



TOWN COUNCIL
REGULAR MEETING
AGENDA

June 12, 2023
6:00 PM

Council Chambers, Rocky Mount Municipal Building
345 Donald Avenue, Rocky Mount, Virginia

When speaking before Town Council, please come to the podium and give your name for the record. Please address the Council and not the audience. You will be limited to three (3) minutes and the other rules listed on the sign-up sheet. If you provide Council with any documentation, please also give a copy to the Town Clerk prior to speaking.

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All cellular phones must be turned off during the Council Meeting.

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The Town of Rocky Mount is pleased to offer assistive listening devices for meeting attendees with special hearing needs. Please ask any staff member or the Town Clerk for assistance.

1. Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Consent Agenda
 - 4.1. Approval of Draft Minutes
 - Regular Town Council Meeting Draft Minutes - May 8, 2023
 - Special Called Town Council Meeting Draft Minutes- May18, 2023
 - Town Council and Planning Commission Joint Work Session Draft Minutes - May 18, 2023
 - 4.2. Miscellaneous Action
 - 4.3. Miscellaneous Resolutions/Proclamations
 - 4.4. Departmental Monthly Reports
 - Community Development Department
 - Finance Department
 - Fire Department

Police Department

Public Works Department

Wastewater Department

Water Department

5. Special Items

5.1. Presentation by Senator Bill Stanley

5.2. 150th Anniversary Highlight

5.3. Alzheimer's and Brain Awareness Month Proclamation

6. Public Hearings

6.1. J. Cooke Towing is requesting a special exception permit to allow the storage of towed vehicles inside the existing garage located at 10 Pell Avenue, Rocky Mount, VA, 24151, Franklin County Tax Map and Parcel Number 2070009000. The property is zoned CBD (Central Business District).

6.2. Amendments to the Adopted FY 2022-2023 Budget

6.3. The Intention of the Town to Authorize the Issuance of Not to Exceed \$5,150,000 Principal Amount of a General Obligation Bond for the Purpose of Financing Land Acquisition and Related Improvements by the Economic Development Authority of the Town of Rocky Mount.

7. Hearing of Citizens

8. Closed Meeting and Action

8.1. 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.

8.2. 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.

8.3. 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.

8.4. Section 2.2-3711(A).7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

9. Adjournment



**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES**

**May 8, 2023
6:00 p.m.**

The following members
of Council were present:

Mayor C. Holland Perdue III
Council Member A. Ralph Casey
Council Member David K. Clements
Council Member Benjamin K. Mullins
Council Member Mark H. Newbill

Vice Mayor Billie W. Stockton arrived at 6:20 p.m.

The following staff
members were also
present:

John T. Boitnott, Town Attorney
Robert J. Wood, Town Manager
Rebecca H. Dillon, Town Clerk/Executive Admin. Assistant
Michael "Kevin" Adkins, Water Treatment Plant Superintendent
Vincent Copenhaver, Finance Director
Jessica H. Heckman, Planning & Zoning Administrator
Mark W. Moore, Assistant Town Manager
Daniel Pinard, Economic & Cultural Development Director
Dennis "Moe" Potter, Wastewater Treatment Plant
Brian Schofield, Public Works Superintendent
Jason T. Divers, Lieutenant of Patrol, RMPD
Justin Woodrow, Fire Chief, RMVFD

The 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 C. Holland Perdue III presiding.

1. Roll Call

The Town Clerk called each member of the Rocky Mount Town Council by name to account for the members that were present.

Vice Mayor Stockton arrived at 6:20 p.m. due to a prior engagement he had to attend.

Now therefore a quorum of the Rocky Mount Town Council had assembled for this meeting, at Town Attorney Boitnott's direction, a vote was taken to allow Council Member Lee to participate in this meeting by conference phone due to him being absent in person which was due to personal reasons of him being out of town for work. The location of Council Member Lee was Homewood Suites by Hilton, Washington DC Convention Center, New York Avenue Northwest, Washington, DC 20001. The policy to allow remote participation in the meeting was approved at the Regular Council Meeting on December 12, 2022. It was passed by a unanimous vote.

Motion: To allow Council Member Lee to participate remotely in this Town Council Regular Meeting as presented by Mayor C. Holland Perdue III.

Motion By: Council Member Newbill

Second: Council Member Mullins

Motion Discussion: None

Ayes: (4): Council Member Casey, Council Member Clements, Council Member Mullins, and Council Member Newbill

Approved (4 to 0)

2. Pledge of Allegiance

Mayor Perdue led in saying the pledge of allegiance.

3. Approval of Agenda

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

Motion: To approve the agenda as presented

Motion By: Council Member Newbill

Seconded: Council Member Casey

Motion Discussion: None

Ayes: (5): Council Member Casey, Council Member Clements, Council Member Lee, Council Member Mullins, and Council Member Newbill.

Approved (5 to 0)

4. **Approval of Consent Agenda**

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

6.1 Approval of Draft Minutes

Regular Town Council Meeting Draft Minutes – April 10, 2023

Proposed FY2024 Budget Worksession No. 1 Draft Meeting Minutes -
April 18, 2023

Proposed FY2024 Budget Worksession No. 2 Draft Meeting Minutes –
April 20, 2023

Proposed FY2024 Budget Public Hearing Draft Meeting Minutes – May 1,
2023

6.2 Miscellaneous Action

Community Partnership Revitalization request to hold three events:

1. Court Days – June 10, 2023
2. Community Christmas Tree Lighting – November 24, 2023
3. Come Home to a Franklin County Christmas – December 1, 2023

6.3 Miscellaneous Resolutions/Proclamations

6.4 Departmental Monthly Reports

Community Development Department

Finance Department

Fire Department

Police Department

Public Works Department

Wastewater Department

Water Department

Motion: To approve the consent agenda as presented

Motion By: Council Member Mullins

Seconded: Council Member Casey

Motion Discussion: None

Ayes: (5): Council Member Casey, Council Member Clements, Council Member Lee,
Council Member Mullins, and Council Member Newbill

Approved (5 – 0)

5. Special Items

150th Anniversary History Highlight:

Ms. Barbara Chauncey gave Council and the audience a brief look into the history of the Town of Rocky Mount's courthouse.

In 1785, the county of Franklin was decreed by the state assembly and shortly after that, Governor Patrick Henry, appointed a commission whose duty was to appoint justices of Franklin County. Some of the names appointed were Mr. Moses Greer, and Mr. Peter Saunders. Since Rocky Mount at that time did not have a courthouse, the justices were to meet once a month at where we know today as Dr. Francis Amos's house.

A permanent courthouse was constructed after that time period, near where the courthouse is located currently. The building was built of log with a substantial foundation and a roof made of chestnut shingles. In 1831, the structure was demolished, and a more substantial building was built. The courthouse that is known today, was completed in 1910. Mr. Higgins, a prominent well-known architect from Roanoke designed the building.

6. Action Items

6.1 Resolution to petition the Virginia Department of Transportation to accept street additions for street maintenance payments.

Funding is given to the Town each year from the state to use for road maintenance such as lane miles. The town has three streets that need to be added to the town's street inventory for maintenance payments.

Motion: To approve the submission of the resolution presented to Council regarding petitioning VDOT to review and add to the town's street inventory for maintenance payments as presented.

Motion By: Council Member Newbill

Seconded: Council Member Mullins

Motion Discussion: None

Ayes: (5): Council Member Casey, Council Member Clements, Council Member Lee, Council Member Mullins, and Council Member Newbill

Approved (5 – 0)

6.2 Proposed Scheduling for Financing for the potential purchase of 64.4 acres of land at Old Franklin Turnpike and 220 North.

A draft calendar was brought to Council for their approval at the April 10th regular meeting so the Town will be in a position to secure funding for the recent land purchase. Finance Director Copenhaver shared with Council the calendar that was in their packet with one change. The Economic Development Authority meeting has been moved to June 27th, from May 23rd. Staff requested Council's approval on the revised calendar so Davenport might be able to proceed with the request for proposal (RFP) for a competitive bank loan. The results of the RFP will be presented to Council at the June 12th regular Council meeting.

Motion: To approve the draft calendar as presented

Motion By: Council Member Mullins

Seconded: Council Member Casey

Motion Discussion: None

Ayes: (5): Council Member Casey, Council Member Clements, Council Member Lee, Council Member Mullins, and Council Member Newbill

Approved (5 – 0)

6.3 Approve Utility Easement AEP on Town owned property on Windy Lane

During the past winter, the electric power would go off as it was overloaded due to the line in the Windy Lane section of town (including the Windy Lane apartment building) becoming overloaded and shutting down, sometimes even for a couple of days. It was determined that the line that serves the area was overloaded during the extreme cold weather due to all of the heaters that were being used for citizens to keep warm.

AEP would like to run an additional line to the area that would divide up the load of electricity going to the area into two lines to take some of the weight off of the one existing line. To perform the work needed, AEP has asked for an easement to the property that is owned by the Town at the end of Windy Lane.

Council Member Casey shared with Council the power line in the area is critical to have the additional line run as when the temperature drops below 20 degrees, the AEP is not able to restore the power until the temperature rises back to 32 degrees.

Town Manager Wood shared with Council that AEP would build the electric line and perform all of the work. The Town has only been asked to provide the easement to allow the work to be done. There will be no charge to the town.

Motion: To approve the easement for AEP to build an additional electric line to serve the property in the Windy Lane section of town that is owned by the Town as presented.

Motion By: Council Member Lee

Seconded: Council Member Casey

Motion Discussion: None

Ayes: (5): Council Member Casey, Council Member Clements, Council Member Lee, Council Member Mullins, and Council Member Newbill

Approved (5 – 0)

Mayor Perdue requested holding a short recess of the meeting to allow Vice Mayor Stockton time to join the other members of Council from a previously scheduled engagement.

Motion: To hold a short recess as Mayor Perdue requested.

Motion By: Council Member Newbill

Seconded: Council Member Clements

Motion Discussion: None

Ayes: (5): Council Member Casey, Council Member Clements, Council Member Lee, Council Member Mullins, and Council Member Newbill

Approved (5 – 0)

Vice Mayor Stockton arrived at 6:15 p.m.; Mayor Perdue called the meeting back into session at 6:22 p.m.

6.4 Resolution to adopt and appropriate the Fiscal Year 2024 Budget, adopt the Tax Rates, Fees, and Utility Rates, and adopt the Fiscal year 2024-2028 Capital Improvement Program and Ordinance to Amend Town Code.

Council was presented with a draft budget and the draft budget was reviewed during two work sessions on April 18th and April 20th. The proposed budget was advertised for public input and a public hearing was held on May 1st. There were comments made during the public hearing by a total of four people. All four expressed interest in not approving the FY2024 budget.

Motion: To approve the resolution to adopt the FY2024 budget and to adopt the Meals Tax ordinance to amend the Town Code concerning the increase on the amount of meals tax the town can charge on purchased meals.

Motion By: Council Member Mullins

Seconded: Council Member Casey

Motion Discussion on the Resolution to Adopt the FY2024 Budget, Adopt the Tax Rates, Fees, and Utility Rates and Adopt the FY2024-2028 Capital Improvement Program OR to Adopt the Meals Tax Ordinance to Amend the Town Code Concerning the Increase on the Amount of Meals Tax the Town can Charge on Purchased Meals: There was no discussion on any of the items under 6.4.

MEMBERS	ATTENDANCE	VOTE
J. Tyler Lee	Present	No
Mark H. Newbill	Present	Yes
A. Ralph Casey	Present	Yes
David K. Clements	Present	Yes
Benjamin K. Mullins	Present	Yes
Billie W. Stockton	Present	Yes
Mayor, C. Holland Perdue III	Present	Yes

Ayes: 6

Nays: 1

Action: The Budget for FY2024, including Mayor Perdue voting, was approved on a vote of 6 to 1 in favor of The Budget as presented and to adopt the Meals Tax ordinance to amend the Town Code concerning the amount of meals tax the town can charge on purchased meals.

7. Hearing of Citizens

Mr. Josh Smallwood, 625 Glenn Wood Drive, Rocky Mount, Va., he is headmaster of Christian Heritage Academy (CHA). Mr. Smallwood shared that he had only been over the school for a short time but has been a resident of Franklin County for 10 years. Mr. Smallwood asked to come before Council to put a name to a face and to share with council that CHA as a member of the community, is here to serve the Town of Rocky Mount.

Mr. & Mrs. Scott Chase (Patricia), moved to Franklin County nine months ago and came to the meeting to express thanks to Council for their service.

8. Closed Meeting and Action

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

Time: 6:33 p.m.

Virginia Code Section:

8.1 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.

8.2 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: Vice Mayor Stockton

Second: Council Member Clements

Motion Discussion: None

Action: To go into a closed meeting

Ayes: (6): Vice Mayor Stockton, Council Member Casey, Council Member Clements, Council Member Lee, Council Member Mullins, and Council Member Newbill

Approved (6 – 0)

Going Into Closed Session

Returning from Closed Session

Town Clerk Dillon Stated the Recording had Resumed

Time: 6:55 p.m.

Mayor Perdue Called for a Roll Call Vote for each Council Member to Certify Discussion During the Closed Meeting.

A ROLL CALL VOTE WAS REQUIRED:

MEMBERS	ATTENDANCE	VOTE
Vice Mayor Stockton	Present	Certify
A. Ralph Casey	Present	Certify
David K. Clements	Present	Certify
J. Tyler Lee	Present	Certify
Benjamin K. Mullins	Present	Certify
Mark H. Newbill	Present	Certify
Mayor, C. Holland Perdue III	Present	Certify

Certified: (6): Vice Mayor Stockton, Council Member Casey, Council Member Clements, Council Member Lee, Council Member Mullins, Council Member Newbill, and Mayor C. Holland Perdue III

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, May 8, 2023, 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.

C. Holland Perdue III, Mayor

15. Adjournment

Motion: To adjourn

Time: 7:05 p.m.

Motion By: Council Member Lee

Seconded By: Vice Mayor Stockton

Motion Discussion: None

Ayes: (6): Vice Mayor Stockton, Council Member Casey, Council Member Clements, Council Member Lee, Council Member Mullins, and Council Member Newbill

Approved (6 – 0)

Action: Meeting was adjourned

C. Holland Perdue III, Mayor

ATTEST:

Rebecca H. Dillon, Town Clerk

DRAFT



**ROCKY MOUNT TOWN COUNCIL
SPECIAL CALLED MEETING MINUTES**

**May 18, 2023
6:00 p.m.**

The following members
of Council were present:

Mayor C. Holland Perdue III
Vice Mayor Billie W. Stockton
Council Member Benjamin K. Mullins
Council Member Mark H. Newbill

The following staff
members were also
present:

Robert J. Wood, Town Manager
Mark Moore, Assistant Town Manager
Cherie Compton, Clerk

The Special Called Meeting of the Rocky Mount Town Council (hereafter referred to as “Council”) was held at the Rocky Mount Train Depot at 52 Franklin Street, Rocky Mount, Virginia, with Mayor C. Holland Perdue III presiding.

1. Roll Call

The Clerk called each member of the Rocky Mount Town Council by name to account for all members present.

2. Approval of Agenda

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

Motion: To approve the agenda as presented

Motion By: Council Member Mullins

Seconded: Vice Mayor Stockton

Motion Discussion: None

Ayes: (4): Mayor Perdue, Vice Mayor Stockton, Council Member Mullins, and Council Member Newbill.

Approved (4 to 0)

3. **Appointment to Economic Development Authority**

Mayor C. Holland Perdue III asked if there were any nominations for the position on the Economic Development Authority board.

Motion: To appoint Anna Robertson onto the Economic Development Authority board

Motion By: Council Member Mullins

Seconded: Vice Mayor Stockton

Motion Discussion: None

Ayes: (4): Mayor Perdue, Vice Mayor Stockton, Council Member Mullins, and Council Member Newbill.

Approved (4 to 0)

4. **Appointment to Planning Commission**

Mayor C. Holland Perdue III stated that Ina Clements, William Waller, and John Tiggie were up for reappointment and asked if there was a motion to reappoint those members.

Motion: To reappoint Planning Commission members Ina Clements, William Waller, and John Tiggie to the Planning Commission Board

Motion By: Council Member Mullins

Seconded: Council Member Newbill

Motion Discussion: None

Ayes: (4): Mayor Perdue, Vice Mayor Stockton, Council Member Mullins, and Council Member Newbill.

Approved (4 to 0)

Mayor C. Holland Perdue stated that there was also a vacant position to fill on the Planning Commission board and asked if there were any nominations for the position.

Motion: To appoint Bobby Thompson to the Planning Commission board

Motion By: Council Member Mullins

Seconded: Vice Mayor Stockton

Motion Discussion: None

Ayes: (4): Mayor Perdue, Vice Mayor Stockton, Council Member Mullins, and Council Member Newbill.

Approved (4 to 0)

5. **Adjournment**

Motion: To adjourn

Time: 6:03 p.m.

Motion By: Vice Mayor Stockton

Seconded By: Council Member Newbill

Motion Discussion: None

Ayes: (4): Mayor Perdue, Vice Mayor Stockton, Council Member Mullins, and
Council Member Newbill

Approved (4 – 0)

Action: Meeting was adjourned

C. Holland Perdue III, Mayor

ATTEST:

Cherie Compton, Clerk



**ROCKY MOUNT TOWN COUNCIL & PLANNING COMMISSION
JOINT WORKSESSION
MEETING MINUTES**

**May 18, 2023
6:00 p.m.**

The following members
of Council were present:

Mayor C. Holland Perdue III
Vice Mayor Billie W. Stockton
Council Member Benjamin K. Mullins
Council Member Mark H. Newbill

The following members
of the Planning Commission
were present:

Chair Janet Stockton
Vice Chair Bud Blanchard
Commission Member William Ball
Commission Member Ina Clements
Commission Member John Tiggle
Commission Member Bobby Thompson

The following staff
members were also
present:

Robert J. Wood, Town Manager
Mark Moore, Assistant Town Manager
Jessica Heckman, Planning & Zoning Administrator
Cherie Compton, Clerk
Daniel Pinard, Economic Development Director

The Joint Work Session of the Rocky Mount Town Council (hereafter referred to as “Council”) and the Planning Commission (hereafter referred to as “Commission”) to work on the Zoning and Subdivision Ordinance Updates was held at the Rocky Mount Train Depot located at 52 Franklin Street in Rocky Mount, Virginia, with Mayor C. Holland Perdue III presiding in conjunction with Chair Janet Stockton.

1. Roll Call

The Clerk called each member of the Rocky Mount Town Council and each member of the Planning Commission by name to account for all members that were present.

2. Approval of Agenda

Prior to the meeting, Council and the Commission received the agenda for review and consideration.

Motion: To approve the agenda as presented

Motion By: Commission Member Tiggle

Seconded: Commission Member Clements

Motion Discussion: None

Ayes: (5): Vice Chair Bud Blanchard, Commission Member Ball, Commission Member Clements, Commission Member Tiggle, and Commission Member Thompson

Approved (5 to 0)

3. Joint Town Council and Planning Commission Kickoff – Zoning & Subdivision Ordinance Update

3.1 Berkley Group Agenda & Materials

Ms. Cecile Newcomb, Senior Planner and Chris Musso with the Berkley Group were present and welcomed both the Council and Commission to the 2nd worksession and began by stating that tonight's agenda would cover progress to date, public engagement, land use report, proposed ordinance structure and next steps going forward.

Ms. Newcomb started with the Public Engagement Overview. This document summarized the suggestions, concerns, and comments from the three focus groups, the public workshop, and the community survey. Three of the main themes from public engagements were:

Aesthetics- Improving landscaping, design standards, signage, pedestrian infrastructure, property maintenance and updating buildings.

Economy- Improving street corridors and encouraging new businesses, changing requirements for parking, food trucks, and short-term rentals, reconsidering allowed uses and standards in the Central Business District (CBD), and encouraging mixed use developments.

Housing- More choices and affordability, accessory dwelling units (ADUs), condominiums, patio homes, townhomes, and better maintenance of existing neighborhoods.

Berkley noted in the Land Use Policy Evaluation Report analysis does indicate that a rewriting of the Zoning and Subdivision Ordinance is needed but not a cause for alarm these results are typical for older ordinances generally things come out of compliance as state code changes. Few recommendations from Berkley were using matrix rather than using paragraphs with information, consolidating all use standards under one article, reorganizing both ordinances into one chapter under town code and having one article devoted to subdivisions.

Berkley discussed creating a special districts category to include the Public Open Space District and any future special districts. Berkley recommended a mix use overlay and also recommended clarifying that the Arts and Culture is an overlay and noted that overlays can be applied in multiple areas in Town. Town Council and Planning Commission advised Berkley to move forward with the articles and with the addition of Special Districts as presented.

4. Adjournment

Motion: To adjourn

Time: 7:15 p.m.

Motion By: Vice Mayor Stockton

Seconded By: Council Member Newbill

Motion Discussion: None

Ayes: (4): Mayor Perdue, Vice Mayor Stockton, Council Member Newbill and Council Member Mullins

Approved (4 – 0)

Action: Meeting was adjourned

C. Holland Perdue III, Mayor

ATTEST:

Cherie Compton, Clerk

Zoning Compliance Permits- May 2023

Permit #	Applicant Name	Property Address/TMPN	Zoning	Type of Improvement	Date Approved
ZC23-022	Andrea S. Reynolds	200 Oak St / 2070047800	R2	Home Occupaction - office space for telehealth only - no in person clients	5/4/2023
ZC23-023	Gonzalez Logging, Inc	1040 North Main Street/204003900	M1	Base office for logging operations	5/15/2023
ZC23-024	Alfredo H Ortiz Lopez	70 Windy Lane/2040017400	R2	Home occupation - office for Painting business	5/23/2023
ZC23-025	Frank Benge/ Blessed by the Faith Thrift Store & more	360 Tanyard/ 2070015501A	GB	Open retail/ thrift store	5/31/2023

Zoning Permits- May 2023

Permit #	Applicant Name	Building Lot Address	TMPN	Zoning	NOTES	Date Approved
ZP23-008	Theodore & Bonnie Grigorieff	70 Vantage	2020107400	R1	Contruction of screened in patio with roof using prefab kit (patio in place)	5/16/2023

FOIA Requests- May 2023

Date	Requested By	Topic
5/1/23	Jennifer Royer w/ Royer Law Firm	Service call on 4/6/23 at HS Central Gym concerning Bradley Wells
5/8/23	Alice Minium	PD Policies and Procedures (Payment required letter sent for \$18.53)
5/8/23	Alice Minium	PD Polices and Procedures
5/15/23	William Riddle	List of payments made to every town employee payroll or otherwise for February 2023
5/15/23	William Riddle	List of employees, positions and salary
5/15/23	William Riddle	Copy of lease agreements between Town/EDA and between EDA/HPC

Rocky Mount (Town Of), VA



YEAR-TO-DATE BUDGET REPORT FOR THE ELEVEN MONTHS ENDED MAY 31, 2023

FOR 2023 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT USE/COL
10 GENERAL FUND						
10090000 USE OF SURPLUS						
10090000 42562 APPROPRIATED FUND B	0	201,142	.00	.00	201,142.00	.0%*
TOTAL USE OF SURPLUS	0	201,142	.00	.00	201,142.00	.0%
11011000 GENERAL PROPERTY TAXES						
11011000 41101 REAL PROPERTY - CUR	655,043	655,043	594,080.98	7,636.18	60,962.02	90.7%*
11011000 41102 REAL PROPERTY - DEL	40,000	40,000	20,109.98	183.72	19,890.02	50.3%*
11011000 41103 PUBLIC SERVICE - CU	26,412	26,412	.00	.00	26,412.00	.0%*
11011000 41105 PERSONAL PROPERTY -	310,000	310,000	467,626.50	9,663.93	-157,626.50	150.8%*
11011000 41106 PERSONAL PROPERTY -	26,000	26,000	29,364.23	760.50	-3,364.23	112.9%*
11011000 41107 MACHINERY & TOOLS -	163,609	163,609	89.98	.00	163,519.02	.1%*
11011000 41110 PENALTIES ON TAXES	9,700	9,700	7,808.31	1,542.49	1,891.69	80.5%*
11011000 41111 INTEREST ON DELINQ	7,800	7,800	2,603.15	154.82	5,196.85	33.4%*
TOTAL GENERAL PROPERTY TAXES	1,238,564	1,238,564	1,121,683.13	19,941.64	116,880.87	90.6%
11012000 OTHER LOCAL TAXES						
11012000 41201 LOCAL SALES & USE T	277,000	277,000	278,235.71	27,054.36	-1,235.71	100.4%*
11012000 41202 MEALS TAX	1,849,000	1,849,000	1,956,492.30	194,325.69	-107,492.30	105.8%*
11012000 41203 PENALTY-DEL MEALS T	0	0	2,883.28	472.96	-2,883.28	100.0%*
11012000 41204 INTEREST-DEL MEALS	0	0	1,627.71	88.39	-1,627.71	100.0%*
11012000 41205 TRANSIENT OCCUPANCY	152,076	152,076	230,522.65	24,945.33	-78,446.65	151.6%*
11012000 41206 PENALTY-DEL LODGING	0	0	22.04	.00	-22.04	100.0%*
11012000 41207 INTEREST-DEL LODGIN	0	0	2.02	.00	-2.02	100.0%*
11012000 41208 CIGARETTE TAX	80,750	80,750	64,020.00	4,365.00	16,730.00	79.3%*
11012000 41209 BANK STOCK TAX	385,400	385,400	363,583.00	182,859.00	21,817.00	94.3%*
11012000 41210 CONSUMER UTILITY TA	320,000	320,000	290,456.70	24,560.68	29,543.30	90.8%*
11012000 41212 TRANSIENT OCCUP TAX	75,924	75,924	.00	.00	75,924.00	.0%*
TOTAL OTHER LOCAL TAXES	3,140,150	3,140,150	3,187,845.41	458,671.41	-47,695.41	101.5%
11012500 BUSINESS LICENSE TAXES						
11012500 41301 BPOL-RETAIL	357,643	357,643	408,120.18	338,989.47	-50,477.18	114.1%*

YEAR-TO-DATE BUDGET REPORT
 FOR THE ELEVEN MONTHS ENDED MAY 31, 2023

FOR 2023 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT USE/COL
11012500 41302 BPOL-PROFESSIONAL	178,570	178,570	170,452.45	72,832.15	8,117.55	95.5%*
11012500 41303 BPOL-REPAIRS/PERS S	128,607	128,607	174,639.11	59,742.58	-46,032.11	135.8%*
11012500 41304 BPOL-CONTRACTOR	27,804	27,804	19,312.27	8,789.68	8,491.73	69.5%*
11012500 41305 BPOL-UTILITY	5,841	5,841	4,266.26	2,232.93	1,574.74	73.0%*
11012500 41306 BPOL-AMUSEMENT TAX	855	855	500.00	.00	355.00	58.5%*
11012500 41307 BPOL-MISCELLANEOUS	7,724	7,724	9,066.22	6,915.31	-1,342.22	117.4%*
11012500 41308 BPOL-ALCOHOLIC BEVE	835	835	550.00	500.00	285.00	65.9%*
11012500 41309 BPOL-PENALTIES & I	1,832	1,832	5,316.30	41.00	-3,484.30	290.2%*
TOTAL BUSINESS LICENSE TAXES	709,711	709,711	792,222.79	490,043.12	-82,511.79	111.6%
11013000 PERMITS & LICENSES						
11013000 42111 PLANNING & ZONING F	10,000	10,000	7,463.50	100.00	2,536.50	74.6%*
11013000 42112 FARMERS MARKET FEES	15,000	15,000	6,105.00	100.00	8,895.00	40.7%*
11013000 42114 WELCOME CENTER FEES	2,500	2,500	9,713.00	710.00	-7,213.00	388.5%*
11013000 42116 RETURN CHECK FEES	225	225	479.00	40.00	-254.00	212.9%*
11013000 42117 CREDIT CARD FEES	3,000	3,000	7,220.15	681.28	-4,220.15	240.7%*
TOTAL PERMITS & LICENSES	30,725	30,725	30,980.65	1,631.28	-255.65	100.8%
11014000 FINES & FORFEITURES						
11014000 42211 COURT FINEES	9,000	9,000	34,098.28	4,102.13	-25,098.28	378.9%*
11014000 42212 PARKING FINES	200	200	40.00	.00	160.00	20.0%*
TOTAL FINES & FORFEITURES	9,200	9,200	34,138.28	4,102.13	-24,938.28	371.1%
11015000 PROCEEDS FROM USE OF ASSETS						
11015000 42311 INTEREST ON MONEY/I	45,000	45,000	266,473.82	10,006.45	-221,473.82	592.2%*
11015000 42312 RENTAL OF GENERAL P	450	450	450.00	.00	.00	100.0%*
11015000 42318 SALE OF PROPERTY	0	0	20,050.30	.00	-20,050.30	100.0%*
TOTAL PROCEEDS FROM USE OF ASSETS	45,450	45,450	286,974.12	10,006.45	-241,524.12	631.4%
11016000 CHARGES FOR SERVICES						
11016000 42411 REFUSE COLLECTION C	269,000	269,000	225,259.00	20,728.00	43,741.00	83.7%*

Rocky Mount (Town Of), VA

YEAR-TO-DATE BUDGET REPORT FOR THE ELEVEN MONTHS ENDED MAY 31, 2023

FOR 2023 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT USE/COL
11016000 42413 TRUCK RENTAL FEES	725	725	1,715.34	210.00	-990.34	236.6%*
11016000 42415 WEED CONTROL CHARGE	520	520	136.18	.00	383.82	26.2%*
11016000 42418 PASSPORT SERVICE FE	11,000	11,000	23,396.51	2,180.00	-12,396.51	212.7%*
11016000 42419 SECURITY SERVICES	12,000	12,000	11,672.50	1,190.00	327.50	97.3%*
11016000 42420 POLICE REPORTS	1,200	1,200	1,511.00	309.00	-311.00	125.9%*
11016000 42421 FINGERPRINT SERVICE	100	100	230.00	65.00	-130.00	230.0%*
11016000 42422 CRISIS INTERVENTION	25,000	25,000	34,047.00	.00	-9,047.00	136.2%*
11016000 42425 ADMIN CHARGES - SER	300	300	278.77	.00	21.23	92.9%*
11016000 42426 MISCELLANEOUS SERVI	0	0	2,554.19	56.45	-2,554.19	100.0%*
TOTAL CHARGES FOR SERVICES	319,845	319,845	300,800.49	24,738.45	19,044.51	94.0%
11018000 MISCELLANEOUS GENERAL						
11018000 42511 RECOVERIES	0	0	3,601.96	67.76	-3,601.96	100.0%*
11018000 42513 MERCHANDISE SALES	0	0	122.58	.00	-122.58	100.0%*
11018000 42515 DONATIONS	0	0	846.90	846.90	-846.90	100.0%*
11018000 42524 INSURANCE RECIPITS F	0	0	47,020.33	.00	-47,020.33	100.0%*
TOTAL MISCELLANEOUS GENERAL	0	0	51,591.77	914.66	-51,591.77	100.0%
18522000 COMMONWEALTH-NONCATEGORICAL						
18522000 43211 PPTRA FROM STATE	53,861	53,861	53,860.60	.00	.40	100.0%*
18522000 43212 COMMUNICATIONS TAX	140,000	140,000	114,056.14	.00	25,943.86	81.5%*
18522000 43213 LITTER TAX	3,500	3,500	4,219.00	.00	-719.00	120.5%*
18522000 43214 ROLLING STOCK TAX	3,164	3,164	3,244.66	.00	-80.66	102.5%*
18522000 43215 RENTAL TAX	9,000	9,000	16,283.19	.00	-7,283.19	180.9%*
18522000 43216 OTHER NON-CATEGORIC	0	0	1,097.24	.00	-1,097.24	100.0%*
TOTAL COMMONWEALTH-NONCATEGORICAL	209,525	209,525	192,760.83	.00	16,764.17	92.0%
18524000 COMMONWEALTH-CATEGORICAL						
18524000 43112 SCHOOL RES OFFICER	29,632	29,632	64,431.64	.00	-34,799.64	217.4%*
18524000 43311 FIRE PROGRAMS-STATE	18,471	18,471	.00	.00	18,471.00	.0%*
18524000 43312 STREET MAINTENANCE-	1,508,140	1,508,140	1,272,293.89	.00	235,846.11	84.4%*
18524000 43313 LAW ENFORCEMENT AID	120,632	120,632	99,465.00	.00	21,167.00	82.5%*

Rocky Mount (Town Of), VA

YEAR-TO-DATE BUDGET REPORT FOR THE ELEVEN MONTHS ENDED MAY 31, 2023

FOR 2023 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT USE/COL
18524000 43322 VA TOURISM GRANT	0	0	9,906.27	.00	-9,906.27	100.0%*
TOTAL COMMONWEALTH-CATEGORICAL	1,676,875	1,676,875	1,446,096.80	.00	230,778.20	86.2%
18535000 LOCAL GOVERNMENT AID						
18535000 43111 VOLUNTEER FIRE DEPT	30,000	30,000	15,000.00	-30,118.24	15,000.00	50.0%*
18535000 43112 OTH AID-SCHOOL RESO	42,329	42,329	29,632.00	.00	12,697.00	70.0%*
18535000 43114 COUNTY EXP REIMB FO	50,000	50,000	46,507.98	46,507.98	3,492.02	93.0%*
TOTAL LOCAL GOVERNMENT AID	122,329	122,329	91,139.98	16,389.74	31,189.02	74.5%
TOTAL GENERAL FUND	7,502,374	7,703,516	7,536,234.25	1,026,438.88	167,281.75	97.8%
TOTAL REVENUES	7,502,374	7,703,516	7,536,234.25	1,026,438.88	167,281.75	
12 FORFEITED ASSETS						
12000000 FORFEITED ASSETS						
12000000 42562 APPROPRIATED FUND B	0	5,925	.00	.00	5,924.52	.0%*
TOTAL FORFEITED ASSETS	0	5,925	.00	.00	5,924.52	.0%
TOTAL FORFEITED ASSETS	0	5,925	.00	.00	5,924.52	.0%
TOTAL REVENUES	0	5,925	.00	.00	5,924.52	
20 WATER & SEWER FUND						
20069000 NON-DEPARTL UTILITY OPERATING						
20069000 42562 APPROPRIATED FUND B	0	64,093	.00	.00	64,093.00	.0%*
TOTAL NON-DEPARTL UTILITY OPERATI	0	64,093	.00	.00	64,093.00	.0%
20080000 TRANSFERS FROM OTHER FUNDS						
20080000 42611 TRANSFER FM GENERAL	0	160,352	160,352.00	160,352.00	.00	100.0%*

YEAR-TO-DATE BUDGET REPORT
 FOR THE ELEVEN MONTHS ENDED MAY 31, 2023

FOR 2023 11

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT USE/COL
TOTAL TRANSFERS FROM OTHER FUNDS	0	160,352	160,352.00	160,352.00	.00	100.0%
25020000 WATER CHARGES						
25020000 42313 PROPERTY RENT (CELL	120,000	120,000	121,163.73	19,355.10	-1,163.73	101.0%*
25020000 45101 WATER SALES	1,409,680	1,409,680	1,463,540.81	135,596.31	-53,860.81	103.8%*
25020000 45102 WATER CONNECTIONS	20,000	20,000	53,550.00	19,075.00	-33,550.00	267.8%*
25020000 45103 RECONNECT FEES	7,000	7,000	14,195.08	1,471.00	-7,195.08	202.8%*
25020000 45104 PENALTIES	15,000	15,000	34,055.40	2,928.35	-19,055.40	227.0%*
25020000 45106 BULK WATER PURCHASE	5,000	5,000	521.52	211.84	4,478.48	10.4%*
TOTAL WATER CHARGES	1,576,680	1,576,680	1,687,026.54	178,637.60	-110,346.54	107.0%
25530000 SEWER CHARGES						
25530000 45201 SEWER COLLECTION CH	863,867	863,867	891,631.07	83,743.02	-27,764.07	103.2%*
25530000 45202 SEWER CONNECTIONS	12,000	12,000	8,175.71	3,250.00	3,824.29	68.1%*
TOTAL SEWER CHARGES	875,867	875,867	899,806.78	86,993.02	-23,939.78	102.7%
TOTAL WATER & SEWER FUND	2,452,547	2,676,992	2,747,185.32	425,982.62	-70,193.32	102.6%
TOTAL REVENUES	2,452,547	2,676,992	2,747,185.32	425,982.62	-70,193.32	
GRAND TOTAL	9,954,921	10,386,433	10,283,419.57	1,452,421.50	103,012.95	99.0%

** END OF REPORT - Generated by VINCENT COPENHAVER **

YEAR-TO-DATE BUDGET REPORT
 FOR THE ELEVEN MONTHS ENDED MAY 31, 2023

FOR 2023 11

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
10 GENERAL FUND							
10091020 NON-DEPARTL GENERAL FUND	513,734	600,780	724,544.60	185,164.90	.00	-123,764.60	120.6%
11011010 MAYOR & TOWN COUNCIL	92,896	92,896	84,195.39	5,107.35	.00	8,700.61	90.6%
11012020 TOWN MANAGER	416,027	416,027	382,855.05	33,417.64	.00	33,171.95	92.0%
11012040 TOWN ATTORNEY	74,370	74,370	48,976.80	.00	.00	25,393.20	65.9%
11012130 FINANCE DEPARTMENT	664,091	664,091	548,954.55	34,939.45	.00	115,136.45	82.7%
11013010 BOARD OF ELECTIONS	5,000	5,000	.00	.00	.00	5,000.00	.0%
11081060 PASSPORT PROGRAM	2,375	2,375	3,413.69	26.64	.00	-1,038.69	143.7%
12031010 POLICE DEPARTMENT	2,231,624	2,267,776	2,168,377.42	189,744.77	.00	99,398.58	95.6%
12032020 VOLUNTEER FIRE DEPT	178,910	178,910	169,342.22	2,517.82	.00	9,567.78	94.7%
12043130 IMPOUND LOT	0	0	501.96	130.32	.00	-501.96	100.0%
13041000 PUBLIC WORKS ADMINISTRATION	1,285,759	237,635	124,012.83	9,158.28	.00	113,622.17	52.2%
13041020 PUB WORKS NON-VDOT ELIGIBLE	3,100	3,100	2,047.79	.00	.00	1,052.21	66.1%
13041040 STREET LIGHTS	107,850	107,094	89,587.58	553.25	.00	17,506.42	83.7%
13041070 TRAFFIC CONTROL & PARKING	68,540	99,665	81,681.58	-15,601.29	.00	17,983.42	82.0%
13041080 STREETS	385,300	1,150,223	1,136,271.64	82,018.63	.00	13,951.36	98.8%
13041090 SIDEWALKS, CURB, GUTTERING	1,500	49,615	48,710.19	941.10	.00	904.81	98.2%
13041200 ANGLE BRIDGE REPAIRS	0	0	2,974.93	.00	.00	-2,974.93	100.0%
13042020 STREET CLEANING	3,045	6,655	3,787.98	361.65	.00	2,867.02	56.9%
13042030 REFUSE COLLECTION	22,790	117,009	109,767.91	6,511.42	.00	7,241.09	93.8%
13042040 SNOW REMOVAL	17,750	7,235	7,235.29	71.44	.00	-.29	100.0%
14043041 PARKS-MARY ELIZABETH	2,400	25,943	25,188.14	9,088.52	.00	754.86	97.1%
14043042 PARKS-MARY BETHUNE	2,200	11,207	11,012.08	1,310.48	.00	194.92	98.3%
14043043 PARKS-GILLEYS	7,170	11,846	8,938.94	612.91	.00	2,907.06	75.5%
14043044 PARKS-CELESTE	2,200	46,041	23,104.93	418.21	.00	22,936.07	50.2%
14043045 PARKS-VETERANS MEMORIAL	5,470	10,526	8,358.30	136.17	.00	2,167.70	79.4%
14043046 PARKS-FIRST RESPONDERS MEM	5,320	6,460	4,000.12	171.13	.00	2,459.88	61.9%
14043080 PARKS & REC - PLAYGROUNDS	0	13,229	15,149.15	691.22	.00	-1,920.15	114.5%
14543040 MUNICIPAL BUILDING	56,922	60,756	76,416.55	9,805.71	.00	-15,660.55	125.8%
14543050 EMERGENCY SERVICES BLDG	59,800	77,977	98,086.81	10,516.29	.00	-20,109.81	125.8%
14543060 PUBLIC WORKS BUILDING	36,640	49,815	45,554.77	8,653.02	.00	4,260.23	91.4%
14543070 PARKS & REC - CEMETERY	900	10,569	12,158.22	2,618.86	.00	-1,589.22	115.0%
16081010 PLANNING & ZONING	226,694	232,694	215,422.94	17,869.32	.00	17,271.06	92.6%
16081020 COMMUNITY & ECONOMIC DEV	421,343	471,343	462,642.51	31,326.64	.00	8,700.49	98.2%
16081030 CITIZENS SQUARE-FARMERS MARKE	26,874	26,874	23,041.81	3,772.81	9,589.19	-5,757.00	121.4%
16081040 DEPOT WELCOME CENTER	41,567	41,567	28,667.06	3,648.02	.00	12,899.94	69.0%
16081050 HARVESTER PERFORMANCE CENTER	483,300	483,300	478,544.30	16,044.05	.00	4,755.70	99.0%
16081300 ECONOMIC DEVELOPMENT AUTHORIT	3,913	3,913	2,411.75	407.36	.00	1,501.25	61.6%
16085000 REMED BLIGHTED STRUCTURES	45,000	39,000	.00	.00	.00	39,000.00	.0%
TOTAL GENERAL FUND	7,502,374	7,703,516	7,275,937.78	652,154.09	9,589.19	417,989.03	94.6%

12 FORFEITED ASSETS

YEAR-TO-DATE BUDGET REPORT FOR THE ELEVEN MONTHS ENDED MAY 31, 2023

FOR 2023 11

12	FORFEITED ASSETS	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
12031016	STATE FORFEITURE ASSETS	0	5,925	.00	.00	.00	5,924.52	.0%
	TOTAL FORFEITED ASSETS	0	5,925	.00	.00	.00	5,924.52	.0%

20 WATER & SEWER FUND

20069000	NON-DEPARTL UTILITY OPERATING	447,712	447,712	50,045.08	6,338.00	.00	397,666.92	11.2%
25050000	WATER SYSTEM OPERATIONS	162,078	326,161	318,886.42	18,453.22	15,515.00	-8,240.42	102.5%
25050100	METER READING	24,570	27,816	17,300.89	538.65	.00	10,515.11	62.2%
25050500	WATER TREATMENT PLANT	796,843	796,843	795,208.27	70,913.33	.00	1,634.73	99.8%
25062000	UTILITY ADMINISTRATION	286,732	286,732	232,519.63	17,519.56	.00	54,212.37	81.1%
25560000	WASTEWATER SYSTEM OPERATIONS	128,578	207,802	159,251.98	9,743.33	.00	48,550.02	76.6%
25560500	WASTEWATER TREATMENT PLANT	606,034	606,034	525,247.19	41,004.81	.00	80,786.81	86.7%
	TOTAL WATER & SEWER FUND	2,452,547	2,699,100	2,098,459.46	164,510.90	15,515.00	585,125.54	78.3%
	GRAND TOTAL	9,954,921	10,408,541	9,374,397.24	816,664.99	25,104.19	1,009,039.09	90.3%

** END OF REPORT - Generated by VINCENT COPENHAVER **

Town of Rocky Mount
Cash Balances and Investment Portfolio
May 31, 2023

Total Cash Held by the Town:

Cash in the Office	\$ 700
Duncan Williams Investments	\$ 2,573,867
Hometrust Bank (Borrowed Funds)	\$ 705,000
Local Government Investment Pool (effective yield 4.93%)	\$ 6,710,468
Truist: Payroll and Flexible Benefits Checking Accounts	\$ 394,911
Carter Bank and Trust: Old Checking Account, Designated Checking Accounts for Police, Farmer's Market and Depot	\$ 389,801
American National Bank: Town Checking Account	\$ 1,154,683
Virginia Investment Pool Accounts for American Rescue Plan Act Funds (First Distribution)	<u>\$ 799,211</u>
 Total Cash Balance at April 30, 2023	 <u><u>\$ 12,728,641</u></u>

Investment Detail:

Duncan-Williams, Inc.

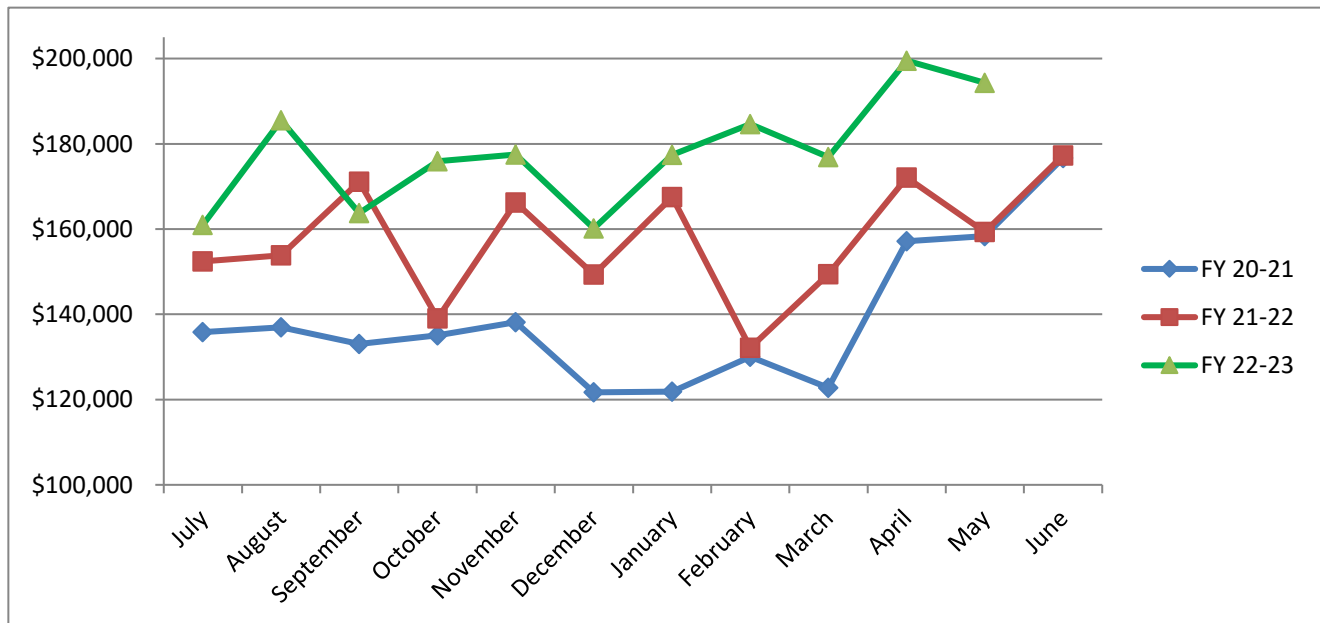
Account Statement Dated May 31, 2023

			Closing Balance	Income This Year	30-Day Yield
Cash, Money Funds and Bank Deposits - 12% of Portfolio					
Federated Hermes Govt Reserves Money Market			\$5,519.09	\$3,402.92	4.01%
Fixed Income - 88% of Portfolio					
Certificates of Deposit:	Quantity	Market Price	Market Value	Estimated Annual Income	Estimated Yield
Capital One Natl Assn	245,000.00	94.725	\$232,076.25	\$8,207.50	3.53%
Capital One Bank Natl Assn	245,000.00	93.591	\$229,297.95	\$8,330.00	3.63%
U.S. Government Bonds:					
Federal Home Loan Banks Cons Bd	500,000.00	90.283	\$440,129.63	TBD	3.37%
Federal Home Loan Banks Cons Bd	700,000.00	94.199	\$659,393.00	\$7,700.00	1.16%
Federal Home Loan Banks Cons Bd	300,000.00	96.902	\$290,706.00	\$10,500.00	3.61%
Federal Home Loan Banks Cons Bd	430,000.00	95.874	\$412,258.20	\$15,587.50	3.74%
Federal Home Loan Mtg Corp Medium	320,000.00	95.152	\$304,486.40	\$7,200.00	2.34%
Total Fixed Income			\$2,568,347.43	\$57,525.00	
Total Portfolio Holdings			\$2,573,866.52	\$60,927.92	

**Town of Rocky Mount
Meals Tax Collections by Month**

<u>Month</u>	<u>FY 20-21</u>	<u>FY 21-22</u>	<u>FY 22-23</u>	<u>Change</u>	<u>% Change</u>
July	\$ 135,840	\$ 152,437	\$ 160,978	\$ 8,541	5.6%
August	\$ 136,975	\$ 153,837	\$ 185,503	\$ 31,666	20.6%
September	\$ 133,052	\$ 171,121	\$ 163,751	\$ (7,370)	-4.3%
October	\$ 135,097	\$ 139,085	\$ 175,939	\$ 36,854	26.5%
November	\$ 138,177	\$ 166,261	\$ 177,506	\$ 11,245	6.8%
December	\$ 121,697	\$ 149,361	\$ 160,148	\$ 10,787	7.2%
January	\$ 121,833	\$ 167,488	\$ 177,390	\$ 9,902	5.9%
February	\$ 130,016	\$ 132,152	\$ 184,585	\$ 52,433	39.7%
March	\$ 122,758	\$ 149,407	\$ 176,858	\$ 27,451	18.4%
April	\$ 157,165	\$ 172,047	\$ 199,508	\$ 27,461	16.0%
May	\$ 158,320	\$ 159,286	\$ 194,326	\$ 35,040	22.0%
June	\$ 176,690	\$ 177,283			
Year Totals	<u>\$ 1,667,620</u>	<u>\$ 1,889,765</u>	<u>\$ 1,956,492</u>		

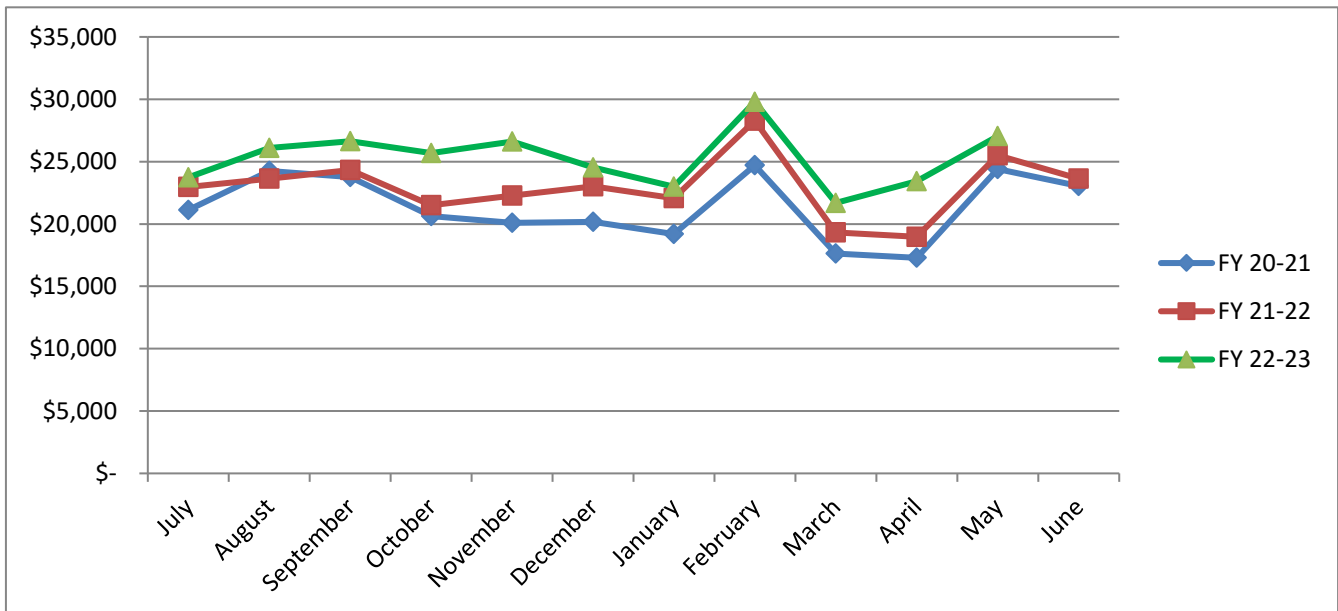
Year to Date through May	\$ 1,490,930	\$ 1,712,482	\$ 1,956,492	\$ 244,010	14.2%
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Town of Rocky Mount
Local Sales Tax Collections by Month

<u>Month</u>	<u>FY 20-21</u>	<u>FY 21-22</u>	<u>FY 22-23</u>	<u>Change</u>	<u>% Change</u>
July	\$ 21,106	\$ 22,978	\$ 23,738	\$ 760	3.2%
August	\$ 24,250	\$ 23,622	\$ 26,102	\$ 2,480	9.5%
September	\$ 23,756	\$ 24,336	\$ 26,639	\$ 2,303	8.6%
October	\$ 20,642	\$ 21,514	\$ 25,676	\$ 4,162	16.2%
November	\$ 20,088	\$ 22,281	\$ 26,599	\$ 4,318	16.2%
December	\$ 20,173	\$ 23,016	\$ 24,524	\$ 1,508	6.1%
January	\$ 19,191	\$ 22,061	\$ 22,980	\$ 919	4.0%
February	\$ 24,702	\$ 28,289	\$ 29,796	\$ 1,507	5.1%
March	\$ 17,630	\$ 19,310	\$ 21,687	\$ 2,377	11.0%
April	\$ 17,285	\$ 18,974	\$ 23,440	\$ 4,466	19.1%
May	\$ 24,392	\$ 25,516	\$ 27,054	\$ 1,538	5.7%
June	\$ 23,044	\$ 23,632			
Year Totals	<u>\$ 256,259</u>	<u>\$ 275,529</u>	<u>\$ 278,235</u>		

Year to Date through May	\$ 233,215	\$ 251,897	\$ 278,235	\$ 26,338	9.5%
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MONTHLY STAFF REPORT

DATE:	June 12, 2023
TO:	Rocky Mount Town Council
FROM:	Brad Basham – Asst Chief
DEPARTMENT:	Fire Department
MONTH:	April 2023

For the period of April 2023, the Rocky Mount Fire Department responded to a total of 47 calls of which 18 were inside the town limits and 29 were outside the town limits.

RMFD apparatus traveled a total of 683 miles carrying out duties pertaining to answering calls and support efforts of the department.

RMFD members logged 16 members performing training for a total of 104 hours of training.

Summary of Calls:

<u>Type of Call</u>	<u>Total</u>
<u>Structure Fire</u>	<u>3</u>
<u>Brush/Grass Fire</u>	<u>3</u>
<u>Vehicle Fire</u>	
<u>Utilities Fire</u>	
<u>MVA</u>	<u>17</u>
<u>Residential Fire Alarm</u>	<u>1</u>
<u>Commercial Fire Alarm</u>	<u>6</u>
<u>Smoke Investigation</u>	<u>4</u>
<u>Odor Investigation</u>	
<u>Debris Removal</u>	<u>12</u>
<u>Hazmat/Spill</u>	<u>1</u>
<u>EMS Assist</u>	
	47

Respectfully Submitted By,

Asst. Chief B. Basham

MONTHLY STAFF REPORT

DATE:	June 12, 2023
TO:	Rocky Mount Town Council
FROM:	Chief Phillip S. Young
DEPARTMENT:	Police Department
MONTH:	May

*We will be doing the monthly report from RMPD a month behind to allow for more accuracy in numbers that are turned in per Chief Young. This also allows our officers at the end of the month to have time to get all reports and tickets submitted.

PLEASE SEE ATTACHED REPORT FOR MORE DETAILED INFORMATION ON MONTHLY CHARGES AND STATS.....

PSY/rfs

ROCKY MOUNT POLICE DEPARTMENT
MONTHLY REPORT TO COUNCIL

ADM #1

DATE: MAY 2023

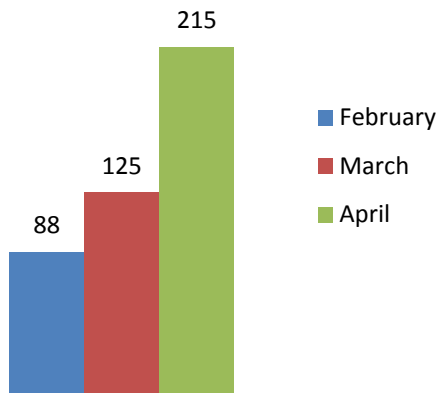
FEBRUARY

MARCH

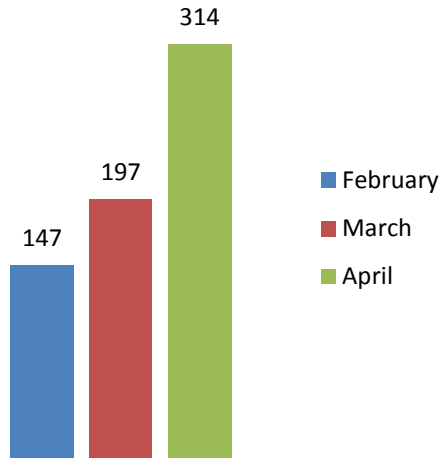
APRIL

UNIFORM TRAFFIC SUMMONS ISSUED	88	125	215
TRAFFIC STOPS	147	197	314
SPEEDING TICKETS ISSUED	28	42	60
DUI	2	6	5
COLLISIONS INVESTIGATED (TREDS)	11	17	11
MOTORIST AIDES	46	46	55
CRIMINAL ARRESTS "MISDEMEANOR"	37	44	45
CRIMINAL ARRESTS "FELONY"	20	10	18
INCIDENTS ADDRESSED	1601	1757	2038
INCIDENTS, OFFENSES REPORTABLE IN "RMS"	82	95	95
GRAND LARCENY WARRANTS	0	0	0
BREAKING & ENTERING REPORTS	0	0	0
BREAKING & ENTERING WARRANTS	1	0	0
BOLO'S (Be On Look Out)	15	15	14
FOLLOW-UP'S	55	54	42
BUSINESSES, RESIDENCES CHECKED "FOOT PATROLS"	698	744	805
SCHOOL CHECKS	71	65	60
ALARM RESPONSES	17	28	43
OPEN DOORS, WINDOWS, ETC. UNSECURED	10	9	6
COURT HOURS:	20	38	41
TRAINING HOURS:	25	78	0
SPECIAL ASSIGNMENT HOURS:	243	122	86
HARVESTER HOURS WORKED:	5	0	21
ECO/TDO	7	3	10
ECO/TDO HOURS:	42	34	109
CIT - PAC HOURS:	100	120	0

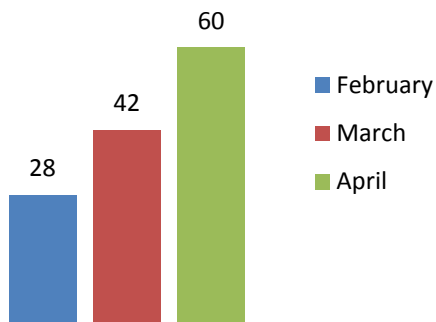
Uniform Traffic Summons Issued



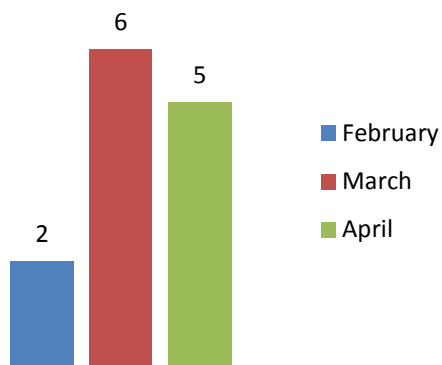
Traffic Stops



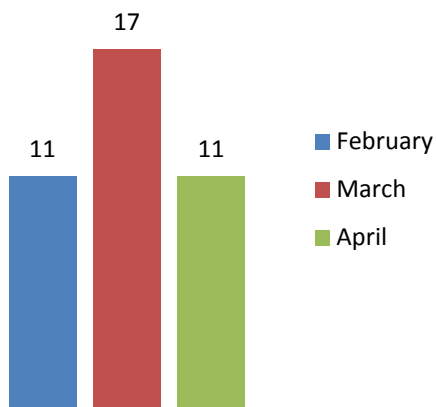
Speeding Tickets Issued



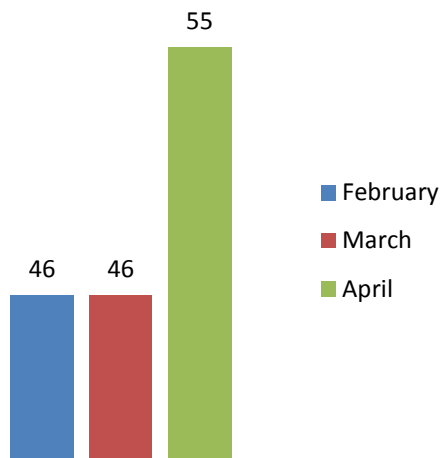
DUI



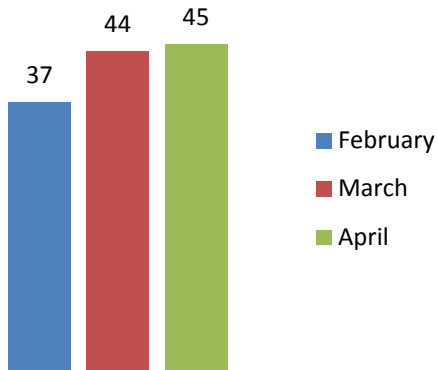
Collisions Investigated (TREDs)



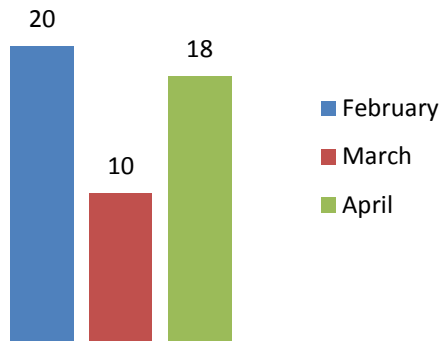
Motorist Aides



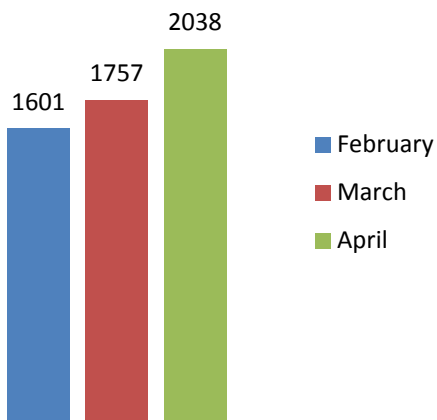
Criminal Arrests "Misdemeanor"



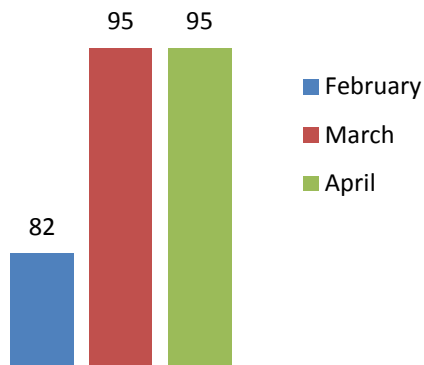
Criminal Arrests "Felony"



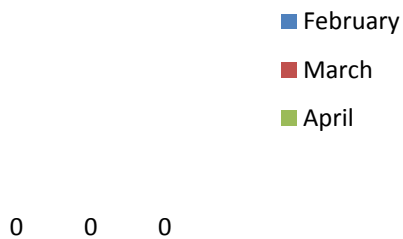
Incidents Addressed



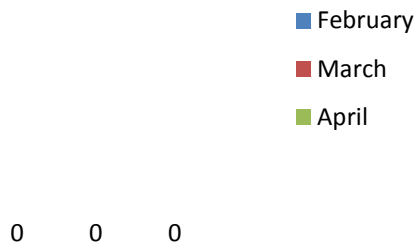
Incidents/Offenses Reportable "RMS"



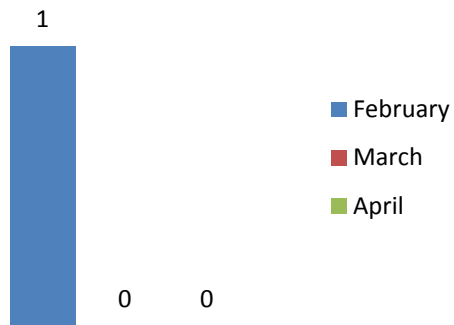
Grand Larceny Warrants



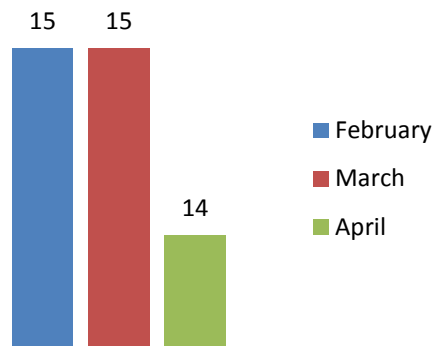
Breaking & Entering Reports



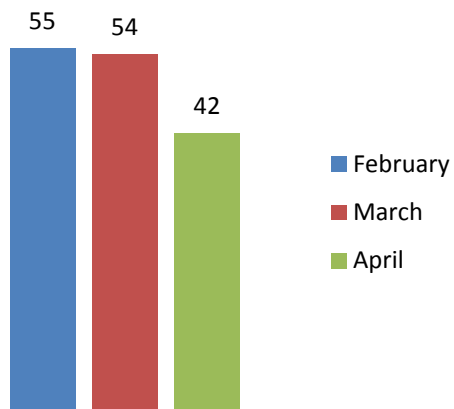
Breaking & Entering Warrants



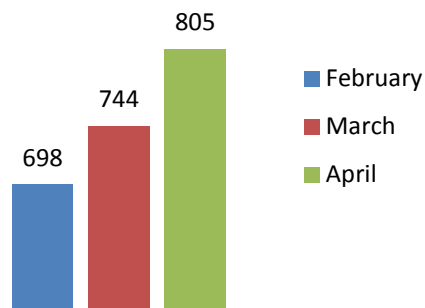
BOLO's (Be On Look Out)



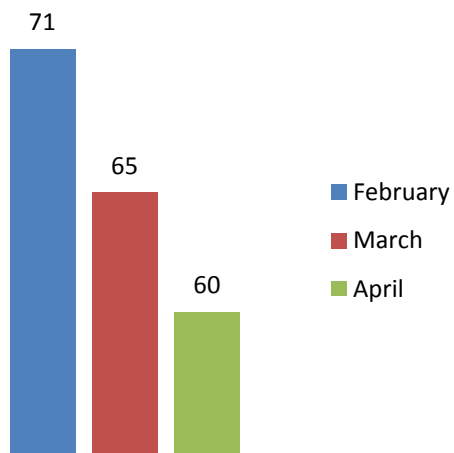
Follow-Ups



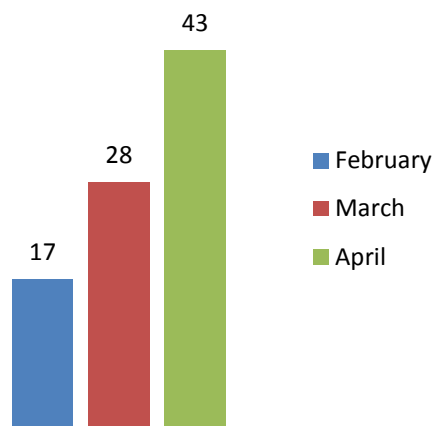
Businesses/Residences Checked "Foot Patrols"



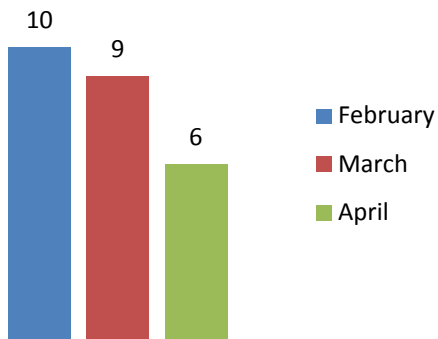
School Checks



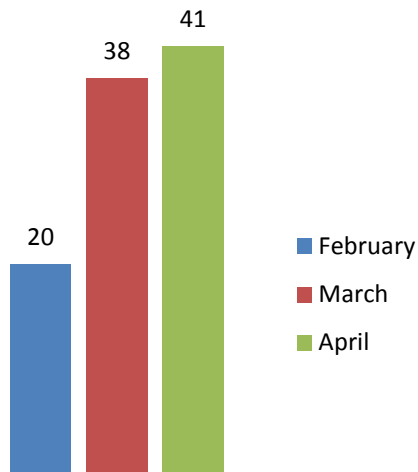
Alarm Responses



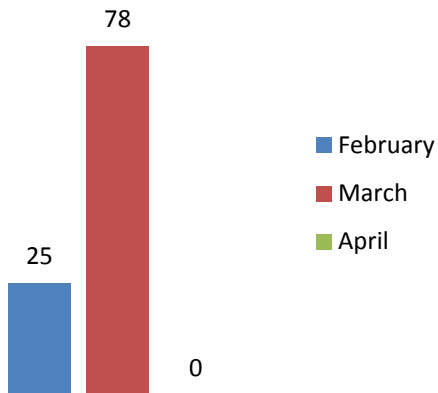
Open Doors, Windows, Etc. Unsecured



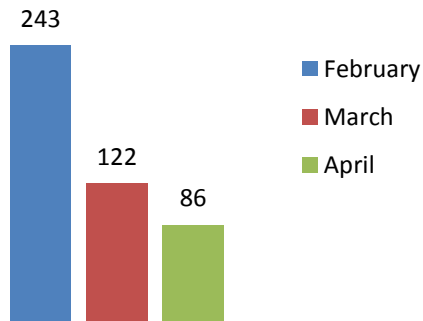
Court Hours



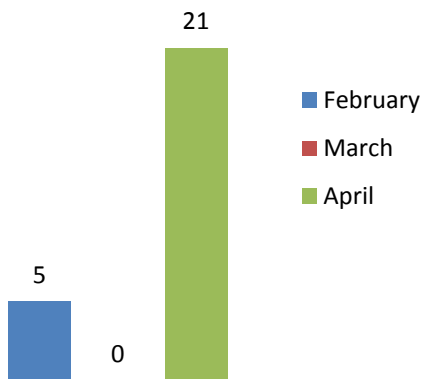
Training Hours



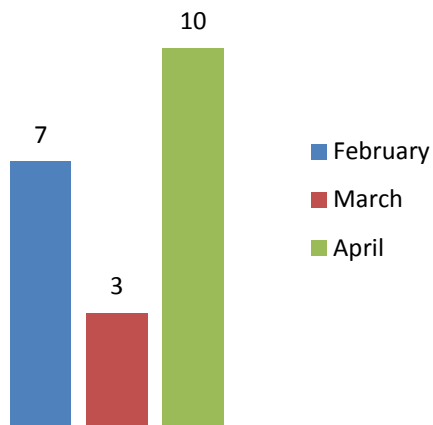
Special Assignment Hours



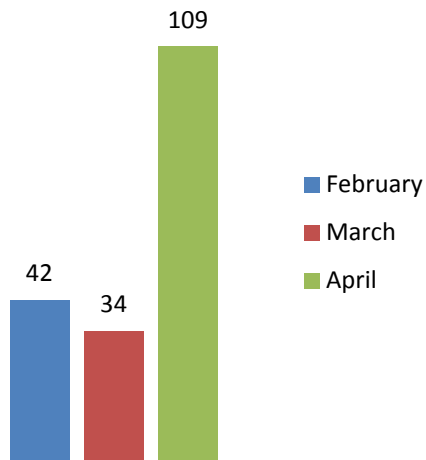
Harvester Hours Worked



ECO/TDO



ECO/TDO Hours



TRAFFIC ENFORCEMENT:

- ◇ Moving and stationary radar was conducted throughout the Town of Rocky Mount during April
- ◇ Reported streetlights out to Town Manager's office
- ◇ There were 11 reportable accidents with 9 of the accidents on our public streets

INVESTIGATIONS:

Follow Up Investigations: Follow up conducted on multiple cases

Search Warrants: Multiple

- ❖ Evidence/Property room management
- ❖ Court Liaison duties conducted
- ❖ Taser maintenance and training performed
- ❖ Department Court Discovery and camera downloads
- ❖ Transported evidence to State Lab
- ❖ Assist patrol with surveillance
- ❖ Maintenance of SRO Grant
- ❖ Maintenance of CESF Grant
- ❖ Assisted with Cops and Bobber's planning
- ❖ Hiring process conducted
- ❖ Fire Inspections and Fire Marshall duties conducted
- ❖ Charges made for multiple counts of narcotics and weapons possession based off surveillance
- ❖ Active cases include fraud, larceny and Social Services and Adult Protective cases
- ❖ 0 CIT hours worked

**COMMUNITY RESOURCE OFFICER:
MEETINGS/EVENTS (SLOAN)**

- ❖ Performed multiple fingerprints for walk-ins at the department
- ❖ Counsel patrol officers by answering questions and concerns
- ❖ Dropped off/picked up evidence from the Forensic Lab
- ❖ Scanning of files to email in the records room for retention purposes
- ❖ Assisted with walk-ins and phone calls
- ❖ Dropped off and picked up vehicles due for maintenance

**RESOURCE OFFICER REFERRAL'S
(Sanders/Police):**

- ❖ No stats to report for BFMS/Gereau Center/FCHS

SPEEDING TICKETS ISSUED

Grassy Hill Road (x 24)

North Main Street (x 15)

Tanyard Road (x 10)

Scuffling Hill Road (x 3)

Old Franklin Turnpike (x 2)

Booker T. Washington Highway (x 2)

State Street

Franklin Street

School Board Road

Virgil H. Goode Highway

CRIMINAL ARRESTS & LOCATIONS:

Possession of Meth	Old Franklin Turnpike (x 2)
Possession of Meth	Grassy Hill Road
Possession of Cocaine	North Main Street
Driving Under the Influence	North Main Street (x 2)
Driving Under the Influence	Grassy Hill Road
Driving Under the Influence	Old Franklin Turnpike
Driving Under the Influence	Leonor Street
Drunk In Public	Tanyard Road
Drunk In Public	North Main Street
Drunk In Public	Meadowlark Drive
Drunk In Public	Floyd Avenue
Refusal of Blood/Breath Test	Grassy Hill Road
Sodomy	Old Franklin Turnpike
Child Endangerment	North Main Street
Forge Criminal Summons	Old Franklin Turnpike
Bad Checks	South Main Street
Felony Elude	Leonor Street
Felony Elude	North Main Street
Possession of a Concealed Weapon	Grassy Hill Road
Possession of a Concealed Weapon	Meadowlark Drive
Domestic Simple Assault	Claiborne Avenue
Simple Assault	Goodview Street
Simple Assault	East Court Street
Shoplifting	Old Franklin Turnpike (x 12)
Destruction of Property	East Court Street

Violation of Protective Order	Claiborne Avenue
False Identity to Law Enforcement	Old Franklin Turnpike
Trespassing	Lakeview Drive
Trespassing	Old Franklin Turnpike
Reckless Driving	North Main Street
Driving Suspended	North Main Street
Driving Revoked – DUI Related	Old Franklin Turnpike
Operate Vehicle w/out Ignition Interlock System	Old Franklin Turnpike
Warrant Service (Capias)	Grassy Hill Road (x 2)
Warrant Service (Capias)	Old Franklin Turnpike (x 2)
Warrant Service (PB-15)	Grassy Hill Road (x 3)
Warrant Service (Misdemeanor)	East Court Street
Warrant Service (Misdemeanor)	Windy Lane
Warrant Service	Greer Lane (x 3)
Warrant Service	State Street (x 2)
Warrant Service	Herbert Street
Warrant Service	Goodview Street
Warrant Service	Oak Street
Temporary Detention Order	Floyd Avenue
Emergency Custody Order	Floyd Avenue (x 3)
Emergency Custody Order	North Main Street
Emergency Custody Order	Franklin Street
Emergency Custody Order	East Court Street
Emergency Custody Order	Old Franklin Turnpike
Emergency Custody Order	Hatcher Street
Emergency Custody Order	Mountain View Drive

MONTHLY STAFF REPORT

DATE:	June 12, 2023
TO:	Rocky Mount Town Council
FROM:	Brian Schofield, Public Works Superintendent
DEPARTMENT:	Public Works Department
MONTH:	May 2023

1. Read meters (1 day)
2. Meter repairs: replaced touch pads, trimmed bushes, gasket leaks, and cleanouts
3. Meter cutoffs: 23
4. Clean-up 5 days
5. Cut trees along roads, sidewalks, and parks
6. Repaired, replaced, or unplugged eight sewer mains or laterals
7. Repaired two water mains
8. Repaired and/or replaced traffic lights and street signs
9. Cleanup from major wind storms this month
10. Asphalt patching as needed
11. Continue to work on storm drains throughout town
12. Ongoing exchanging out of new carts for citizens
13. Started mowing operations
14. Put an asphalt path from the new pavilion to restrooms
15. Painted arrows and stop bars around town
16. Mulched around all the trees and flower beds in town

MONTHLY STAFF REPORT

MEETING DATE:	June 12, 2023
TO:	Rocky Mount Town Council
FROM:	Dennis Potter
DEPARTMENT:	Wastewater Treatment Plant
REPORT MONTH:	May, 2023

Average Daily Flow	0.719 MGD
Minimum TSS Reduction	98.0 %
Minimum BOD Reduction	99.0 %
Leachate (F.C. Landfill)	286,549 gallons
VPDES Violations	None
Sludge (Land filled @ F.C.)	48.99 Tons
Rain Total 4.1 inches	Snow Total 0 inches

The Wastewater Plant had 1 after hours alarms during the month of April.

The staff worked on regular maintenance at the plant and the pump stations.

The staff assisted Public Works by running camera to check some sewer lines for issues.

The staff completed 6 month maintenance at the pump stations.

The staff replaced the compressor and pinch valve on #2 grit chamber.

The staff replaced the scum pump on the #2 clarifier, due to pump locking up. Had one in stock.

Respectfully Submitted,

Dennis Potter

MONTHLY STAFF REPORT

DATE:	06/12/2023
TO:	Rocky Mount Town Council
FROM:	Michael K. Adkins – Water Superintendent
DEPARTMENT:	Water Department
MONTH:	May 2023

Operation and Production Summary:

The actual water production time (water filtering) for the entire month averaged 10.8 hours a day, which yielded approximately 890,748 gallons per day. Rainfall for this month was 4.8 inches, as measured at the water treatment plant. Therefore, the Blackwater River flow continues to be adequate for regular operation.

Total Raw Water Pumped:	25.24 million gallons
Total Drinking Water Produced:	27.61 million gallons
Average Daily Production:	890,748 gallons per day
Ave Percent of Production Capacity:	44.54 %
Flushing of Hydrants/Tanks/FD Use:	905,211 + 42,000 F.D. gals = 947,211 gallons
Plant Process Water:	874,000 gallons (finished water used by the plant)
Bulk Water Sold @ W.T.P.:	1,450 gallons
Bulk Water used at PW Shop	7,034 gallons
Tank Cleanout/Drainage/Leak	0 gallons
WVWA Water	0.0 million gallons

Testing:

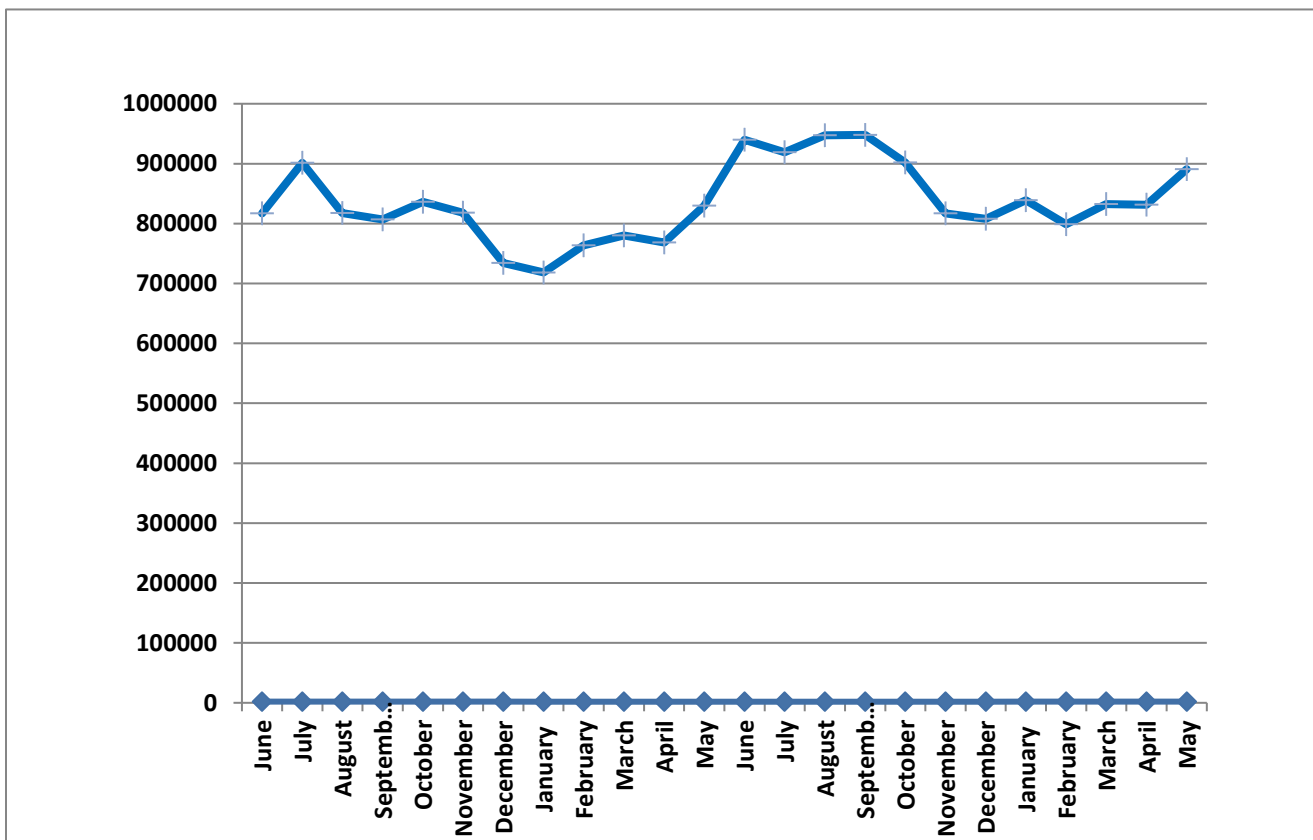
- Our monthly (7 total) routine bacteriological samples were free of bacteria. Therefore, the Town continues to comply with all drinking water standards by E.P.A. requirements.
- We resumed the Auto-flushing program in April 2023. This process reduces TTHM and HAA5 and provides fresher, higher-quality water to lines with low usage and no circulation.

Activities / Maintenance / Improvements

- The staff continued with our weekly checks of the chemical feeders, pump stations, equipment at tank sites, and monthly checklists around the plant, the river, and the dam. In addition, we continue to perform routine maintenance and groundskeeping.
- The interconnect with WVWA supplied 0.0 million gallons of water, which averages 0 gallons daily. Due to the low chlorine residual from WVWA, the connection has been cut off until the problem can be corrected. The connection has been off since June 2022.
- Staff and public works continued preliminary work on the Lead Service Line inventory list as required by the EPA. The staff has been entering information into the IworQs database.
- Staff, with the help of Finance, mailed an LSL Customer Self ID survey and began receiving customer results. This data is being compiled to meet the requirements on the Lead Service Line Inventory required by EPA.
- Staff received results from TTHM/HAA5 sampling on May 10. Due to staff operation and flushing within the system results were very good.
- Staff continued hydrant flow testing and flushing. This will be an ongoing process until all hydrants are tested and flushed.

- The Bridging the Gap program from the Sheriff's Office came to the water plant and cut brush, and trimmed the fence line.

Water Plant Production in Gallons Per Day (June 2021 to May 2023)



ITEM(S) TO BE CONSIDERED UNDER:
Other

FOR COUNCIL MEETING DATED:	June 12, 2023
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STAFF MAKING REQUEST:	Robert J. Wood, Town Manager
BRIEF SUMMARY OF REQUEST:	The enclosed proclamation is to recognize June as Alzheimer's & Brain Awareness Month. Unfortunately, Alzheimer's and other types of dementia have likely impacted all of us through friends and family members. You will note that this proclamation has a signature block for the Town Manager. This is not typically the way proclamations are written, but Mayor Perdue was kind enough to ask if I (Robert) would also sign the Proclamation due to the fact that my father is currently battling dementia. I appreciate his thoughtfulness with respect to this issue.
ACTION NEEDED:	Adoption of Proclamation.

Attachment(s):

1. 2023.0612 202.1 Alzheimer's Awareness Proclamation

FOLLOW-UP ACTION: (To be completed by the Town Clerk)
--



RESOLUTION NO.: 2023.010

Alzheimer's & Brain Awareness Month Proclamation

Whereas, Whereas Alzheimer's disease is a progressive, degenerative brain disease, tragically robbing individuals of their memories; and

Whereas, in Virginia, over 150,000 people have Alzheimer's or related dementia; and

Whereas, in the United States, there are more than 6 million people living with Alzheimer's disease and unless there are medical breakthroughs to prevent or cure the disease, it is estimated that as many as 12.7 million will have the disease by 2050; and

Whereas, nearly two-thirds of those with Alzheimer's disease are women; and

Whereas, Alzheimer's is the 6th leading cause of death in the United States; and kills more than breast cancer and prostate cancer combined;

Whereas, the Alzheimer's Association is the world's leading voluntary health organization in Alzheimer's care, support and research, with the vision of a world without Alzheimer's disease;

Whereas, The Longest Day on June 21st, a sunrise-to-sunset event symbolizing the challenging journey of those living with the disease and their caregivers, offers everyone the opportunity to get involved in the fight.

Whereas, as the Town of Rocky Mount offers its support to those living with Alzheimer's disease, we also recognize those who care and provide for them, sharing their loved one's emotional, physical and financial strains. We honor their compassion, remember those we have lost, and press toward the next great scientific breakthrough.

Therefore, we, Mayor C. Holland Perdue and Town Manager Robert J. Wood, proclaim June 2023

Alzheimer's and Brain Awareness Month

in the Town of Rocky Mount and call upon all residents to show their support on The Longest Day, June 21, 2023 by wearing purple and engaging in a day of activities, honoring the strength, passion and endurance of people facing Alzheimer's disease. This the 12th day of June 2023.

Mayor C. Holland Perdue

Town Manager Robert J. Wood

ATTEST:

Town Clerk Rebecca Dillon

ITEM(S) TO BE CONSIDERED UNDER:
Public Hearing

FOR COUNCIL MEETING DATED:	June 12, 2023
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STAFF MAKING REQUEST:	Jessica Heckman, Planning & Zoning Administrator
BRIEF SUMMARY OF REQUEST:	J. Cooke Towing has applied for a special exception permit in order to allow the storage of towed vehicles inside the garage located at 10 Pell Avenue, Rocky Mount, Virginia. On June 6, 2023, the Town of Rocky Mount Planning Commission held a site visit and a public hearing for the application. There were no public comments for the application. The Planning Commission recommended approval of the special exception with the condition that there is absolutely no parking, temporary or otherwise of towed vehicles on the outside of the garage structure, at any time for any reason. The motion passed with a vote of 7-0. This application was advertised in the Franklin News-Post as required by law, and the public hearing notice sign was posted on the site.
ACTION NEEDED:	Approve or deny.

Attachment(s):

1. Application
2. Staff Report TC
3. Street View
4. Aerial
5. 2023.0612 300.5 Ad Order Confirmation for Special Exception Permit - J. Cooke Towing

FOLLOW-UP ACTION:
(To be completed by the Town Clerk)



Town of Rocky Mount SPECIAL ZONING APPLICATION

☐ REZONING REQUEST ☒ SPECIAL EXCEPTION/USE ☐ VARIANCE

SURFEL 500.00
Postage \$43.50
Date Received: 4/25/23
Received by: OHeckman
PCBZA Date: 6/16/23 PC
6/16/23 TC

PRE-FILING CONSULTATION WITH THE TOWN PLANNING STAFF TO REVIEW THE PROPOSED REQUEST AND TO OBTAIN RECOMMENDED PROCEDURES AND TECHNICAL ASSISTANCE IS REQUIRED. TO SCHEDULE A PRE-FILING CONSULTATION, PLEASE CONTACT THE TOWN OF ROCKY MOUNT COMMUNITY DEVELOPMENT DEPARTMENT AT 540-483-0907.

APPLICANT NAME: J. Cooke Towing

ADDRESS: 10 Pell Avenue, Rocky Mount VA 24151

PHONE: EMAIL:

PROPERTY OWNERS NAME & ADDRESS: Robin Harrison Culler 1062 Long Horne Road, Union Hall VA
(If Different From Applicant)

TAX MAP & PARCEL NUMBER: 2070009000 LOT SIZE (ACRES/SQ.FT.)

CURRENT ZONING: ☐ R-1 ☐ R-2 ☐ R-3 ☐ RA ☐ RB ☐ RPUD ☐ POS ☐ C-1 ☐ C-2 ☐ M-1 ☐ M-2 ☒ CBD ☐ CBD-ARTS & CULTURE ☐ GB

CURRENT LAND USE: ☐ VACANT ☐ AGRICULTURAL ☐ RESIDENTIAL ☒ COMMERCIAL ☐ INDUSTRIAL

- ☐ REZONING REQUEST: PROPOSED ZONING: PROPOSED LAND USE:
- ☒ SPECIAL EXCEPTION/USE REQUEST OF SECTION(S) 29-1-32 OF THE TOWN ZONING ORDINANCE.
- ☐ VARIANCE REQUEST OF SECTION(S) OF THE TOWN ZONING ORDINANCE.

NATURE OF REQUEST - BRIEFLY DESCRIBE THE PROPOSED PROJECT AND SPECIFIC DEVIATION REQUEST FROM THE ZONING ORDINANCE.

To temporarily store towed vehicles within the existing garage.

I HEARBY CERTIFY THAT I AM ACTING WITH THE KNOWLEDGE AND CONSENT OF THE PROPERTY OWNER TO THE REQUEST DESCRIBED ON THE APPLICATION. BY SIGNING BELOW, I AGREE THE INFORMATION PROVIDED ON THE APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

X Cooke
APPLICANT SIGNATURE

4/25/23
DATE

BY SIGNING BELOW, I CERTIFY I AM AWARE OF THE REQUEST SUBMITTED AND THE INFORMATION PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE.

OWNER SIGNATURE

DATE



STAFF REPORT

PETITIONER: J. Cooke Towing

REQUEST: Special Exception Permit in the CBD(Central Business District) to allow temporary storage of towed vehicles inside an existing garage structure on the property

LOCATION: 10 Pell Avenue, Rocky Mount, VA

HEARING DATE: Planning Commission, June 6, 2023
Town Council, June 12, 2023

TAX PARCEL: 2070009000

PLANNING COMMISSION PUBLIC HEARING SUMMARY

On June 6, 2023, the Town of Rocky Mount Planning Commission held a site visit and a public hearing for the above-listed special exception permit application. The Planning & Zoning Administrator gave a summary of the staff report. There were no public comments for the application. Planning Commission recommended approval of the special exception with the condition that there is absolutely no parking, temporary or otherwise of towed vehicles on the outside of the garage structure, at any time for any reason. The motion passed with a vote of 7-0.

EXECUTIVE SUMMARY:

J. Cooke Towing has applied for a special use permit in order to allow the storage of towed vehicles inside the garage located at 10 Pell Avenue, Rocky Mount, Virginia. This application was advertised in the Franklin News-Post as required by law, and the public hearing notice sign was posted on the site.

I. APPLICABLE REGULATIONS:

DEFINITIONS

Central Business District - Statement of Intent - The purpose of this district is to promote the harmonious use and development of the historic uptown, downtown and surrounding areas, which is the traditional commercial, governmental, residential, and cultural center of Rocky Mount. The central business district is characterized by an uptown professional office district and a downtown commercial district, which surrounds a residential core. The central business district is distinct due to the historic architecture that lines and is directly adjacent to the pedestrian way and the street. It is the intent of the town to maintain the unique nature of the district by promoting the use of existing buildings, and maintaining and extending the current building arrangement, architectural style, and scale.

29-1-32 Any use not specifically listed will be reviewed on an individual basis and if approved, permitted by granting of a special exception by town council.

29-2 *Use by special exception (applicable here)*: For the purposes of this ordinance, the town council reserves unto itself the right to grant or refuse special exceptions as provided by 15.2-2286(A)(3) of the Code of Virginia(1950), as amended.

II. EXISTING CONDITIONS:

The subject property is located on the corner of North Main Street and Pell Avenue in the Central Business District and is bordered by M1 Manufacturing properties. There are two garage structures on the property. One of the structures houses an auto-body shop and serves as the office for J. Cooke Towing.

III. PROPOSED CONDITIONS:

If approved, the applicant intends to use the existing garage at the rear of the property to store towed vehicles. The applicant indicated a maximum of 4 vehicles will be stored at any given time, and each vehicle would be removed typically within 7-10 days from the date towed. The proposed use would not impact traffic and staff does not foresee any ingress/egress issues. The applicant is seeking a town facility to store towed vehicles so that he can be considered for the Town's towing rotation.

IV. CONFORMANCE WITH COMPREHENSIVE PLAN:

The Comprehensive Plan encourages growth and mixed use development within the Central Business District. Staff understands this use would not be considered compatible with the majority of the district, particularly the downtown/uptown areas where residential and commercial mixed use developments are ideal. However, the subject property is located on the outskirts of the district adjoining a manufacturing property. Based on the current use as an auto-body shop, the inside storage of vehicles in the second garage would likely go unnoticed.

V. STAFF ANALYSIS

Towing storage is not considered in any of the districts, therefore must be considered individually to determine compatibility with the district and/or neighboring properties. In reviewing the parcel and surrounding parcels, staff finds the use to be generally compatible with the adjacent properties.

Staff recommends approval with the condition that storage is limited to inside the garage and that there is absolutely no parking, temporary or otherwise of towed vehicles on the outside of the garage structure, at any time for any reason. This condition would allow staff the ability to take action to revoke the special exception permit if any such violation should occur. With these terms, staff is generally supportive of the special exception permit pending input from the public hearings.

POSSIBLE MOTIONS:

Approval: I move to approve the special exception request for Tax Map Parcel 2070009000 (on the following grounds, if needed): _____

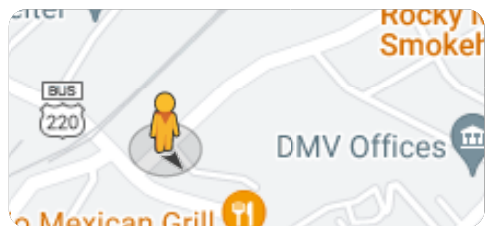
ONLY IF APPLICABLE:

Approval, with Imposed Conditions: I move to approve the special exception request for Tax Map Parcel 2070009000 with the following conditions: _____

Denial: I move to deny the special exception request for Tax Map Parcel 2070009000 (on the following grounds, if needed): _____



Image capture: May 2018 © 2023 Google





Imagery ©2023 Commonwealth of Virginia, Maxar Technologies, Map data ©2023 Google 20 ft

Order Confirmation

Order# 0001422394

Client: TOWN OF ROCKY MOUNT
Phone: 5404837660

Pavor : TOWN OF ROCKY MOUNT
Phone: 5404837660

Account: 6010669
Address: 345 DONALD AVE
ROCKY MOUNT VA 24151

Account: 6010669
Address: 345 DONALD AVE
ROCKY MOUNT VA 24151

Sales Rep Accnt Rep Ordered By Fax:
dhubbard legalsROA Cherie Q. Compto EMail: vcopenhaver@rockymountva.org

Total Amount \$286.16
Payment Amount \$0.00

Amount Due \$286.16

Tax Amount: 0.00

Payment Meth: Invoice - Statement

Tear Sheets Proofs Affidavits PO Number:
0 0 1

Ad Number Ad Type Ad Size Color
0001422394-01 CLS Legal Liner 2 X 39 li \$0.00

Production Method Production Notes
AdBooker (liner)

Product and Zone Placement Position # Inserts
FNP Franklin News-Post C-Legal Ads Legal Notices 2

Run Schedule Invoice Text: Pursuant to the Town Code of Rocky Mount and the Code of

Run Dates 5/19/2023, 5/26/2023

Product and Zone Placement Position # Inserts
FNP thefranklinnewspost.com C-Legal Ads Legal Notices 17

Run Schedule Invoice Text: Pursuant to the Town Code of Rocky Mount and the Code of

Run Dates 5/19/2023, 5/20/2023, 5/21/2023, 5/22/2023, 5/23/2023, 5/24/2023, 5/25/2023, 5/26/2023, 5/27/2023, 5/28/2023,
5/29/2023, 5/30/2023, 5/31/2023, 6/ 1/2023, 6/ 2/2023, 6/ 3/2023, 6/ 4/2023

TagLine: PURSUANTTOTHE TOWN CODE OF ROCKY MOUNT AND THE CODE OF VIRGINIA PUBLIC HEARINGS WILL BE HELD BY THE ROCKY MOUNT PLANNING COMMISSION AND TOWN COUNCIL TO REVIEW

ITEM(S) TO BE CONSIDERED UNDER:
Public Hearing

FOR COUNCIL MEETING DATED:	June 12, 2023
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STAFF MAKING REQUEST:	Vincent Copenhaver, Finance Director
BRIEF SUMMARY OF REQUEST:	Anytime the Town receives additional revenue that exceeds 1% of the adopted budget, then a public hearing must be held by Town Council before the additional funds can be appropriated. The 1% threshold for the adopted FY 2023 budget is \$136,635. The attached list of supplemental budget appropriations shows additional revenues received by the Town as well as any use of fund balance and carryover funds from the prior fiscal year. The total requested supplemental appropriation is \$908,331.
ACTION NEEDED:	Approve appropriation of funding not included in the original FY 2023 Budget.

Attachment(s):

1. 2023.0612 301.1 PH Resolution Regarding Town Receiving Additional Revenue in Excess of 1% of the Adopted Budget FY2023
2. 2023.0612 301.2 Ad Order Confirmation for FY2023 Budget Additional Revenue in Excess of 1%

FOLLOW-UP ACTION:
(To be completed by the Town Clerk)



RESOLUTION NO.: 2023.011

AUTHORIZATION TO REVISE BUDGETARY APPROPRIATIONS

The Rocky Mount Town Council Does Hereby Authorize by Resolution the
Following Supplemental Budget Appropriations on June 12, 2023

<u>Department</u>	<u>Purpose/Description</u>	<u>Account</u>	<u>Amount</u>
Police	Department of Criminal Justice Services	47200310.61121	\$215,000
	Additional ARPA Grant		
Police	Food Drive Donations Carryover from	12031010.54216	\$1,144
	FY22 to FY23		
Police	Crisis Intervention Overtime Funds	12031010.51022	\$9,047
Police	Market Salary Adjustments	12031010.51011	\$171,820
Public Works	VDOT Street and Road Maintenance	13041080.53101	\$90,000
	Carryover from FY22	13041070.53101	\$20,000
Public Works	Appropriate Insurance Proceeds	10091020.61342	\$47,020
Public Works	Appropriate Additional Investment	10091020.61342	\$240,000
	Income for Vehicle Replacement/Repairs		
Community Development	Land Purchase Down Payment	16081020.61101	\$50,000
	Environmental/Engineering	16081020.61101	\$5,275
Community Development	Celeste Park Grant Carryover from FY22	14043044.61151	\$39,998
	to FY23		
Capital	Carryover ARPA funds	41082448.61112	\$2,500
		43082481.53303	\$384
		46082457.61151	\$16,143
	Total Supplemental Appropriations		\$908,331
	Original FY2022-2023 Adopted Budget		\$13,663,522
	Amended FY2022-2023 Budget		\$14,571,853

Order Confirmation

Order# 0001425169

Client: TOWN OF ROCKY MOUNT
Phone: 5404835243

Payor : TOWN OF ROCKY MOUNT
Phone: 5404835243

Account: 6036748

Account: 6036748

Address:

Address:

ROCKY MOUNT VA 24151

ROCKY MOUNT VA 24151

<u>Sales Rep</u>	<u>Acct Rep</u>	<u>Ordered By</u>
hjones	dhubbardFNP	Vincent Copenhav

Fax:

EMail: rdillon@rockymountva.org

Total Amount	\$100.84
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Payment Amount	\$0.00
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Amount Due	\$100.84
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Tear Sheets

Proofs

Affidavits

PO Number:

Tax Amount: 0.00

Payment Meth: Invoice - Statement

<u>Ad Number</u>	<u>Ad Type</u>
0001425169-01	CLS Legal Liner

<u>Ad Size</u>	<u>Color</u>
2 X 22 li	\$0.00

Production Method
AdBooker (liner)

Production Notes

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
FNP Franklin News-Post	C-Legal Ads	Legal Notices	1

Run Schedule Invoice Text: PUBLIC NOTICE TOWN OF ROCKY MOUNT, VIRGINIA

Run Dates 6/ 2/2023

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
FNP thefranklinnewspost.com	C-Legal Ads	Legal Notices	10

Run Schedule Invoice Text: PUBLIC NOTICE TOWN OF ROCKY MOUNT, VIRGINIAA

Run Dates 6/ 2/2023, 6/ 3/2023, 6/ 4/2023, 6/ 5/2023, 6/ 6/2023, 6/ 7/2023, 6/ 8/2023, 6/ 9/2023, 6/10/2023, 6/11/2023

TagLine: PUBLICNOTICETOWNOFROCKYMOUNTVIRGINIAAHEARINGONAMENDMENTSTOTHEADOPTEDFY20222
023BUDGETPURSUANTTOSECTION1522507OFTHECODEOFVIRGINIAA

Ad Content Proof

Note: Ad size does not reflect actual ad

**PUBLIC NOTICE
TOWN OF ROCKY MOUNT, VIRGINIA
A HEARING ON AMENDMENTS TO THE ADOPTED FY 2022-2023 BUDGET**

Pursuant to Section 15.2-2507 of the Code of Virginia, as amended, on **Monday, June 12, 2023, at approximately 6:00 p.m.**, the Rocky Mount Town Council will conduct a hearing on amending the adopted FY2022-2023 Town budget at the Town Municipal Building, 345 Donald Avenue, Rocky Mount, Virginia.

The original FY 2022-2023 budget was adopted in the amount of \$13,663,522. The FY22-23 budget needs to be amended by a total of \$908,331 to appropriate funds received by the Town for an additional Police Department grant, Insurance proceeds, carryover funds, additional investment income and the use of fund balance for one-time projects. The new adjusted budget total is \$14,571,853. A summary of the proposed budget amendment is on file in the Finance Department at the Town Municipal Building.

Rebecca H. Dillon, CMC
Town Clerk
Town of Rocky Mount

ITEM(S) TO BE CONSIDERED UNDER:
Public Hearing

FOR COUNCIL MEETING DATED:	June 12, 2023
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STAFF MAKING REQUEST:	Vincent Copenhaver, Finance Director
BRIEF SUMMARY OF REQUEST:	Representatives from the Town's financial consultant, Davenport, will be present to present the bids or proposals that were received from various financial institutions for the financing of the potential land purchase. There are also two draft agreements for your review: 1) authorizing resolution to approve the financing with the selected financial institution and 2) development agreement that outlines terms of the development of the property with the EDA.
ACTION NEEDED:	Approval of the Authorization Resolution and Development Agreement.

Attachment(s):

1. 2023.0612 302.1 Resolution General Obligation Bond - Financing Land Acquisition and Improvements (64.4 acres)
2. 2023.0612 302.2 Draft Development Agreement

FOLLOW-UP ACTION:
(To be completed by the Town Clerk)

RESOLUTION NO: 2023.012

APPROVING RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ROCKY MOUNT, VIRGINIA AUTHORIZING THE TOWN OF ROCKY MOUNT, VIRGINIA GENERAL OBLIGATION PAYMENT AGREEMENT IN SUPPORT OF THE FINANCING BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE TOWN OF ROCKY MOUNT, VIRGINIA

WHEREAS, the Economic Development Authority of the Town of Rocky Mount, Virginia (**the “Authority”**) is a political subdivision of the Commonwealth of Virginia duly created pursuant to the Virginia Industrial Development and Revenue Bond Act, Chapter 49 of Title 15.2 of the Code of Virginia of 1950, as amended (**the “Act”**); and

WHEREAS, the Act authorizes the Authority to borrow money to pay the costs of acquiring, developing industrial parks and other “authority facilities” for manufacturing, industrial, office or other uses permitted thereunder, to accept funds from counties, cities and towns and use the same for Authority purposes, to make loans and to enter into contracts of any kind to accomplish the purposes of the Authority, and the Act further authorizes the Authority to issue bonds to finance its projects; and

WHEREAS, in order to further the purposes of the Act, the Authority intends to issue up to \$5,150,000 in principal amount of a taxable revenue bond or bond anticipation note, series 2023 (**the “EDA Bond”**) to finance the acquisition of interests in land and related improvements and facilities and development thereof, including necessary expenses incidental thereto (**the “Project”**); and

WHEREAS, the Authority and the Town of Rocky Mount, Virginia (**the “Town”**) will enter into a development or other agreement (**the “Development Agreement”**) that sets forth certain obligations of the Authority to acquire and develop the Project with proceeds from the issuance of its EDA Bond; and

WHEREAS, the Town intends to provide financial support for the Project through issuance of the Town’s general obligation payment agreement with the Authority that will provide funding to make debt service payments on the EDA Bond (**the “Payment Agreement”**); and

WHEREAS, the EDA Bond is a limited obligation of the Authority payable from the revenues and receipts of the Authority to be received under the Payment Agreement as a general obligation of the Town; and

WHEREAS, such EDA Bond will be secured by a pledge of the revenues and receipts received by the Authority from payments made by the Town pursuant to the Payment Agreement; and

WHEREAS, all such payments from the Payment Agreement will be assigned from the Authority to the purchaser of the EDA Bond (**the “Bank”**), through an assignment or other agreement of the EDA with the Bank; and

WHEREAS, the Town’s obligation to make payments under the Payment Agreement will be secured by the full faith and credit of the Town, and as such, the Town’s Payment Agreement will be a “general obligation bond” within the meaning of the Public Finance Act of 1991 (**the “Public Finance Act”**), Section 15.2-2600 *et. seq.* of the Code of Virginia of 1950, as

amended (the “**Virginia Code**”); and

WHEREAS, there have been presented to this meeting drafts of the following documents (collectively, the “**Documents**”) in connection with the transactions described above, copies of which shall be filed with the records of the Town Council of the Town:

- a. a Paying Agreement between the Authority and the Town (the “**Town Paying Agreement**”);
- b. the Bond Purchase Agreement with the Bank;
- c. an assignment agreement, assigning to the Bank the Authority’s rights to receive payments from the Town including the Authority’s rights under the Payment Agreement, which is to be acknowledged and consented to by the Town; and
- d. a Specimen EDA Bond.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Rocky Mount, Virginia:

1. The following plan for financing is approved. The Authority shall disburse the proceeds of the EDA Bond to the Town to finance the Project. The Town shall agree in the Payment Agreement to make payments to the Authority sufficient to pay when due all amounts due and owing under the EDA Bond. The issuance of the EDA Bond on the terms set forth in the Bond Purchase Agreement is hereby approved. The obligation of the Authority to pay principal and interest on the EDA Bond will be limited to payments received from the Town in accordance with the terms of the Payment Agreement. The Payment Agreement shall constitute a general obligation debt of the Town. The issuance of the Payment Agreement is hereby authorized on the terms and conditions as substantially set forth in the Payment Agreement, and in accordance with Section 15.2-2601 of the Virginia Code, the Town Council elects to execute and deliver the Payment Agreement pursuant to the provisions of the Public Finance Act. The Payment Agreement shall be a general obligation of the Town to which the full faith and credit of the Town are irrevocably pledged, entitling the beneficiary of the Payment Agreement, including any person or entity to which rights that have been assigned, to the remedies set forth in Section 15.2-2659 of the Virginia Code in the event of nonpayment of the principal of or interest on the Payment Agreement. The amount of the Payment Agreement designated for support of the principal amount of the EDA Bond shall not exceed \$5,150,000. The Town Council is authorized to and shall levy and collect annually, at the same time and in the same manner as other taxes of the Town are assessed, levied and collected, a tax upon all taxable property within the Town, over and above all other taxes authorized or limited by law, and without limitation as to rate or amount, sufficient to pay when due the payments under the Payment Agreement to the extent other funds of the Town are not lawfully available and appropriated for such purpose.
2. The Town Council hereby approves, and acknowledges and consents to, as appropriate, the Documents in substantially the forms submitted to this meeting with such completions,

omissions, modifications, insertions and changes as may be approved by the Mayor or Vice Mayor of the Town or the Town Manager, whose execution of the Payment Agreement shall be conclusive evidence of such approval, acknowledgement and consent. The final terms and interest rate of the EDA Bond in a maximum principal amount of \$5,150,000 will be approved as authorized by the Authority. In addition, the Town Council authorizes and approves a Development Agreement with the EDA for development of the Project for the sale of one or more parcels comprising the Project and the reimbursement of the Town from the proceeds of the sale of such parcels.

3. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
4. The Town Council finds and determines that the Project is in furtherance of lawful purpose and objectives and will be in the public interest, will benefit the citizens of the Town, will increase commerce and will promote the safety, health, welfare, convenience and prosperity of the Town and its citizens.
5. The Mayor or Vice Mayor of the Town, or either of them, and the Town Manager, Town Director of Finance and Town Clerk are each hereby authorized and directed to execute the Payment Agreement and acknowledgement and consent to any assignment agreement relating thereto and such other instruments, agreements and documents as are necessary to execute and deliver the Payment Agreement and to create and perfect a complete assignment in favor of the Bank of the payments due or to become due under the Payment Agreement. The officers, employees and representatives of the Town are authorized and directed to work with representatives of the Authority, the Bank, the Town's financial advisor, Davenport & Co. LLC and the Town's Bond Counsel, Sands Anderson PC and the Authority's counsel to take such actions, authorize such services and prepare all documentation necessary to issue the EDA Bond in accordance with the Documents and to otherwise carry out the intent of this Resolution.
6. All other acts of the officers, employees, agents and representatives of the Town that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the EDA Bond, the execution and delivery of the Payment Agreement, the acknowledgement and consent to an assignment agreement, if any, and the Development Agreement with the EDA and the undertaking of the Project are hereby approved, ratified and confirmed.
7. The Town Attorney and the Town Clerk, or their designees, are authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County of Franklin, Virginia, pursuant to Sections 15.2-2607 and 15.2-2653 of the Virginia Code.
8. This resolution shall take effect immediately.

Adopted this __ day of ____, 2023.

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Town Council of the Town of Rocky Mount, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on _____, 2023, by the Town Council with the following votes by the following members of the Town Council:

Aye:

Nay:

Abstentions:

Signed this ____ day of _____, 2023.

By: _____
Clerk, Town Council

DEVELOPMENT AGREEMENT

This Development Agreement (**“Development Agreement”**) is dated and effective as of _____, 2023, between the **TOWN OF ROCKY MOUNT, VIRGINIA**, a Virginia political subdivision, (**the “Town”**), and the **ECONOMIC DEVELOPMENT AUTHORITY OF THE TOWN OF ROCKY MOUNT, VIRGINIA**, a Virginia political subdivision (**the “Authority”**).

WHEREAS, the Town is authorized pursuant to Section 15.2-953(B) of the *Code of Virginia* of 1950, as amended (**the “Virginia Code”**), to make donations of property and/or money to the Authority for the purposes of promoting economic development and to lease or convey property to other political subdivisions pursuant to Section 15.2-1800 of the Virginia Code, and the Authority is authorized pursuant to Section 15.2-4905(12) of the Virginia Code, to accept such contributions from the Town and pursuant to Section 15.2-4905(6) of the Virginia Code to sell, donate and convey its properties for the purposes of promoting economic development in the Commonwealth of Virginia; and

WHEREAS, the Town has requested the Authority to assist with the financing, marketing and development, and potential sale or lease of a various real property parcels in the Town more particularly described in **Exhibit A** hereto (**the “Site”**) for economic development purposes;

WHEREAS, the Town expects to fund the purchase of the Site through the issuance of a revenue bond anticipation note of the Authority in the amount not to exceed \$5, 150,000 (**the “EDA Note”**)

WHEREAS, the Authority will issue the EDA Note payable by the Town under a Payment Agreement, dated as of _____, 2023, between the Town and the Authority (**the “Payment Agreement”**);

WHEREAS, the Authority agrees with the Town that the proceeds from the sale of the EDA Note will provide sufficient funds to purchase the Site and pay costs of issuance of the EDA Note;

WHEREAS, the parties have agreed that as parcels within the Site are sold or conveyed, the proceeds from such sales or conveyances shall be paid to the Town to reimburse the funds the Town provided for the payment of the EDA Note or to pay all or a portion of the outstanding principal and interest on the EDA Note, each as directed by the Town;

WHEREAS, the parties hereto have entered into this Development Agreement to describe the development of the Site and the rights and obligations of the Town and the Authority in relation to the Site and the use of the proceeds from any sale of the Site for the repayment of the EDA Note; and

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein, the parties hereby agree as follows:

I. **SOURCE OF FUNDS.** The Authority will issue the EDA Note in a principal amount of not to exceed \$5,150,000, payable solely from the payments from the Town under the Payment Agreement and without recourse to the Authority and the Authority and the Town agree that the net proceeds after payment of costs of issuance of the EDA Note will be used to fund the purchase of the Site plus all other costs customarily incurred in connection with land acquisition.

II. **CONVEYANCE.** At closing, title to the Site shall be conveyed to the Authority.

III. **MARKETING AND SALE OF THE SITE.** The Town and the Authority agree to work jointly to market all or a portion of the Site for economic development purposes. The Authority agrees that it shall not sell or lease or otherwise convey any portion of the Site without the prior written consent of the Town.

IV. **REIMBURSEMENT OF SITE COSTS.** The Authority will disburse any sale or conveyance proceeds of any portion of the Site, if any, to the Town upon receipt thereof. At closing on the purchase of the Site, the Authority will execute a promissory note in the form attached hereto as **Exhibit B (the "EDA Site Repayment Note")** reflecting the terms on which it shall reimburse the Town the total of funds contributed by the Town in connection with the acquisition of the Site. The Town may request the Authority execute and deliver a deed of trust securing the EDA Site Repayment Note with a lien on the Site. If such a deed of trust is executed, the Town will release a portion of its lien on the portion of the Site to be sold upon written request of the Authority and payment to the Town of the funds corresponding to the purchase price for such portion of the Site so secured.

V. **RENTS FROM SUBLEASES.** The Town and the Authority agree that rents or other amounts received by the Authority from any subleases or other uses of any portion of the Site, if any, shall be paid to the Town. The Authority will prepare an annual report by [September 1] of each year during the term of this Development Agreement setting forth the payments received and disbursed relating to the Site during the prior fiscal year (ending June 30th).

VI. **CONSENT OF TOWN REQUIRED.** The Authority agrees that no actions or uses shall be taken or made on or relating to the Site, including but not limited to any leases, mortgages, sales, licenses, easements, or uses on the Site, without the prior written permission of the Town.

VII. **TERMINATION OF AGREEMENT.** This Development Agreement shall terminate upon sale of the Site (with consent of the Town) and payment of any related proceeds in connection therewith to the Town.

VIII. **ASSIGNMENTS.** The Town and the Authority may not assign their rights and obligations under this Development Agreement without written consent of the other party.

IX. **DISCLAIMER.** No provision of this Agreement shall be construed or interpreted as creating a pledge of the faith and credit of the Town within the meaning of any constitutional debt limitation. No provision of this Development Agreement shall be construed or interpreted as delegating governmental powers nor as a donation or a lending of the credit of the Town within the meaning of the Virginia Constitution. This Development Agreement shall not directly or indirectly obligate the Town for any fiscal year in which this Development Agreement shall be in effect nor to make any payments beyond those appropriated in the sole discretion of the Town Council. No provision of this Development Agreement shall be construed to pledge or to create a lien on any asset or source of the Authority's or the Town's moneys. To the extent of any conflict between this section and any other provision of this Development Agreement, this section takes priority.

X. **MISCELLANEOUS.**

- A. Governing Law. The law of the Commonwealth of Virginia shall govern this Agreement, and the exclusive venue for actions regarding this Agreement shall be the Circuit Court of Franklin County, Virginia.
- B. Conveyance of the Site As-Is. The Town and the Authority shall each be provided with reasonable access to the Site to conduct investigations, inspections and tests on the Site reasonably required to determine the condition of the Site. Neither the Town nor the Authority make any representations or warranties, express or implied, concerning the condition or status of the Site.
- C. Communications. Any communication under this Agreement shall be sufficiently given when delivered by hand or by first-class certified mail, postage prepaid, as follows:
- a. If to the Authority:
Chair
Economic Development Authority of the Town of Rocky Mount, Virginia
 - b. _____ If to the Town:
Rocky Mount Town Manager

- D. Entire Agreement; Amendments. This Development Agreement constitutes the entire contract between the parties and may not be changed except in writing signed by all parties to this Development Agreement.
- E. Binding Effect. This Development Agreement is binding upon the parties and their respective successors and assigns.
- F. Counterparts. This Development Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same instrument.
- G. Severability. If any court of competent jurisdiction holds any provision of this Development Agreement invalid, then (a) such holding shall not invalidate any other provision of this Agreement, unless such provision is contingent on the invalidated provision; and (b) the remaining terms shall constitute the parties' entire agreement.
- H. Time of the Essence. Time shall be of the essence of all provisions of this Development Agreement.
- I. Litigation. Attorney's fees shall not be recoverable by the prevailing party in the event this Development Agreement is subject to litigation.

IN WITNESS WHEREOF, the parties have caused this Development Agreement to be executed in their corporate names by their duly authorized officers.

**TOWN OF ROCKY MOUNT,
VIRGINIA**

By: _____

Title: _____

DATE: _____

**ECONOMIC DEVELOPMENT
AUTHORITY OF THE TOWN OF
ROCKY MOUNT, VIRGINIA**

By: _____

Title: _____

DATE: _____

Exhibit A

Description of the Site

Exhibit B

EDA Site Reimbursement Note