

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES
MARCH 14, 2016**

The March 14, 2016 regular meeting of the Rocky Mount Town Council (hereafter referred to as "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:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- P. Ann Love
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton

The following staff members were also present:

- John Boitnott, Town Attorney
- Tim Burton, Wastewater Treatment Plant Superintendent
- Bob Deitrich, Water Treatment Plant Superintendent
- Rebecca Dillon, Interim Executive Assistant
- C. James Ervin, Town Manager
- Josh Gibson, Town Planner
- Matthew Hankins, Assistant Town Manager
- Mark Lovern, Lieutenant, Rocky Mount Police Department
- Cecil Mason, Public Works Director
- Linda Woody, Finance Director

The meeting was called to order by Mayor Steven C. Angle.

PLEDGE OF ALLEGIANCE

Mayor Angle led in saying the Pledge of Allegiance.

APPROVAL OF AGENDA

Agenda amended to hear the Presentation of FY 2015 Audit in the beginning of the meeting.

Motion: To approve the agenda as amended

Motion By: Vice Mayor Walker

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Approve Amended Agenda by a unanimous vote

Presentation of FY2015 Audit (moved from New Business).

Miss Deanna Cox with the auditing firm of Robinson, Farmer, Cox Associates presented the FY2015 audit. Miss Cox went over the financial report by bringing out a few talking points from within the audit which provided for a condensed financial summary of the audit itself.

Motion: To accept audit as presented

Motion By: Council Member Stockton

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Audit Accepted

PUBLIC HEARINGS

Mayor Angle recessed the meeting to go into public hearing.

Proposed Real Estate Tax Rate Increase: The Town Manager, Mr. Ervin, stated that it is required by state code as part of the budgetary process that if there is a 1% change in either the Town's revenue or expenses, Town Council is to hold a public hearing. This public hearing was to advertise a maximum rate of .13 cents which is the Town's current rate but does not guarantee that is the rate that Council will keep however it sets Council's current rate as the maximum amount that can be charged. Council is setting a ceiling for the budget considerations that may be adjusted but only downward from the advertised .13 cents.

Mayor Angle then opened the floor and asked if anyone there wished to address Council. No one came forward.

Seeing no action was required for the proposed real estate tax rate increase, Mayor Angle moved the meeting back into regular session and then recessed the meeting to go again into public hearing to hear the request of Mr. Ronnie Wray and Rocky Mount Ready Mix Rezoning Request.

Public Hearing for Ronnie Wray and Rocky Mount Ready Mix off Market Place Drive and Route 40 East: Town Planner, Mr. Josh Gibson came forward to give a staff summary and proffers for the property. The following are conditions presented by Mr. Gibson to rezoning that property.

1. The property is to be used to operate a concrete plant.
2. Rocky Mount Ready Mix is to develop the property in substantial conformity with the concept plan prepared and submitted with the application.
3. Any other use of the property which is not allowed, a conditional zoning permit with these proffered conditions will be the subject of a separate application.

With the proposed rezoning of the property, the applicant intends to relocate the majority of the operations from Rocky Mount Ready Mix property on Old Franklin Turnpike to the

subject property close by. The benefits would include overall improved traffic safety due to cement trucks using the existing traffic light at Market Place Drive. The concrete plant is to set back several hundred feet from Market Place Drive which is expected to reduce the visual impact from the commercial area.

There are a few concerns however one of which would be the right uses of which could develop on the property with an unrestricted M2 zoning. Another concern is the inconsistency of the comprehensive plans future use map which is the primary measure that the town uses for property rezoning's. Also, a concern is the result of an industrial rezoning of any kind in that area which is a significant reduction in the towns' commercial inventory.

Assistant Town Manager, Mr. Hankins, spoke regarding the comprehensive plan and what it calls for on that property which is to be commercial use. The Mayor opened the floor so that if anyone was there that wished to speak regarding the rezoning they could come forward. At this time Mr. Hankins asks the Mayor if the applicant's attorney could come forth and speak regarding the rezoning.

Mr. Colby Brown, an attorney at 25 East Court Street, Rocky Mount, Virginia who is representing Mr. Ronnie Wray, spoke regarding the almost 60 acres of land that Mr. Wray would like to use to build a concrete plant.

The Mayor asked if there was anyone else that would like to address Council concerning the rezoning request. No one came forward. The Mayor moved the meeting back into regular session.

The Vice-Mayor asks Mr. Hankins, why hasn't the land been developed. Mr. Hankins replied that access was the most frequent concern. Vice Mayor Walker pointed out that the concrete plant will be set back far enough from the road that it will be obscured because of vegetation that is already there and will be allowed to stay there. Mr. Wray intends to keep the pine trees and the vegetation on the property to allow for it to serve as a natural screening that would obscure the concrete plant.

Councilman Jon Snead asked if the proffers were submitted since the Planning Commission meeting. Mr. Hankins stated that the Planning Commission's decision was based on the rezoning without proffers. They had not seen the proffers since they were only submitted the morning of the public hearing for Council.

Vice Mayor Walker asked the question of what Mr. Wray's hopes would be for his current site. Mr. Wray replied that it would cost a lot of money to put the plant in and with that he would have to use the existing site for a while till he gets the other one running.

Council Member Moyer commented that it was a dangerous situation down there for Mr. Wray, his employees and for the people going up and down Route 40 and with the trucks pulling out with no stoplight. Mr. Moyer felt that Council needed to work with Mr. Wray and approve the request.

Council Member Snead spoke that he had a couple of concerns. A couple of business owners had contacted him regarding Market Place Drive. He felt the intersection there was already stressed enough and that Musefield Road may would be a better option. He asked Mr. Hankins if the proffers changed his concerns at all. He replied that while it doesn't alleviate them completely, it does help some.

Mayor Angle asked Mr. Wray if he had ever considered the Industrial Park for his concrete plant to which Mr. Wray replied that he had made inquiries about it several years ago to the Town Manager and was told that it wasn't available for an existing business in Rocky Mount.

Siting no others wishing to speak, Mayor Angle moved the meeting back into regular session.

Motion: To approve the request

Motion By: Council Member Moyer

Second: Council Member Cundiff

Motion Discussion: None

Roll Call: Snead – Nay, Moyer – Aye, Walker – Aye, Cundiff – Aye, Love – Aye, Stockton - Aye

Action: Approved the request.

APPROVAL OF MINUTES

Received by Council in their packet for this scheduled meeting were draft minutes for review and consideration of approval:

- February 8, 2016 Regular Meeting Minutes

Motion: To approve the draft minutes as presented

Motion By: Council Member Mr. Moyer

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Stockton, Snead, Walker

Nays: None

Action: The draft minutes presented were approved by a unanimous vote

APPROVAL OF CONSENT AGENDA

This month's consent agenda consists of the following items:

(1) **Miscellaneous Action:**

Review of Budget and Capital Improvement Plan Schedule for FY 2017

(2) **Miscellaneous Resolutions/Proclamations:** None at this time

(3) **Department Monthly Reports**

- Community Development Department
- Finance Department
- Fire Department
- Police Department
- Public Works Department
- Wastewater Department
- Water Department

Discussion: None

Motion: To approve the consent agenda

Motion By: Council Member Stockton

Second: Council Member Love

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Consent agenda unanimously approved

HEARING OF CITIZENS

Mayor Angle opened the floor to anyone wishing to speak. No one came forward.

OLD BUSINESS: (none at this time)

NEW BUSINESS

Presentation of FY 2015 Audit: Discussed at the beginning of the meeting.

Street Closure Request: 2016 Johnny CASA 5 Miler-5K Run/Walk Event

Mr. Johnny Nolen spoke for the race and the event is planned for October 8th, 2016 at 8:30 a.m.

Discussion: The 2016 Johnny CASA 5 Miler-5K Run/Walk Event has been reviewed by the police department and everything was found to be the same as last year.

Motion: To approve the street closure as ask

Motion By: Council Member Snead

Second: Council Member Love

Motion Discussion: None

Ayes: Cundiff, Love, Snead, Stockton, Walker, Moyer

Nays: None

Action: Request approved by a unanimous vote

Street Closure Request: Franklin County Moonshine Festival on April 23, 2016 from 10-5 p.m.

Mrs. Nancy Bell spoke regarding the United Way of Franklin County and the Moonshine Festival to be held April 23, 2016. Mrs. Bell said that this event is born of the Shine 'n Dine from last year that was a great success and a Saturday event that had nothing to do with alcohol was wanted as well. 40 vendor applications are approved at this time in addition to crafters, food trucks, one church and the Pigg River Community Center, as well as miscellaneous demonstrations and other services. Mrs. Bell stated that there are plans for 30 + cars to be on display with Franklin County's Moonshine History and there are sponsorships, including one from WDBJ-7.

David Rotenizer, who is the Tourism Director with Franklin County, spoke of the interest in the Moonshine Festival over the many facets of advertising that have been done for the festival.

Aaron Stubbs, of 145 Claiborne Avenue, Rocky Mount, VA., who is the Executive Director for the Center for the Arts in downtown Rocky Mount, spoke. Mr. Stubbs spoke saying that he runs a business downtown and in comparing the Come Home to a Franklin County Christmas and its turnout to what might be expected at this upcoming event, he expressed an interest in closing the street for the event.

Council Member Love spoke for a business owner, Sheila Copenhaver at 275 Franklin Street who had called Council Member Love to state that she was not against the Moonshine Festival but did not like the closing of Franklin Street and how it affected her business for the day. Council Member Love made it clear that the merchant did not oppose the festival and would be ok with another route but didn't like that it was on a day when she already had a fund raiser event scheduled for the Free Clinic and felt that she would have to reschedule it.

Council Member Cundiff commented that he was a merchant on Franklin Street for 38 years and that the merchants that operate down there do so by purchasing a license that allows them to be open to the public every day of every week. Council Member Cundiff said they have a total investment in the business and he did not feel it was fair to the merchants to close the street during their business hours.

Council Member Moyer spoke that the Moonshine Festival was probably a good idea but he wasn't for closing the streets. Council Member Moyer raised the question of perhaps it could be done in some of the back streets and parking lots where the merchants could still be open to business, and people could still go and come and shop.

James Wray, business owner of Wray Enterprises in downtown Rocky Mount spoke about being a business owner in downtown Rocky Mount and how vendors don't like to come but because the streets were not closed, they didn't come back. Mr. Wray commented that there wasn't enough revenue from the folks in Rocky Mount to keep them going and that they appreciated outside folks coming into town to do business.

Council Member Stockton asked the question, could the hours be adjusted so that you didn't have to close down Franklin Street.

Council Member Moyer thought it a good concept but he also felt it was in the wrong place. He couldn't make a motion to close Franklin Street on Saturday.

Motion: To deny the request as stated.

Motion By: Council Member Moyer

Second: Council Member Cundiff

Motion Discussion: Vice Mayor Walker asks if they deny the request as it stands, could anything else be done tonight. Mr. Ervin said that an alternate motion could be made tonight if Council got a second.

Ayes: Cundiff, Love, Snead, Stockton, Walker, Moyer

Nays: None

Action: Request was denied

The Mayor suggested that the group go outside the meeting room and discuss what they would like to do and as Council came out of executive session, they could finish the discussion and come to a consensus. The item continued.

Street Closure Request: Franklin County Public Safety

Mr. Hankins spoke for the Public Safety Challenge for this year and the partial lane closure between Trinity Packaging and Byrd Lane Cemetery on State Street for the event. The same was held last year without any problem. Staff recommends the request.

Motion: To approve the partial street closure as ask

Motion By: Council Member Love

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Request approved by a unanimous vote

Request from the First Responders Memorial Commission for use of town property for development of the First Responders Memorial.

Mr. Hankins spoke on behalf of the First Responders Memorial Commission. In 2010 after the unfortunate deaths of Fire Chief Posey Dillon and former Fire Chief Danny Altice, the Town and County jointly created a commission, committing to spend \$10,000 each to fund a memorial for first responders who have died in the line of duty. In addition to the funds that have been pledged, they also have some funds that are remaining from the Lights for Life Campaign. The commission has worked to design a fitting memorial to the first responders and to identify a suitable location. Many sites have been looked at as possibilities but the one believed to be most fitting by the commission is the site at the Public Safety Building on North Main Street. The families believe that the location next to the Public Safety Building will be most fitting to honor the sacrifice of those first responders that we have lost. The Commission would like to begin by putting up the memorial first then proceed with park amenities around the memorial such as benches, trees, landscaping, lighting and flag poles. To help with funding a brick paver memorial honor walkway will be installed similar to the one at Veterans Park except this one would be open to all first responders. The only public funds that would be expended under this are the paving of parking spaces. The Public Utilities Committee met prior to this meeting and unanimously recommended to Council to permit the use of this site for the memorial. Mr. Hankins on behalf of the First Responders Memorial Commission asks that Town Council make its two parcels on North Main Street next to the Public Safety Building as space for the development of the First Responders Memorial.

Motion: To approve the request for use of Town property for the development of the First Responders Memorial.

Motion By: Council Member Moyer

Second: Council Member Snead

Motion Discussion: Vice Mayor Walker spoke to discuss the bricks which would be open to anyone who has ever served as a volunteer first responder.

Town Manager, Mr. Ervin took this opportunity to thank Mr. Hankins for his work on this project.

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Approve the request by a unanimous vote.

Committee Reports have all been covered under various items previously.

OTHER MATTERS & CONCERNS and Rise 'N Shine Appearances

Mr. Ervin was on Rise 'N Shine

CLOSED MEETING & ACTION

Enter Closed Meeting

Motion: To go into closed session under the Virginia Code Section cited below

Time: 8:40 p.m.

Virginia Code Section:

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 Office).

Motion By: Vice Mayor Walker

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Meeting convened into a closed session by a unanimous vote

Certificate of Closed Meeting Discussion:

Council certified unanimously that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting. No action was taken during the closed meeting.

Whereas, the Rocky Mount Town Council has convened a closed meeting on Monday, March 14, 2016 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 (1950), as amended, 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

(Exit Closed Meeting and Reconvene into regular session for the discussion that resumed regarding the Franklin County Moonshine Festival.)

There was much discussion between Council and the representatives for the Franklin County Moonshine Festival but there was finally a general consensus for the following motion.

Motion: The Franklin County Moonshine Festival will be held on April 23, 2016, with the vendors setting up in the private parking lots beginning at 10:00 a.m. and then close Franklin Street from Diamond Avenue to Claiborne Avenue from 12:00 p.m. to 7:00 p.m.

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Love, Snead, Stockton, Walker

Nays: Council Member Moyer (Mr. Moyer would like the record to show that he did not vote for the street being closed).

Action: Motion carries 5 to 1 to close Franklin Street from Diamond Avenue to Claiborne Avenue from 12:00 noon to 7:00 p.m. on April 23, 2016 with the proviso that vendors may begin setting up in the private parking areas that have been designated at 10:00 a.m.

ADJOURNMENT

Motion: To adjourn meeting

Time: 9:20 p.m.

Motion By: Vice Mayor Walker

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Meeting convened

Steven C. Angle, Mayor

ATTEST:

Rebecca H. Dillon, Acting Town Clerk