

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
SEPTEMBER 12, 2011**

The September 12, 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

The Mayor recognized and welcomed those students attending the Council meeting from Franklin County High School government class of Mrs. Shepherd.

PUBLIC HEARING

Let the record show the Mayor recessed the meeting to hold the first of three public hearings:

A. Special Exception Request of Frank Fuller

Special exception request of Frank Fuller for a special exception from the Town of Rocky Mount Zoning Ordinance Article 3-1-5, Accessory Buildings, specifically, the requirement that an accessory building must be located behind the main structure for Mr. Fuller's property located at 690 Scuffling Hill Road, Rocky Mount, Virginia, Tax Map and Parcel Number 2100 16400, zoned Residential-1.

The Assistant Town Manager/Community Development Director came before Council outlining the following regarding Frank Fuller's special exception request:

- Frank Fuller submitted a zoning permit application after construction of a carport was completed at his home on Scuffling Hill Road. The 12x12 unit is a metal pole-and-roof structure over a concrete pad and secured with bolts anchored into the pad.
- He denied Mr. Fuller's application based on Article 3-5 of the Zoning Ordinance, which governs accessory structures in Residential-1 zoning. The structure must be at least five feet off the property line, which it appears to be, and must be behind the main structure, which it is not.
- He met with Mr. Fuller and gave him his options, including appealing his determination or seeking a special exception from this portion of the Zoning Ordinance. Mr. Fuller determined to seek a special exception and requested a return of his zoning permit fee, which was denied.
- The Franklin County Building Inspector's Office is waiting on a determination of Town Council before issuing a building permit. That office has determined that the carport was designed and installed to meet expected normal snow and wind loads for the community. That does not mean it will withstand a tornado or a blizzard, only that it is not expected to buckle or be blown off its supports under typical hazardous weather conditions.
- Staff recommended denial of the permit to Planning Commission during their public hearing, which was held September 6, 2011. Mr. Fuller was the only speaker at that public hearing. The Planning Commission recommended approval of the special exception after its deliberation by a unanimous vote.
- The final decision is Council's, however. The Town Code requires that if Council chooses to accept Mr. Fuller's application for a special exception, they must first determine that the proposed use will not:
 1. Adversely affect the health or safety of persons in the neighborhood.
 2. Be detrimental to the public welfare or injurious to property or improvements to the neighborhood.

3. Conflict with the Town's comprehensive plan.
 - Council has 30 days by Code to contemplate the matter and make a decision. Council may also recommend such conditions as they see fit to be included.
 - Additionally, staff encourages anyone who contemplates adding this type of structure, or any structure, to ensure that they acquire the necessary permits ahead of time. Coming in after the fact increases the staff review time, and frequently leads to losses for the homeowner, particularly if they have to change a portion of the construction after the fact.

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

- Mr. Frank Fuller of 690 Scuffling Hill Road, Rocky Mount, Virginia came before Council stating the following:
 - Gave a brief overview of how he came to live in the Town.
 - Talked with some of his neighbors and they said his building would not come into conflict with their properties.
 - While driving around Town, he noticed other little carports erected on other people's properties.
 - Admittedly, he was told that he did not need a permit by some of his friends, so he went and had the building erected based on what they told him.
 - After a couple of months went by, Mr. Altice with the Franklin County Building Inspector's office visited his property and advised him that he needed a permit for the building.
 - Contacted the Town Planner & Zoning Administrator, Mr. Matthew Hankins, and based on that conversation, applied for a permit, which was denied. He requested a refund for the filing fee he put down on the permit, which was denied.
 - Due to the denials, he was advised by Mr. Hankins he could apply for the special exception, which he did.
 - Went over why he needed carport close to his house.
 - Disagreed with Mr. Hankins that emergency vehicles could not access his property with the carport so close to the house, stating they could access the property at the other driveway that is a shared two-person driveway that goes behind his house.

Mr. Fuller confirmed to Mayor Angle that he added a canopy to the driveway that existed there to the end of his house. Council Member Strickler advised that he has seen it and that it looks good.

Mr. Fuller confirmed to Vice Mayor Walker that the driveway ends at the house, but the other driveway on the other side of the house is a two-person driveway that goes behind his house, and that there is no problem with any type of vehicle getting to his property.

Let the record show that no one else came forward to speak at this time.

There being no further comments from the public, the Mayor reconvened the meeting back into regular session and asked if there were any comments from Council. Let the record show there were none.

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

- Motion was made by Council Member Greer to approve the special exception of Mr. Fuller for his property located at 690 Scuffling Hill Road for Tax Map and Parcel Number 21000 16400, with motion on the floor being seconded by Council Member Strickler and carried unanimously by those present.

Let the record show the Mayor recessed the meeting to hold the second of three public hearings:

B. Special Use Permit of Stepping Stone Mission of Franklin County, Inc.

Stepping Stone Mission of Franklin County, Inc. (Stepping Stone Mission, Mission, or soup kitchen) requested a special use permit to operate a soup kitchen at 170 Circle Drive, Rocky Mount, Virginia, Tax Map 204 and Parcel Numbers 26600 and 26700. Stepping Stone Mission has a conditional contract to purchase the property, which it plans to acquire in order to build a soup kitchen. The parcels are zoned Residential-2, and soup kitchens are uses not provided for in the Code.

The Assistant Town Manager/Community Development Director came before Council outlining the following regarding the Stepping Stone Mission special use permit request:

- Joanne Patterson, Director of Stepping Stone Mission, has operated a soup kitchen on Diamond Avenue since 2006 under conditional zoning and a special use permit, and has for some time been looking for alternative sites nearer the heart of Rocky Mount in order to better reach those most in need of the service provided by the Mission. The Mission serves 30 to 80 people during lunch during its operation, which by conditions imposed by the Rocky Mount Town Council and Planning Commission, include a 12:00 Noon to 1:00 p.m. time limit, a strictly enforced no-loitering rule, and operation only as a soup kitchen.
- After bringing the Town staff a number of possible sites over the past year, Ms. Patterson has identified 170 Circle Drive, Rocky Mount, Virginia as a preferred site for building a new location to serve the Mission's clients. The Residential-2 site includes two fairly large lots totaling approximately 0.85 acres combined. Until January of this year, the site had a single-family home (an old cabin), which burned down. The remaining debris was burned or removed by contractor Joe Swain in late June or early July of this year, leaving the lot clear for development.

- Ms. Patterson has placed a conditional offer on the property and has applied for a special use permit. She has had a site plan concept developed showing the proposed building, parking, access points, screening, storm-water management, setbacks, and green space, which is at this point all conceptual, without calculations that would be required on a full site plan.
- In the concept presented and given to Council prior to this Council public hearing, the building would have a footprint of 4,560 square feet, 34 parking spaces, and two access points at Circle Drive within 80 feet. Since the submittal of this proposed concept, the Mission has revised the plan to show 38 parking spaces.
- In the past, Council has required the Mission to obtain a conditional zoning to General Business, in which shelters are a use by special exception. After research on this matter and consultation with the Town Attorney and with other localities, it could not be clearly defined whether the soup kitchen meets the Town's definition of a shelter. Under the Town's definition, a shelter requires sleeping accommodations for clients, which is not indicated or contemplated with the Mission's submitted application. In his judgment, that means that the use is one not provided in the Town Code, which requires Council's review and recommendation to Council for final approval.
- As Council deliberates on this issue, they should consider the following questions:
 - o *Parking:* Would fewer than 40 parking spaces be adequate? That's difficult to determine, but he cannot believe that the parking would be adequate for long in the event that the Mission's clientele expand. Granted, the Mission wishes to make itself more accessible to pedestrians, but in his observation of the existing operation, the traffic can overburden the site. If parking is indeed a burden, it could still spill over onto and interfere with the operations of the street, nearby businesses, and close residences. Additionally, the security of the homes and businesses nearby should be a consideration. While the operation of this kitchen has had few complaints or issues, the possibility always exists that clients with desperate needs will do desperate or unlawful things to meet those needs. He referenced the complaints that the Police Department has received on 269 reported criminal activities over the last 24 months in the Circle Drive area, with the Town's Police Department having to spend a lot of time policing this area as it is, and by adding more people, it would be more difficult.
 - o *Traffic and pedestrian hazards:* One proposed entrance appears to directly face the Law Street and Circle Drive intersection, creating a four-way intersection with potential to create significant hazards. Law Street and Green Meadow Lane are both close by to the upper entrance, with a sweeping curve on the north end of the property, limiting the sight distance for vehicles turning left out of the soup kitchen per the submitted concept plan. Additionally, adding steady pedestrian traffic to a street without sidewalks invites hazards, and

requires that Council give significant thought to either investing in sidewalks for the street at some future point, or accept the significant risk that will be undertaken by pedestrians trying to access the soup kitchen by foot.

- *Use compatibility:* The nearby neighborhoods are a mix of uses, with high density apartments, low density traditional streets, businesses, and even a four-lane general business corridor, all within 500 feet of this property. While this development is not entirely incompatible with any of the uses, it is not fully compatible with any of them. While Council is making a determination on this property, they should consider whether this use is compatible with those varied commercial and residential uses. One of the consideration during the Planning Commission public hearing was when Planning Commission Member Derwin Hall stated that putting a commercial use on a residential street was not fitting with the Town's Comprehensive Plan and not a direction the Town should pursue.
 - *Future development:* Will this project have harmful effects on the future of the North Main Street business corridor? The Town management believes this corridor has significant growth potential over the next decade due to its ease of access, its proximity to U. S. Route 220, and available sites for commercial development along the street. Will this development impact that, either negatively or positively? That is a values question, one for Council to decide. One school of planning considers that if you cluster services for people in need, you will always have clusters of people in need. This principal he would prefer, as an economic developer, is to work to create jobs closer to those people so that they don't have to depend on other social services for long periods of time.
 - *Adequacy of post-development storm water retention and drainage facilities:* Staff cannot determine whether the storm water retention and drainage facilities will be adequate to properly retain and channel runoff.
 - *Availability of other suitable parcels:* During the Planning Commission public hearing, Ms. Patterson and her attorney both mentioned the availability and price of the land as important factors in their decision to locate at this site. However, a number of other appropriately zoned lots are available, or potentially for sale, within close walking distance from this site (map showing possible sites were available for Council to see where those lots were located).
- Four people had spoken during the Planning Commission public hearing, including: Jordan Sharpes of Moneta (an attorney representing the Mission); Ms. Joanne Patterson of Henry County (Director of the Mission); Dave Peters of Burnt Chimney (person who drafted the concept plan for the site); and Harry Weiss of Ferrum (volunteer at the Mission). No residents of the Town spoke either for or against the matter.

- Staff recommended denial of this permit to the Planning Commission, which has recommended conditional approval to Council on a five to one vote, with Planning Commission Member Derwin Hall opposed and Planning Commission Member Jerry W. Greer, Sr. abstaining as an adjoining property owner. Planning Commission Member Hall's objection came essentially to the concept of putting a commercial type structure in a residential neighborhood, what the use of that building might be in the event the Mission fails, and the ability of the Mission to meet its fundraising and capital needs for construction. Asked Council if this is truly a matter of need or a matter of convenience. Also asked Council to consider that the Mission has brought Town staff a number of sites over the past two years, and to staff, this seems like a matter of convenience and expediency.

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

- Mr. Jordan Sharpes, Attorney with Gilbert & Bird Law Firm, PC, Moneta, Virginia, came forward to speak on behalf of Stepping Stone Missions. He pointed out the following:
 - Went over the history of Ms. Patterson starting the Mission, with her coming before Council at this time as she feels she has found a permanent home for the Mission.
 - Site is zoned Residential-2 and the proposed soup kitchen is not allowed as a use-by-right.
 - Went over history of how many people currently use the soup kitchen at its present location. Currently, Mission is located at the American Legion Building on Diamond Avenue and it does not fit their current needs.
 - The proposed new site does fit the right price, right location, and right fit. It is well suited for those in the area for meeting their needs (cited a neighbor that is physically handicapped that the Mission would help). Other properties that Mr. Hankins mentioned does not fit the Mission's price and needs.
 - Presented to Council a revised preliminary conceptual plan showing 38 parking spaces instead of 34. Went over what parking is required for restaurants and churches. The Mission could sit 200 people, with the proposed 38 parking spaces meeting that need.
 - Now has a single entrance away from Law Street.
 - The hours the soup kitchen would be in use are 12 Noon to 1:00 p.m., with the staff there about an hour before to prepare the meals and an hour afterwards to clean up. He and Ms. Patterson have observed the site and the traffic does not seem to be busy during these hours.
 - The proposed area is an area of mixed uses and would suit well for a soup kitchen to be located here.
 - If approved, Ms. Patterson would operate the facility exactly the same way as the one located at its present site, with her being a strict enforcer of no loitering on the site.

- Regarding the issue of financing for the new site, Ms. Patterson plans on engaging in significant fund raising for the construction, which will take about two years. She currently has cash on hand to buy the property.
 - Mr. James Jordan with the American Legion would probably tell Council that the Mission has had a positive image at the site. The police have not been called there, and loitering is not allowed and strictly enforced. Cited the neighbors around the present location have universally welcomed the Mission and have enjoyed having it there. Speaks for all those individuals today and asks Council to approve the Mission's request.
 - Ms. Patterson will have the same success at this site as she has at the present one. She is deeply committed to the Mission and he believes that Council will make a smart move in approving the request
- Mr. Harry Weis, 2873 Hawpatch Road, Ferrum, Virginia, came forwarding, stating the following.
 - He and his wife both volunteer for the Mission, and has done so since its inception five years ago.
 - Believes the proposed 38 parking spaces for the new site will suffice.
 - A larger kitchen is in the plans for at the new proposed site, which will be real nice.
 - Ms. Patterson has a strict no loitering policy and he recalls only one time Ms. Patterson addressed this issue with someone, who immediately left the property.
 - People that will be served at the new proposed site will be able to walk to the soup kitchen.
 - People who come to the soup kitchen are in desperate need but are not desperados, and he does not feel like this will happen in the future. Believes positive peer pressure will keep the soup kitchen open.
 - Does not think this location would be susceptible to wrong doing than any other business located near this location (citing the minute market and places to eat close by).
 - The proposed location has a single entrance, and so does Wal-Mart and Lowe's, which were both approved by Council. He hopes the Mission will not be held to a different standard.
 - The Mission will serve those in the neighborhoods that have needs that it can meet.
 - Only three days in the last five years has the Mission not be able to be opened, which was due to extreme snow conditions.
 - He understands those not wanting the Mission in their back yard, but it being there will be a lesser tax burden on the Town.
 - Mr. Clifton Gill of 90 Green Meadow Lane, Rocky Mount, Virginia, came forwarding stating the following:
 - Congratulated Ms. Patterson on the soup kitchen, but Circle Drive is not a good location for it.

- There are no sidewalks at this location that can accommodate people walking to the soup kitchen.
 - There are undesirables in this location.
 - Requests Council to not approve the Mission's request to locate a soup kitchen in this area.
- Ms. Betty Furrow of 25 Law Street, Rocky Mount, Virginia, came forwarding stating the following:
 - Has lived in this area all her life and when she first lived there, it was a real nice place to live. In the past years, though, Circle Drive has become awful. There is loud noise and foul language all the time. The law has been called and called to this area.
 - She has had people break into her home, and now has to bar her back door to keep people from trying to get into her home.
- Mr. Douglas Campbell of 35 Law Street, Rocky Mount, Virginia came forwarding stating the following:
 - Has lived in the area all his life.
 - Lot of traffic on Circle Drive.
 - There are no sidewalks to accommodate people in that area to walk to the soup kitchen.
 - If two cars meet, one has to stop and let it go by.
 - There is no drainage in that area.
 - Soup kitchen is wonderful but Circle Drive is not the place for it.
- Mr. John LaPrade of 85 Circle Drive, Rocky Mount, Virginia, came forwarding stating the following:
 - The entrance of the soup kitchen will be right in front of his house.
 - Does not want the soup kitchen at this site.
 - It has been stated that there are low class and low income citizens living in this area.
 - Realizes that the soup kitchen is needed, but there are plenty of other places in the Town for it, and it should not be right in front of his house.
 - Stated that the Hubbard man that has business property next to the proposed site has been heard to state that he has no problem with the soup kitchen being built there, but why should he care since he lives in Roanoke.
 - There is traffic on Circle Drive. Town police can't control it. Referenced vehicles running the stop sign as if it is nothing.
 - There is foot traffic also.
 - There is no room for sidewalks unless you come up to someone's front door or into their bedrooms.
 - Cannot see a soup kitchen coming out in that neighborhood.

- Dr. Sam Campbell, Executive Director of Helping Hands, and lives at 145 Cromwell Drive, Rocky Mount, Virginia, came before Council stating the following:
 - Has had many occasions to work with Ms. Patterson and the soup kitchen.
 - Confirmed that the Mission needs a permanent place.
 - People that the Mission helps are people that are very gracious and thankful for the service provided to them. Some of those clients are some of his also.
 - Has visited the soup kitchen and he has taken notice of the clients and the biggest thing he notices is how quiet they are. They come, get their meal, are thankful for it, talk a few minutes, then leave. The soup kitchen is open for those clients to eat for only one hour. Staff is there longer than that in preparing the food and then cleaning up. Staff is all volunteers.
 - For a lot of people, the soup kitchen solves a lot of questions on what people will have to pay for that month that need the services that the soup kitchen provides.
 - He doesn't think anyone present at this public hearing objects to the services that the soup kitchen provides, just the location.
 - People that use the soup kitchen are not cheaters and trouble makers. It is not a problem at the soup kitchen, but may be the element of the neighborhood.
 - There is not a problem with parking at the current location.
 - It seems from what he can tell, the proposed area would not change for the worse than what the conditions are already in the neighborhood.
 - He would recommend Council to support the proposed location so the Mission could finally have a home.

- Ms. Ann Custer of 525 Diamond Avenue, Rocky Mount, Virginia, came forward stating the following:
 - Lives next to the present location of the Mission.
 - During the years the soup kitchen has been at this location, she has had no problems with those that go there to use it.
 - She has a security system at her home, and the only time it has gone off is when she has accidentally set it off herself.
 - There was a small traffic problem during the first Thanksgiving dinner that was served at the soup kitchen, but that was immediately taken care of and resolved, resulting in no further future traffic problems.
 - Believes Ms Patterson has strict rules, especially on loitering, which she enforces.
 - People that get this type of assistance are very grateful and respectful of what the soup kitchen provides.
 - Hopes Council makes the decision that is best for the whole situation, and works on getting issues resolved.

- Mr. John Lester of 325 Cromwell Drive, Rocky Mount, Virginia came forward stating the following:
 - Ms. Patterson runs a tight ship at the Mission.
 - He is impressed that she takes care of any problem.

- She is truly an asset to Franklin County, Town of Rocky Mount, and State of Virginia.
 - She has done a great deal of service to the community, Council, and citizens of Rocky Mount that they are not even aware of.
 - It is wonderful that the soup kitchen she plans on building will serve to feed those individuals so they can maintain a stable life.
 - People in the proposed area that the Mission proposes to go are very good people, but you do also have people in some areas that don't need to be there. If there are people in that area that have drug or criminal activity, it is the Town's responsibility to take care of, not Ms. Patterson's.
- Mr. Sanford Lyn Robertson of 45 Windy Lane, Rocky Mount, Virginia, came forward stating the following:
 - Has noticed that those who want the project built on Circle Drive do not live there.
 - Stated that although it has been mentioned that this area is a low income area, he probably makes more money than the Assistant Town Manager/Community Development Director.
 - The lawns and houses are kept up in this neighborhood.
 - Council knows that the soup kitchen will lower property values in this neighborhood, and so does everyone else.
 - If this soup kitchen is helping everyone, why are they taking it away from the area they are located now.
 - Cited that the residents in the proposed area were once told that the Green Meadow apartment project was going to be a good thing before it was built, and if he knew now what was going to be put in, he probably would not have bought his own property.
 - Would like to know how Council is going to put the soup kitchen in a Residential-2 district.
 - For the record, an e-mail was received from the Town's Deputy Clerk that Mr. Arnold Dillon had phoned her and wanted his comments to be part of the record, which were:
 - He had just read about the application in the paper and he is in full support of the Mission being located there.
 - He is saying this as a property owner in the area.
 - He thinks they will provide a valuable service to the Town and he hopes that the Town will change its position on the matter.
 - Some folks in the area do not have a lot and he thinks this would be a great help in allowing them to get at least one meal a day, as the location on Diamond Avenue is too far away for some people to walk.

There being no further comments from the public, the Mayor asked if Council had any questions.

- The Assistant Town Manager confirmed to Council Member Cundiff that the total acreage of the lot for the proposed Mission was 0.85 acres combined when he

- actually measured it, although the application did have something else listed.
- Council Member Cundiff personally commended Ms. Patterson for her efforts, but he does have some concerns regarding safety issues, with one concern being that you cannot see the site from North Main Street, and although it is open to the public to eat from 12:00 Noon to 1:00 p.m., you could still have someone break in when no one is at the soup kitchen and take all of the food. According to the Police Department, there were 269 offenses in that area.
 - Council Member Love stated that she thinks Ms. Patterson and her volunteers are angels, but they need a safe area and environment to carry out their good will. She does not feel that the Circle Drive site can do this.
 - Mayor Angle questioned about the other possible sites that were looked at and if they were appropriately zone, and if they were considered or was it just the financing that was the issue. Mr. Sharpe indicated that the Mission has finances to buy the proposed site, but not enough funding to build the structure, which will require them to do fund raising. The Mayor asked if it was possible for the Mission to combine that fund raising and come up with enough money to go to another site, and also, if they have priced other sites. Ms. Patterson indicated that they did get other prices. Mr. Sharpe pointed out that soup kitchen is not allowed in General Business zones either but by special exception.
 - The Town Manager gave a brief synopsis as to how staff had worked to assist Ms. Patterson in trying to locate other sites, with the one being proposed being the one that the Mission wanted to pursue.
 - Council Member Moyer stated that he was concerned with the problems that were already in that area the soup kitchen was proposed to be.

There being no further comments from the public, the Mayor reconvened the meeting back into regular session and asked if there was any comments from Council. Let the record show there were none.

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

- Motion was made by Council Member Moyer to deny to rezoning request of Stepping Stone Mission of Franklin County, Inc., with motion on the floor being seconded by Council Member Cundiff. Discussion ensued. Council Member Strickler commented that whatever the outcome, Council needs to be helpful in helping the Mission find a place. There being no further discussion, let the record show that four voted in favor of the motion on the floor, zero voted against the motion on the floor, and Vice Mayor Walker and Council Member Greer abstained from voting. Let the record show that the motion passed four to zero.

(NOTE: Let the record show that at 8:17 p.m., the Mayor asked for a five minute break before the third public hearing was to take place. Let the record further show that at 8:23 p.m., Council came back into regular session.)

Let the record show the Mayor recessed the meeting to hold the third and final public hearing:

C. Disposition of Town of Rocky Mount Property

In accordance with the Code of Virginia 15.2-1800, et seq., Rocky Mount Town Code and the Program Design for the Needmore Housing Rehabilitation Community Development Block Grant, the Town Council of Rocky Mount held a public hearing to review and consider authorizing the Assistant Town Manager/Community Development Director to market, negotiate, and enter into agreement to sell Town owned property located at 20 Goodview Street, Rocky Mount, Virginia, commonly referred to as the Relocation House, Tax Map and Parcel Number 20700 03800, zoned Residential Business (RB), to a qualified low-to-moderate income individual or family.

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

- The Town purchased the Relocation House to facilitate housing repairs during the Needmore and Uptown revitalization projects. The Town used grant money to repair and upgrade the house, and residents left their dwellings and lived in the Relocation House while their repairs were being completed on their own homes. The Town was the innovator for the State, and this was the first time such a project was undertaken. The Town was also pioneers in having to dispose of such a property.
- Now that the projects are substantially complete, the Town must either purchase the building if it wishes to do more rehabilitation, or sell the house in compliance with the performance agreements for the grant.
- The Virginia Department of Housing & Community Development will not officially close the Needmore grant, and presumably the Uptown grant, until the Town disposes of said property.
- The property is a three bedroom, one bathroom house with an eat-in kitchen, laundry room, and living room, with one off-street parking spot, and a crawl space.
- Under terms of the grant, this residential property must be sold to create a home ownership, and may not be used as rental property. The Community Development staff will work with the project administrator with Virginia Department of Housing & Community Development to market and sell the property in accordance with the grant, pending Council's permission.
- Staff requests Council to authorize the Community Development Director to market, negotiate and enter into an agreement to sell Town owned property at 20 Goodview Street, Rocky Mount, Virginia commonly referred to as the Relocation House, Tax Map and Parcel Number 20700 03800, zoned Residential-Business (RB), to a qualified low-to-moderate income individual or family, under the terms of the Needmore Project grant.

The Mayor stated that no one had signed up to speak before Council regarding this request, but opened the floor to anyone wishing to come forward to speak.

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

There being no comments from the public of further discussion, the Mayor reconvened the meeting back into regular session and asked if there was any comments from Council. Let the record show there were none.

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

- Motion was made by Council Member Cundiff to dispose said property according to the conditions of the grant, 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.

APPROVAL OF MINUTES

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

- August 8, 2011 Regular Council meeting minutes

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 Council Member Greer. 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
 - Draft "Resolution by the Rocky Mount Town Council in Support of United Way of Franklin County, Inc."
- 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's Office requesting to come before Council.

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

OLD BUSINESS

A. Draft Town of Rocky Mount Workers Compensation Policy

Regarding the proposed draft Town of Rocky Mount Workers Compensation Policy, the following was reported to Council by the Town Manager:

- The Town Attorney had completed his review of the Town's Workers Compensation Policy, with him examining other localities' policies, the policy of the State of Virginia, and consulted with the Town's outside Human Resources legal counsel.
- A copy of the draft policy was given to Council prior to the meeting for their review.
- The revised policy shortens the optional "buy up" of salary from 12 months to six months, and removes all references to any termination point; thereby, allowing the Town to make a determination on a case-by-case basis. This is to address the staffing needs of each department, as well as addresses injuries that are clearly long-term.
- Confirmed to the Mayor that the draft policy represents what Council has previously discussed.

There being no questions from Council or further comments, the Mayor entertained a motion.

- As Chair of the Finance & Human Services Committee, motion was made by Council Member Strickler to approve the draft Workers Compensation Policy 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.

B. Draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2012” in Relation to Veterans’ Memorial Park”

The Town Manager reported the following to Council:

- As noted during the August 8, 2011 regular Council meeting, there was significant erosion on the bank of Old Furnace Creek adjacent to the Veterans’ Memorial Park.
- The repair is estimated to be \$97,000.
- Along with the Town’s Finance Director, have not been able to locate a funding source for the repair other than fund balance, with the damage not being covered by insurance as the area is classified as flood prone.
- Confirmed to Mayor that the current plan, as suggested by Paul Shively, would be to go with the baskets of rocks onto the area and then backfill with loose stone and dirt; but to be safe, he has contacted three of the Town’s engineering services providers and asked for additional options of action that would be the most cost effective if funds are appropriated for the repair.

There was discussion between Council and the Town Manager about needing a more permanent type solution, with the Town Manager indicating that this type of solution would require a cost factor for a retaining wall that would require in-stream work. The Town Manager informed Council that if this is the route they wanted to go, he would obtain prices for a high-end retaining wall. He further mentioned that he would still like to hear back from the three engineering firms on what they come up with and prices. It was confirmed to Council by the Town Manager that regardless of the plan or cost, Council would still have to give final approval. Also discussed if the bank could be stabilized when the Pigg River Dam is removed, with Town Manager stating that the Town could put in a retaining wall when the work is done in removing the dam, but the bank itself would not be stabilized by just taking the dam out as the damage to the bank was done by water coming off of Furnace Creek and not water coming from Pigg River. Council discussed what best possible route to take concerning this issue. The Town Manager confirmed that he has not approached Franklin County regarding assistance from them in stabilizing the bank because the Town first needs to get a final figure.

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

- Motion was made by Council Member Greer to approve the draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2012” in relation to Veterans’ Memorial Park”, with motion on the floor being seconded by Vice Mayor Walker. Discussion ensued. The Town Manager explained to Council Member Cundiff that if the Town uses the basket of rocks approach, all the work will be done on the land and will not require getting into the stream, and therefore, no permit should be required. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

NEW BUSINESS

A. Request of Finance Director for Town Council Authorization to Write-off Town of Rocky Mount's Annual Uncollectable Utility Bill Balances

On behalf of the Finance Director, the Town Manager presented the following:

- The Finance Department is seeking Council's authorization to write-off the Town's annual uncollectable utility bill balances.
- This year, the amount submitted is \$6,027.08. Given a total utility fund revenue of \$1,528,777 in Fiscal Year 2011, this represents four tenths of one percent of the Town's revenue stream. This amount represents utility bills owed to the Town that could not be collected using the Town's standard collection process. The process used by the Town includes seizing deposits, transferring balances to new accounts, and refusing to establish new service until the prior balance has been paid.
- The Town auditors recommend a yearly write-off of debts that are considered uncollectable. This year, it has been the lowest it has been for the past three years.
- Individuals who have had an account balance written off are still monitored should they seek to re-establish service.

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

- Motion was made by Council Member Greer to approve the requested write-off of the Town's annual uncollectable utility bill balances, 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.

B. Request of Finance Department for Town Council Authorization to Perform a Write-off of Uncollectable Personal Property Tax Balances for the Town of Rocky Mount

On behalf of the Finance Director, the Town Manager presented the following:

- The Finance Department is once again seeking Council's authorization to perform a write-off of uncollectable personal property tax balances. These funds have not been paid due to various reasons.
- Write-offs are requested from amounts due being over five years old, which is the maximum length of time before collection efforts must be stopped per the Code of Virginia, businesses closing, or residents moving outside of Town limits. Staff have verified Franklin County status with the Franklin County Commissioner of Revenue's Office.
- Normally, any unpaid personal property tax bill is mailed at least twice in the current tax year with "second notice" or "past due" stamped on the ticket. Other notices are sent in subsequent years to any updated addresses. Notes are made with the business license renewals that unpaid business personal property (business equipment) tax bills may be collected at that time.

- The amount being written off is \$11,223.47, which includes \$6,489.63 due from the customer, \$648.96 in penalties, and \$3,042.44 in Personal Property Tax Refund funds from the State.

The Finance Director confirmed to the Mayor that about \$6,000 is the annual amount that is written off.

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

- Motion was made by Council Member Greer to approve the requested write-off of the Town's annual uncollectable personal property tax balances, 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) Draft "Resolution of the Town Council of the Town of Rocky Mount, Virginia Approving the Application for a Planning Grant Through the Virginia Department of Health Drinking Water Financial and Construction Assistance Programs (FCAP)"

The Superintendent of the Water Department reported to Council the following:

- Requesting Council's review and consideration for approval the submitted draft "Resolution of the Town Council of the Town of Rocky Mount, Virginia Approving the Application for a Planning Grant Through the Virginia Department of Health Drinking Water Financial and Construction Assistance Programs (FACP)".
- The Water Department is working with the engineering firm of Hurt and Proffitt on a planning grant application to evaluate the cost and benefit of a raw water containment tank at the Water Plant.
- A holding tank could benefit the Water Plant during times of low river flow during turbid water conditions, and for purposes of allowing treatment options to improve water quality.
- The application for the grant has been submitted; however, a supporting resolution from the governing body is required for the application to be considered.
- If the planning grant is approved for funding, the Town is under no obligation to provide matching funds.
- Confirmed to Vice Mayor Walker that the proposed tank would hold approximately 300,000 to 500,000 gallons, and during the summer, the tank could be used as a pretreatment unit which would improve disinfection process for the summer. It would also act as a settling basin.

There was much discussion regarding a question raised by Council Member Cundiff regarding the planning grant actually being used as an enticement for the Town to apply for, which he stated was his personal view, and further stating that if approved by the Department of Health for construction of the tank, the grant would require matching funds from the Town. It was reiterated by the Superintendent of the Water

Department that to apply for the grant itself, there was no obligation from the Town to provide any matching funds.

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

- Motion was made by Council Member Cundiff to deny the grant application, with motion on the floor being seconded by Council Member Moyer. Discussion ensued. Vice Mayor Walker stated that the question is, does the Town have the money to build the tank if it is needed. He further stated that as of right now, the Town does not have the money. The Mayor stated that all the planning grant will tell the Town at this time is if the tank is needed, with the Town being under no obligation to build. Council Member Cundiff pointed out that he believes the Town first needs to fix the current water loss problem before thinking about building a tank. The Mayor reiterated that since the Town is under no obligation to provide matching funds, he does not see where applying would hurt to get input from the planning grant folks. There being no further discussion, let the record show that the motion on the floor passed five to one, with Council Member Strickler voting no.

D. Draft “Resolution by the Rocky Mount Town Council and Rocky Mount Planning Commission in Applying for Industrial Revitalization Funds Through Virginia Department of Housing & Community Development”

The Assistant Town Manager/Community Development Director stated that he had intended to bring before Council information regarding the State creating a limited Industrial Revitalization fund for removing industrial blight, particularly those blights which clear the way for transportation improvements, industrial renewal, public recreation improvements, and screening between zones. He did point out that the maximum award is \$600,000, which would be matched by the locality; only three million dollars is available statewide; the State anticipates making awards to only five localities this year; and with the competition of these funds, it is unlikely the Town would receive an award this year. But at this time, he pointed out that he would rather the Town not submit this application right now due to it requiring a matching fund, and also due to economic difficulties that the Town has been facing during the past couple of years.

At the request of Council, the Assistant Town Manager/Community Development Director went over the area that the corridor enhancement would take place. Prior to the meeting, Council had received a printout entitled “Creation of Transportation Revitalization Corridor” dated August 2011 that gave an overview of the sites he mentioned. He further confirmed to the Mayor that there is a time period of 2013.

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

- Motion was made by Council Member Greer to not apply at this time for the revitalization funds, 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.

E. Miscellaneous Issue Regarding Anderson Street Properties

On another issue, the Assistant Town Manager/Community Development Director did confirm to Council that the two properties located on Anderson Street that were to be demolished by the Town were sold at tax sale. He also went over the time frame for demolition for the property located on what is commonly referred to as Tank Hill.

COMMITTEE REPORTS

Let the record show there were no committee reports at this time.

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 by 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 Love

Requested that the Town Manager contact Shentel regarding Mr. Bobby Hodges not yet hearing from them regarding his complaints. The Town Manager informed Council that he has written Shentel not only about Mr. Hodges' complaint, but about another citizen's complaint as well, asking Shentel to contact each one of them. He further stated that he will personally contact the Vice President of Shentel to have him contact Mr. Hodges, along with contacting the other person as well.

B. Mayor Steven Angle

The Mayor encouraged all Council members who have not dropped by the Town Manager's Office to do so in order to look at the proposed paperless Council packet.

CLOSED MEETING

At 9:03 p.m., motion was made by Council Member Love to go into *Closed Meeting*, and seconded by Council Member Strickler 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).
- Section 2.2-3711(A).3 - Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (North Main Street and Franklin Heights).

At 9:34 p.m., motion was made by Council Member Love 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.

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 Love. 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 Council authorized the Assistant Town Manager/Community Development Director to schedule a public hearing for disposition of real property.

ADJOURNMENT

At 9:40 p.m., motion was made by Council Member Moyer to adjourn, seconded by Council Member Greer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk