

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES
OCTOBER 9, 2017**

The October 9, 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
- Mark Lovern, Lieutenant of Patrol
- Jeff Rakes, Fire Chief
- 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 Newbill

Second: Vice Mayor Walker

Motion Discussion: None

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

Nays: None

Action: Approved the agenda by a unanimous vote.

SPECIAL ITEMS

As October is National Chiropractic Health Month, special recognition was given to the Rocky Mount area Chiropractors. Mayor Angle read and presented guest chiropractors with a resolution for their help in non-drug approaches to pain management.

Cherie Compton, a new member of the Town Staff was introduced at this time. Cherie comes to the Town as Administrative Assistant to Community Development and after having spent 12 years with Carter Bank and Trust.

PUBLIC HEARING

Franklin County Public Schools has applied for a rezoning of approximately 40 acres of property on Perdue Lane in order to match the current zoning of the high school. Upon approval, Franklin County will transfer ownership to Franklin County Public Schools to continue to be held for future high school expansion. Staff has reviewed the application and recommends approval, as does the Planning Commission with a (7-0) vote. The application was advertised in the Franklin News-Post as required by law, and the public hearing notice was posted.

On October 3, 2017, the Town of Rocky Mount Planning Commission held a site visit and a public hearing. The town planner gave a summary of the staff report and recommended approval of the rezoning based on compliance with the Comprehensive plan and future land use map. The applicant's representative was present and answered questions from the commission. Approximately 10 residents attended the meeting, mostly Perdue Lane neighbors to the property, with public comment from one property owner, Brenda Muse, who expressed several concerns she would hope to have addressed by the schools as future expansion plans progressed, but noted she fully supported expansion. The planning commission noted that the school could expand on the property whether zoned R2 (Residential) or POS (Public Open Space), so there would be no impacts on neighboring from the rezoning itself.

Franklin County Public Schools proposed to rezone adjoining property at Perdue Lane from R2 (Residential District) to POS (Public Open Space). This land was vacant and earmarked for potential future school expansion.

The applicant wishes to have the property rezoned to Public Open Space so that it will be appropriately zoned for expanding and extending the high school campus. Due to its current zoning classification, the school could be limited in future expansions that involved recreational facilities.

A rezoning to Public Open Space will allow future expansion of the school campus that could include public and school recreational, educational and parking facilities. The rezoning was supported by staff and the Town's Comprehensive Plan.

Council Member Stockton asked if anyone could put a timeline on the improvements being discussed. Mr. Jon Crutchfield, of 265 Ruritan Road, Rocky Mount, who is the current principal at Franklin County High School, stated that perhaps from start to finish, the amount of time it would take would be approximately 3 - 4 years, which would include funding and approval from the Board of Supervisors and the Franklin County School Board.

Brenda Muse of 145 Perdue Lane, Rocky Mount, VA spoke regarding the high school expansion particularly the POS rezoning and any restrictions. Ms. Muse stated that because she does live on Perdue Lane, close to the High School, over the years there had been many times when she was inconvenienced by the school and at times, could not even get onto her property because of things going on at the school. Ms. Muse raised the concern of the rezoning having a direct impact on their property taxes and will there be a new mandate on the property that has been zoned POS. Ms. Muse also stated that there were already 500 plus student cars and 70 plus buses each day over Perdue Lane and asked if the road could handle that amount of traffic? Also, what type of safety measures would be in place with that volume of traffic? A few more of her concerns were how close to the residents living there would the lighting be, what about a speed limit on Perdue Lane and would there be an additional exit to the existing road.

The Mayor stated that there was a traffic study being conducted and that the things brought to Council's attention, would be addressed in the future.

A discussion ensued.

Discussion: None

Motion: To approve the rezoning request.

Motion By: Council Member Snead

Second: Vice Mayor Walker

Motion Discussion: None

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

Nays: None

Action: Approved the motion by a unanimous vote.

APPROVAL OF MINUTES

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

- September 11, 2017 – Regular Meeting Minutes
- April 10, 2017 – Regular Meeting Minutes
- April 11, 2017 – Budget Work Session No. 1 Minutes

Note that the minutes being approved from April 10, 2017 and April 11, 2017 were from a scrivener's error. Mr. Ervin stated that the error was a date error caught by the auditors. The minutes being brought before Council for approval at this meeting was to create a good paper trail of correcting that error.

Discussion: None

Motion: To approve the draft minutes

Motion By: Vice Mayor Walker

Second: Council Member Stockton

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**
- (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 Moyer

Second: Council Member Snead

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:

None at this time

NEW BUSINESS

1. Sewer Ordinance Chapter 58 of Town Code

Mr. Ervin stated that Chapter 58 of Town Code dealt with utilities and the regulation of those connecting to our water and waste water services. The current code was decades old and failed to reflect current EPA and DEQ standards and minimum requirements for local code. Over the past year and a half, Mr. Burton has been developing a rewrite of Chapter 58 with input from the Town Attorney, Town Manager and the Water Treatment Plant Superintendent. Your Town Attorney used this opportunity to fold in prior changes to Chapter 58 so that they could be codified prior to the issuance of a code supplement.

Submitted for Town Council's consideration was the result of the review, a revised Chapter 58. The principle additions to the code were rules for industrial users and the formalization of a pre-treatment process. The rules were required by state and federal regulations, but were also essential as the Town attempts to recruit industrial utility users.

The Public Utilities Committee reviewed the new Chapter 58 with staff on September 27, 2017 and recommended that Town Council adopt the proposed code revision.

The Mayor asked Mr. Cundiff who was Chairman of the Public Utilities Committee, if he had any input. Mr. Cundiff stated that the revision would be an enforcement that the Town needed at the Wastewater Treatment Plant and would give Mr. Burton the opportunity to say yes or no to questions as they came along.

Discussion: None

Motion: To adopt the sewer ordinance Chapter 58, to update the Town Code.

Motion By: Council Member Cundiff

Second: Vice Mayor Walker

Motion Discussion: None

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

Nays: None

Action: Motion approved by a unanimous vote

2. BPOL Tax Regarding Temporary Automotive Dealership at Walmart

Mr. Ervin stated that approximately 3 years ago, Nelson Automotive began having sales at Walmart. Some members of Council had asked about the amount of Business, Professional and Occupational Licenses fees they pay for such events. Nelson Automotive had performed the events under an annual Itinerant Merchant License for a fee of \$500.

The Itinerant Merchant License fees were considered by Council when the automotive industry first started the events and elected to not change the BPOL rules as there were no new car dealers in Town that they were competing with. Additionally § 58.1-3734 provides that automotive dealers subject to a BPOL tax may itemize that tax on the sale of a vehicle.

There was flexibility in addressing this, ranging from creating a maximum allowed gross sales under the Itinerant Merchant license. However, such a change could simply result in an itemized charge to the purchaser.

Staff seeks guidance from Council as to if this should be addressed or if it was still the consensus of Council that no additional BPOL fees should be applied to these transactions until such times as there is a dealer in Rocky Mount that would be placed at a competitive disadvantage by competing with a seller that did not have normal BPOL fees collected from their transactions.

Mr. Ervin stated that Nelson Automotive were having a sale approximately once a quarter in Rocky Mount. Vice Mayor Walker asked what would a person that sells Christmas Trees at the Farmer's Market have to pay? Ms. Woody stated that for Itinerant Merchants, that were selling perishable goods; the fee was \$50.00. If the goods being sold were nonperishable goods such as an automobile; then the fee was \$500.00.

Council Member Moyer stated that he would like to see the automobile dealer purchase a license to sell automobiles while in Franklin County to support Franklin County while they were in Franklin County.

Mr. Ervin asked if the consensus of Council was to take the subject to committee and discuss the options. The Finance and Human Services Committee would meet and discuss and report back to Town Council at the November 13, 2017 Town Council meeting.

COMMITTEE REPORTS

Public Utilities Committee Meeting Report from September 27, 2017

The item was considered under new business.

REFERRALS TO PLANNING

None at this time

OTHER MATTERS AND CONCERNS

Mr. Hankins stated that the Board of Zoning Appeals had met and approved the request from Council Member Snead to build a new carport at his residence. The Board of Zoning Appeals allowed Council Member Snead to encroach on his side yard.

Council Member Moyer asked for an update on the First Responders Memorial on North Main Street. Mr. Hankins stated that the landscape architects had marked the location and checked the site for accessibility. Also, Mr. Hankins indicated that staff was almost finished with the design so the design could go to production. Staff hoped to have the memorial produced by the end of October and were hoping to get the memorial up in November. Mr. Ervin stated that Council will be invited to a dedication, weather permitting, when that time arrives.

Mr. Hankins spoke regarding the Cops and Bobbers Youth Fishing Rodeo at Gilley's Pond at 790 Trail Drive, to be held October 28th, from 9 a.m. – 1 p.m. Come out and fish with the kids. Officer Andy Pendleton had taken over the responsibility for the event regarding the policing side and Mr. Burton was helping.

CLOSED MEETING AND ACTION

Enter Closed Meeting

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

Time: 7:44 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. (Impound Lot)

Motion By: Council Member Snead

Second: Council Member Stockton

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: 8:07 p.m.

Motion By: Council Member Newbill

Second: Vice Mayor Walker

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