

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES
JULY 10, 2017**

The July 10, 2017 Regular Council 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
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton
- Mark H. Newbill

The following staff members were also present:

- John Boitnott, Town Attorney
- Tim Burton, Waste Water Superintendent
- Ken Criner, Chief of Police
- Robert Deitrich, Water Plant Superintendent
- Rebecca H. Dillon, Executive Administrative Assistant
- C. James Ervin, Town Manager
- Matthew Hankins, Assistant Town Manager
- Brian Schofield, Public Works Superintendent
- Linda P. 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

Prior to the meeting, Council had received the agenda for review and consideration of approval.

Motion: To approve the agenda

Motion By: Council Member Snead

Second: Council Member Moyer

Motion Discussion: None

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

Nays: None

Action: Approved the agenda by a unanimous vote.

SPECIAL ITEMS

Special recognition was given for J & J Fashions in regard of their 50th Anniversary of being in business in the Town of Rocky Mount for 50 years. A resolution was signed and presented by the Mayor to Mrs. Jewel Hunt and Mrs. Sheila Copenhaver, daughter of Mrs. Hunt and operator of the retail business since Mrs. Hunt's retirement.

PUBLIC HEARING

1. Transfer of Industrial Park Property

Mr. Hankins stated that the property was jointly owned by the Town and the County in a 2/3, 1/3 arrangement; the Town having the smaller part. The land was developed as part of the jointly owned Rocky Mount Industrial Park between Franklin County and the Town of Rocky Mount in the early 1980's and has been vacant since then. The Town had received interest from an industrial property; a collision repair center that would like to purchase 2.4 acres of the property. The buyers, PK Properties, LLC, were willing to complete a performance agreement that would facilitate the transfer in addition to investing over \$350,000 in the property with machinery and tools as well as create five to ten new jobs.

Staff presented this to Town Council and to the Franklin County Board of Supervisors who will hold their public hearing later in July and will be contingent upon what Council's decision is from this meeting. The 2.4 acres in the survey would be jointly paid for by the Town and County. Staff recommended that Council authorize the transfer and authorize Staff to take care of all of the details necessary to complete the transfer. Mr. Hankins stated that Staff had talked to area property holders to insure a good fit, particularly with Empire Foods.

The Mayor opened the floor if anyone would like to speak regarding the transfer of Industrial Park Property. No one came forward.

Discussion: None

Motion: To approve the transfer of industrial park property with vacating the lines.

Motion By: Council Member Snead

Second: Vice Mayor Walker

Motion Discussion: None

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

Nays: None

Action: The motion was passed unanimously

2. Special Exception Use Permit For Tabernacle of Praise Church of Christ, LLC.

Mr. Hankins stated that the Tabernacle of Praise Church of Christ LLC, represented by Mr. Holland Perdue, had applied for a special exception permit in order to operate a church at 850 State Street on property zoned as M1. The applicant had been contacted to purchase the property from the current owners if the permit was approved. The church was located at 370 Tanyard Road in the Eagle Plaza. Staff had reviewed the application and strongly recommended denial.

The M1 district was established primarily for an area of wholesale activities, warehouses and industrial operations of a light nature that would not create serious problems or create incompatibility to other land uses. Features of noise, dust, smoke and fumes should be minimal.

The application is for a church and churches are not provided for in any of the Town's industrial parcels, but are provided for in a number of commercial and residential parcels. A use not provided for is a use that is not included within the text of the permitted district uses. Because of their nature and anticipated impact, the uses require a review by the commission and governing body before approval could be granted. Uses not provided for were treated as a zoning amendment and Council reserved the right to approve or disapprove.

The subject property was approximately 6.392 acres situated at the corner of Weaver Street and State Street. The property featured a one story building, with an approximately 13,728 square foot building that was vacant. The church had intended to purchase and be located on "Lot 1" consisting of 3.074 acres, the remaining 3.318 acres would remain vacant for the current property owner to market.

Mr. Hankins stated that the proposed use violates several components of the adopted Comprehensive Plan, specifically that the industrial properties in the area should be developed for further industrial use.

The Planning Commission met on July 5, 2017 to consider the request and recommended denial on a 6-1 vote. Staff recommended that Council deny the request as the request for the church was not industrial in nature. Mr. Hankins stated that the Town did reach out to the church members to try to find a more suitable location. If there were no other sites available, Staff would still recommend against the special use permit because of the limited availability of industrial sites.

Mr. Holland Perdue then spoke on behalf of the Tabernacle of Praise Church of Christ, LLC. In the event the special use permit was approved, the goal would be to subdivide the lot into

two lots. Mr. Perdue stated that the church would like to stay in the community where Mr. Hairston grew up, and spend money with the Town. The church planned to remodel the 13,700 square foot building that had been on the market for only 2 months.

After Mr. Perdue spoke, the Mayor then called those in the audience that signed up to speak, one by one to step to the podium. He asked that each person keep their comments to 5 minutes or less.

Ms. Coretta Hale, 990 Diamond Avenue, Rocky Mount, Va. stated that she had been attending the Tabernacle for 5 years and in that time, she had seen the confidence of the children in the congregation growing with the pastor mentoring, building self-esteem as well as family values.

Mr. Jamie Hale, 990 Diamond Avenue, Rocky Mount, Va. stated that he was a 4 year heart transplant survivor and that he loved his church and his pastor and hoped the Town would consider the special exception permit.

Pastor Jeffrey Hairston, 400 Tanyard Road, Rocky Mount, Va. spoke. Mr. Hairston stated that he would like to offer a place where people could come together. Mr. Hairston made reference to the economy and said industrial growth was good but church would be open even when the places of business were closed.

Mr. Ken Belton, 1705 Waltor Circle, Salem, Va. stated that in working closely with Mr. Hairston, he had heard the plans that Council had for the Town but said the church was rapidly growing with youth and needed a larger place.

Mr. Richard Hopkins, 24 Lightfoot Lane, Rocky Mount, Va. stated that the church tried to represent the children and in doing so, had found that they needed a larger place with more room.

Mr. Doug Arrington, 270 Trail Drive, Rocky Mount, Va. stated that he had a business in the industrial park as well. Mr. Arrington spoke of there being so many places available with out having to take away the Town's Industrial Park property.

Ms. Pat Avalon, 100 Jinny Lin Way, Rocky Mount, Va. stated that she was trusting in God and the outreach of the people in the decision of the special exception permit.

The Mayor moved the meeting back into regular session and stated that he applauded the passion of the people in the church that came to speak but that the issue had to be focused on the Town's Comprehensive Plan and the industrial use it sets up. The Mayor stated that the Industrial Park was just about full and that type of property was extremely valuable and that Council had to consider the use of the property with the zoning regulations, laws and the Comprehensive Plan, etc.

Council Member Moyer stated that he appreciated everyones attitude with the church and that he hoped the church could find somewhere else to go that they like even better.

Discussion: None

Motion: To deny the request for special exception permit

Motion By: Council Member Moyer

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Walker, Newbill

Nays: Stockton

Action: The request for special exception permit was denied by a 5-1 vote

APPROVAL OF MINUTES

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

- June 12, 2017 – Regular Council Meeting

Discussion: None

Motion: To approve the draft minutes

Motion By: Vice Mayor Walker

Second: Council Member Cundiff

Motion Discussion: None

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

Nays: None

Action: Approved the motion by a unanimous vote.

APPROVAL OF CONSENT AGENDA

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

- (1) **Miscellaneous Action:** (none at this time)
- (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 as presented.

Motion By: Council Member Snead

Second: Vice Mayor Walker

Motion Discussion: None

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

Nays: None

Action: Approved the consent agenda as presented by a unanimous vote.

HEARING OF CITIZENS

Mayor Angle opened the floor to any citizens wishing to speak.

For the record, no one came forward.

OLD BUSINESS:

1. Available Funds From Bond Issue

Mr. Ervin stated that the Town of Rocky Mount borrowed \$1,500,000 via a bond issue from Carter Bank at the April 10th meeting. This was intended to be funding for a variety of Council approved projects including principally the Veteran's Memorial Park bank stabilization project and the Scuffling Hill VDOT match for curbing and guttering. Unfortunately due to a miscommunication between the Town and Carter Bank, the bond funds were not available until after the Town had spent a considerable amount (\$237,622.50) on the Veteran's Park project. Additionally Council elected not to pursue the Scuffling Hill project. To date \$1,154,845.70 had been spent or allocated and \$345,154.30 remains. Council must use the funds for projects or the Town will be participating in arbitrage.

The following are projects that staff recommended using the remaining funds for.

- A. At the June Council meeting Council allocated \$600,000 of VDOT carry over funds from the South Main Bridge to the repair of the Angle Bridge. This bridge needed a deck evaluation, expansion joint repair and an overlay to prevent salt from harming the concrete and the supporting structural steel. The project was estimated to cost \$750,000. With the \$600,000 from VDOT, the town needed \$150,000 to initiate the project. The Angle Bridge project was Staff's priority recommendation for the use of excess bond proceeds.
- B. The Capital Improvement plans showed \$80,000 requested for renovations to Mary Elizabeth Park to include fencing, resurfacing and general upkeep that was very much needed.

- C. Also in the Capital plan was a replacement pickup truck for public works for \$42,000 that would feature a snow plow and not only serve as a normal truck, but will help clear smaller residential streets.

- D. One year out in the capital plan was a replacement chipper for Public Works. Given the frequency of repair and the high use, staff recommended accelerating this purchase for \$45,000.

- E. Mayor Angle had mentioned previously that a marquee would be a good economic development tool for the Farmer's Market and the Harvester. \$25,000 could be set aside for the project.

- F. The remaining funds (\$3,154) could be allocated towards the purchase of the refuse collection truck to offset current year expenses as this is a valid capital project.

Mr. Ervin stated that the above mentioned items were all estimates and were projects the Town would get the most benefit from if Council wanted to commit the funds. Mr. Ervin spoke of Angle Bridge and said that Staff would be bringing bids to Council regarding repair work that needed to be done to the bridge. The fees to be paid for the bridge would have to be paid out of the bond proceeds; not out of the VDOT funding.

Mr. Ervin also spoke of Mary Elizabeth Park. Mr. Ervin stated that the Town had let the park go down and while funds were available; before they were spread to other things; it would be a good time to give the park a face lift. The lower court was discussed and ways that the court could be improved upon. Also discussed by Council Member Cundiff were the restrooms. Council Member Cundiff suggested building new restrooms instead of trying to repair the existing ones since the existing ones had been there for so long.

Discussion: None

Motion: To move forward with the projects as prioritized

Motion By: Council Member Newbill

Second: Council Member Stockton

Motion Discussion: None

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

Nays: None

Action: Approved the motion by a unanimous vote.

2. Water and Wastewater Rate Study Proposal

Mr. Ervin stated that Council had directed staff to include a water and sewer rate study proposal in with the economic impact study of the Harvester. The last rate study was performed in-house and was over seven years ago. Mr. Ervin stated that Virginia Tech was called on to perform a study but could not perform such a study as it was outside of their expertise. Draper Aden Associates was the leading rate study firm in Virginia (Staff have worked with them before) and they published the annual comparative report on municipal utility rates that had been shared with Council previously. Staff asked Council to authorize the study, using \$15,000 of contingency funds, to coincide with the economic impact study so that Town Council could evaluate the Town's economic development and utility expenses at a series of work sessions designed to prioritize expenses and rates over the next five years.

The Mayor asked what time frame was estimated? Mr. Ervin stated about a 6 month process.

Council Member Cundiff stated that the Town should be reminded that about 50-60% of the Town's residents were on a "fixed" income; therefore Council Member Cundiff could not support a study that would encourage a rate increase to the water bills.

Council Member Moyer stated that the Town is in the black currently and the Town is believed to have an emergency fund set aside in case anything comes up in the future; therefore he did not see the necessity of spending \$15,000 for a study. Council Member Moyer further stated that when things begin to decline, perhaps Council could take another look at the study then.

The Mayor spoke stating that it was the consensus of Council to hold off on the study until all of Council meets in the fall to have a utility work session. Perhaps it could be brought up then.

3. First Responders Memorial

Mr. Hankins stated that the Town was in the 6th year of working with its First Responders Memorial which would cover fallen first responders such as Fire, EMT and Police. The Town had a bid for the work and the commission is prepared to move forward with the work. The cost of the memorial would be \$36,510 of which the County would contribute \$10,000. The Town had held \$10,000 in its reserve accounts since the commission was formed and there was also \$8,757 to be applied as well to the fund from the Lights for Life campaign. The Town had also proposed using \$7,753 from the Town's branding account. Mr. Hankins asked if Council would approve the funding.

Discussion: None

Motion: To approve the request

Motion By: Council Member Snead

Second: Vice Mayor Walker

Motion Discussion: None

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

Nays: None

Action: Motion approved by a unanimous vote

NEW BUSINESS

None at this time

COMMITTEE REPORTS

None at this time

REFERRALS TO PLANNING

None at this time

OTHER MATTERS AND CONCERNS

Mr. Hankins and the Mayor were on Rise n' Shine.

CLOSED MEETING AND ACTION

Enter Closed Meeting

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

Time: 8:15 p.m.

Virginia Code Section:

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.

Motion By: Council Member Moyer

Second: Vice Mayor Walker

Motion Discussion: None

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

Nays: None

Action: To go into a closed meeting

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

ADJOURNMENT

Motion: To adjourn meeting

Time: 8:25 p.m.

Motion By: Vice Mayor Walker

Second: Council Member Snead

Motion Discussion: None

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

Nays: None

Action: Adjourned by a unanimous vote

Steven C. Angle, Mayor

ATTEST:

Rebecca H. Dillon, Town Clerk