

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES**

**February 8, 2021
7:00 p.m.**

The following members of Council were present:

Mayor Steven C. Angle
Council Member Billie W. Stockton
Council Member Mark H. Newbill
Vice Mayor Jon W. Snead
Council Member J. Tyler Lee

The following staff members were also present:

John T. Boitnott, Town Attorney

Rebecca H. Dillon, Town Clerk/Executive Administrative Assistant
C. James Ervin, Town Manager

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, with Mayor Steven C. Angle presiding.

1. Roll Call

The Town Clerk called each member of the Rocky Mount Town Council by name to account that each one was present.

2. Pledge of Allegiance

Mayor Angle led in saying the Pledge of Allegiance.

3. Approval of Agenda

Mayor Angle addressed viewers of the meeting, reminding them that due to Governor Northam's order regarding COVID-19, the Rocky Mount Town Council and the state of Virginia were still under a limit of 10 people to attend meetings.

The agenda was amended to make a few additions to the closed meeting items for the evening to include 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 Manager's Office)

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 Council)

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. (Economic Development Authority)

Motion: To approve

Motion By: Council Member Lee

Seconded: Council Member Stockton

Motion Discussion: None

Approved by unanimous vote

4. Special Items (none at this time)

Mayor Angle regrettably shared with the public that Council Member Bobby M. Cundiff had resigned his seat with the Rocky Mount Town Council effective this date of February 8, 2021. Mayor Angle further shared that the members of Council and the Town would certainly miss Mr. Cundiff's counsel and dedication to the Town and the Town's citizens. Mayor Angle wished Mr. Cundiff well going forward and thanked Mr. Cundiff for the service Mr. Cundiff gave to the Town of Rocky Mount.

5. Public Hearing

Mayor Angle recesses to begin the Public Hearing.

5.1 Disposal of Town Property Behind 325 Franklin Street Formerly Known as Angle Street

The owner of 325FranklinSt LLC, Mr. Phillip Bane, had previously asked Town Council for the right-of-way to the portion of Angle Street that was left after the Town of Rocky Mount closed the intersection of Angle Street and Claiborne Avenue in conjunction with the Franklin County Library project. The portion of Angle Street described was suitable for abandonment. Town Council had at that time indicated that the Town would deed the prior right-of-way to the developer in conjunction with a redevelopment proposal and a set of plans submitted which Mr. Bane did submit. Mr. Bane was seeking a Zoning Permit and the proposed development that Mr. Bane has continued to work on for some time now, could not go forward until a Zoning Permit could be issued so that a Building Permit could be obtained because a portion of the right-a-way referenced here was being used by the renovated building therefore, the Zoning Permit nor the Building Permit could be issued until the developer was given access to that right-of-way. The meeting was closed to the public so comments from the public were still being received from email by Town Clerk Dillon though no comments were received regarding this public hearing. State Code Section 15.2-1800 requires that localities hold a public hearing prior to disposing of real property. The public hearing was duly advertised. An aerial view of the portion of Angle Street discussed, was in Council's packet for review prior to the meeting.

Staff shared that Town Council had in the past had the view of the right-of-way being available perhaps as part of a redevelopment effort and so staff recommended that the right-of-way be deeded to the owner of 325Franklin St LLC, Mr. Bane, to use in conjunction with the development plans that had been submitted to the Town. Staff recommended a "call back clause" for 1 year and lease the parcel to the developer which would have an optional renewal at Council's discretion. When the developer can obtain a certificate of occupancy, the property would be permanently transferred to the developer.

Town Attorney Boitnott referred to the agreement between the Town and the developer as a performance agreement that would require the developer to perform certain things in the future and upon completion of which, the title would be transferred without any other action required by Council. If the things required to be completed within the 1 year time period are not completed, then the title would not be transferred to the developer and Council would have the option to extend the performance agreement for another period of time or Council might not extend the agreement. If at the end of the 1-year period, the things required were completed and the portion of Angle Street was abandoned right-of-way to the developer, that portion of real property would be permanently joined to the property at 325Franklin St LLC.

Motion: To move forward with the performance agreement for a 1-year period of time

Motion By: Council Member Stockton

Seconded: Vice Mayor Snead

Motion Discussion: None

Approved by unanimous vote

5.2 Special Use Permit for Chasity S. Wade Regarding a Manufactured Home on Byrd Lane

Ms. Chasity Wade applied for a special use permit in order to place a manufactured home of 1,791 square feet on a 1.14-acre lot located on Byrd Lane that was zoned as RB-Residential Business. The manufactured home, also commonly known as a double wide, was 28 feet x 68 feet. If approved, the manufactured home would be placed on a permanent foundation at 470 Byrd Lane, Rocky Mount and would be built to federal standards known as HUD versus State Code. At this time, the Town code only allows manufactured homes on Residential Agricultural zoned properties.

On February 3, 2021, the Town of Rocky Mount Planning Commission held a site visit and a public hearing for a Special Use Permit regarding 470 Byrd Lane in which a motion was made to recommend approval of the permit. The motion was made to recommend approval of the permit and passed with a vote of 6-0. There was one public comment by email to the Community Development Assistant in favor of the application. The Special Use Permit application was advertised in the Franklin News Post as required by law, and the public hearing notice sign was posted on the site. Also, a schematic diagram of the proposed home was placed on the Diaz for each member of Council to review.

Motion: To approve the Special Use Permit as requested

Motion By: Vice Mayor Snead

Seconded: Council Member Newbill

Motion Discussion: None

Approved by unanimous vote

6. **Approval of Draft Minutes**

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

6.1 January 11, 2021 – Regular Meeting Minutes

Motion: To approve the draft minutes as presented

Motion By: Council Member Lee

Seconded: Council Member Stockton

Motion Discussion: None

Approved by unanimous vote

7. Approval of Consent Agenda

7.1 Miscellaneous Action (none at this time)

7.2 Miscellaneous Resolutions/Proclamations (none at this time)

7.3 Departmental Monthly Reports

7.3.1 Community Development Department

7.3.2 Finance Department

7.3.3 Fire Department

7.3.4 Police Department

7.3.5 Public Works Department

7.3.6 Wastewater Department

7.3.7 Water Department

Motion: To approve

Motion By: Council Member Lee

Seconded: Vice Mayor Snead

Motion Discussion: None

Approved by unanimous vote

8. Hearing of Citizens

Mayor Angle reminded the public that the Town was still under restrictions by Governor Northam to have no more than 10 people in the room for the Council meeting therefore,

Town Clerk Dillon was accepting email correspondence from citizens that wished to have their comments entered into the record since the meeting was a closed meeting.

There were no public comments for this meeting.

9. **Old Business**

9.1 Clarification of COVID Leave

The COVID leave discussed at the January 11, 2021 regular Council meeting was not discussed during the meeting as a cumulative leave, therefore Town Manager Ervin brought the item back before Council again at this meeting to further communicate Staff's interpretation of the Families First Corona Virus Response Act (FFCRA) and Council's actions.

No action was needed at this time.

9.2 Supplemental Appropriation Resolution for the Replacement of the Public Works Bucket Truck

The supplemental appropriations resolution for the Public Works bucket truck went out in Council's packet prior to the meeting for \$110,638.00 from the General Fund fund balance to cover the cost of the bucket truck that was recommended by the Finance Committee on January 5, 2021 and recommended by Council as a whole group on January 11, 2021.

Motion: To approve the supplemental appropriations resolution to purchase the bucket truck for the Public Works Department.

Motion By: Council Member Lee

Seconded: Council Member Stockton

Motion Discussion: None

MEMBERS	ATTENDANCE	VOTE
J. Tyler Lee	Present	Yes
Robert L. Moyer	Present	Yes
Mark H. Newbill	Present	Yes
Jon W. Snead	Present	Yes
Billie W. Stockton	Present	Yes

Action: Mayor Angle voted yes to approve the supplemental appropriation resolution for the bucket truck. The motion to approve the resolution, including Mayor Angle, was passed on a vote of 6 to 0 in favor of the Public Works bucket truck.

Approved by unanimous vote

10. New Business

- 10.1 Review and Consideration for the Rocky Mount Fire Department to Give the Fire Safe House to Scruggs Fire and Rescue

Some time ago the Rocky Mount Fire Department acquired a "safe house" trailer for child fire education years ago. The current value of the trailer was estimated to be \$10,000.00. Town Manager Ervin shared with Council that the Rocky Mount Fire Department had not utilized the trailer therefore the Fire Department would like to donate the trailer to Scruggs Fire and Rescue who have the man power to use the equipment and educate children within all of Franklin County.

Motion: To approve the donation of the Rocky Mount Fire Department's "safe house" to Scruggs Fire and Rescue

Motion By: Council Member Lee

Seconded: Vice Mayor Snead

Motion Discussion: None

Approved by unanimous vote

11. Committee Reports (none at this time)

12. Other Matters, Concerns and Rise 'N Shine Appearances

Town Manager Ervin was on Rise 'N Shine.

There were no concerns at this time.

13. Closed Meeting and Action

Mayor Angle read aloud sections.

Enter Closed Meeting

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

Time: 7:35 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. (Board of Zoning Appeals)

Section 2.2-3711(A).5 Discussion concerning a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Tanyard Road)

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. (Economic Development Authority)

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)

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 Council)

Motion By: Council Member Lee

Second: Council Member Stockton

Motion Discussion: None

Approved (4 to 0)

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

14. **Adjournment**

Motion: To adjourn

Time: 8:20 p.m.

Motion By: Council Member Lee

Seconded By: Council Member Stockton

Motion Discussion: None

Ayes: Council Member Lee, Council Member Moyer, Council Member Newbill,
Vice Mayor Snead, and Council Member Stockton

Approved by a unanimous vote

Action: Meeting was adjourned

Steven C. Angle, Mayor

ATTEST:

Rebecca H. Dillon, Town Clerk