

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
AUGUST 8, 2011**

The August 8, 2011 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 Gregory B. Walker and Council Members
Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L.
Moyer, and Robert W. Strickler

The meeting was called to order by Mayor Angle.

For the record, the following were present: All members of Town Council as noted, Town Manager C. James Ervin, Assistant Town Manager/Community Development Director Matthew C. Hankins (and Planning & Zoning Administrator), Town Attorney John T. Boitnott, Chief of Police David Cundiff, Finance Director Linda Woody, Public Works Director Cecil R. Mason, Superintendent of Water Department Robert Deitrich, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, 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 Strickler to approve the agenda as presented, seconded by Council Member Cundiff and carried unanimously by those present.

SPECIAL ITEMS

Special Recognition by Chief of Police David Cundiff and Fire Chief Charles Robertson

1. Police Patrol Officer and Firefighter Richard (Brian) Garland and Firefighter Ronald Mitchell were returning to Rocky Mount from an exhausting emergency call in Franklin County when they noticed an area of bark missing from a tree. With their observation,

they discovered a Chevrolet Blazer overturned at the bottom of an embankment with the driver still in vehicle after an accident several hours before or even the night before. Even after working hard at another scene, they summoned help and tirelessly and effectively traversed steep terrain and difficult conditions to free the driver and assist in getting him to emergency care. Their awareness of the signs of the accident, the identification of the overturned vehicle, and the initiation of a rescue effort merit special recognition and commendation as going far above and beyond the normal duty and exemplify these individuals as outstanding assets to the Town of Rocky Mount's community.

On behalf of the Town of Rocky Mount, the Chief of Police presented to Police Patrol Officer and Firefighter Richard (Brian) Garland an accommodation for his actions, along with the Fire Chief presenting to Firefighter Ronald Mitchell's wife (in lieu of his absence due to having to work) a commendation as well for his actions.

2. Patrol Officer Ryan King was investigating a call from a parent who advised that her daughter had taken several pills in an overdose attempt. The call indicated that the young woman was leaving the Rocky Mount Plaza headed toward Franklin County High School. Officer King searched the area and located the car and young woman in the Eagle Cinema parking lot. The subject of the search told Officer King that she had only taken Advil and to leave her alone. Instead, Officer King noticed the color in her face and neck to be very red and called for rescue assistance. While waiting for rescue, the girl started shaking, going into seizures and vomiting. Officer King stayed and provided aid, and the girl was transported to Roanoke, stayed on a ventilator for a couple days, and recovered. Officer King's location of the woman and his ability to diagnose and handle an emergency situation shows judgment and commitment that make him an asset to the Rocky Mount Police Department.

On behalf of the Town of Rocky Mount, the Chief of Police presented to Police Patrol Officer Ryan King a commendation for his actions.

PUBLIC HEARING

Let the record show there were no public hearings.

APPROVAL OF MINUTES

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

- July 11, 2011 Regular Council Meeting

The Mayor asked if there were any corrections. Council Member Moyer noted that on page 4837, the annual amount of \$13,000 should read \$3,000. Town Clerk so noted.

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

- Motion was made by Council Member Cundiff to approve the draft Council meeting minutes with noted correction, with motion on the floor being seconded by Council Member Moyer. 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
- Miscellaneous Action
- Departmental Monthly Report
- Bill List

There being no comments, the Mayor entertained a motion.

- Motion was made by Council Member Love to approve the draft *Consent Agenda*, with motion on the floor being seconded by Vice Mayor Walker. 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 one had contacted the Town Clerk prior to the Council meeting wanting to appear before Council to speak.

The Mayor opened the floor to anyone wishing to come before Council to speak at this time.

1. Bobby Hodges of 1370 Scuffling Hill Road, Rocky Mount, Virginia came before Council regarding a problem he is having with the local cable company provider, Shentel, listing the following:
 - His television picture is not fitting the screen; he has attempted to get the problem resolved, has discussed it with their representative, with them stating that that there is nothing wrong with the cable service and the problem is with his television. The black bar is on the top and bottom of about 25% of the channels. Another service technician has told him that there is no point of anyone from Shentel coming back to check his television problem because this problem is with every Shentel customer for channels 23 and up.

- Channels 14 and 15 still do not have anything airing on them, and he is still paying for those channels.
- Volume has to be adjusted for different channels.
- Was told by Shentel that there would be a major upgrade to improve service this summer, and since summer is almost over, he has yet to see any improvements.
- Has spoken with Town Clerk, who has tried to reach Shentel representative on his behalf in order to get a customer service representative to call him back, but even though Town Clerk called, no one from Shentel has yet called him back.

The Mayor requested that the Town Manager get back with Mr. Hodges regarding his concerns, with the Town Manager so noting.

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

OLD BUSINESS

A) Proposed Joint Meeting Between Rocky Mount Town Council and Planning Commission

The Assistant Town Manager reported to Council that during the Planning Commission's regular meeting of August 2, 2011, they discussed possible dates to hold the annual joint meeting with Council, with it being their recommendation that Council consider such a meeting to take place either October 18, 2011 (Tuesday), or October 20, 2011 (Thursday).

It was the consensus of Council to hold the joint meeting on October 18, 2011 at the Community & Hospitality Center (Depot), starting at 5:00 p.m.

B) Draft "Lillie's Leisure" Agreements off of Diamond Avenue in Franklin County

The Town Manager explained to Council that they had authorized the extension of utilities to serve a development called "Lillie's Leisure" off of Diamond Avenue in Franklin County. The Town, the land owner, and the developer have codified the requirements and authorizations issued by Council in two agreements presented for Council's consideration.

Due to this, the Town Manager asked for authorization to enter into the agreements, in substantially the form submitted, allowing for adjustments by legal counsel, on behalf of the Town. The Town Manager went over the draft agreement with Lillie Joe Windley Housing, Inc., which establishes that:

- The Town is willing to authorize and grant extension of municipal water and sewer utility connections.
- The connection will serve only a proposed multi-family senior housing development featuring 44 units, along with a community building.

- The developer will submit suitable engineering plans and specifications for the proposed utility infrastructure.
- The developer will construct the proposed development in compliance with the Town of Rocky Mount's Subdivision Ordinance.
- The developer will pay a water and sewer connection fee in the amount of Eighteen Thousand Dollars (\$18,000.00) for each of the eight residential structures and Ten Thousand Dollars (\$10,000) for the community center/club house building, resulting in a total utility connection fee for the development of One Hundred Fifty Four Thousand Dollars (\$154,000).
- The developer will dedicate a 10-foot-wide emergency access easement to Franklin County, The Town of Rocky Mount, and the Commonwealth.

The Town Manager also presented the draft agreement with Southwest Builders, Inc., which establishes that:

- If Southwest Builders, Inc. develops the residual parcels, they will pay a utility connection fee based on the rates then in effect when a building permit is obtained.
- Southwest Builders, Inc. agrees to develop the residential parcels in compliance with the Town's Single Family Low Density Residential R-1 Zoning regulations.
- The requirement for development according to the Town's Single Family Low Density Residential R-1 zoning regulations will run with the land in the event that a parcel is sold.
- Southwest Builders, Inc. will dedicate a 10-foot-wide emergency access easement to Franklin County, The Town of Rocky Mount, and the Commonwealth.

The Town Manager explained to Council that the two agreements simply codify the agreements.

The Town Attorney confirmed to Council that the format of the agreements fit the style that the Town uses.

The Town Manager confirmed to Council that the developer has already submitted plans for review to the Assistant Town Manager.

The Town Manager requested Council's approval of both draft agreements.

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

- Motion was made by Vice Mayor Walker to enter into agreement with Lillie Joe Windley Housing, Inc. and Southwest Builders, Inc., with motion on the floor being seconded by Council Member Moyer. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

NEW BUSINESS

A.) Draft “In the Council of the Town of Rocky Mount – A Resolution of Recognition of the Rocky Mount Volunteer Fire Department”

Council was informed by the Town Manager that the Line of Duty Act requires that the Town of Rocky Mount recognize the Rocky Mount Volunteer Fire Department as an integral part of the safety operation of the Town, with this recognition being required to ensure that the Town’s Fire Department volunteers are covered under the Line of Duty benefits insurance purchased by the Town from the Virginia Retirement System.

The Town Manager requested Council’s consideration of approval of the draft “In the Council of the Town of Rocky Mount – A Resolution of Recognition of the Rocky Mount Volunteer Fire Department”.

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

- Motion was made by Council Member Cundiff approving the draft resolution presented, with motion on the floor being seconded by Council Member Love. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

B.) Consideration of Selling Rocky Mount Volunteer Fire Department Fire Safety House

The Assistant Town Manager explained to Council that the Rocky Mount Volunteer Fire Department wishes to dispose of unused specialty equipment (the fire safety house) and use the proceeds from the sale for needed capital items (radio equipment). He explained that the fire safety house is not used often, and the Fire Chief believes the greater benefit would be to upgrade radios to improve fireground communications and firefighter safety. He further explained that since the fire safety house is specialty equipment, the Fire Chief wishes to select a specialty broker to market and sell the fire safety house. After the proceeds are received, the Fire Department will request that they be appropriated to capital for purchase of radio equipment.

The Fire Chief confirmed what the Assistant Town Manager had said regarding the fire safety house.

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

- Motion was made by Vice Mayor Walker to allow the sale of the fire safety house as presented, with motion on the floor being seconded by Council Member Cundiff. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

C. Flood Damage Along the Banks of Old Furnace Creek at Intersection of Pigg River

It was explained by the Town Manager that the recent flood caused substantial erosion along the banks of Old Furnace Creek at the intersection of the Pigg River (prior to the meeting, Council had received images that outlined the extent of the damage). He further explained that after reviewing the issue with the Town's Public Works Director, the recommendation is to attempt to stabilize the bank right away due to the potential of additional erosion. He pointed out that their fear is that additional portions of the bank by the Veterans' Memorial Park will give way, threatening the Park itself, along with visitors to the Park.

The Town Manager stated that Mr. Shively of Shively Excavation estimates the repair will cost \$97,000. He pointed out the following:

- There is \$27,500 in the Town's General Fund contingency.
- Repairing the bank as proposed would require all of this year's contingency and \$69,500 out of fund balance.
- Working with Public Works Director to determine if this is the Town's lowest cost solution to stabilize and protect the park.
- Town staff has contacted the Town's insurance carrier to ascertain if any of the damage is covered.

The Town Manager informed Council that staff believes this is an emergency situation in that the erosion needs to be fixed as soon as possible because another hard rain could erode more of the bank away at the Park. The Public Works Director confirmed to Council that a concrete wall is not feasible due to the expense, and more than likely, large rip-rap rock will need to be put up against the area being eroded away.

It was discussed that some type of safety barrier needed to be put in place as soon as possible to prevent visitors to the Park from getting near the bank and falling into the creek where the erosion is taking place.

Mr. B. W. Wright, member of the Veterans' Memorial Park Commission, reinstated to Council the damage to the Park due to the flood, confirming that he also believes this is an emergency situation and some type of safety barrier needs to be put in place as quickly as possible.

The Town Manager informed Council that it is he intent to be able to give a firm recommendation to Council during their regular Council meeting in September. He explained that he wants to make sure that any other options are off the table. He also stated that he was hoping to get good news from the Town's insurance carrier, but he did not, stating that he was told that when the Town knew this area was in a flood prone area.

It was confirmed to Vice Mayor Walker by the Town Manager that he does not know if leaving Pigg River dam in will help with this situation, but he will contact the people who would know this answer, making sure there is not any other way to address it.

The Mayor requested that the Town Manager keep Council informed regarding this situation, with the Town Manager so noting.

COMMITTEE REPORTS

A) Streets, Sidewalks & Sanitation Committee

The Streets, Sidewalks & Sanitation Committee report was presented to Council by the Town Manager. He informed Council that the Committee met on July 21, 2011 to consider locations for sidewalk, curb and gutter improvements in the Town. The consensus of the Committee was to focus on the State Route 40 East business corridor (sidewalks) and Scuffling Hill Road (curb and gutter). Staff was asked to generate cost estimates for each project and present them to the Committee. He pointed out that a Committee meeting will be held near the end of August with conceptual plans and estimates of the two projects.

The Town Manager pointed out that prior to the meeting, Council had received the conceptual plan for State Route 40 East, which will be submitted to the full Committee at their next meeting for further discussion. The work proposed can be accomplished for \$50,000 of sidewalk construction funds, \$29,520 traffic signal maintenance funds, and labor and equipment from the Public Works Department valued at \$60,000. The potential for Virginia Department of Transportation grant applications for this work will also be reviewed with the Committee.

It was further pointed out by the Town Manager that the conceptual plan for curbing and gutter on Scuffling Hill Road is still being developed, and at the request of Council, guardrails will be included in the rough estimate.

Let the record show that no motion was taken at this time.

B. Request of Council Member Love

Council Member Love requested that the sanitation portion of the Streets, Sidewalks & Sanitation Committee be moved to the Public Utilities Committee, and that the streetlights portion of the Public Utilities Committee be moved to the Streets & Sidewalks Committee.

There being no comments, the Mayor entertained a motion.

- Motion was made by Council Member Love to move the sanitation portion of the Streets, Sidewalks & Sanitation Committee to the Public Utilities Committee, and that the streetlights portion of the Public Utilities Committee be moved to the (renamed) Streets & Sidewalks Committee, with motion on the floor being seconded by Council Member Cundiff. There being no discussion, let the record show that the motion on the floor passed unanimously.

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

A) Referrals to Planning Commission from Town Council

Let the record show there were no referrals.

B) Rise 'N Shine Appearances

The Town Manager confirmed that he had appeared on the Rise 'N Shine show.

COUNCIL CONCERNS

Let the record show there were no Council concerns at this time.

CLOSED MEETING

At 7:36 p.m., motion was made by Council Member Moyer to go into *Closed Meeting*, and seconded by Council Member Greer and carried unanimously to discuss the following:

- Section 2.2-3711(A).1 – Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body (Town-wide salary and compensation).

At 8:05 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 Council Member Love and carried unanimously by those present.

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 Moyer 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 considered in the meeting by the public body was discussed. Motion was seconded b Council Member Strickler. The Mayor swore to adopt the motion on the floor by Council Member Moyer that this was all that was discussed as defined in Section 2.2-3712 Code of Virginia. Voting yes were Vice Mayor Gregory B. Walker and Council Members Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L. Moyer, and Robert W. Strickler.

The Mayor reported that no action was taken.

ADJOURNMENT

At 8:07 p.m., motion was made by Vice Mayor Walker to adjourn, seconded by Council Member Love and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk