

THE ROANOKE TIMES

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Rocky Mount building debate at center of council race

By Molly Hunter

ROCKY MOUNT — Over the last several months, a number of signs have appeared in the windows of 325 Franklin Street implying the town is colluding to prevent development of the building.

The registered agent for the company that owns the downtown building, Phillip Bane, put the signs up. He has said the town is an “entrenched bureaucracy” and that prompted him to start his ongoing campaign for Rocky Mount town council.

Meanwhile, on three separate occasions, town employees have called law enforcement to the town municipal building because of Bane. The back-and-forth over the building has also included several more candidates running in this year’s council election.

The situation started several years ago, with Bane’s plan to turn the Franklin Street building into a hotel. Improvements have been made to the building over the years, but it remains under construction.

Bane has spent the past year or more embroiled in zoning disputes with the town concerning the property. In January, Franklin County requested work on the property to cease until the various issues are resolved.

The police involvement has occurred over the last two years.

“Unfortunately, in some of the interactions we’ve had with Mr. Bane, he has been very combative. ... In fact, it’s gotten to the point where, on three different occasions when Mr. Bane has been at the municipal building, the police have been called because employees were either concerned about their own safety or the safety of other employees. ... [It] is unfortunate and not something that happens normally at our building,” Town Manager Robert Wood said.

Town officials said the first two instances occurred while Bane was in the building to meet with town staff. Once, staff said, employees called the police after becoming concerned for a staff member’s safety while meeting with Bane.

A second instance, Bane said, happened when he visited the town office to speak with Wood.

“The woman said, ‘Robert Wood is not available.’ And I said, ‘Ma’am, if you’re going to lie to me, close his door, I can see him in his office.’ They closed his door then they ended up bringing a police officer in,” Bane said.

The third, and most recent instance, also involved Wood.

“There was a town council meeting that night. I went outside, waited for him and he’s actually the one who assaulted me — he was hitting me in the chest with a rolled up newspaper,” Bane said.

Bane said he has a video recording of that event, but when asked if he would like to share it publicly through The Roanoke Times, he declined.

“The information he has given is false,” Wood said. “I never touched him with my hand or a piece of paper or anything. I was trying to deescalate the situation and he followed me across the parking lot.”

When Wood could not meet with Bane shortly before the end of the business day, Bane waited for him in the parking lot outside, blocked his car in, entered the municipal building through a secure, staff-only entrance, approached and followed Wood around the parking lot when he did leave and, when Wood got into his car, Bane stood over him in the door, preventing it from closing, Wood said.

“We’ve got video and eye witnesses that can back that up,” Wood said.

A third incident happened when police were called when Bane was not present, according to town officials.

Then, at a candidate forum held Thursday in Rocky Mount by the Franklin County NAACP, Bane claimed that the town council, led by Mayor Steve Angle, who is running for reelection, has voted in secret to interfere with Franklin Street development.

The Roanoke Times’ review of public records and interviews with local government staff and elected representatives did not find evidence of anything improper.

“The town of Rocky Mount in no way shape or form is trying to prevent Mr. Bane or any other investor in the town from being successful,” Angle said. “We have rules and regulations that need to be followed when people want to open a business within Rocky Mount and we expect everyone to follow those. ... As far as being behind closed doors to take votes, I can assure you with 100% certainty that does not happen. As far as when it comes to voting, as mayor I do not vote unless there is a tie among the six council members on a vote ... [or] during budget season when we are developing a new budget.”

Public records show that town staff have overseen attempts to resolve the various issues at the 325 Franklin Street property, which is assessed for tax purposes at over \$700,000.

Wood said the town views development projects as a partnership between the town and property owners, and that the town tries to maintain professional, cordial relationships with them.

“There are disagreements [between the town and property owners] at times on code issues and rules and standards and that sort of thing, but we’ve always been able to work those out professionally and amicably and the projects get done,” Wood said.

Assistant Town Manager Mark Moore also said there is typically a certain level of partnership between the town and property owner that has not been present regarding 325 Franklin Street because Bane doesn’t seem to believe the rules that all property owners must follow apply to him.

At an April 7 Rocky Mount Board of Zoning Appeals meeting, Wood described what he called a “pattern” to Bane’s development efforts.

“The rules have not been followed, permits have not been obtained, they’ve been obtained after construction started,” Wood said.

That assertion is backed up by public records.

Demolition at 325 Franklin Street began in 2020 — more than a year before Franklin County issued a demolition permit for the property — and knocked broken glass and debris onto the sidewalk, street and parked cars.

In early 2022, the town noted that new walls had been built on top of the building's existing roof and parapets, adding between 3 and 12 feet of height to the building. The town never received or approved plans to add height. Moreover, adding height violated the town's zoning codes, which state that central business district-zoned buildings, like 325 Franklin Street, "may not exceed two stories in height with a maximum height of 45 feet from grade" and "parapet walls may not project more than four feet above the roof."

Elsewhere in the project, the results did not match the plans that were approved: In August 2021, the town found that the sidewalk on the Claiborne Avenue side of the building had been left too narrow following the installation of a ramp and handrail. The sidewalk did not comply with Virginia Department of Transportation (VDOT) requirements and federal accessibility standards, and failing to do so could endanger some of the funding the town receives from VDOT, so the town issued Bane a zoning violation.

In both cases, Bane went to the town Board of Zoning Appeals to get after-the-fact permission for the work. Against the recommendations of town staff and the wishes of town council, the BZA — led by Chairman and Rocky Mount mayoral candidate Holland Perdue — granted Bane's requests.

Wood and Moore said they still had concerns, based on conversations with the town's engineers, about the added height and whether the building would hold up to the extra weight or if wind shear might cause parts of the walls to fall onto the street.

On May 4, Rocky Mount Town Attorney John Boitnott appealed the BZA's decision to allow the added height with the Franklin County Circuit Court.

"Our purpose in filing the appeal was to ask the court to ... require them to provide all of that engineering detail and all of that engineering certification that would be required for any building," Wood said.

The town withdrew its appeal once the county assured the town that it would require revised plans before lifting its stop work order. Bane submitted new plans Sept. 12 but had not received approval from the county as of Sept. 15.

It's not the first time Bane has faced issues over a property.

Online court case information available at eapps.courts.state.va.us/ocis/search shows that, in 1997, the state took Bane to court in Roanoke County over an unsafe structure criminal misdemeanor charge. He was found guilty and paid a \$1,000 fine.

In 2005, in Roanoke County, the state also brought several felony charges against Bane for failure to pay sales taxes. The cases were dismissed but Bane received unsupervised probation and had to pay more than \$1,500 in fines and costs, according to case documentation.

Rather than appeal the BZA decision on the sidewalk, the town is looking into correcting the situation on its own dime. Doing so may affect the adjacent on-street parking spots.

“Not just because of the VDOT funding, but because we feel people should be able to use public facilities like sidewalks, ... we are going to put the necessary time and money into fixing the sidewalk that was altered and made non-compliant by what Mr. Bane did,” Wood said.

Then, at the BZA’s Aug. 4 meeting, Perdue moved to change the minutes from the meeting on the sidewalk, eliminating a section summarizing questions from BZA Vice Chairwoman Susan Hapgood about the sidewalk’s impact on the town’s VDOT funding.

“This reads to me like we didn’t take into consideration VDOT funding,” Perdue said Aug. 4.

Hapgood said the minutes were an accurate reflection of the discussion and moved to accept them as presented. Her motion died for lack of a second and Perdue’s motion to change the minutes carried in a 2-1 vote, with Hapgood dissenting.

“All we’re there to do is determine whether there was a violation or there was not,” Perdue said when The Roanoke Times asked him about the change. “That language had nothing to do with the finding.”

Later, Perdue added he felt the original minutes were picking and choosing parts of the conversation and he wanted them to be more streamlined.

About the downtown structure, Bane said: “None of the building was ... really my motivation for running. ... I don’t want anyone to go through what I went through. ... Town administration has opened the people of Rocky Mount up to excessive litigation ... and we cannot afford to keep government by litigation. ... They do not care about the people of Rocky Mount. For them it’s all about the ego. ... The town council is supposed to represent us.”

The belief in a need for change on the town council has been shared by other local candidates, including Perdue.

“There’s a lot of people around here that feel like their voices aren’t heard by the current mayor and council. ... Small businesses tend to have harder times when they’re coming to the area – I’ve seen it first hand. ... We’ve got to be proactive, we’ve got a lot of empty buildings downtown,” Perdue said.

Although several of the candidates have made comments about needing a change on town council, Bane said he is not running with anyone else.

“We’re not running together. I think we each have our own ideas,” Bane said.

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Telcom firm promises improvements

By Molly Hunter

Telecommunications company Brightspeed has purchased assets in Franklin County that formerly belonged to Lumen and CenturyLink, but will have to contend with former CenturyLink customers who have been less than pleased with service.

In August, Franklin County resident Denise Bryant emailed The Roanoke Times about the poor CenturyLink service.

“My mother and others are having issues with their service and getting resolution,” Bryant wrote. “I have filed complaints ... and spoken to Senator [Bill] Stanley’s office for assistance. My mother who is 86 years old and sick has not had a phone since 8/6/2022. I have spent a countless [hours] trying to resolve the issue with CenturyLink. I have been given promises of resolution but it hasn’t been fulfilled. When I try to speak to someone, I get transferred multiple times. I am not able to speak to someone in the United States.”

It took about week to resolve the issues, Bryant told The Roanoke Times on Tuesday.

“They did not put a work order in until Aug. 10 and they finally fixed it on Aug. 12. ... Franklin County deserves better telephone service,” Bryant said.

At the Franklin County Broadband Authority’s Sept. 20 meeting — the county supervisors serves as the authority — Assistant County Administrator Steve Sandy brought up service disruptions for CenturyLink customers in the Calloway area. At the time, he said the issues experienced by individual customers had largely been resolved.

“I’ll be the first to admit it took way too long for them to get their service restored. ... I think every district probably has some people who’ve had issues with CenturyLink,” Sandy said.

At the supervisors meeting Tuesday, Richard Schollmann with Brightspeed said the company serves about 6,000 broadband customers on DSL lines and about 1,000 voice customers in Franklin County

In September, Sandy said he believed the service issues come down to a lack of infrastructure investment on CenturyLink’s behalf.

“The push was for some mechanism to have them invest more money into their infrastructure through this purchase agreement. That’s a process that’s going on and there is some ... The State Corporation Commission has mandated some things that will happen when the ownership changes and Brightspeed will have to do some things,” Sandy said.

Schollmann referenced some of those requirements Tuesday.

“We are required ... to submit a report with measurable and verifiable commitments regarding the plans for the maintenance, repair and replacement of the **copper** network ... due in January,” Schollmann said.

Schollmann explained that rural areas of Virginia rely more heavily on the **copper** network for access to 911 services, especially in places without reliable cellphone service.

Schollmann started working for Brightspeed less than two weeks ago, but his time in the telecommunications industry goes back about 20 years.

“I had 15 years working with initially Sprint, which became Embarq, which became CenturyLink, which became Lumen, which is now becoming Brightspeed,” Schollmann said.

Schollmann retired about two years ago but recently returned to work because of Brightspeed’s commitment to improving customer service. He noted that the company has already made investments in customer service and has a new repair center phone number for customers: 833-692-7773.

“The company has a different philosophy about providing service and providing good customer service. To be very honest with you, I spent 15 years with the company and I had no desire to come back and bang my head against a wall. ... Talk is cheap but it’s going to be the actions that you’ll be looking at. And that’s what I’m here to tell you ... I’m not going to be absent,” Schollmann said.

THE ROANOKE TIMES

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Franklin County tax rates approved, budget in limbo

By Molly Hunter

ROCKY MOUNT — The Franklin County Board of Supervisors this week approved tax rates — which aren’t changing — for the 2022-23 budget, but stalled on budget approval due to differences about how to fund a recurring \$600,000 gap in the county’s capital expenditures budget.

Its specific components may vary from year to year, but during the board’s meeting on Tuesday, Franklin County Administrator Christopher Whitlow said the capital expenditures budget has fallen short by a relatively consistent amount — roughly \$600,000 — for almost two decades.

During budget discussions, the \$600,000 gap has been represented by a new fire and EMS apparatus for Ferrum Volunteer Fire Department. Board Vice Chairman Tim Tatum — who represents the Blue Ridge District, which covers Ferrum VFD — pointed out on Tuesday that the money could be used for any capital expenditure.

“It just happens that we’re talking about fire trucks — we could be talking about a fire truck, we could be talking about a front load truck at the landfill, we could be talking about police cars at the sheriff’s department. These are all items that...we pay for with our capital budget,” Tatum said.

A proposed increase in the county’s meals tax would raise it from 4% to 6%. It’s estimated that the additional resulting revenue would amount to about \$600,000 — enough to fill the gap in the capital expenditures budget.

Without the meals tax increase — to which supervisors Lorie Smith, Mike Carter and Ronald Mitchell are strongly opposed — the county must amend expenditures or revenue elsewhere to balance the budget. So far, suggestions have focused on doing the latter, but on Tuesday the board continued to disagree about the suitability and viability of various revenue sources, such as budget stabilization and unassigned fund balance.

Franklin County Finance Director Brian Carter explained that budget stabilization is designed as a kind of operating expenses reserve to get through a sudden mid-year downturn. Meanwhile, when the county's revenue exceeds its expenses in a given year, a surplus is created which is added to the unassigned fund balance, accumulating over time.

At the beginning of the fiscal year, the county reserves 20% of its operating revenues from the unassigned fund balance. Doing so gives the county a bigger cushion for hard times and helps maintain the county's credit rating.

The disagreement on Tuesday seemed to hinge on how much money to set aside in anticipation of a possible recession on the heels of recent inflation.

The discussion during Tuesday's meeting was punctuated by failed votes to impose a meals tax increase from 4% to 5% and use \$300,000 from budget stabilization — with supervisors Leland Mitchell, Tatum and Tommy Cundiff in favor and Ronald Mitchell, Smith, Mike Carter and Ronnie Thompson against — and use \$600,000 from budget stabilization, to be replenished with twice a year tax collection revenue — with Ronald Mitchell, Tatum and Mike Carter in favor and Smith, Cundiff, Leland Mitchell and Thompson against.

After a discussion dissecting the estimated cost of a new fire engine for Ferrum VFD, Cundiff made a motion to adopt the meals tax increase from 4% to 6% as proposed, which Thompson seconded. That vote passed, with Tatum, Cundiff, Leland Mitchell and Thompson voting in favor and Smith, Mike Carter and Ronald Mitchell voting against.

"I think what just happened here is tantamount to extortion, in my opinion," Mike Carter said, following the vote. "...I feel like the board was strong-armed into voting for this under the guise of Ferrum's new fire truck, and I don't like it quite frankly."

Tatum acknowledged that the vote puts him in a hard place, since Ferrum VFD is in his district. At the end of the day, though, Tatum indicated he will support the solution that covers the gap in the capital expenditures budget.

"I made my motion earlier to scrap the meals tax for this year because it didn't look like the mood was here to pass a meals tax increase," Tatum said. "...The money that's needed for this item is to cover a gap in our capital budget, period."

After that, the board took a 10-minute break. Upon returning from the break, Thompson moved to withdraw the vote on the meal tax increase, and the board voted to approve the withdrawal with all in favor except Ronald Mitchell, who stated he was unclear about the topic of the vote.

The vote nullified, discussion continued and Mike Carter moved to use \$600,000 from the unassigned fund balance, with that amount to be replenished using property tax revenue. His motion was seconded by Tatum, but the vote on it failed, with Mike Carter, Ronald Mitchell and Tatum for and Cundiff, Leland Mitchell, Smith and Tatum against.

“We’ll have to have time in our next meeting to come up a solution to balance the budget,” Thompson said.