

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
SEPTEMBER 13, 2010**

The September 13, 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 Gregory B. Walker and Council Members Bobby M. Cundiff, Jerry W. Greer, Sr., Robert L. Moyer, and Robert W. Strickler

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 David Cundiff, Finance Director Linda Woody, Public Works Director Cecil R. Mason, Water Plant Superintendent Robert Deitrich, Wastewater Treatment Plant Superintendent Timothy Burton, Fire Chief Charles Robertson, 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.

Vice Mayor Walker requested to amend the agenda to add under *New Business* consideration of appointment of vacancy on Rocky Mount Town Council.

- Motion was made by Council Member Cundiff to approve the agenda as amended, seconded by Council Member Strickler and carried unanimously by those present.

SPECIAL ITEMS

“Proclamation by the Rocky Mount Town Council for Constitution Week, September 17-23, 2010”.

The Mayor presented to the Virginia’s Old Carolina Road Chapter – Daughters of the American Revolution a “Proclamation by the Rocky Mount Town Council for Constitution Week, September 17-23, 2010”, which he read into the record. The ladies receiving the proclamation thanked Council for the proclamation.

PUBLIC HEARINGS

Let the record show the Mayor recessed the meeting to hold the following public hearings:

A) Special Exception/Use Request by Verdella Law Holland

After being duly advertised, Verdella Law Holland of 50 Warren Street, Suite A, Rocky Mount, Virginia submitted before Council a special exception/use request for an addition of accessory building to property known as tax map and parcel number 2070057900 and 2070057800 located at 50 Warren Street, Rocky Mount, Virginia, currently zoned as Commercial Business District.

The Mayor opened the floor to anyone wishing to come before Council to speak at this time.

- The Assistant Town Manager came before Council stating that the Planning Commission had held a public hearing on September 7, 2010 to hear the special exception/use request by Verdella Law Holland. The Assistant Town Manager pointed out the following:
 - In order for her to meet her residential storage needs, she would like to add a 10’x 12’ accessory building to the vacant lot, as well as a gravel driveway to accommodate her residential parking needs.
 - The Town Code does not permit accessory structures either on vacant lots or in the Central Business District.
 - The request is not out-of-line with the Town’s Comprehensive Plan.

The Assistant Town Manager reported that by a 5-0 vote, with one absent and one vacant seat, the Planning Commission recommends that Council approve Ms. Holland’s Special Use Permit for adding an accessory building at the lot indicated, conditional upon the vacation of the lot line dividing the applicant’s two current lots.

Let the record show no one else came forward to speak regarding this request.

There being no further discussion, the Mayor reconvened the meeting back into regular session and asked what the pleasure of Council was regarding the request.

- Motion was made by Council Member Greer to approve a special use permit for Verdella Holland to install a 10'x12' accessory building at 50 Warren Street, tax map an parcel number 2070057800, with the following condition that the lot line dividing the lots of 578 and 579 be vacated, either by deed or by survey, and approved by the Subdivision Agent, with motion on the floor being seconded by Council Member Strickler. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

The Mayor recessed the meeting to hold the second public hearing:

B) Special Exception/Use Request by Robert L. Jones

After being duly advertised, Robert L. Jones submitted before Council a special exception/use request for use of small parking lot for display of used cars, primarily for classic cars for property known as tax map and parcel number 207757110 located at 467 Franklin Street (corner of Franklin Street and Floyd Avenue, Rocky Mount, Virginia, currently zoned as Commercial Business District.

The Mayor opened the floor to anyone wishing to come before Council to speak at this time.

- The Assistant Town Manager came before Council stating that the Planning Commission had held a public hearing on September 7, 2010 to hear the special exception/use request by Robert Jones. The Assistant Town manager pointed out the following:
 - Robert Jones, doing business as Rocky Mount Motors, indicates he wishes to be compliant with the Department of Motor Vehicles' (DMV) new license requirements, renew his automobile dealer's license and sell classic cars in the small parking lot adjoining his property at 467 Franklin Street, which houses Image Transfer & Design and Taylor Made Photography.
 - Mr. Jones formerly operated as a dealer at Franklin Glass' current location. He owns a number of classic automobiles, with some of them housed at the site, and wishes to display some of them for sale at the lot.
 - Automobile dealerships are not a use-by-right in the Central Business District, and Mr. Jones' request would require a special use permit from the Planning Commission and Town Council.
 - Mr. Jones indicates that he has been using the interior of the building to store the vehicles, and that the interior meets the DMV's requirements for dealerships. He must have space on the lot to store or display seven vehicles, in some combination of interior and exterior space.
 - The Planning Commission public hearing had two speakers: Mr. Jones, who answered questions from the Commission; and Ibby Greer, the owner of The Grove, the property across Floyd Avenue from the lot in question.
 - Mr. Jones indicated that he will need a small wall-mounted sign, space to display seven cars, office space, a restroom and seating for seven to comply with DMV

regulations and become compliant with new DMV requirements for dealers. Question for Council to consider, is this the highest and best use for the lot? Is the lot conducive to other commercial activities? Would it generate significant traffic or parking issues? Would it detract from the appearance or operation of surround businesses?

- Staff has received several phone calls regarding this matter. Some callers stated their belief that a car lot of any type is stressful use in the Central Business District and does not match the character of business identified in the Comprehensive Plan. Additional concerns included one that the additional use would overburden the parking with two businesses located in the building on the lot, and that additional traffic in that curve could create dangerous driving conditions. After the Planning Commission public hearing, Mr. Jones had indicated that he did not expect more than two to three customers a day.
- After Planning Commission public hearing, the Assistant Town Manager had suggested that with three businesses on the site, the parking may be inadequate under the Town's Ordinance. Examining the businesses one-by-one, the parking requirements would be: Taylor Made Photography: 1 space (personal service); Image Transfer & Design: seven spaces (retail); Rocky Mount Motors: seven spaces (indoor and outdoor combined). While Mr. Jones' vehicles would have to be parked on site, all of the businesses in question can count on-street and public parking within 500 feet toward their parking requirements, per Article 11-2-1 of the Town's Zoning Ordinance.
- Staff can see both good and negative points about the location of a used car dealership of any size in the Central Business District. However, most of the questions that have been raised are value questions that Council, as appointed representatives of the community, should decide. Therefore, staff made a neutral recommendation to the Planning Commission.

The Assistant Town Manager reported that by a 4-0 vote with one absent, one vacancy, and one abstention by Planning Commission Member Jerry W. Greer, Sr., the Planning Commission recommended approval of the request to permit Robert Jones to operate an automobile dealership on the lot with a number of conditions, including:

1. The special use permit is specific to Robert Jones and is non-transferrable.
2. No more than three cars to be displayed outside, with a total of seven cars permitted on the site.
3. Cars displayed must pass annual state inspection.
4. No mechanical work to be performed outside of the building.
5. Hours of operation limited to between 9 a.m. and 5 p.m., Monday through Friday.

Additionally, staff determined that Mr. Jones does not currently have a business license for the vehicle sales through the location, and recommends that Council require that he have a business license as a condition of his operation at the lot in question.

The Assistant Town Manager confirmed to the Mayor that about seven to nine more parking spaces would be left outside of the building, with two egresses to the site.

The Assistant Town Manager confirmed to Council Member Strickler that with cars being sold at this site, there could be the creation of problems with the sight distance for vehicles coming and exiting off of Floyd Avenue at this location.

- Elizabeth “Ibby: Greer of 50 Floyd Avenue, Rocky Mount, Virginia, came before Council stating the following:
 - Came to Planning Commission public hearing as well.
 - Concerned for safety and legality of Mr. Jones’ request. Since she has lived at The Grove, Mr. Jones has been selling things from this site for some time. This site is just a parking lot and Mr. Jones has been using the lot to sell things from this site illegally. Due to this and as a close neighbor, she has severe concerns about things being sold from this site and she has safety concerns also.
 - It is at the corner from her beautiful historic home, doesn’t like it, especially coming off from the Town’s beautiful downtown area. Has concerns about there being a safety problem with cars pulling out from the site. The parking lot looks bad already. One person from the Planning Commission had stated if Mr. Jones owned the land, he could sell anything they wanted, and she does not believe this is correct.

Council Member Cundiff stated that he believes there is a safety issue with this business intersection and he thinks this can be a real problem.

The Mayor stated that he does have some concern and doesn’t think it is a good place for a used/class car lot business in the Central Business District.

There was discussion on what the lot is presently used for, which is basically a parking lot.

There being no further discussion, the Mayor reconvened the meeting back into regular session and asked what the pleasure of Council was regarding the request.

Let the record show that Council Member Greer stated that he would be abstaining from voting due to business relationship with the applicant.

- Motion was made by Council Member Cundiff to deny the special use request, with motion on the floor being seconded by Council Member Moyer. Let the record show that Council Member Greer abstained from the vote on the floor. Let the record further show that the motion on the floor passed four to one.

APPROVAL OF MINUTES

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

- August 9, 2010 Regular Council Minutes
- September 2, 2010 Special Council Minutes
- September 7, 2010 Special Council Minutes

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

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

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
 - Review and consideration for approval the draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011" where the Virginia Department of Transportation has awarded the Rocky Mount Police Department a grant in the amount of \$20,525, with a local cash match of \$4,105, for a total award of \$24,630 for overtime and the purchase of equipment.
 - Review and consideration of approval of draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011" where Town Council of Rocky Mount is committed to jointly fund certain obligations of the Rocky Mount-Franklin County joint Industrial Development Authority in the amount of \$25,000 representing the Town of Rocky Mount's share of the agreement to come from the Town of Rocky Mount's General Fund Balance.
 - Miscellaneous Action
 - Departmental Monthly Report
 - Bill List

There being no discussion, the Mayor entertained a motion.

- Motion was made by Vice Mayor Walker to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Strickler. There being no

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

HEARING OF CITIZENS

- Jean Waltrip of 110 Old Fort Road, Rocky Mount, Virginia, came before Council regarding two items:
 1. Has a friend that lives on Herbert Street who is not able to attend a Council meeting and requested that she thank Council on her behalf for the work that the Public Works Department did in the middle of the night to get the water line fixed.
 2. Asked Council to look at the concrete highway that is being put in at Lynch Park and if this is what was wanted by Council.

Council thanked Mrs. Waltrip for her comments.

OLD BUSINESS

Let the record show there was no *Old Business* to discuss at this time.

NEW BUSINESS

- A) Draft "Mutual Aid Agreement Between Town of Rocky Mount, Virginia and Town of Vinton, Virginia"

The Town Manager informed Council that the Town of Vinton and Town of Rocky Mount both utilize Affiliated Computer Systems (ACS) financial software and the AS400 operating system; thus, a mutual aid agreement has been drafted by the Town of Vinton for use by both localities in case of a disaster to maintain financial functions. He further stated the following:

- Town's auditors have suggested that both the Town of Rocky Mount and Town of Vinton have a mutual aid agreement with each other to maintain vital computer operating and financial systems in case of a disaster.
- This would allow both localities to process payroll and any other financial operation deemed vital when the operating systems are inoperable for any period of time.
- The Town of Rocky Mount and Town of Vinton have cooperated and consulted with each other in the past on financial computer system concerns and have a good working relationship with each other.
- The mutual aid agreement presented to Council has been drafted and reviewed by the Town of Vinton's attorney and Town Manager.

The Finance Director confirmed to the Mayor that the mutual aid agreement will give the Town access to the software at any time; the Town of Vinton has everything in

place at no cost to the Town; and that no records of the Town will be compromised. She further confirmed that she and her staff would be using the software and one of the Town's staff would be in the Town of Vinton's office overseeing this.

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

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

B) Town of Rocky Mount Emergency Services Building Balloon Payment

It was reported to Council by the Town Manager that the exiting loan for Emergency Services Building balloon payment of \$1,619,075.16 is due May 1, 2011, with the Town budget passed for the current fiscal year anticipating borrowing to refinance this debt at a better interest rate. He further reported the following:

- The Town has submitted a preliminary application (with a deadline being September 2, 2010) to the VML / VACo fall pooled loan program to refinance the loan.
- The current SunTrust loan is at 4.5%.
- The estimated interest rate for the VML / VACo program is 2.66% for a 10-year loan of \$1,400,000.
- Based on preliminary estimates that the Town has received from VML / VACo, the Town's annual savings on the debt service for the Emergency Services Building would be \$9,619 per year.
- The application was submitted so that the Town could be considered for the fall loan program. The spring program would be too late for the May 1, 2011 due date.
- If approved, a bond resolution would be required by Council.
- Prior to incurring fees in the application process, Town staff needs direction on should the Town become part of the VML / VACo fall pooled loan program so that the Emergency Services Building loan can be refinance.
- Town staff recommends refinancing this balloon payment rather than using fund balance given the uncertainty of the current economic climate and the projected fiscal imbalance of the Utility Fund.

Discussion ensued between Council, Town Manager and Finance Director regarding how much was in the Town's fund balance and the interest that was being drawn on it. The Town Manager confirmed that the preliminary estimated savings on the debt service for the Emergency Services Building over ten years would be approximately \$496,000.

The Mayor requested that the Finance & Human Services Committee take a look at this matter before Council makes a formal decision during the regular Council meeting of October.

C) Virginia Resource Authority (VRA) Loan

It was reported by the Town Manager that the current bond on the annexed water lines through Virginia Resource Authority (VRA) is eligible for refinancing at a lower rate with a 20-year annual debt service savings of \$17,226. He further reported the following:

- The existing VRA loan for the water lines in the annexed area has a balance of \$2,010,000 at 4.1%.
- VRA has determined that the Town is eligible for a refinance of this loan for par amount of \$1,970,000 at 3.29% for 20 years with the approximate issue date of November 15, 2010 for their fall pooled bond program.
- VRA has estimated the Town's savings over 20 years to be \$369,169 or a 13.15% savings.
- Over the remaining 20 years of the loan, the Town's present bond's annual debt service averages \$163,121.
- The new refinanced bond's annual debt service averages \$145,995 for an average annual savings of \$17,226.
- If approved by VRA for the Town to participate in their fall pooled bond program, a bond resolution would be required by Council.
- Prior to incurring fees in the application process, staff needs direction on should the Town become part of the VRA fall pooled loan program so that the annexed area water line bond can be refinance.
- Staff recommends refinancing due to the potential savings over the remaining life of the bond.

The Mayor requested that the Finance & Human Services Committee take a look at this matter also.

D) Nomination for Façade Board for Uptown Project

The Assistant Town Manager informed Council that Community Partnership for Revitalization Board (CPR) had submitted three names for Council's consideration of appointing one individual to serve on their Façade Board for the Uptown Project that would be replacing Ann Carter Lee Gravely. All three nominees have agreed to serve. Names submitted for review were:

- Carolyn Johnson
- Heather Shephardson
- Leigh Lester

Executive Director of CPR briefed Council on each nominee's professional background.

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

- Motion was made by Council Member Cundiff to appoint Carolyn Johnson to serve on CPR's Façade Board for the Uptown Project, with motion on the floor being

seconded by Council Member Moyer. There being no discussion, let the record show the motion on the floor passed unanimously by those present.

The Mayor requested that a thank you letter from the Assistant Town Manager be sent to Mrs. Gravely, thanking her for her service while serving on the Façade Board.

E) Erosion & Sediment Proposal as Submitted by Earth Environmental & Civil, Inc.

The Town Manager reported that Council Member Greer had asked for a summary of the differences between the Town's stormwater and erosion and sediment control regulations and the regulations with the State; specifically wanting a list of those regulations the Town had adopted that were more restrictive than the default State regulations. The Town Manager requested from Earth Environmental and Civil, Inc. a quote to research the difference between the Town Code and the State Code, and to advise the Town what items may need to be addressed in the future due to new stormwater management regulations that are proposed.

After reviewing the submitted cost estimate of \$4,000 by Earth Environmental and Civil, Inc., it was the consensus of Council for the Town Manager to request that the price be separated out into two parts, with the Town Attorney reviewing it. The Town Manager informed Council he would inform Earth Environmental and Civil, Inc. of Council's request.

F) Request of Executive Director of Community Partnership for Revitalization

Community Partnership for Revitalization's (CPR) Executive Director came before Council requesting the closure of Franklin Street on December 3, 2010 from the intersection of Floyd Avenue to the intersection of Diamond Avenue from 5:00 p.m. to 9:30 p.m. to be able to hold their annual "Come Home to a Franklin County Christmas" annual event. She explained the pattern for closing the street is the same as last year, and that she has contacted the Chief of Police and he sees no problems with her request. The Chief of Police was present and confirmed to Council that she was correct in that he does not see any problems with her request. The CPR Executive Director pointed out that there should be some new exhibits this year along Franklin Street, such as one by The Crooked Stitch, ice sculpturing, and The Grainery.

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

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

G) Request of Arlene Jones

Mrs. Arlene Jones came before Council requesting the closure of Maynor Street to use for food court vendors for their 3rd Annual Franklin Street Festival on the Crooked Road event that will be held on October 16, 2010, with her further requesting that the street be closed around 7:00 a.m. until 5:00 p.m. or 6:00 p.m. She pointed out that they will be using the Franklin Glass property for an inflatable for the children. She confirmed to the Mayor that the closure would not prohibit access to any businesses or homes, and that she has talked with the Chief of Police about the street closures and he is okay with what she is requesting. She further confirmed that she will be keeping everything on the Franklin Glass side of Franklin Street.

Council Member Cundiff asked if Mrs. Jones if she had talked to Bobby Mills, property owner of Angle Hardware, with Mrs. Jones confirming she had. Council Member Cundiff proceeded to inform Mrs. Jones that he was told by Mr. Mills that she had not contacted him regarding the closure of the street and was concerned about his patrons being able to access his parking area. Mrs. Jones confirmed that people can access that parking area from Franklin Street. She also confirmed that they would be using the front parking on Franklin Street in front of Angle Hardware, and that she would not be blocking Harold Ingram's business or Trendz.

Mrs. Jones confirmed to Vice Mayor Walker that her group that was putting on the event was still not non-profit, and that all proceeds from the event goes back into their advertising for the annual Franklin Street Festival on the Crooked Road events.

Mrs. Jones confirmed to Council Member Strickler that before another annual event is held, her group will determine how it goes this year. She commented that this year they would be pulling in people from out-of-town, vendors from three states, and changed the date this year to coincide with the annual Lord's Acre Sale, hopefully helping them to bring in more people.

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

Let the record show that Council Member Greer stated that he would be abstaining from voting due to the same reasons as listed earlier.

- Motion was made by Council Member Moyer to approve the request as presented, with motion on the floor being seconded by Council Member Strickler. Let the record show that Council Member Greer abstained from the vote on the floor. Let the record further show that the motion on the floor passed four to one.

H) Consideration of Appointment to Fill Vacancy on Rocky Mount Town Council

The Mayor asked if there was any consideration from Council for an appointment to fill the vacancy on the Rocky Mount Town Council.

- Motion was made by Council Member Strickler to appoint Ann Love to fill the vacant seat on Rocky Mount Town Council, with motion on the floor being seconded by Council Member Moyer. There being no discussion, let the record show that the motion on the floor passed unanimously.

COMMITTEE REPORTS

A) Charter Review Committee

It was reported by the Town Manager that the ad hoc Charter Review Committee had met on August 8, 2010, August 25, 2010, and on August 30, 2010. The following report by the Town Manager covers the issues and potential solutions that were discussed by the Committee:

Grievance Process:

The Committee looked at the grievance process in detail. It was recommended that members of the Grievance Panel not be Town employees. A change in the grievance procedure that would accomplish this is (*italics are additions, strikethroughs are deletions*):

The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute, giving rise to the grievance. ~~Town of Rocky Mount employees~~ ~~Managers who are in direct line of supervision of a grievant,~~ persons residing in the same household as the grievant, and the following relatives of a participant of the grievant process of a participants' spouse are prohibited from serving as panel members: Spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, not a partner, associate, employee, or co-employee of the attorney shall serve as a panel member.

Election Date:

Delegate Poindexter contacted the Town with an offer to submit a Charter change relative to moving the Town's election date from May to the general election date in November. After ample discussion, the Committee elected to make no recommendation to Town Council at this time.

Council Interaction with Town Employees:

The third paragraph of § 3.9 of the Charter states:

“Except for the purpose of discussions, informal reviews, inquiries and official

investigations, the council or its members shall communicate with town officials and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately.”

Members of the Committee indicated that this prevented them from engaging Town staff, especially when they observed inappropriate use of equipment or activity. Other Committee members felt that a culture existed whereby employees of the Town were encouraged to not engage Council members in discussions. To address these concerns, a draft addition to the Town of Rocky Mount Personnel Policy Manual is attached that attempts to state clearly what the relationship should be between Town employees and members of Council. The Committee discussed having employees that pass information on to members of Council share that information with their Director and the Town Manager so that all members of Council could be given the same information but elected instead to have the burden of passing such information fall on the Council Member.

Council Confirmation or Consent in the Hiring Process for Department Heads:

The Committee indicated that Town Council should have a role in the hiring process for all department heads.

This would require a Charter revision to state that the Town Manager may hire, but Town Council must confirm all department head level positions. This is still consistent with the Council-Manager form of local government and is in use in some localities for positions such as the Chief of Police and the Finance Director. An example of such charter language from another locality would be:

“The city manager shall appoint department directors with the concurrence of city council...”

§ 4.2 of the Charter would need to be amended to include more specific language. § 5.2 would not need to be changed as the department head so hired would still be solely accountable to the Town Manager.

Public Referendum on the issuance of debt:

The Committee discussed the concept of putting the incurring of debt over a certain amount or for a specific set of project types to a public referendum. § 3.13 of the Charter states that:

“An affirmative recorded vote of five of the members is required for the adoption of any ordinance or resolution having for its object the levying of taxes or contracting a debt.”

Further, § 15.2-2636 of the Code of Virginia states that:

“the governing body may authorize and issue bonds in accordance with the applicable provisions of this chapter, without submission of the question of the issuance of the bonds to the voters for approval.”

Based on the Code of Virginia, Council may, if desired, refer any proposed bond issue to a referendum, but is not required to do so by the Charter. As currently written, any three Council members can block the incurrence of debt or alternatively force a referendum.

The Committee elected not to recommend a change in this area but did recommend to Council that a general discussion take place regarding the need and ability to send certain debt issues to a referendum.

Committee Recommendations:

The Committee recommends that the Town of Rocky Mount Grievance Procedure (TORM #VIII-03) be amended as stated.

The Committee recommends to Town Council that the draft Town of Rocky Mount Personnel Policy numbered V-19 be adopted.

The Committee recommends that language in the Charter be changed to reflect that all department head positions are subject to confirmation by Town Council. The Charter change would have to be drafted by your Attorney as a bill for sponsorship in the upcoming General Assembly session by either Senator Hurt or Delegate Poindexter

The Committee recommends Council discuss and develop a consensus on the question of should Town Council require a referendum on the issuance of debt greater than a certain amount or for certain types of projects.

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

Let the record show that no motion was taken, but it was the consensus of Council to take no action this time and wait until after the next Charter Committee is held, which is scheduled for September 15, 2010.

B) Public Utilities Committee

The Town Manager reported that the Public Utilities Committee had met on August 31, 2010 to receive the final report from Thompson & Litton relative to the Town's water manufacture, distribution and billing systems. The following is a breakdown of what was pointed out by the Town Manager that was discussed:

- Thompson & Litton's research indicated that after accounting for known sources of non-metered water use, the Town accounted for an average of 82% of the water produced over time. They further estimated that given the size and pressure of the system, a best case accountability figure would be 91%. They generally concluded that Rocky Mount's system was one of the best they had encountered in Virginia and they made recommendations for maintenance items to keep the system performing at a high accountability level.

- The recommendations included installing test metering vaults in strategic areas so that the system usage could be calculated on smaller subsets of meters. This would enable Town staff to compare billing and usage data with flow data for specific sections of the system so that larger leaks or metering errors could be isolated. They further suggested that the Town continue, and perhaps accelerate, its meter replacement program. However, the meters randomly pulled from the field indicate that many of the old meters are still accurate and working within specifications.

- Thompson & Litton offered to apply to the Virginia Department of Health for a grant to construct the recommended meter vaults and the Committee recommended that they proceed with the application. Further, the Committee recommended that Thompson & Litton also prepare a grant application to replace the remainder of the non-touch-read meters.

Chair Bobby Cundiff of the Committee indicated to Council that the Committee is still working on this and they are making pretty good progress on getting some encouraging figures.

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

- Motion was made by Council Member Cundiff to allow Thompson & Litton to prepare the grant application for non-touch read meters, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously.

C) Public Safety Committee

It was reported by the Town Manager that the Public Safety Committee had met on September 9, 2010 at the Rocky Mount Police Department to receive an update from the Chief of Police on the police department. The Town Manager further reported that the Chief of Police gave an overview of changes made to the department since coming

aboard on June 24, 2010, and had outlined a plan to tackle specific issues in the community.

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

A) Referrals to Planning Commission from Town Council

Let the record show there were no referrals from Council to the Planning Commission, with the Assistant Town Manager confirming to Council that there were none to Council from the Planning Commission at this time either.

B) Rise 'N Shine Appearances

The Assistant Town Manager had appeared on the *Rise 'N Shine* show.

COUNCIL CONCERNS

A) Council Member Greer

Council Member Greer stated that he had concerns regarding if the uptown area would be ready in time for the annual Christmas parade. There was discussion between Council, Town Manager, and Assistant Town Manager regarding the lack of progress being made by the contractor on the Uptown Project, with the Assistant Town Manager assuring Council that he has relayed to the project contractor on numerous occasions the need for the project to stay on target for the completion date. He further stated that an Uptown Management meeting was scheduled for this coming Thursday, September 16, at 10:00 a.m. and that members of Council were welcomed to attend. Council so noted.

CLOSED MEETING

Let the record show there were no *Closed Meeting* items at this time.

ADJOURNMENT

At 8:01 p.m., motion was made by Vice Mayor Walker to adjourn, seconded by Council Member Moyer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk

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