

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

The October 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, Chief of Police David Cundiff, Finance Director Linda Woody, Public Works Director Cecil R. Mason, Town Planner Patrick Rust, Superintendent of Water Department Robert Deitrich, 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 Love and carried unanimously by those present.

SPECIAL ITEMS

Let the record show that the Franklin County Historical Society, Inc. was to make a presentation before Council. The Town Clerk informed the Mayor that at this time, they have requested that they be allowed to come before Council during the regular Council meeting of November 14, 2011. The Mayor and Council so noted.

PUBLIC HEARING

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

A. Public Hearing for Consideration of Adoption of Local/Regional Water Supply Plan

The Town Manager came before Council stating the following:

- A public hearing was being held as mandated by the State Water Control Board's Local and Regional Water Supply Planning Regulation (9 VAC 25-780) the counties of Bedford, Botetourt, Franklin and Roanoke; the cities of Roanoke and Salem; and the towns of Boones Mill, Buchanan, Fincastle, Rocky Mount, Troutville, and Vinton, who are participating in the Greater Roanoke Regional Water Supply Plan (GRRWSP).
- A final draft of the GRRWSP has been submitted to the Department of Environmental Quality (DEQ) and the participating local governments for review and comment. The draft plan has been available at the Town Clerk's Office for the last 30 days, with the document being in excess of 600 pages. The Town Clerk verified that during those 30 days, to the best of her knowledge no one had come to her office to review the document. Prior to the meeting, Council had received parts of the plan that were relative to the Town, being:
 - o The history of the Water Supply Planning process.
 - o An Executive Summary of the entire plan.
 - o Page 44 to 50 of Appendix E, which is the Rocky Mount's Drought Response Plan.
 - o A draft resolution approving the RVARC Regional Water Supply Plan.
 - o A proposed drought ordinance that implements Rocky Mount's current drought response plan.
- The Town's current drought response plan is not codified as an ordinance and is implemented via Section 58-291 of the Town of Rocky Mount Code, which states.
 - o Section 58-291. Water use restrictions during period of drought or emergency.
 - (a) The manager shall have the authority to designate and formulate all necessary conditions and restrictions concerning conservation of public water during periods of drought or emergency.
 - (b) The manager shall have the authority to permit or not permit sprinkling of grass, gardens, washing of automobiles and other activities involving the use of water from the water system. Such conditions and restrictions shall bear a reasonable relationship to the conservation of water or water pressures, and shall be advertised by the publication of the conditions and restrictions at least once in a newspaper having general circulation in the town.

- (c) Any person who fails to comply with or violates any conditions or restrictions imposed by the manager under the authority of this section shall be guilty of a misdemeanor and shall be punished by a fine not more than \$250.00. (Ord. of 7-11-94, art. XIII, § 1)
- As part of the Regional Water Supply Plan, DEQ requests that the Town of Rocky Mount adopt an ordinance enacting its Drought Response Plan, which has been submitted to Council for review and consideration of adoption.
 - The GRRWSP and drought ordinance must be formally adopted by each participating local government and then submitted to the State Water Control Board on or before November 2, 2011. The resolutions adopting the plan and the ordinance will become part of the formal submittal of the water supply plan.
 - As such, the plan and ordinances will need to be adopted by each participating local government. The Regional Commission will submit the plan upon adoption by all local governments. Mr. Shane Sawyer with the Regional Commission worked with the Town to develop Rocky Mount's specific parts of the plan and is available to discuss the plan with Council.
 - Council is requested to:
 - o Hear public comment on the plan.
 - o Vote on a draft resolution adopting the plan.
 - o Vote on a draft ordinance codifying the Town's Drought Response Plan.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request. Let the record show that no one came forward to speak at this time.

There being no further discussion, the Mayor reconvened the meeting back into regular session. Council had no questions for the Town Manager.

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

- o Motion was made by Council Member Greer to adopt the local/regional water supply plan, 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.

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

B. Public Hearing for Consideration of Disposition of Real Property

The Assistant Town Manager/Community Development Director came before Council stating the following:

- On at least two occasions over the past six years, Town administration met with and negotiated with Mr. Herman Hunt regarding a land swap of adjacent properties.

- The Town owns 0.806 acres (Tax Map and Parcel Number 20201 10500) adjacent to Mr. Hunt's home, commonly referred to as the old well lot, a part of the former water system that served Franklin Heights. Mr. and Mrs. Hunt have often maintained the lot over the years, both when it was part of the water system and after it was transferred to the Town.
- Mr. Hunt owns a house and adjoining lots next to the Town's public safety building (Emergency Services Building) located on Harvey Street. Mr. Hunt proposes a land exchange, offering to trade a 0.351 acre portion of the lot and extending the public right-of-way to the lot on Harvey Street in exchange for the lot adjacent to his house located on Bernard Road.
- Cornerstone Land Surveying has completed surveys showing the proposed exchange. In the view of the Town staff, the Town has better and more beneficial uses for the lot adjacent to the fire station, and the improved access to the Town's facilities offers a wider variety of future expansion possibilities for the Town and its departments.
- Mr. and Mrs. Hunt have indicated that they are prepared to move ahead with this exchange if it pleases Council.
- In order to complete the transaction, as subdivision agent, the Assistant Town Manager/Community Development Director would need to approve the vacation and relocation of some property lines, but in reviewing this transaction, all required subdivision action would fall within the Town's Subdivision Ordinance requirements.
- Staff recommends that Council authorize both the disposition and acquisition of real property through this exchange, and that Council authorize the Town Attorney to draft, and the Town Manager to execute, the documents necessary to complete the exchange.

The Mayor opened the floor to anyone wishing to come forward to speak regarding the request. Let the record show that no one came forward to speak at this time.

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

Council had no questions for the Town Manager.

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

- Motion was by Council Member Cundiff to proceed with the transaction for both the disposition and acquisition of real property through this exchange, and that Council authorize the Town Attorney to draft, and the Town Manager to execute, the documents necessary to complete the exchange, 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.

APPROVAL OF MINUTES

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

- September 12, 2011 Regular Council Meeting

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

- Motion was made by Council Member Moyer to approve the draft Council meeting minutes as presented, 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.

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 discussion, 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 Council Member Moyer. 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's Office requesting to come before Council to speak.

At this time, the Mayor opened the floor to anyone wishing to come before Council. Let the record show that no one came forward.

OLD BUSINESS

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

NEW BUSINESS

A. Request of Community Partnership for Revitalization

Whitney Harmon, Executive Director for Community Partnership for Revitalization (CPR), came before Council requesting the use of certain roadways the morning of October 29, 2011 in order for them to host a 5k and 10k race scheduled that morning. She further mentioned:

- Would like to utilize a similar course used in the 2003 Down Town Dash, which would bring the participants uptown and allow them to celebrate the progress of the Uptown Revitalization Project.
- The race would begin at 8:30 a.m. and conclude the latest at 10:00 a.m. CPR recognizes the need to minimize traffic disruption and welcomed any suggestions and expertise of Council.

The Chief of Police confirmed to the Mayor that he has met with Ms. Harmon regarding the event and the proposed route and has no problem with CPR holding the event as proposed.

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

- Motion was made by Council Member Greer to approve CPR's request, 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 Modifying AT&T Agreement Lease for Space on Scuffling Hill Water Tank

Council was informed by the Town Manager of the following:

- AT&T leases space on the Town's Scuffling Hill water tank. Prior to the meeting, Council had received a copy of the proposed lease. In April of this year, AT&T notified the Town that they wished to renegotiate their lease as part of a company-wide effort to become more competitive. Staff has reviewed their requested changes and has negotiated a set of changes over the past several months that is believed to benefit the Town.
- AT&T has asked for a slight rent reduction (\$100 a month) and the right to expand their services in exchange for a longer guarantee of renting on their end. The Town Manager has spent the last several months going over this with AT&T.
- Given the consolidation in the cellular market, the guarantee of rent for years to come exceeds the small concession. The Town is also eager to open the way to expanded services from AT&T (or any cellular provider for that matter) in Rocky Mount (data specifically), and seeks to encourage AT&T to upgrade their facilities.

- The Town will receive \$1,800 a month for the space on the Scuffling Hill water tank and it will be guaranteed for 36 months.
- Prior to the meeting, Council had received proposed amendments to the lease.

The Town Manager confirmed to Council that AT&T can sublease the space, but they would have to give a percentage of the proceeds to the Town, but as of right now, there is not enough space on the tower to have another partner.

The Town Manager gave a brief history of what the original lease was, with it being \$1,800 per month, but under the new lease, the Town would be holding AT&T to \$1,800 monthly and extending the rental months with a guaranteed amount for a guaranteed lease period.

It was confirmed to Council by the Town Manager that he feels good about the proposed lease agreement as far as the Town being covered.

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

- Motion was made by Council Member Moyer to accept and modify the proposed lease agreement with AT&T for three years at \$1,800 per month, 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. Consideration of Setting Work Session to Review Town of Rocky Mount Utility Rates

It was explained to Council by the Town Manager that he would like to schedule a work session for Council and Town staff to review the Town's current utility rates. He commented that the Town's utility rates are below the actual costs of production and the Town's utility reserve funds has reached zero. He proposes sitting down as a group for a work session and take a hard look at the numbers and rates. The proposed dates to meet are November 1, 2011 or November 10, 2011.

Council Member Cundiff commented that, personally, he doesn't think that he has the facts and figures to take a look at making a decision like this. The Mayor commented that hopefully by November 1st, Council would have the figures.

The Town Manager stated that the biggest thing staff is working on right now is the meter audit and that they are trying to push accountability higher. He further commented that he believes by having the work session, that by budget time staff will be able to lay out Town plans for the budget push in February, and during this work session, will at least tackle a piece of the budget that involves utility rates. Council Member Cundiff commented that the Town has been struggling with accountability for at least five years.

The Mayor stated that Council would hold the proposed work session on November 1st at 6:00 p.m., with meeting to take place at the Community & Hospitality Center (Depot). The Town Clerk so noted.

D. Consideration of Lease Agreement for Sign Located on State Route 220 North Near North Main Street Exit

The Assistant Town Manager/Community Development Director explained to Council that the sign located north of Rocky Mount on State Route 220 North (currently advertising "Shentel") is available for lease. He pointed out the following:

- Town staff recommends leasing this sign for one year at a cost of \$8,600 to advertise the Town's local businesses.
- The Town would like to encourage motorists to exit at North Main Street for shopping, dining, antiques, arts, music and to visit the Farmers' Market. In doing this, it would help develop the Town's North Main Street corridor, the downtown area, the uptown area, as well as support the burgeoning arts initiative that is seen in Rocky Mount.
- Prior to the meeting, Council had received a draft lease for the sign, and if approved by Council, staff will work with local sign firm (currently working with Indigo Signs) to design a suitable layout that would play on the Town's shopping, dining and cultural opportunities.

The Assistant Town Manager confirmed to Council that the cost of the sign would be paid from left over funding in the amount of \$4,500 from Department of Housing & Community Development that were for the uptown project that were earmarked for marketing, which was part of the uptown project grant, along with the remaining balance being paid from the contractual line item for the Community Development Department. He further commented that the sign will help spur the Town's economy.

The Assistant Town Manager confirmed to Council Member Cundiff that those businesses that wanted a sign have not contacted his office offering to help pay for such a sign. He also confirmed to Council Member Greer that he has contacted other sign companies that have leasing in this area, and they were not as reasonable in cost as the location for the proposed sign.

The Town Manager informed Council that the intent of the proposed sign is to encourage people to come off of State Route 220 and into the Town's downtown area, along with the intent of not advertising for one particular business individually, but in general, all Town businesses are advertised. In doing this, the whole of the Town is marketed. He further informed Council that the sign is highly visible.

Discussion ensued on the Council wanting to see a mock-up of the sign before it is put up, with staff stating that they would bring it before Council for their review. It was also mentioned by staff that this sign would only be available this year to start leasing.

There was also discussion on whether or not the Town could put up another sign if the proposed one is not working. It was confirmed to Council by staff that the Town could replace the sign, but it would be at an extra expense to do so.

Council Member Greer stated that the only reason he would vote for the sign would be because half of it was free through the DHCD funding.

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

- Motion was made by Council Member Strickler to authorize staff to move forward with the lease agreement for the sign with mock-up to be approved by Council before it goes up, with motion on the floor being seconded by Council Member Greer. Let the record show that the motion passed five to one, with Council Member Cundiff voting no.

COMMITTEE REPORTS

A. Public Utilities Committee

The Public Utilities Committee had met on September 13, 2011 to consider changes to Chapter 58 of the Town Code. The Town Manager pointed out the following:

- Council had previously directed staff to review the establishment of a fee for fire suppression connections to the Town's water system, as well as putting in place a requirement that such connections be inspected on an annual basis to ensure that there are no connections between the fire system and the potable water system (resulting in unauthorized water usage and unmetered water usage).
- The following documents were considered and were given to Council prior to the meeting:
 - Proposed updates to Chapter 58 of Town Code.
 - An addition to Chapter 58 to institute a fee for fire suppression service.
 - An update to the Town's Cross Connection Control Program (a program that is on file with the State to verify that the Town complies with State Code).
- The changes in the Code are intended to implement Council's requests to charge a fee for fire suppression service and to inspect the fire suppression systems.
- The Committee recommended that Town staff research other localities' fire suppression programs, and that the Committee reconvene when that information is available.

The Town Manager stated that the information given to them at this time was for informational purposes only and no action was needed from Council at this time.

B. Streets & Sidewalks Committee

The Streets & Sidewalks Committee met on September 13, 2011 to consider options for use of the \$50,000 set aside for sidewalk work in the Town. The Town Manager stated that the following projects were considered:

1. Scuffling Hill Road: The Town's Public Works Director estimated in 2008 that the improvements to Scuffling Hill Road would cost \$476,590. He now believes that amount may be low due to the need to install some sort of storm water retention or detention facility with the improvements. The Town applied for Virginia Department of Transportation (VDOT) revenue sharing funds in 2008 for this project and was awarded \$238,295, with the Town needing to fund the remaining \$238,295. The Town has not had room in the budget in the ensuing three years to fund the Town's share of the project.
2. State Route 40 East: The Planning Department identified two principal sidewalk plans in the State Route 40 East corridor and presented them to the Committee previously:
 - Concept A would require \$33,996 in materials and \$17,720 in traffic signal work.
 - Concept B would require \$21,500 in materials costs and \$11,800 in traffic signal work. The materials costs are projected to come from the \$50,000 set aside for sidewalk work, and the signal cost is projected to come from the traffic signal maintenance funds. The Public Works Director estimates the value of his time and equipment to perform the work to be \$72,635.

The Committee recommended that staff prepare an application to VDOT for the revenue sharing funds to construct Concept A and Concept B of the sidewalk proposal. A draft resolution and application for VDOT revenue sharing funds were given to Council for their consideration.

3. Grassy Hill Road and Sections of Weaver Street: The Committee also discussed the history of accidents on Grassy Hill Road and asked if guard rails could be installed to help make the stretch of Grassy Hill Road in the Town safer. The Public Works Director estimated the cost of guard rails at \$61,624. Town staff has completed an application for VDOT revenue sharing funds to help with this project, with it being submitted for Council's consideration, along with a draft resolution supporting the application. Included in this request is also a little piece for the cul-de-sac on Weaver Street.

There was discussion regarding:

- Where the guardrails would be going on Grassy Hill Road.
- If funds would still be available from VDOT when the Town could find funding for the work on Scuffling Hill Road, and discussed where the work would be done on Scuffling Hill Road.

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

- Motion was made by Council Member Love to approve both draft resolutions, with motion on the floor being seconded by Council Member Strickler. Discussion ensued. The Town Manager confirmed that out-of-pocket expense for Grassy Hill Road will be in the approximate \$30,000 range; for State Route 40 East, about \$20,000 available in budget; and Council can discuss Scuffling Hill Road work during the upcoming work session. There being no further discussion, 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 to the Planning Commission at this time from Council.

B. Rise 'N Shine Appearances

The Assistant Town Manager/Community Development Director was on the *Rise 'N Shine* show earlier today.

COUNCIL CONCERNS

A. Council Member Cundiff

1. Has received a phone call from someone about two weeks ago about the traffic light located at the intersection of South Main Street and Scuffling Hill Road not functioning properly. The Assistant Town Manager/Community Development Director explained to Council that the Town has had the engineer company that works on the traffic lights come and look at it within the last week, with them replacing the controller.

The Assistant Town Manager/Community Development Director briefed Council on VDOT's plans to replace the Pigg River bridge in the very near future.

2. Has received three complaints about Shentel and their new channel line-up, with them moving some channels from basic to premium, which is increasing the cost to the consumer. Commented that it seems like Shentel could work better with the people they are serving. The Mayor stated that everyone that has Shentel should of received information from Shentel regarding the new prices and new channel line-ups, and because of the new channel line-ups, there has been a reduction in the basic package when some of those channels were moved.

3. Questioned about the progress of the Oaks at Rakes Tavern project. The Assistant Town Manager/Community Development Director stated that the developer has pulled ten permits and has five more to pull. He is keeping a close watch on the project to make sure that they are working on it and that the permits are pulled. Their deadline is December 31, 2011.
4. During the most recent heavy rain, it created more drainage problems on Meadow View Avenue. Discussed if they had enough reserve area for the rain runoff. The Public Works Director confirmed that the drainage system has grates on it and two are fairly stopped up, with the pipe coming into the pond being at least one-third stopped up, and if lowered down, it would help restrict water coming into the pond. The Assistant Town Manager/Community Development Director confirmed that the ponds belong to the developer, which is GKS, and he will ask if they will clear it. He further commented that the developer no longer has a bond on this, but they are pretty good to work with, and if they do not, can ask the Public Works Director to do it and then bill GKS for it. It was further confirmed to Council that if GKS does the work, the Public Works Director will inspect the work to make sure it is done to Town's specifications.

B. Council Member Moyer

Requested that Council consider reinstating the holiday pay from eight hour holiday pay to 12 hour holiday pay for the Police Department. He further pointed out that the Police Department is the only Town department that worked 104 hours more per year than other Town employees; they have 48 hours of unpaid holiday time than other employees as it stands now; they get 96 hours of holiday pay for eight hours per holiday versus 144 of the 12-hour per day that they use to get, with him proposing that the Police Department get that now. The Town Manager went over the history of why the holiday pay was changed a few months back. The Chief of Police confirmed that he wanted to make sure his staff is back up to full staff before this proposal is implemented so he can manage their holiday pay accordingly. Council Member Love asked how the proposed change would affect the other departments and the proposal should be applicable to other departments the holiday pay would affect. Council Member Strickler commented he wanted to make sure all departments are treated fairly. The Town Manager asked if Council would like to first run the proposal by the Finance Director and the Finance & Human Services Committee first. There was discussion regarding having the Public Works Director meet when the matter would be discussed with the Committee, with the Mayor asking if Council Member Moyer would like to withdraw his motion on the floor until after staff and the Committee could review. Council Member Moyer stated he wanted a decision regarding the Police Department during this meeting. The Mayor called for the motion, being:

- Motion was made by Council Member Moyer to pay the Police Department the 12-hour holiday pay, with motion on the floor being seconded by Council

Member Cundiff. A roll call vote was taken. Voting in favor of the motion on the floor were Council Members Cundiff, Love, Moyer, and Strickler. Voting in opposition to the motion on the floor were Vice Mayor Walker and Council Member Greer. Let the record show that the motion on the floor passed four to two.

Council Member Strickler (who is also Chair of the Finance & Human Services Committee) stated that he will get the Committee to meet to consider how to make this fair for other departments.

C. Mayor Angle

Stated that he hopes all Council members have had time to go by the Town Manager's Office to look at the process of the Town going paperless regarding the monthly Council agenda packets.

CLOSED MEETING

Let the record show there were no *Closed Meeting* items at this time.

ADJOURNMENT

At 8:10 p.m., motion was made by Vice Mayor Walker to adjourn, seconded by Council Member Moyer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk

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