker, representing Volunteers In Service to America (VISTA) came before Council stating that she wanted to introduce herself to Council and that she has been recently employed by Franklin County Youth Center. She further stated that she is paid through Federal and State funding. She also referenced a recent article on the Franklin County Youth Center finding a permanent location at 1969 Franklin Street, just west of Rocky Mount's corporate limits, which was highlighted in today's edition of *The Franklin News-Post*. She also introduced to Council the Director of the Franklin County Youth Center, Mr. Michael Patterson, along with Deborah Leonard, another VISTA volunteer.

OLD BUSINESS

There was no *Old Business* at this time.

NEW BUSINESS

A) Transportation Enhancement Application

The Town Manager stated that this had already been reviewed by Council during the "Public Hearing" portion of the meeting.

B) Review and Consideration of Moving "Hearing of Citizens" Segment of the Agenda

It was requested by the Town Manager for Council to consider moving the *Hearing of Citizens* segment of the agenda to after *New Business* in order to allow citizens the opportunity to comment on action Council may take. The Mayor and the Town Manager discussed that although this would be a good idea, sometimes the Council votes will have already been taken after *New Business* items have been discussed.

Let the record show that it was the consensus of Council to leave the *Hearing of Citizens* segment of the agenda where it is presently.

C) Review and Consideration of Making Improvements to Town Property

The Town Manager requested guidance from Council on making improvements to

Town property that is located directly adjacent to Maynor Street that is located behind the Arrington's and Wrays' properties.

Discussion between the Town Manager and Council pursued regarding that this piece of property was suppose to have an "exit only" or "no entrance" signage in place when the bollards were taken out. The Town Manager confirmed that since this is considered Town property, the Town should put up signage for exit only to stop people from coming through, as it was not intended to be two-way traffic, but for a truck entrance to allow trucks to enter that were delivering to Arrington Flowers.

He further stated that if the Town has to, will widen or take out curbing where easement was. Also mentioned by the Town Manager that there was a small area that needed to be paved to make the width accessible, but will work on the signage in order to be put up in ten days or less, as requested by Council Member Greer. The Mayor confirmed to Council Member Lester that the bollards were no part of the original construction plans.

- Motion was made by Council Member Greer for the signage to be put up in ten days or less, and that the paving be done in the next run of paving, with motion on the floor being seconded by Council Member Walker. Voting in favor of the motion on the floor were Vice Mayor Dillon and Council Members Greer, Seale, Strickler and Walker. Voting in opposition to the motion on the floor was Council Member Lester. Let the record show that the motion on the floor passed five to one.

D) Review and Consideration of Holding a Joint Work Session Between Rocky Mount Town Council and Rocky Mount Planning Commission

The Town Manager presented a draft agenda to Council for their review and consideration of approval for a joint work session between the Rocky Mount Town Council and Rocky Mount Planning Commission that is scheduled for September 15 at 6:00 p.m., to be held at the Community & Hospitality Center (Depot), located at 52 Franklin Street.

The Mayor commented that he believes this joint work session is necessary to do in order for everyone to be on the same page as the Town goes forward with the Planning Commission and future activities the Town will be involved with from time to time.

Let the record show that it was the consensus of Council to hold the joint meeting as proposed.

The Town Manager informed Council to let him know by next week if there were any items on the agenda they needed to change or any items needing to be added. Council so noted.

COMMITTEE REPORTS

The Assistant Town Manager/Community Development Director presented to Council the following committee reports:

A) Main Street Committee

The Town Manager reported that the Main Street Committee had met on August 26. Five Council members were present, along with approximately 20 others, including the press and public.

During the committee meeting, Mr. Jeff Sadler, Manager of the Virginia's Main Street Program, had presented an overview that consisted of the following:

- Spoke of positive impact of the Main Street Program, showing Rocky Mount's program as one of the most effective of any Virginia Main Street Program.
- Talked about the importance of having an independent board overseeing the program, with a director who reports to that board.
- Pointed out that a few localities have dropped out of the Main Street Program, but most who have dropped out have asked to be readmitted due to the proven benefits.
- While the Department of Housing & Community Development (DHCD) block grant funding is not entirely based on Main Street participation, the agency strongly considers the participation as a basis for successful use of the funds DHCD invests.

Council was informed by the Town Manager that at Council's direction, staff will undertake a survey of the uptown and downtown businesses to gather more data for Council to use in making a decision regarding its support for the Main Street Program in Rocky Mount. Prior to the meeting, each Council member had received a draft copy of the survey.

Council Member Lester stated that he wants staff to make sure that when the survey is sent out, it cannot be forged or falsified. The Town Manager informed Council that staff will do this.

The Town Manager confirmed to Council that ideally to keep the process moving forward, will get the surveys out sometime this week, but that staff wanted to make sure that the survey contains the information that Council is asking for.

It was the consensus of Council for the Town Manager to move forward in mailing out the surveys this week.

RISE 'N SHINE APPEARANCES

The Mayor commented that the Town Manager was on Rise “N Shine this morning. The Town Manager stated that the Assistant Town Manager will be on Rise ‘N Shine next month.

COUNCIL CONCERNS

Vice Mayor Dillon

- Requested that the Town Manager call a Public Utilities Committee in order to get with Mr. Farris regarding the stone wall on Harvey Street. The Town Manager so noted.

Council Member Lester

Council Member Lester excused himself from the dais and stood before Council at the podium, stating the following that he would like Council to instruct the Town Manager to do: (which is typed directly from what Council Member Lester submitted prior to speaking to all Council members, Town Manager, and Town Clerk):

1. Collaborate with Franklin County to discuss the possibility of:
 - Moving their Tourism Department to the Depot and occupying it jointly with Community Partnership for Revitalization (CPR). This would be in exchanged for the old Developmental Center, which would be used as a music venue site for The Crooked Road. Ownership of the facilities would not necessarily have to change hands.
 - Explore the possibility of merging the Town of Rocky Mount and Franklin County’s Fire Department equipment and facilities to reduce cost to both parties and eliminate double taxation to the Town citizens. The Town’s Police and Sheriff’s Departments work well with each other to maximize their resources. The Fire Public Safety areas of the Town and County should be able to do the same.
 - Combing the Town’s Wellness Program with the yet to be developed wellness programs of County and Public School system to consolidate and utilize the physical resources, which are available to each. Insurance rates should be reduced in all areas of these three separate, but very similar entities.
 - Combine the Town’s Crooked Road program potential with Franklin County in order to coordinate and maximize this exceptional segment of economic development and tourism.
2. Other areas of consideration:
 - The tax decrease given to the citizens of Rocky Mount at budget time had a, hopefully, positive effect on the land and home owners. It did not, however, reach the Town’s population that perhaps so desperately needed it. That segment of our population is the person who “rents from a landlord”. Unless the landlord reduces the amount of rent accordingly, they receive no benefits whatsoever. I would urge the landlords, who in some instances, profited greatly from this windfall, to please pass it on to the renter as a reduction in their monthly rent amount.

- Request the Town Manager to determine how much money will have to be returned to the State of Virginia as a result of doing away with the Main Street Program and uptown revitalization.
- As this action by the Town Council may very well eliminate the Town from applying for future grants, and possibly of any kind, I would request the Town Manager to research and advise Town Council as to which areas will be affected, if not every area of our government, and what the amounts may be. Also, please consider those areas where we are jointly involved with the County.
- Please make a determination as to what the total cost of the removal of the bump-out, flowers, etc. in front of J&J Fashions for the installation of a handicapped parking spot in front of their store area as they requested. Are we going to have to return this grant money back to the State, and in addition to the construction cost incurred at Town expense?
- What is the status of the Needmore Project, where did the money go and who received it? Also, how many houses were turned down for the project and why?
- Request the Town Manager, working with the Town Attorney, to provide the procedures, requirements, and forms necessary for the average citizen to begin a process for the removal of Town Council members from Town Council, and or, for an election recall, and make these available upon request.
- Request the Town Manager for detailed cost (actual) of water and sewer (separate and combined column totals), versus amounts charged and collected. This summary should go back as far as realistically possible. This request was originally made in April 2008.”

In closing, Council Member Lester further stated that the request made for the Town Manager for procedure of forms necessary for the average citizen to begin the process of removal of Town Council members is primarily for those that want to remove him. He further stated that he will make it as easy for them as he possibly can. He also stated that he will not bow down and be shadowed by a Town Council who is the majority that does not have the best interest of Rocky Mount, in his humble opinion.

After Council Member Lester finished his requests before Council, the Mayor stated that Council Member Lester had a presented a lot of things to think about and thinks each Council member will give it some thought and respond appropriately.

CLOSED MEETING

There were no *Closed Meeting* items.

ADJOURNMENT

At 8:35 p.m., motion was made by Council Member Seale to adjourn, seconded by Council Member Lester and carried unanimously.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk