

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
JANUARY 10, 2011**

The January 10, 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, Assistant Chief of Police Roger Smith, 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 Greer to approve the agenda as presented, seconded by Vice Mayor Walker and carried unanimously by those present.

### **SPECIAL ITEMS**

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

### **MATTERS BROUGHT UP BY MAYOR PRIOR TO PUBLIC HEARING**

1. The Mayor welcomed the Franklin County High School government classes of Mr. Buckman and Mr. Worley.

2. Let the record show that the Mayor postponed an item under "Committee Reports" until next month as one of the parties involved that needed to be at the Council meeting was unable to attend due to inclement weather.

## **PUBLIC HEARING**

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

A) Wally & Kirby's Switchback Ridge, LLC Special Use Permit (Franklin Dental)

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

- The Planning & Zoning Administrator came forward stating the following:
  - Charles T. Clemens, registered agent for Wally & Kirby's Switchback Ridge, LLC, owner of Lot 20700 53800 at the intersection of Hillcrest Drive and South Main Street (known as Franklin Dental), has applied for a special use permit for the installation of an accessory building, which is not a use-by-right in the Central Business District. After the building was installed earlier this year, Town staff notified the owner that the property was not zoned properly for the use and that a special use permit was required, with Town staff receiving a special use permit application December 2010.
  - When staff had notified the building owner of the code enforcement officer's discovery that the use requires a special use permit, and the Planning & Zoning Administrator had talked several times with Donna Wray with Franklin Dental, Ms. Wray indicated that the building is needed for storage because the property owner leased the space that was previously used for storage to the Free Clinic of Franklin County.
  - The Planning Commission held its public hearing on January 4, 2011, at which time Ms. Wray spoke, representing the property owner and spoke in favor of the special use. Mr. Clark Arrington of South Main Street was the only other member of the public to speak, with him speaking in opposition to the special use. By a five to two vote, the Planning Commission recommended to Council that they deny the special use permit requested by Franklin Dental on the grounds that it is not an aesthetic match with the surrounding properties, and that the building owner should have considered its storage needs prior to leasing its space. Ms. Wray had indicated that building an addition to the current office is prohibitively expensive just to fill storage needs.

The Planning & Zoning Administrator indicated to Council that if they differ with the Planning Commission's recommendation and wish to approve the special use permit, he suggests that the building meet the screening requirements required between residential and commercial zones; and if Council approves the special use request, he suggests that the property owner get permission from the Community Development Office or the Planning Commission prior to relocating the building on

the property.

- Mr. Clark Arrington of 560 South Main Street, Rocky Mount, Virginia came before Council stating that he is not in favor of the storage building being placed on the lot, giving past history to why he felt that way; also stating that Franklin Dental has such a beautiful building on the lot and suggested that they add on to their existing building in order to accommodate their storage needs.
- Ms. Donna Wray, representing Franklin Dental, came before Council stating that when she had purchased the storage building from Cannaday's Auto, she was informed that she would not need any zoning permits, and she believed what he had told her, with it being unbeknown to her that she would need one. She further stated that they have been at this location for 23 years, and just recently rented the bottom portion of their building to the Free Clinic; therefore, creating more storage needs for Franklin Dental. She also pointed out that she did not know that this would be such an ordeal when she had purchased the storage building and was willing to do whatever it takes to make sure they are a good neighbor.

There was discussion between Council, the Planning & Zoning Administrator, and Ms. Wray on how best to handle the special use permit request, with Council determining that she needed to meet with the Planning & Zoning Administrator to see what they could work out that would best suit everyone.

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

- Motion was made by Council Member Greer to table the special use permit request so the Planning & Zoning Administrator could meet with Ms. Wray to see what they could work out that would best suit everyone, with motion on the floor being seconded by Vice Mayor Walker. 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:

- December 13, 2010 Regular Council Meeting Minutes

The Mayor stated that the Town Clerk had brought to his attention that on page 4700 of the draft December 13, 2010 regular Council meeting minutes a correction had been brought to her attention regarding motion by Council Member Strickler regarding the Vaughn property, in that when the roll call vote was taken, the draft minutes reflected Council Member Cundiff voting in favor of the motion on the floor, when it should have been

Council Member Love, with the Town Clerk further noting that the correction has been noted and taken care of for the record.

The Mayor asked if there were any other corrections, and there being none, the Mayor entertained a motion.

- Motion was made by Vice Mayor Walker to approve the minutes as presented 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
  - Review and consideration of approval of draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011" for the received insurance recovery for the destroyed 1988 Pierce fire truck and the equipment contained thereon.
  - During the Rocky Mount Town Council regular meeting of December 13, 2010, Council had approved a resolution outlining the incentives for the Arts & Culture District. The Town Attorney put said resolution into standard written ordinance format that is used by the Town for Council's review and consideration of approval.
- Miscellaneous Action
- Departmental Monthly Report
- Bill List

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Strickler 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 meeting wanting to come before Council to speak. The Mayor opened the floor for anyone wishing to come before Council to speak at this time. Let the record show that no one came forward.

## **OLD BUSINESS**

### **A) Request of Water Department for Finished Water Treatment Plant Flow Meter**

The Town Manager stated the following:

- A new finished water flow meter is required at the Rocky Mount Water Treatment Plant to replace the original unit that has been in service since the Plant's construction. The "in-line" portion of the flow meter assembly, which was located in the 16" finished water discharge pipe, had to be removed due to a significant leak that developed in the flange. Due to the shape of the flow tube, it was not possible to patch the leak with a clamp.
- Based on quotes received, the more modern magnetic type water metering technology is less expensive than replacing the old flow tube with a new unit of the same variety.
- The 16" Mag Meter that staff has chosen will cost \$6,985, with it being assumed that the staff will be handling the installation. The cost includes time the vendor will be spending to advise the staff at the Water Treatment Plant during the installation, initial calibration of the unit, and training of the Plant staff on operation.
- Vendor chosen is Industrial Process Technologies, Inc., a Roanoke, Virginia based business that has provided similar equipment and services to Bedford County, Carroll County, and the Radford Arsenal. Industrial Process Technologies has assisted the Water Treatment Plant in the past with installation of chlorine gas feed equipment and gas alarm system upgrades.

It was pointed out by the Town Manager that placed before Council for their consideration of approval was a draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011" that would replace the new finished water meter that is required at the Water Treatment Plant.

The Superintendent of the Water Treatment Plant gave Council an overview of the quotes received, and also confirmed that staff will be saving on the labor costs by doing the installation. A brief description of what the equipment does was explained. He also stated that if Council approves the request, it will take approximately four to six weeks lead time to get the equipment in. He further pointed out that this is something the department has to have for required reporting to the State.

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

- Motion was made by Council Member Cundiff to appropriate the funds to replace the meter, 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.

## **NEW BUSINESS**

### A) Microenterprise Loan and Façade Board Replacement

The Assistant Town Manager informed Council what the Microenterprise Loan and Façade Board does, with Vice Mayor Walker being the Chairman of the Board. He further informed Council that Mr. Derwin Hall had resigned from the Board, pointing out the following:

- The Board's composition is set forth in the grant guidelines and, therefore, Mr. Hall's replacement must be a banker.
- They are nearly through with the work of the Board and may not have time to locate another member before the work is completed, but Council should have a banker in mind to serve on the Board just in case they still will need to meet, with staff contacting them to determine their willingness to serve just in case that person is needed.

The Mayor mentioned that Mr. Dan Carter with Carter Bank & Trust may be willing to serve, with the consensus of Council for the Assistant Town Manager to contact him regarding serving on the Board. The Assistant Town Manager confirmed that he would contact him.

### B) Outsourcing Erosion & Sediment Control Inspections

The Town Manager explained to Council that the Town operates a State approved and monitored Erosion & Sediment Control program, with the program requiring that the Town employ a staff member that can function as a program administrator and field inspector. He further pointed out the following:

- With the resignation of Mr. Nathan Wright (who was the Town's program administrator and field inspector), the Town no longer has staff that can perform all of these functions.
- Has instructed the Planning & Community Development Department to outsource these functions to an engineering firm until staff can be hired and trained as required, with Council approving a contract with Dean Stone of Stone Engineering during their work session of November 28, 2010. Mr. Stone is providing the inspections and completing the reports as required by the State of Virginia.
- In order to fund the outsourcing of these services, has asked the Finance Department to draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011", which would transfer the funds from the

Planning & Community Development's salary line to the outside engineering services line item, with said draft resolution being before Council for their review and consideration of approval.

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

- Motion was made by Council Member Strickler to approve the draft resolution approving the transfer of the funds from the Planning & Community Development's salary line to the outside engineering services line item, 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.

C) Proposed Fiscal Year 2012 Budget and Capital Improvement Plan Schedule

It was reported to Council by the Town Manager that prior to the meeting, Council had received a proposed Fiscal Year 2012 Budget and Capital Improvement Plan schedule for their consideration of approval, which gives them the opportunity to review and see what dates work for them. He confirmed to the Mayor that the meeting dates that affect Council were on Mondays, and if Council needs to, staff will work in any additional work sessions .

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

- Motion was made by Vice Mayor Walker to approve the proposed budget and capital improvement calendar 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.

## **COMMITTEE REPORTS**

A) Public Utilities Committee

The Town Manager informed Council that the Public Utilities Committee had met on January 4, 2011 to consider a request of Planners and Resource Services, LLC, who had asked the Town of Rocky Mount for permission to connect to Town utilities (water and sewer) for a 44 unit housing complex funded by HUD to be constructed on Diamond Avenue outside the Town corporate limits in Franklin County. He further reported that one of the principals involved in this request was not able to attend due to inclement weather, as he was traveling from Greensboro, North Carolina, which was getting ice and snow throughout the day and evening.

It was the consensus of Council to table this matter until the next regularly scheduled Council meeting in February.

The Mayor requested that the Public Utilities Committee report be given to Council next month prior to the meeting, with the Town Clerk so noting.

B) Finance & Human Services Committee

The Town Manager informed Council that the Finance & Human Services Committee had met on January 10, 2011 (prior to Council meeting) to receive a presentation of the Fiscal Year 2010 Audit from the Town auditors, Brown Edwards & Company, LLP, and due to the lateness of the meeting, the Finance & Human Services Committee would be making their recommendation during the Council meeting.

Mr. John Aldridge with Brown Edwards & Company, LLP, was introduced to Council by the Town Manager. Mr. Aldridge gave a brief synopsis of the Fiscal Year 2010 Audit to Council, stating that it was completed and filed on time (prior to November 30, 2010). He pointed out the following:

- Audit is consisted with previous years.
- Gave Town unqualified opinion, which is the highest that can be given.
- In looking at laws and regulations, one thing was the Town's bank accounts, but this has been discussed and taken care of by the Finance Director.
- Their opinion is that the Town's audit was clean and the Town is financially stable.
- The Finance Director and her staff always have everything ready for them when they come to do the audit.

Mr. Aldridge confirmed to Council that if the Town did not collect another dime and expenditures stayed constant, using the Town's current fund balance in the General Fund (unreserved and unfunded balance, not bond money, and money that is free and clear), the Town could survive 25.5 months. He stated that over time, this number has been consistent. He gave an example, though, that if the Town takes five million dollars and spends it somewhere else, it cuts the 25.5 months down to about 12 months of the Town being able to operate. He further pointed out that the audit financial reports are public record, and if the Town wanted to compare their financial status to other localities, they should only compare themselves to other towns, not cities or counties.

The Town Manager confirmed to Council that the Finance & Human Services Committee recommended that Council accept the auditors' report as presented.

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

- Motion was made by Council Member Strickler to accept the auditors' report as presented, with motion on the floor being seconded by Council Member Greer. Let the record show that the motion on the floor passed unanimously by those present.

## **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 Assistant Town Manager confirmed to Council that he was on the Rise ‘N Shine show today. The Mayor stated that if he was contacted, he would appear on the Rise ‘N Shine show next month.

## **COUNCIL CONCERNS**

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

## **CLOSED MEETING**

At 7:47 p.m., motion was made by Vice Mayor Walker to go into *Closed Meeting*, and seconded by Council Member Cundiff 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 Manager’s performance).
- Section 2.2-3711(A).7 – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal counsel. For the purposes of this subdivision, “probable litigation” means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter (bonding of public improvements in Town of Rocky Mount subdivisions).

At 8:12 p.m., motion was made by Council Member Strickler to come out of *Closed Meeting* and to reconvene the meeting back into open session, with motion on the floor being seconded by Council Member Greer and carried unanimously 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.

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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 by Vice Mayor Walker. 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 8:15 p.m., motion was made by Council Member Strickler to adjourn, seconded by Council Member Greer and carried unanimously by those present.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk