

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
MARCH 10, 2010**

The March 10, 2010 regular Council meeting of the Rocky Mount Town Council was held in the Council Chambers of the Rocky Mount Municipal Building located at 345 Donald Avenue, Rocky Mount, Virginia at 7:00 p.m. with Mayor Steven C. Angle presiding. The following members of Council were present:

Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker

The meeting was called to order by Mayor Angle.

For the record, the following were present: All members of Town Council as noted, Town Manager C. James Ervin, Assistant Town Manager/Community Development Director Matthew C. Hankins (and Planning & Zoning Administrator), Town Attorney John T. Boitnott, Chief of Police Erik Mollin, Finance Director Linda Woody, Fire Chief Posey W. Dillon, Public Works Director Cecil R. Mason, Community Partnership for Revitalization Executive Director Katie McElroy, and Town Clerk Patricia H. Keatts.

The Mayor led the *Pledge of Allegiance*.

### **APPROVAL OF AGENDA**

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

- Motion was made by Council Member Strickler to approve the agenda as presented, seconded by Council Member Seale and carried unanimously.

### **SPECIAL ITEMS**

The Mayor presented two special items:

- 1) On behalf of Council, the Mayor recognized Town Clerk Patricia Keatts for earning her designation of Master Municipal Clerk, which is awarded by the International Institute of Municipal Clerks, Inc (IIMC). He stated that the designation is given only to those municipal clerks who complete demanding education requirements, and who have a record of significant contributions to their local government, their community, and state. It was further pointed out that the IIMC has members throughout the United States, Canada, and 15 other countries, with the mission of this global non-

profit corporation to enhance the education opportunities and professional development of its diverse membership. The Town Clerk received a standing ovation from Council, which she very much appreciated.

- 2) The Mayor read for the record a "Resolution Honoring the Tenth Anniversary of the Formation of The Franklin County Toastmasters Club", presenting it to their President, Ms. Prom. Ms. Prom thanked Council for the presentation and invited them to attend a luncheon next Thursday at the Franklin County Library in honor of their Tenth Anniversary. She also invited them to attend their meetings.

## **PUBLIC HEARING**

Let the record show there were no public hearings at this time.

## **APPROVAL OF MINUTES**

Prior to the meeting, Council had received for consideration of approval the following draft minutes:

- February 8, 2010 Regular Council Meeting
- February 24, 2010 Reconvened Council Meeting

The Mayor asked if there were any corrections, and there being none, the Mayor entertained a motion.

- Motion was made by Council Member Lester to approve the draft Council meeting minutes as presented with motion on the floor being seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

## **APPROVAL OF CONSENT AGENDA**

The approval of the *Consent Agenda* consists of approving any miscellaneous resolutions/proclamations, miscellaneous action, departmental monthly reports, and bill list that were submitted prior to the meeting for Council's review and consideration.

- Miscellaneous Resolutions/Proclamations
- Miscellaneous Action
  - Review and consideration of approving request of Franklin County Historical Society that several events be staged from the Rocky Mount Municipal Building and parking lot.
- Departmental Monthly Report
- Bill List

There being no discussion, the Mayor entertained a motion.

- Motion was made by Vice Mayor Dillon to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

### **HEARING OF CITIZENS**

Let the record show that the Town Clerk had not received any requests from citizens prior to the meeting to come before Council.

The Mayor opened the floor to anyone present wanting to address Council. Let the record show no one came forward to speak.

### **OLD BUSINESS**

- A) Review and Consideration of Approval of Special Use Permit Request of Flora Funeral Service, Inc.

The Assistant Town Manager presented to Council a synopsis of what has transpired since a special use permit request was presented to Council from Flora Funeral Service, Inc.

- On February 8, 2010, a public hearing was held by Council to hear a special use permit request of Flora Funeral Service, Inc. to add a crematory to an existing building located at their facilities at 665 South Main Street in Rocky Mount. No action was taken by Council during that meeting, and it was decided by Council to reconvene the meeting in order for Council to look at an existing crematory at a funeral home in a residential setting.

- A reconvened meeting of Council was held on February 24, 2010 to visit Oakey's North Chapel Funeral Home & Crematory located at 6732 Peters Creek Road, Roanoke, Virginia to observe how their crematory facilities operated in relations to being located in a residential section. No action was taken by Council during that meeting. All Council members were present except Council Member Lester.

- On March 1, 2010, there was a voluntary site visit to Flora Funeral Service, Inc. by Council. Those Council members that visited the site on that day were Vice Mayor Dillon and Council Member Strickler. It was mentioned that some of the other Council members had already visited the site on their own prior to this date.

Let the record show that Mr. Lee Flora of Flora Funeral Service, Inc. and Mr. Glenn Lyle, Crematory Sales and Supplies representative for crematories that Mr. Flora would be purchasing equipment from, were present to answer any questions or

concerns that Council might have, with the Mayor asking if Council had any questions for Mr. Lee.

With specific questions coming from Vice Mayor Dillon regarding crematories, Mr. Lyle confirmed the following to Council:

- In most states, including Virginia, the temperature of the cremation process is maintained at 1600 degree from beginning to the end, with the purpose to eradicate all gases, and when the process is complete, there would be zero omissions into the air.
- The 1600 degrees eliminates any omissions (gases from the body), while the second burner cleanses the gases, making the air extremely clean.
- Regarding dioxin omissions and if there is some measure to it, he referenced the stack test that the Planning Commission had received during their public hearing, as it talks about these omissions and was addressed in the material given to the Planning Commission at that time. In the end, there is no omission at all put back into the atmosphere.
- Questioned where Vice Mayor Dillon received information about needing a 900 foot setback for some omissions that are equated, and stated that his background is marketing, but he is also a specialist in cremation, and the Environmental Protection Agency (EPA) does not regulate cremations in the United States today because the amount of pollutants brought back into the air are too low to be measured, further mentioning that he has that report from EPA if anyone wanted to see it. He further stated that each locality has their own rules, and he does not know what all of them are. He also mentioned that everything they do goes through an EPA agency, with EPA starting at the Federal level, then subdividing down to the State level, with five of them in Virginia (one being in Roanoke, Virginia), with everyone having the same guidelines to go by. He further reiterated that there are no harmful omissions going into the air from human or pet crematories.
- Confirmed that pacemakers and defibrillators are removed from the body before cremations because they are projectiles, and that this is written in most contracts. Also confirmed that screws, or any rods in the body, are cremated and removed after cremation, explaining that all metals are recyclable. He also stated that the cremation process is pretty much "ecological green" today.
- Explained how their cremation equipment is set up and how it works, further explaining that their equipment can be monitored from their office because they have touch-screen technology in case there are any problems.

The Mayor stated that this is something new for the Town and that Council wanted to make sure that they understand everything regarding crematories.

Vice Mayor Dillon relayed to Mr. Lyle the following:

- Did read the information that he had presented to the Planning Commission.
- All know now what the human body is made up of.
- Mentioned teeth fillings containing mercury, and one of the main concerns he has is how it is being released into the atmosphere when the body is cremated. Also mentioned the plastic in breast implants being harmful when released into the

atmosphere. He stated that this is not simply a body that is being cremated, and what really concerns him also is in 1998 Flora Funeral Service, Inc. was granted a variance for a garage for storage area only, as the building was going to be set closer to the boundary line than it should be, and with this in mind and the closeness to residential area, it is hard for him to say this as he admires Mr. Lee Flora as one of the best businesses in-town, but he has grave concerns over the crematory being placed where it is being proposed to be after all the studying he has done, and it would be hard for him to support the request. Mr. Lyle mentioned that the mercury that was used in filling teeth years ago is not used to fill teeth today, and today it is so low it cannot be measured. He further stated that he would not put equipment in someone's backyard that would be hazardous. He mentioned that there is more hazardous material coming out of diesel trucks, fireplaces, and fast-food restaurants that can be more hazardous.

Council Member Greer mentioned the following:

- Where would Mr. Flora put his vehicles once a crematory is put into the garage? Mr. Flora indicated that he would only be losing one vehicle space, with having to leave one vehicle out.
- Mr. Flora confirmed that he would not be insulating the garage unless code requires him to do something else.
- Mentioned that the crematory that Council had looked at was in a room by itself and that it made a lot of noise.
- Mr. Flora confirmed that the gas tank for the crematory would be buried at the back of the garage building, where there would be sufficient room.
- Mentioned that he thinks the biggest thing right now that hasn't been said is that Mr. Flora is putting the crematory in a garage, and that this does fit right in his mind as all funeral homes keep their cars looking nice. Further stated that he feels the best fit for the crematory would be in the back of the existing funeral home and that the gas tanks be put there also. Mr. Flora stated that he understands Council Member Greer's concerns, but if he pulls out all the cars from the garage, would it be considered a garage then, or just an out building. He further stated that it is most cost effective for the funeral home to have the crematory in the garage. He pointed out that it is just a perception of what the building is called, and the garage having the crematory in it would be cost effective versus it not being cost effective at all to build a room onto the existing funeral home for the crematory. Also confirmed to Council Member Greer that he has not considered building a room on the back of the existing funeral home building.

Council Member Walker mentioned the following:

- Stated to Mr. Lyle that he had told Council that the gases coming out of the crematory is clean gases and that he would have to take his word for it.
- He has tried to do research on this, and he knows Vice Mayor Dillon has done some research also.
- He thinks a lot is perception, and if he lived next to a crematory and was cooking or barbecuing outside in his yard, he would feel a little uncomfortable knowing that a body was burning right next to his property.

Mr. Flora stated he had furnished Council a list of funeral homes in the surrounding area that has five that he knows of having crematories in out buildings, garages, storage buildings, or whatever you want to call them, and that they were all in residential areas.

Mr. Lyle mentioned that he travels all over the United States and Canada and most crematories are set in garages or out buildings, which is standard in most of the United States.

The Mayor stated that he believed Council Member Walker hit the nail on the head when he said that it was more perception than anything, and if it was a business asking to add on, it may have been different, as Mr. Flora is expanding his business now, but not adding onto his building.

Council Member Greer asked that if the request is granted during this meeting, can Council revisit the issue of the noise levels coming from the blower or crematory. The Mayor stated he did not know, but just knowing how Mr. Flora is, believes Mr. Flora would step up and address any concern Council may have about this.

Council Member Walker stated that if Mr. Flora did get a variance to build the crematory in the garage, with him having the right to be competitive, his concern is the impact of hazardous gases being omitted into the neighborhood and how the crematory would impact the neighborhood, but he doesn't see where it would be any different from a funeral home affecting it adversely. He asked that if the request is approved during this meeting, could the noise level be revisited. The Mayor stated that he does not think Council can add into the motion to revisit.

Mr. Lyle addressed the noise level issue by stating that the fan will be on the very back side of the building and he doesn't think anyone would know it would be running. He further stated that he went with Mr. Flora to visit Oakey's and the crematory was in a room by itself, with the blower motor being on the top because it was pushing air. He stated that their equipment is housed to even deaden the sound more and you should not be able to hear it outside of a building, with their blower being quieter than Oakey's. It was also pointed out by Mr. Lyle that cremation is a very fast growing industry, and that by the 2010 to 2025, cremation will increase by at least 50%.

Council Member Seale stated that when the Town visited Oakey's, one cremation was in process. He pointed out that in the room you could talk one to another while right next to it, there was no heat coming from it, and even though outside the building the weather was murky and overcast, you could not smell any odor whatsoever and all you could see coming from the stack was some steam. He also stated that like Council Member Walker had stated, perception is hard to get by with some people, and even though you extend the existing building to add a room for the crematory, you probably would still hear objections. He also felt like Mr. Flora would address any issues Council might have. Mr. Flora stated that he would address any noise issue and be a good neighbor, with Council Member Walker asking if Mr. Flora would be

willing to make this a condition of his request that it would be measured for noise level.

Mr. Flora confirmed to Council that he heats the office in the garage by electric heat.

Council Member Greer stated that his concerns had been addressed by Mr. Flora's comments about taking care of the noise level, as he thinks this would be the only problem.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale to approve the request of Flora Funeral Service, Inc. with the condition that the noise at the property line not exceed ambient noise level, with motion on the floor being seconded by Council Member Greer. A roll call vote was taken. Voting in favor of the motion on the floor were Mayor Angle and Council Members Greer, Seale, and Walker. Voting in opposition to the motion on the floor were Vice Mayor Dillon, Lester and Strickler. Let the record show that the motion on the floor passed four to three.

B) Review and Consideration of Approval of Change Orders as Submitted by Thompson & Litton

The Town Manager reported to Council that the Town has substantially completed the extension of Old Fort Road, bringing to Council's attention the following:

- The Town's contract for the extension was based on a per unit price quote with the understanding that the contractor would bill the Town based on units of materials used (stone, asphalt and pipe for example) and settle up at the end via a change order.
- The settle up change orders for the project were presented to Council for review and consideration of approval, being:
  1. Change Order No. 2 for Steve Martin's Trenching, Inc. for contract for construction of Contract I for Oaks at Rakes Tavern (water, sewer and road extension).
  2. Change Order No. 1 for Steve Martin's Trenching, Inc. for contract for construction of Contract II for Oaks at Rakes Tavern (water, sewer and road extension).
- Change orders include reductions totaling \$33,795 and additions totaling \$44,338 for a net increase of \$10,588, but were still well within the contract budget.

Vice Mayor Dillon questioned how much of the change orders were an architectural mishap, with the Town Manager stating that the engineer did this for a flat fee, and that the Town had decided not to have the engineers shoot a topography, which would have been an additional cost of \$15,000 that the Town did not want to spend. He further explained that a slope was found after the project was started. He also stated that changes were made on site, giving the Public Works Director latitude to

have done in order to have a quality job. He did point out to Council that the Town was still ahead of the curve on this project.

Council Member Lester stated that there was no question about how good the Public Works Director work was on this project, but he sees no excuses from the engineer company that is licensed and should be competent to do something at this level that is no better than it is. He commented that somebody should explain how this can be done, and if it was left up to him, he would not use this engineer again. The Town Manager pointed out to Council that the change orders were mostly deletions, with the additions being for stone and aggregate. Council Member Lester commented that most of the problem is where the road was suppose to be located and it should have been verified by the engineer as being correct.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale to approve the change orders for \$10,588, with motion on the floor being seconded by Council Member Walker. A roll call vote was taken. Voting in favor of the motion on the floor were Council Members Greer, Seale, Strickler and Walker. Voting in opposition of the motion on the floor were Vice Mayor Dillon and Council Member Lester. Let the record show that the motion on the floor passed four to two.

C) Review and Consideration of Approval of Draft "Forest Hills Water System Transfer Agreement"

The Town Manager informed Council that prior to the meeting they had received for their review and consideration of approval the draft "Forest Hills Water System Transfer Agreement". He also pointed out that Council had previously directed staff to develop such an agreement, and now it is submitted for their review.

The Town Attorney confirmed to the Mayor that the draft agreement was in order.

It was confirmed to the Mayor by the Town Manager that the current number of customers affected by the agreement was in the teens, but there was potential for more connections.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Strickler to approve the draft agreement, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

D) Review and Consideration of Approval of Adding an Additional Budget Work Session

Council was informed by the Town Manager that based on economic projects, he and the Finance Director see a continuing gap between revenues and expenditures as projected for the upcoming fiscal year. Staff would like to schedule an additional work session on Monday, March 22, 2010, at 6:00 p.m. to review and receive input from Council on various ways to close the gap, with this input being essential to allowing staff to develop a proposed budget to present to Council in early April. He further stated that there are no capital investments being proposed for the upcoming budget year.

Discussion ensued between Council and staff on the best time to meet on that day, with Council deciding that instead of 6:00 p.m., the meeting needed to start at 7:00 p.m., but for it to take place on Wednesday, March 24<sup>th</sup>, instead of Monday, March 22<sup>nd</sup>.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Lester to approve the date of Wednesday, March 24, 2010, at 7:00 p.m. to hold the work session as requested by the Town Manager, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

**NEW BUSINESS**

A) Review and Consideration of Request of Rocky Mount Center for the Arts, Inc.

It was reported to Council by the Assistant Town Manager that his office had received a letter from Mrs. Joan Rogers, Director of the Rocky Mount Center for the Arts, Inc., stating that they had applied for a challenge grant from the Virginia Commission for the Arts in the amount of \$5,000 and they are asking the Town to match this amount, with the money being put towards a much needed heating and cooling system, art equipment, and machinery. He further reported that the requested amount is in his budget and would come out of the Community Development funds.

Ms. Caroline Rogers of 6525 Providence Road, Ferrum, Virginia, came before Council representing the Rocky Mount Center for the Arts, Inc., citing her credentials to Council and giving them overview of the type of arts center that would be available to the public, which ranged from showcasing artists work, to renting out space to artists, and having workshops. She commented that the Center could be viewed as a regional and local asset. It was pointed out that as of March 8, 2010, the Center was officially non-profit, and the grant would help them move forward with much needed work. She confirmed to Council that the Center was a member of The Crooked Road, as well as 'Round the Mountain and they have applied for funding from them, but

were informed by 'Round the Mountain that at this time, there were no funds available.

Council Member Seale asked if the building was eligible for historical tax credits, with the Executive Director of Community Partnership for Revitalization stating that Frazier & Associates were asked the very same questions, with them finding out that pictures were needed of the building before renovations started, but they think they could be eligible for those tax credits.

Council Member Seale pointed out that as a member of the West Piedmont Planning District Commission (WPPDC), during their recent meeting, WPPDC did recommend approval of the Center's request that came before them, but it is up to the people in Richmond to determine if they will grant that request.

It was pointed out by Council Member Seale that he knows it is tough economical times and the Town is looking at a very rough budget process this fiscal year, but it would be worth matching this grant in good times just to see that building come to life, and if there are funds in the Community Development's budget now, he does not see why this request could not be granted.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Seale to approve authorizing the funds to match the amount of \$5,000 as requested, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

B) Review and Consideration of Request of Council's Input Regarding Town of Rocky Mount Extending Delaying Personal Property Tax and Real Estate Tax Penalty Date

The Town Manager stated that due to the economic environment, staff is requesting Council's input on whether or not for the Town to extend delaying the personal property and real estate tax penalty to April 30, 2010, and to not start charging a penalty until May 1, 2010.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Greer to approve the request, with motion on the floor being seconded by Council Member Walker. Discussion ensued. Council Member Lester mentioned that in the past some people don't pay their taxes until after May 1, even though it is due, and this causes problems with cash flow in the Finance Department, and the Town needs to encourage everyone to still pay on time and not charge the penalty until May 1. The Finance Director confirmed to Vice Mayor Dillon that this does have an effect on the vehicle decals, and they would also be due on April 30. The Town Manager stated that the Police Department would extend that date also. There being no further discussion, let

the record show that the motion on the floor passed unanimously by those present.

C) Review and Consideration of Request of Community Partnership for Revitalization (CPR) to Briefly Close Franklin Street

The Executive Director of CPR came before Council requesting the closure of Franklin Street briefly on the morning of Saturday, April 17, 2010, to start the 5K road race/walk in conjunction with their annual "Chug for the Jug" event. They are also requesting the assistance of the Police Department for street closure along Franklin Street for approximately 40 minutes from 8:25 a.m. to 9:05 a.m., which has been discussed with the Chief of Police. The Chief of Police confirmed to the Mayor that the Police Department has no problem with this request.

There being no further discussion, the Mayor entertained a motion.

- Motion was made by Council Member Greer that the request from CPR be granted, with motion on the floor being seconded by Council Member Lester. Discussion ensued. It was also confirmed to Council Member Walker by the Executive Director of CPR exactly where the street would be closed on Franklin Street, with the Chief of Police confirming this also. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

D) Review and Consideration of Approving Draft "Town of Rocky Mount – Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2010" for the Rocky Mount Police Department – Byrne Justice Assistance Grant

The Chief of Police informed Council that the Town had received the Byrne Justice Assistance Grant in the amount of \$6,790, with no local match from the Town, with the grant money being used for training aids, equipment, grant review, and self-defense. Due to this, Council was presented for their review and consideration of approval a draft "Town of Rocky Mount – Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2010" for the Byrne Justice Assistance grant.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Greer to approve the proposed draft resolution, with motion on the floor being seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

E & F) (E) Review and Consideration of Approving Draft "Town of Rocky Mount – Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2010" for the Water Treatment Plant

(F) Review and Consideration of Approving Draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2010” for the ‘5 on Us’ Campaign

(For record purposes, both of these requests were heard at the same time and were considered for approval as one item.)

(E) The Town Manager informed Council that the Town had before them for review and consideration of approval the draft “Town of Rocky Mount – Supplemental Resolution for the Fiscal Year Ending June 30, 2010” which was for the constructed improvements in the fall of 2009 to improve the safety of citizens using the Blackwater River for recreational purposes at the Water Treatment Plant.

(F) The Town Manager also informed Council that before them for review and consideration was the draft “Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2010” for the ‘5 on Us’ Campaign that was initiated to stimulate the local economy by providing the \$5.00 off cards to citizens to use at in-town businesses, whereby the merchants accept the \$5.00 off cards from their shoppers and redeems them at the Town offices.

There being no discussion, the Mayor entertained a motion.

○ Motion was made by Council Member Greer to approve both draft supplemental resolutions as presented, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously.

G) 2010 Fair Housing Class Registration

Council was informed by the Assistant Town Manager that since the Town is a Community Block Grantee, the Town is required to do a Fair Housing activity each year, with such opportunity being a seminar in Abingdon on April 6, 2010, and if any Council member wishes to attend this seminar with him, this could serve as the Town’s activity for this year. He further informed them that if Council does not wish to attend this seminar, staff will find another activity to count as promoting fair housing. He also mentioned that when he attends these activities, an elected official has to go with him for this activity to count. It was the consensus of Council that at this time, they would prefer not to attend this activity and for staff to find another one that could be attended by Town staff and one of the Council members. The Assistant Town Manager so noted.

**COMMITTEE REPORTS**

Let the record show that there were no committee reports at this time.

## **OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES**

### A) Referrals to Planning Commission from Town Council

Let the record show that there were no referrals to the Planning Commission from Council at this time.

### B) Rise 'N Shine Appearances

It was noted by the Mayor that the Assistant Town Manager appeared on the March 8, 2010 Rise 'N Shine show.

## **COUNCIL CONCERNS**

- Council Member Lester conveyed to the Public Works Director his appreciation, along with his neighbor's and other citizens, for the Public Works Department's efforts to dig them out of the recent snow storms, further conveying that he could not thank him enough.
- The Mayor commented that Mr. Bobby Moyer, Mr. Bobby Cundiff, Mr. John Lester, and Mr. Jerry Greer were running for an elected seat on the Rocky Mount Town Council, with election being held this coming May.

## **CLOSED MEETING**

At 8:30 p.m., motion was made by Council Member Seale to go into *Closed Meeting*, and seconded by Council Member Walker and carried unanimously to discuss the following:

- 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 (economic development update).

At 8:55 p.m., motion was made by Council Member Strickler to come out of *Closed Meeting* and to reconvene the meeting back into open session, with motion on the floor being seconded by Council Member Greer and carried unanimously.

## **CERTIFICATE OF CLOSED MEETING**

Whereas, the Town of Rocky Mount Council has convened a *Closed Meeting* on this date 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 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.

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Steven C. Angle, Mayor

- Motion was made by Council Member Lester certifying that: (1) only public business matters lawfully exempted from open meeting requirements under this chapter was discussed; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or consider in the meeting by the public body was discussed. Motion was seconded by Council Member Seale. The Mayor swore to adopt the motion on the floor by Council Member Lester that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker.

The Mayor reported that no action was taken.

### **ADJOURNMENT**

At 9:00 p.m., motion was made by Council Member Seale to adjourn, seconded by Council Member Greer and carried unanimously.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk  
/phk