

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
APRIL 11, 2011**

The April 11, 2011 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., P. Ann Love, 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, Superintendent of Water Department Robert Deitrich, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, Deputy Clerk Stacey B. Sink, 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.

The Mayor requested that the agenda be amended to include the following:

- Under *Special Item*, Chief of Police will be presenting to Council the Rocky Mount Police Department K-9 Unit (a new edition to the Police Department).
- Under *New Business*, two items, being:
 1. Community Partnership for Revitalization requesting permission to close Franklin Street in connection with their annual "Chug for the Jug" event.
 2. Another item the Town Manager wants to present regarding the recent tornado cleanup in Pulaski, Virginia.

There being no further amended items to add, the Mayor entertained a motion.

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

SPECIAL ITEMS

1. The Mayor recognized a student from the Franklin County High School Government Class of Mr. Buckman.
2. The Chief of Police presented to Council for special recognition the Rocky Mount Police Department's K-9 Unit, a new edition to the Police Department. He pointed out that the handler of "Rex" was Brian Garland, and the handler for "Katie" was Terry Dameron. Rex and Katie are both certified in narcotics and patrol. The Mayor and Council welcomed the K-9 Unit. The Mayor pointed out that the K-9 units did wear police badges and were considered police officers.
3. The Chief of Police introduced Todd Maxey, who is Lieutenant of Investigations for the Rocky Mount Police Department. The Mayor and Council welcomed Lieutenant Maxey.

PUBLIC HEARING

Let the record show that 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:

- March 14, 2011 Regular Meeting

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 Love. 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 of approval of draft "Resolution Recognizing Public Safety Communications Week by the Rocky Mount Town Council". Let the record show that the Mayor read for the record and officially presented said resolution to Mr. C. W. Thomas, Superintendent of the Franklin County 9-1-1 Center, who thanked Council for their support.
- Miscellaneous Action
 - Review and consideration of approval of request of Director of Franklin County Family Resource Center to hold a "Walk a Mile in Her Shoes" event fund-raiser for the women's domestic violence shelter, with event taking place on July 23, 2011 from 8:00 a.m. to 10:00 a.m.
 - Review and consideration of request of Christian Heritage School to hold their annual road race on Glennwood Drive and Scuffling Hill Road on Memorial Day, May 30, 2011, with road race beginning at 9:15 a.m.
- Departmental Monthly Report
- Bill List

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

- Motion was made by Council Member Strickler to approve the draft *Consent Agenda*, 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 by those present.

HEARING OF CITIZENS

Prior to the meeting, no one had contacted the Town Clerk's Office wishing to come before Council.

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

- Mr. Don Cooper of 115 Patterson Avenue, Rocky Mount, Virginia came before Council regarding a complaint he has over Appalachian Power Company (APCo) rate increases, stating further that they keep having one right after the other. He further stated that he knows the Town cannot do anything about this, but he just felt like he needed to air his complaint publicly, hoping perhaps other citizens would make their complaints known to representatives at the Richmond State Capital and the Governor. The Mayor stated that the State Corporation Commission is the entity that regulates

APCo, and not the Town, but the Town is against any rate increases by APCo.

OLD BUSINESS

A) Opticom Public Safety Traffic Signal Preemption System

Regarding the Opticom public safety traffic signal preemption system, the Town Manager informed Council of the following:

- Bids have been received for the installation of the Opticom Public Safety traffic signal preemption system.
- For the in-vehicle emitter installation, the apparent low bidder was Federal Signal Corporation in the amount of \$22,291.04 (base bid and contingencies).
- For the traffic signal work, the apparent low bidder was Davis H. Elliot Construction Company, Inc. in the amount of \$247,225 (base bid and contingencies).
- The community, through the tireless fund raising campaign, has raised over \$275,000 that will be allocated towards these expenses. \$150,000 will go towards Town of Rocky Mount expenses, with the remaining costs of the Town portion being paid by the Town of Rocky Mount.
- A USDA/Rural Development grant has been applied for and is pending to offset some of the remaining costs.
- Draft Notices of Awards, Notices to Proceed, and contracts were presented to Council for review and consideration of approval.

Council was asked by the Town Manager to authorize him to issue such notices and execute such contracts substantially in the form as presented.

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

- Motion was made by Council Member Moyer to approve the request of the Town Manager regarding the Opticom Public Safety traffic signal preemption system, 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.

NEW BUSINESS

A) Overview of Proposed Fiscal Year 2012 Budget

The Town Manager presented the following proposed Fiscal Year 2012 Budget:

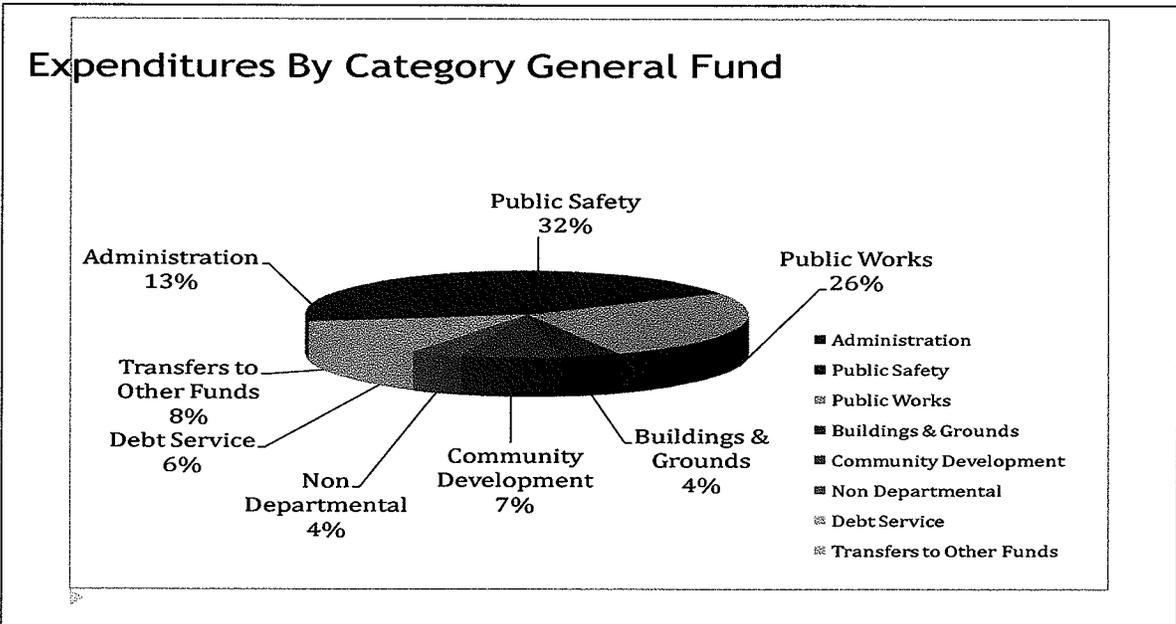
- Town Charter requires that the budget be presented to Council on or before the 15th day of April.

- The proposed budget was developed by the Town Manager and Finance Director and is presented to Council simply as a Manager's recommendation and Council's Finance staff, and they welcome Council's input.

<p><u>Fiscal Year 2012 Budget Realities:</u></p> <ul style="list-style-type: none">- Deferred capital investments are catching up with the Town.- Departments are operating at 2011 prices with 2007 revenue. Revenues are on a slight uptick, but not keeping pace with inflation. Examples being: Since 2007, electricity costs are up 74%, with health care costs up 64%.	<p>For the past three budgets, the Town has delayed making capital investments in the Town's utility operations. This was largely due to a combination of the economy and rising costs of operations, stripping the Town's ability to invest utility revenues into these systems.</p> <p>The Town has current expenses as of 2011, but the Town's revenue is projected to be equal to 2007 levels.</p>
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<p><u>Fiscal Year 2012 Budget Objectives:</u></p> <ul style="list-style-type: none">- Fund essential Capital at Town's utility operations.- Have a balanced fiscal policy – fees and taxes that support essential expenses.- Hold departments to new reduced levels of operating expenses, but allow departments to fill vacancies.- Build in a 2% cost of living allowance (COLA) for staff.	<p>In formulating the budget, the Finance Director and Town Manager focused on the following essential guiding principles:</p> <ul style="list-style-type: none">• Fund needed capital at the utility plants with current year revenue.• Present a balanced budget that relies on a balanced fiscal policy.• Hold departments to reduced spending levels established over the past three years, but allow vacant positions to be filled.• Include a cost of living increase allowance for staff.
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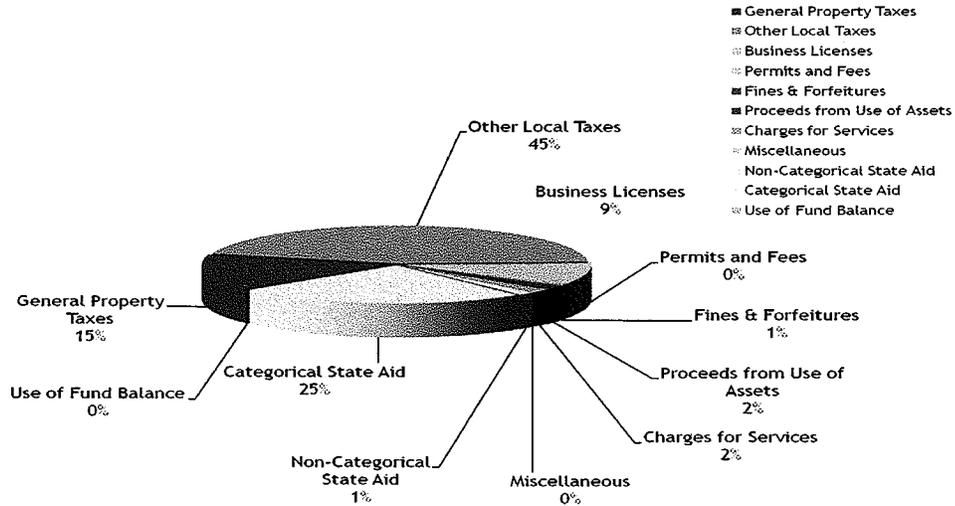


The General Fund budget is proposed at \$5.2 million dollars, nearly identical to 2007 levels. 60% of the Town’s budget continues to be made up of police, fire, trash collection, street and grounds maintenance.

<p><u>General Fund Highlights:</u></p> <ul style="list-style-type: none"> - Sidewalks - Housing redevelopment - Safety at Town facilities (such as low-head dam at Pigg River) - Repair of public safety building - Technical equipment to make the police effective - Further improvements to Gilley’s Park 	<p>New items worth noting is the General Fund includes investing in what makes Rocky Mount a great place to live.</p> <p>Funds are allocated to construct sidewalks, invest in the redevelopment of the Town’s housing stock, make the Town facilities safe, repair long-term water damage at the Town’s world class public safety facility, give the Town’s police force the most modern tools and equipment available to help them do their job of making the Town’s communities safe, and work to add handicapped accessibility and restrooms (with Town labor) to one of the Town’s great parks.</p>

<p><u>Tax Changes</u></p> <ul style="list-style-type: none">- New BPOL fee structure – small businesses exempt from a per-sales rate if total sales are less than \$50,000 annually.- Application fee reduced to \$10.00 – provides both short-term and long-term tax relief to preserve viability of small businesses in Rocky Mount.- A 20-cent tax on a pack of cigarettes is proposed. This tax has not adversely affected businesses in other communities, despite arguments that it would.	<p>Towns in Virginia can only charge 15 taxes and fees. These include:</p> <ul style="list-style-type: none">• Real Estate Taxes• Personal Property Taxes• Machinery and Tool Taxes• Motor Vehicles (decals) registration fees• Utility Consumption Taxes• Meals Taxes• Cigarettes Taxes• Occupancy Taxes• Admissions Taxes• BPOL Taxes, or Merchant’s Capital Taxes• Daily Rental Taxes• Utility License Taxes• Alcohol License Fees• Bank Franchise Fees• Cable Franchise Fees <p>None other than these can be charged as the Town is constrained to only those authorized by the state. The Town does not collect Utility Consumers tax on water and sewer sales, but does on electricity. The Town does not have a cigarette tax, admissions tax, daily rental tax, or alcohol license tax. When looking at the revenue needs of the Town, before considering changes to existing taxes and fees, the taxes authorized by the state, but not collected, should be considered.</p> <p>For the Fiscal Year 2012 budget, one tax decrease is proposed and one new tax is proposed. No other tax rates have been changed. Proposed real estate and personal property tax rates are flat.</p>
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GENERAL FUND REVENUE



General fund revenue is also projected at \$5.2 million dollars. 25% of this is from state aid that is principally money paid to the Town for the maintenance of the Town streets. Other taxes and business taxes are proposed at roughly 55%. This includes taxes that are scalable with consumption. The Town funds its local government operation on business activity versus on real estate tax revenue.

Unbalanced Fiscal Policy

- In the past 20 years, the Town's Fund balance has decreased over \$7 million dollars.
- At the same time, the Town has borrowed over \$10 million dollars and has debts near \$6 million dollars today.
- Though the Town stills has a healthy fund balance of over \$5 million dollars, the Town has to reverse the trend of deficit spending.

Town's Fund balance has decreased \$7 million dollars in the past 20 years and the Town has incurred an additional \$10 million dollars in debt, of which the Town owes about \$6 million dollars today.

Most of the reduction in Fund balance has been in the Utility Fund, which after paying one of two Franklin Heights utility bonds off early, is for all practical purposes, zero.

The \$7 million dollars in Fund balance reduction and the \$6 million dollars in current debt represents \$13 million dollars of deficit spending over the past 20 years.

<ul style="list-style-type: none">- The Utility Fund balance, after paying the Franklin Heights bond off early, is effectively zero.- The deficit represents the difference between what the Town has to spend to provide services and what the users pay in taxes and utility fees.- The Town pays out more than what the Town takes in.	<p>It is unavoidable to conclude that the Town has been paying more to provide the services the citizens have grown to expect than the Town has been collecting in taxes and fees.</p>
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<p><u>Utility Rates</u></p> <ul style="list-style-type: none">- The Town's utility operation is a separate business unit that accounts for its expenses and revenues independently.- Twenty years ago, the fund had a "profit" savings of approximately \$6 million dollars. This has been used up over the years by operating the system at a loss – keeping the rates artificially low by subsidizing operations with tax dollars, when not all users are taxpayers.- The "break even" rate for the Town's Utility Operation is \$50.91 for a 5,000 gallon user. The Town's current rate is \$35.80. The proposed new rates will result in a 5,000 gallon bill of \$41.25. The Virginia average is \$60.94.- Rate increases will be proposed in each of the next three years to reach the breakeven point.- With no fund balance to draw on, the utility has to operate at least at cost.	<p>In looking at the \$13 million dollars of deficit spending over the past two decades, a chief source of the issue is the Town's utility rates.</p> <p>The Town's utility operation, water treatment and wastewater treatment are accounted for as a business. This is according to accounting rules, principles and auditing requirements from the state and federal government. As a business, the utility operation has expenses, income and assets. The Town's objective in running a utility is to have it pay for its operational expenses, and for the capital required to deliver the service and accumulate assets that provide a net value to the shareholders of the business, which are in fact, the citizens.</p> <p>Twenty years ago, the Utility Fund had cash available to meet operational expenses of approximately \$6 million dollars. This money has been used up over the ensuing years, principally by subsidizing utility rates with cash on hand.</p> <p>This has happened due to the fact that in late 2009, the Town's Finance staff</p>
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	<p>calculated that 5,000 gallons of usage cost the Town \$50.91 to make and treat, but was billed at \$35.80. Over the past 11 years, seven of those years have seen operational deficits in the Utility Fund. Each year the fund runs at a deficit, the Fund balance available to pay expenses is reduced. Last year, with just at \$2 million dollars of Fund balance, it was estimated that the fund could sustain the current utility rate imbalance for no more than four additional years. With the use of \$2 million dollars to pay off part of the Franklin Heights utility work, the fund no longer has a cushion for absorbing losses.</p> <p>The proposed budget includes a new utility rate structure that will take a 5,000 gallons bill from \$35.80 to \$41.25. Future rate increases will be proposed in Fiscal Year 2013, Fiscal Year 2014 and Fiscal Year 2015 to get the utility rates to the breakeven point. It is likely that the breakeven point in Fiscal Year 2015 will be in excess of \$50.91 due to the inflation that will occur between now and then.</p>
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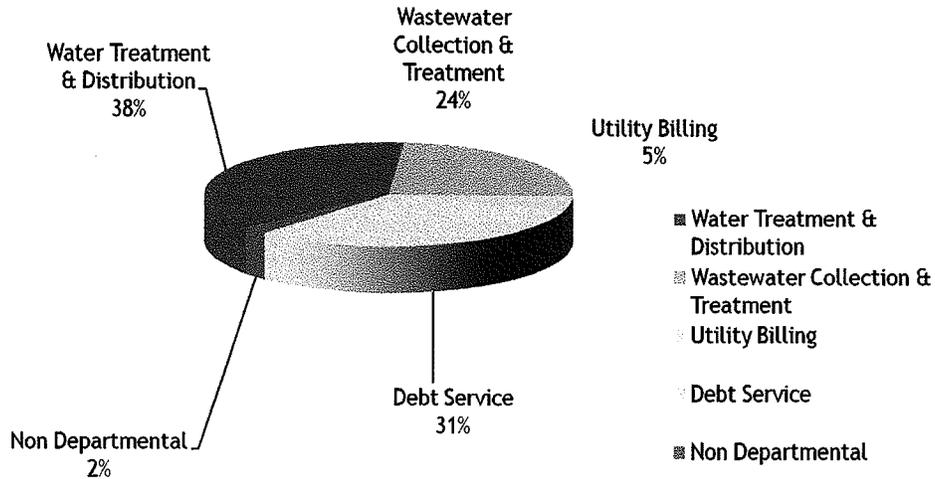
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Rate Comparison

	Town of Rocky Mount Current	Town of Rocky Mount Proposed	Town of Vinton	City of Salem	WVWA	Botetourt County	Bedford County
Water							
Base Charge	\$ -	\$ 4.00	\$ 7.96	\$ 8.50	\$ 7.75	\$ 19.75	\$ 10.00
Consumption	\$ 18.75	\$ 16.75	\$ 10.30	\$ 18.62	\$ 15.00	\$ 15.00	\$ 25.00
Total Water	\$ 18.75	\$ 20.75	\$ 18.26	\$ 27.12	\$ 22.75	\$ 34.75	\$ 35.00
Sewer							
Base Charge	\$ -	\$ 4.00	\$ 11.69	\$ 16.00	\$ 11.40	\$ 27.00	\$ 10.00
Consumption	\$ 16.50	\$ 16.50	\$ 11.99	\$ 19.00	\$ 28.70	\$ 27.00	\$ 45.00
Total Sewer	\$ 16.50	\$ 20.50	\$ 23.68	\$ 35.00	\$ 40.10	\$ 54.00	\$ 55.00
Combined	\$ 35.25	\$ 41.25	\$ 41.94	\$ 62.12	\$ 62.85	\$ 88.75	\$ 90.00
Indexed to Rocky Mount Proposed			102%	151%	152%	215%	218%
State Average		Water	Sewer	Total			
	\$ 27.54	\$ 33.40	\$ 60.94				
State Average Indexed against Rocky Mount Proposed Rates					148%		

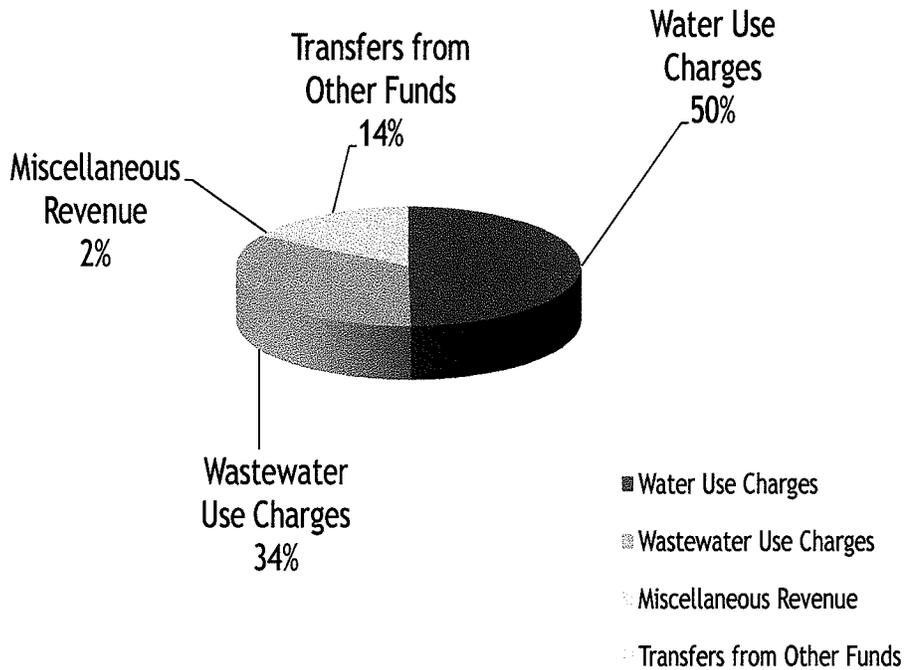
Looking at the current and proposed utility rates for the Town, the proposed rate will still be the lowest in the region. A 5,000 gallon bill for Town of Vinton, City of Salem, Western Virginia Water Authority (WVWA), Botetourt County, and Bedford County will be considerably more than for the same consumption in the Town. The Town's proposed rates will be similar to the rates charged in the Town of Vinton, which does not operate a water treatment plant or a wastewater treatment plant. The City of Salem and the WVWA rates are in-line with the Town's expenses, as each of those entities operate a wastewater treatment and water treatment plants. Given that the Town shares similar costs of operations, the rates for the City of Salem and WVWA are currently structured to provide for operational costs, as well as capital funding.

Utility Fund Expenses



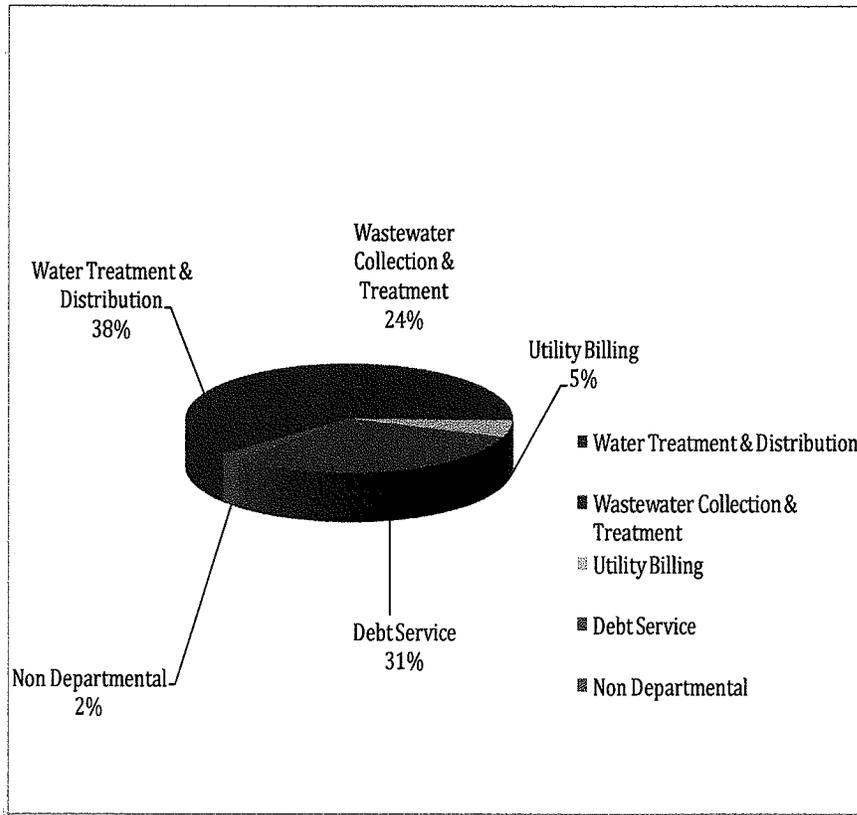
The Utility Fund is projected to have \$3.3 million dollars in revenue for the next fiscal year. Approximately 70% of the utility funds revenue comes from charges for service if depreciation is counted, which is required by accounting rules. In reference to the above "Utility Fund Expenses", the "use of fund balance" are the funds needed to fund the depreciated value of the system.

Utility Fund Proposed Revenue



Since depreciation is hard to conceptualize, it is easier to view utility operations on a cash basis. When viewed this way, the rates proposed account for 84% of the revenue. This is up from 80% in prior years due to the rates that are proposed. In the next three years, rates will be proposed that increases the amount funded by use charges and will climb to in excess of 90%.

Utility Fund Expenses



When looking at utility expenses (again without depreciation), a significant portion is for debt service. The Town will still be paying on utility operations expansions. This includes extension of utilities into annexed areas, the construction of a new sewage plant, and water and sewer work to facilitate development.

Cigarette Tax

Rocky Mount does not currently collect a tax on cigarettes, though such a tax is authorized by the State. Of the 25 municipalities in Virginia with populations from 5,000 to 10,000, 14 charge a cigarette tax. The rates charged are:

Town of Tazewell	\$.03/pack	Town of Smithfield	\$.25/pack
Town of Bluefield	\$.06/pack	Town of Ashland	\$.19/pack
Town of Purcellville	\$.50/pack	Town of Warrenton	\$.15/pack
Town of Strasburg	\$.25/pack	Town of Abingdon	\$.10/pack
City of Bedford	\$.30/pack	Town of Vinton	\$.20/pack
City of Covington	\$.20/pack	Town of Wytheville	\$.09/pack
Town of Marion	\$.12/pack	City of Franklin	\$.50/pack
		<i>Average for all</i>	<i>\$.21/pack</i>

As mentioned, one of two tax changes proposed is a cigarette tax. Of the 25 municipalities in Virginia between 5,000 and 10,000 in population that can charge such a tax, 14 do with the average being 21 cents per pack. This proposed budget includes a 20 cent per pack tax. The proposed tax will backfill revenue lost from a reduction in the BPOL rates, and the loss of investment income due to the Town's reduced Fund balance. The Town, as a community, has to provide services to a population base far greater than its total number of residents. During the day, the Town may swell to over 10,000 occupants as people commute to and through the Town. Non real estate based taxes allow those that work or pass through the Town to help pay a part of the costs in creating a great community.

<p><u>Utility Fund Summary</u></p> <ul style="list-style-type: none"> - The Utility Fund has used up its reserves. Rates must cover expenses going forward. It will take three years of modest adjustments to reach a breakeven point without the shock of a singular increase. - The water and wastewater operations have outlined \$1.3 million dollars in capital needs. This budget addresses \$303,000 of those urgent needs with current year income. 	<p>If the Town's expenses are a guide, the Town rates are low by over 35%. It is not possible to correct this problem in one jump. Over the next three years, rates will be proposed to allow the Utility Fund to keep a positive fund balance.</p> <p>The Town also identified over \$1.3 million dollars in urgent capital needs at the utility plants, and the rates proposed will attempt to address those needs with current year funds rather than relying on borrowing.</p>
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<p><u>General Fund Summary</u></p> <ul style="list-style-type: none"> - Budget has stabilized. - Economy has reached bottom and has shown growth locally, but the Town is still operating at pre-2007 levels. - A cigarette tax backfills reductions in revenue by lowering BPOL fees and allows some investment in capital equipment. - Vacant positions, especially in the Police Department, are proposed to be filled. - Staff are rewarded with a 2% cost of living allowance (COLA). 	<p>The Town's General Fund, which is economy dependant, has stabilized. Though the state used a 4.9% growth estimate in their budget, the Town has forecasted a modest 2% growth rate for the next year.</p> <p>Tax changes are proposed that will help make the Town self-sufficient without relying on real estate revenues.</p> <p>The Town has had a hiring freeze for nearly two years and many departments have gone without essential positions, especially the Police Department.</p> <p>Though the Town has made permanent eliminations, the proposed budget proposes to fully staff those positions authorized by Town Council. Further, it proposes a 2% cost of living allowance increase for the staff that have kept the Town service levels high while absorbing the work that had to be done due to vacancies.</p>
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The Town Manager concluded the presentation by stating the following:

- Like all budgets, this one started with more needs than revenue to meet those needs.
- Town Council has been instrumental in helping shape the priorities that the budget is intended to address.
- The employees of the Town have done their part to consistently do more, and do it well with less.
- The departments have worked tirelessly to stay focused on what is essential for the mission of the Town.
- The Finance Director has put in hundreds of hours trying to give accurate forecasts and to account for all known expenses.
- The Assistant Town Manager has been of vital assistance, not only in setting goals for the Town's community and economic developmental needs, but in the development of this presentation.

The Mayor thanked the Town Manager and Finance Director for their work on the proposed budget and further reminded everyone of the upcoming budget work sessions to be held at the Rocky Mount Municipal Building that are scheduled for April 18, 2011 and May 2, 2011, starting at 4:00 p.m.

Let the record show that no action from Council is needed at this time.

B) Update on Retiree & Student Volunteer Program (RSVP) and Review and Draft "Resolution in Honor of National Volunteer Week of April 10-16, 2011"

The Deputy Clerk gave a brief synopsis of the Retiree & Student Volunteer Program (RSVP) since its inception of April 5, 2010. She also introduced those volunteers of the program that were present at the Council meeting, being: Jeanette Adkins, Marilyn Fry, Marian Ingram, Deanna (Dee) Shoemaker and Shirley Suffel. William (Bill) Chase was not at the meeting.

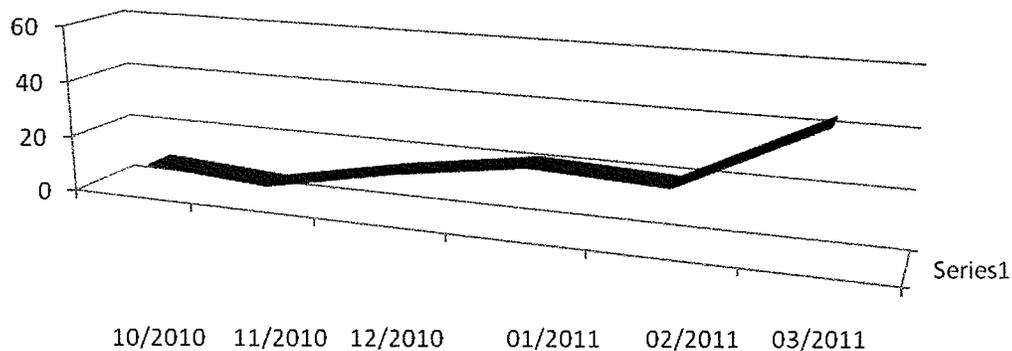
She further stated that in order to understand the immense amount of time that the RSVP volunteers have committed to assisting the Town in day-to-day operations at the Rocky Mount Municipal Building, the number of volunteer hours to-date total approximately 950 hours. Also pointed out was that these volunteers are always more than willing to step up to the plate to tackle new tasks, and have always been professional and genuinely committed in representing the Town in a positive and professional manner.

On behalf of the Town staff, the Deputy Clerk requested Council's review and consideration of approval of the draft "Resolution in Honor of National Volunteer Week of April 10-16, 2011". It was pointed out by the Deputy Clerk that the draft resolution was in honor of all volunteers for the Town, which included the Rocky Mount Volunteer Fire Department, Planning Commission, and Board of Zoning Appeals. She indicated that Fire Chief Charles Robertson and Planning Commission Member Ina Clements were also in attendance at the Council meeting.

- Town Council also authorized the purchase of a passport camera and backdrop. This initial investment came at a cost of \$1,199.00, and was a wise choice, as many applicants have indicated they chose the Town's facility because they could get everything they needed in one location. Other expenditures through March 31, 2011, including miscellaneous office supplies, travel and training expenses, and postage, have totaled \$1,319.96 for a passport expenditures grand total of \$2,518.96.

- Through March 31, 2011, the Town's agents have processed 116 passport applications, and received a \$25 execution fee per application. The Town also offers the photograph service at a cost of \$10 per set of two pictures for interested applicants, which has added to the revenue totals. As of March 31, 2011, the total revenue collected from the passport program is \$4,051.05, with a difference in revenue over expenditures of \$1,532.09. Staff is pleased that the initial investment has been recovered within the first six months of operation.

- There is also an upward trend in the number of applications accepted on a monthly basis as indicated below:



- With the travel season now beginning, the number of applications accepted in March doubled from February, and the Town's agents expect the upward trend to continue throughout the travel season.

- Annual revenues to the Town from this program may exceed \$15,000.

- It takes, on average, fifteen minutes to process a passport application. The staff processing these applications have been aided by the presence of the Town's dedicated group of RSVP volunteers, who have helped cover the telephones and greet the public while passports are being processed.

- The Town's agents are very pleased with the success of the program. They have enjoyed meeting the many different people this service has brought into the Town, and staff are hopeful that while they are here, they will eat, shop and enjoy all that Rocky Mount has to offer.

The Mayor stated that this program was well done and that he has not heard anything but compliments from people that have used the Town's passport acceptance facility.

D) Recognition of Municipal Clerks Week

The Town Manager informed Council that in recognition of the vital service that Municipal clerks provide for their localities, May 1 through May 7, 2011 has been set aside as "Municipal Clerks Week". Due to this, Council had received a draft "Proclamation – Municipal Clerks Week – May 1, 2011 Through May 7, 2011" for their review and consideration for approval.

The Mayor stated that on behalf of Council, he certainly wanted to recognize Town Clerk Patricia Keatts and Deputy Clerk Stacey Sink for all their hard work. The Mayor read the proclamation into the record.

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

- Motion was made by Council Member Love to approve the draft proclamation as written, 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.

E) Draft Appropriation Resolution for Veterans' Connector Walk

The Assistant Town Manager brought to Council's attention that based on an application for funds approved by Council, the Virginia Department of Conservation and Recreation has awarded the Town grant funds of \$125,000 in 2009 for the construction of a connector walk between Lynch Park and Veterans' Memorial Park, which will be Phase I of the Pigg River Heritage Trail Connector Walk. He further stated that the Town has previously appropriated \$30,000 in a local match for the project and has been actively constructing the trail facility via Town labor forces. He further pointed out that based on a review of the budget, it appears that the grant funds awarded have not been appropriated, with this being an oversight and that staff wishes to correct that with a draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2011 Pigg River Heritage Trail Connector Walk" that appropriates the grant funds to be received from the state.

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

- Motion was made by Council Member Greer to approve the draft resolution as presented, 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 by those present.

F) Appointments to Planning Commission

The Assistant Town Manager informed Council that four Planning Commission positions are due to be filled by June 30, 2011, with the next terms being effective July 1, 2011 through June 30, 2015. He further stated that Planning Commission Vice Chair John Speidel and Planning Commission Members Ina Clements, Derwin Hall and John Tiggle positions expired June 30, 2011, with all four agreeing to be reappointed if Council so chooses.

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

- Motion was made by Council Member Greer to reappoint John Speidel, Ina Clements, Derwin Hall and John Tiggle to the Planning Commission for another four-year term as stated, 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 by those present.

G) Request of Community Partnership for Revitalization

It was explained by the Town Manager that the Executive Director of Community Partnership for Revitalization (CPR) is requesting Council's consideration of allowing them to close Franklin Street briefly on the morning of Saturday, April 23, 2011, to start their 5K road race/walk that is in conjunction with the annual "Chug for the Jug" event.

The Chief of Police confirmed to the Mayor this is similar to the event that was held last year and he sees no problem with them closing Franklin Street as requested.

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

- Motion was made by Council Member Greer to grant the request of CPR, 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 by those present.

H) Consideration of Providing Assistance to Town of Pulaski, Virginia

The Town Manager requested permission for Council to allow the Town to provide assistance to the Town of Pulaski, Virginia in connection with the recent tornado damage to the Town and surrounding area.

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

- Motion was made by Council Member Strickler to extend to the Town of Pulaski services from the Town of Rocky Mount in the area they need it, and for the Town Manager to coordinate these efforts with the Town's Director of Public

Works, 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.

COMMITTEE REPORTS

A) Public Facilities & Special Events Committee

The Town Manager reported to Council that the Public Facilities & Special Events Committee had met on March 22nd to hear a request from Franklin County Rescue Squad, Inc. (FCRS) for funding to assist in the construction of a new facility. He further explained the following:

- Next year, Franklin County is scheduled to provide FCRS a crash truck. This is estimated to cost approximately \$350,000.
- FCRS has reported to the Town and the County that they need a larger building to house this apparatus, as it will not physically fit in the current bay.
- FCRS approached the Town in October 2010 asking for funding assistance with the building, having identified the parcel adjacent to the current location as a logical place to expand.
- The addition proposed could cost up to \$650,000, not including the acquisition of the land.
- It is unclear who the funding partners will be, but in the event that an addition is constructed, it will likely be funded by Franklin County, Franklin County Rescue Squad, Inc., and the Town of Rocky Mount.

The Town Manager stated that it was Committee's recommendation for Council to instruct the Town Manager to assist FCRS in applying for funds through the USDA Rural Development Office and to identify what funding would be available through Franklin County.

The Town Manager confirmed to Council that it is his intent to contact the Captain of FCRS after tax season regarding their request, as the Captain's personal business is preparing taxes.

It was the consensus of Council to accept the recommendation of the Committee.

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

A) Referrals to Planning Commission from Town Council

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

B) Rise 'N Shine Appearances

Let the record show that the Town Manager appeared on the Rise 'N Shine show today.

COUNCIL CONCERNS

Council Member Moyer

1. Questioned why the light poles on South Main Street in the Uptown Project area were not underground yet. The Assistant Town Manager explained that he has contacted the contractor about this and they are waiting on getting the cable spliced so all wires on the poles can be taken down. Discussion ensued regarding that no paving can be done until all the poles are taken down. The Assistant Town Manager stated that he still anticipates the Uptown Project will be substantially finished by the end of April, and that the decorative work (such as benches, trash can receptacles, etc) should be finished by the end of May.
2. Mentioned that he is still getting complaints about Shentel (Town's cable company). The Town Manager assured Council that he has talked personally with Shentel's Vice President of Customer Service (Mr. David Ferguson) about the earlier complaints received by the Town Manager's Office and Council Member Moyer, with the Vice President indicating that he will personally call those names that were given to him from the Town. The Town Manager did state that he did not get a confirmation from Mr. Ferguson that Shentel would be changing their billing cycle, other than relaying that it was a billing error. Also stated that he did request an update from Mr. Ferguson, and if he does not hear back from him, will ask that he come before Council during the May regular Council meeting to address concerns Council has.

CLOSED MEETING

At 8:10 p.m., motion was made by Council Member Moyer to go into *Closed Meeting*, and seconded by Council Member Greer 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. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be

commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter (specifically, property damage due to utility operations).

At 8:45 p.m., motion was made by Council Member Greer 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 Love and carried unanimously by those present.

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.

Steven C. Angle, Mayor

- Motion was made by Council Member Moyer 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 considered in the meeting by the public body was discussed. Motion was seconded by Council Member Strickler. The Mayor swore to adopt the motion on the floor by Council Member Moyer that this was all that was discussed as defined in Section 2.2-3712 Code of Virginia. Voting yes were Vice Mayor Gregory B. Walker and Council Members Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L. Moyer, and Robert W. Strickler.

The Mayor reported that no action was taken.

ADJOURNMENT

At 8:48 p.m., motion was made by Council Member Love to adjourn, seconded by Council Member Greer and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk