

**ROCKY MOUNT TOWN COUNCIL  
REGULAR COUNCIL MEETING  
OCTOBER 8, 2012**

The October 8, 2012 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 Billie W. Stockton

The meeting was called to order by Mayor Angle.

For the record, the following were present: All members of Town Council as noted, Assistant Town Manager/Community Development Director Matthew C. Hankins (and Planning & Zoning Administrator), Town Attorney John T. Boitnott, Assistant Chief of Police Roger Smith, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, 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 that the agenda be amended for correction on agenda under *Old Business – Item A* that it should state “Code of the Town of Rocky Mount, Virginia (2002)”.

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

### **SPECIAL ITEMS**

Let the record show there were no special items at this time.

### **PUBLIC HEARING**

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

### **APPROVAL OF MINUTES**

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

- September 10, 2012 Regular Council Meeting
- September 27, 2012 Special Council Meeting

The Mayor asked if there were any changes to the draft minutes, and there being none, the Mayor entertained a motion.

- Motion was made by Council Member Love to approve the 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 (none at this time)
- Miscellaneous Action (none at this time)
- Departmental Monthly Report
  - Community Development
  - Finance Department
  - Fire Department
  - Police Department
  - Public Works Department
  - Waste Water Department
  - Water Department
- Bill List

There being no comments, 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 Stockton. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

## **HEARING OF CITIZENS**

Let the record show that prior to the meeting, no one had contacted the Town Clerk's Office wanting to come before Council.

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

- Rocky Mount Fire Chief Charles Robertson came before Council inviting them and the public to attend the Rocky Mount Volunteer Fire Department open house to celebrate their 90 years milestone on Saturday, October 13<sup>th</sup>, from 1:00 p.m. to 5:00 p.m.

## **OLD BUSINESS**

### **A. Proposed Ordinance Amendment of the Town of Rocky Mount Amending in Part Chapter 58, Article XIV, of the Code of the Town of Rocky Mount, Virginia (2002)**

*(At the request of Council, the Town Attorney re-drafted the ordinance of the Town of Rocky Mount amending in part Chapter 58, Article I, Section 58-6 of the Code of the Town of Rocky Mount, Virginia (2002), and modifying the charge for direct waterworks connection for fire suppression, with the re-drafted ordinance reflecting the change being that the fee would be \$25.00 a month for businesses that are less than 10,000 square feet.)*

The Assistant Town Manager presented to Council the proposed changes and briefed Council on what had been done in the past, with the Town Attorney re-drafting the proposed ordinance at Council's earlier request.

There was discussion regarding how many of the six inch water lines for fire suppression the Town's industries have that had the \$50.00 connection fee being charged by the Town. As the Finance Director and Superintendent of the Water Plant were absent due to being on vacation, the Superintendent of Wastewater Treatment Plant and Fire Chief attempted to answer this question for Council, with the Assistant Town Manager agreeing with them that typically, the systems are designed to take care of the flow that is needed. Vice Mayor Walker stated that before he could vote on this matter, he would have to have an answer to how many of the industries have the six inch lines going into their place of business for fire suppression. The Fire Chief confirmed that most likely, the larger industries have their own water tanks to take care of their buildings in case of fire. The Superintendent of the Wastewater Department informed Council that when he and the Superintendent of the Water Department were doing their rounds regarding fire suppression for the businesses and industries, it was noticed that most of the larger businesses or industries have one connection for water service and another for fire suppression.

*(Prior to the meeting, Dr. Richard LaBarbera of LaBarbera Chiropractic & Wellness Center, had requested to come before Council regarding the proposed fire suppression fee, with it being his understanding that the Town's Public Utilities Committee will be recommending to Council that the fee be changed from \$50.00 to \$25.00 for facilities less than 10,000 square feet.)*

At the request of the Mayor, Dr. Richard LaBarbera of LaBarbera Chiropractic & Wellness Center located at 60 Meadow View Avenue in Rocky Mount came before Council voicing his concern about his place of business being charged the same amount that larger industries are being charged. He stated that his place of business occupies less than 5,000 square feet and only has one riser, with him further stating that he believes the proposed charges are inequitable for them to be charged the same amount, further suggesting that Council have a third tier to address lower square footage, and that the lower charge should be retroactive for his place of business.

The Mayor explained to Dr. LaBarbera that Town is trying to standardize the charges for all businesses, regardless of the size.

Council Member Stockton confirmed to the Mayor that he and the Town Manager had both met together with Dr. LaBarbera to explain the proposed charges; and to also explain that regarding the backflow system requirements, this was requirements being mandated by the State of Virginia, which the Town had to adhere to.

Dr. LaBarbera explained that he still thinks the fire suppression fee is too much and confirmed to the Mayor that he would lean towards being charged \$5.00 a month for businesses less than 5,000 square feet.

Council Member Moyer indicated that he tends to agree with Dr. LaBarbera since his place of business was a smaller structure, with him recommending that a third tier be put into place.

Council Member Cundiff (as Chair of the Public Utilities Committee) stated that the Committee had recommended that anything under 10,000 square feet would be \$25.00, and that the reason this was recommended was so the Town would not have to always be tweaking the ordinance whenever requests would come before Council to lower the fee.

Vice Mayor Walker stated that it seemed like Council needed a little difference between the 5,000 square feet and 10,000 square feet.

The Assistant Town Manager confirmed to Council that there were only about one or two businesses this would affect that are less than 5,000 square feet.

Dr. LaBarbera once again reiterated that he would appreciate it if Council would make the proposed change as he suggested and to make it retroactive.

The Mayor stated that the question before Council at this time was whether or not the change to the ordinance would be from \$50 to \$25 for structures under 10,000 square feet, or for everything to remain at the \$50, with Council leaving it as it is; or, does Council want to send it back to the Public Utilities Committee to look at a different tier structure as requested by Dr. LaBarbera. Council Member Moyer indicated that he would like to see it go back before the Public Utilities Committee for reconsideration of a different tier.

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

- Motion was made by Council Member Stockton to adopt the ordinance as proposed, with motion on the floor being seconded by Council Member Love. (*Re-draft of Ordinance to state that all qualified direct waterworks connections to buildings 10,000 square feet or larger for the purpose of providing water for fire suppression shall be at the flat rate of \$50.00 each month. All such connections to buildings less than 10,000 square feet shall be at the flat rate of \$25.00 each month.*) Discussion ensued. Council Member Greer stated that he does not want to vote for this because he is against it to begin with due to the fact that if anyone wants to run a business out of the area, keep throwing charges on to them, with the state already mandating charges against businesses. There being no further discussion, a roll call vote was taken. Voting in favor of the motion on the floor were Council Members Cundiff, Love and Stockton. Voting in opposition to the motion on the floor were Vice Mayor Walker and Council Members Greer and Moyer. There being a tied vote, the Mayor voted in favor of the motion on the floor. Let the record show that the motion on the floor passed four to three.

## **NEW BUSINESS**

### **A. Community Partnership for Revitalization Request**

*(Prior to the meeting, Community Partnership for Revitalization requested to come before Town Council regarding their upcoming annual Christmas tree lighting event, and their upcoming annual "Come Home to a Franklin County Christmas" for Council's review and consideration of approval.)*

The Assistant Town Manager informed Council that Community Partnership (CPR) for Revitalization had requested the following for Council's review and consideration of approval:

1. Customary street closure for their annual Christmas events (November 23<sup>rd</sup> Christmas Tree Lighting at Franklin County Courthouse, and December 7<sup>th</sup> "Come Home to a Franklin County Christmas" festival held on Franklin Street).
2. Use of the former Lynch Hardware building for several events to be held in during the "Come Home to a Franklin County Christmas" event.

The Assistant Town Manager stated that he has met with members of CPR at the former Lynch Hardware Building to see what events they wanted to hold there and to see what areas best inside the building would suit those needs. There was discussion between Council and the Assistant Town Manager regarding what actual areas of the former Lynch Hardware building CPR would need to use. At the request of Council, Mrs. Caroline Johnson, President of CPR, came forward and confirmed the areas they would be using, further stating that all safety precautions would be used, with there being no access to the lower level by the public, and that all public bathroom access would be available across the street at the Farmers' Market. The Assistant Town Manager informed Council that all liability insurance would be covered through the Town's insurance carrier, Virginia Municipal League. He further informed Council that from a staff's point of view, he would like to see some folks going through the building to see what the building looks like now and what a difference it will be when a performance center will be there.

The Assistant Town Manager confirmed to Council Member Cundiff where the streets would be closed for the event, with Council Member Cundiff stating that he would like to see CPR use the Depot instead of the former Lynch Hardware Building for their proposed events. There was discussion regarding if the Depot was used, the streets being proposed to be closed would have to change in order for people to safely cross the street where the Depot is located, and as for right now, it is located outside of the area being proposed to be closed.

Ms. Johnson informed Council that the festival downtown on December 7<sup>th</sup> is one of the biggest events in-town. She also commented that whenever they plan on this event being held at the Depot, most of the time it does not get a lot of foot traffic as there are no businesses close to it; plus, it is outside of the area where the streets are closed.

Discussion ensued where to close Franklin Street if CPR is allowed to have events inside the former Lynch Hardware Building, with it being suggested to close them at the end of Franklin Street at Floyd Avenue (near the old fire station), and to leave the other end as proposed by CPR in their request.

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

- Motion was made by Vice Mayor Walker to approve the street closure as suggested at Floyd Avenue, and to allow CPR to have different events in the former Lynch Hardware Building; plus, to allow CPR to have the annual Christmas tree lighting on November 23<sup>rd</sup>, with motion on the floor being seconded by Council Member Love. There was no roll call vote, but let the record show that voting in favor of the motion on the floor were Vice Mayor Walker and Council Members Greer, Love and Stockton. Voting in opposition to the motion on the floor were Council Members Cundiff and Moyer. Let the record show that the motion on the floor passed four to two.

**B. Franklin County High School Eagle's Booster Club Request**

*(Prior to the meeting, Franklin County High School Eagle's Booster Club requested to come before Council to ask that Council consider waiving several Town fees in relation to the proposed construction of their indoor hitting/training facilities.)*

The Assistant Town Manager informed Council that the Town Clerk's office had received a letter from Franklin County High School Eagle's Booster Club regarding wanting to come before Council to ask them to consider waiving several Town fees in relation to the proposed construction of their indoor hitting/training facilities. He also informed Council that staff had to treat their submittal as a normal site plan review and zoning review process. He also confirmed to Council that in the past, the Town has charged the Franklin County School Board for other licenses that required similar reviews.

The Assistant Town Manager went over the fees that the Booster Club was asking to be waived: site plan review (including erosion and sediment) in the amount of \$725.00; zoning permit in the amount of \$60.00; land disturbing permit in the amount of \$175.00, for a total amount of \$960.00 being requested to be waived.

Mr. Bryan Forbes, who is presently the Head Coach for the Lady Eagles' Softball, came before Council to state the Booster Club's purpose in asking for the waiver of fees, being:

- After being coach for the past four years, was asked to come up with a five year plan of improvement to the softball fields and facilities at Benjamin Franklin Middle School.
- During the past four years, have completed most of these improvements with both Franklin County and Booster Club funds.
- As part of the five year plan, he has proposed an indoor hitting/training facility that would be used by not only the middle and high school softball teams, but local recreation fast pitch softball teams would also benefit from the facility.
- As of right now, the ladies Eagle softball team has to share a hitting facility with Eagles' baseball, which was built and funded through school and Franklin County funds.
- The hitting facility being proposed will be built using mostly, if not all, Eagles' Softball Booster Club funds and local donations.
- Currently, holding multiple fundraisers and asking for donations from local businesses to reach the needed amount of \$120,000.
- Respectfully asking Council to waive the fees which were mentioned so the money can be used to help complete the project and provide the young ladies of Rocky Mount and Franklin County with a place to become the best ballplayers possible.

Mr. Forbes confirmed to Council that the Booster Club has approximately one-half of the money (\$60,000), as it will cost approximately \$100,000 (more or less) to

build the facility; hopes to get the rest of the donations from local businesses or local citizens; they are tax-exempt; and will have to get building permits from Franklin County, with the Booster Club asking them to waive those fees as well when they submit an application for the building permit from Franklin County.

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

- Motion was made by Council Member Greer to waive the fees and ask Franklin County to do the same, with motion on the floor being seconded by Council Member Moyer. Discussion ensued. Council Member Cundiff requested the motion to be amended to include that if the Town is going to forego asking for the fees, why it can't be stated that the amount being waived would be a donation from the Town, with the Booster Club not having to come back before Council asking for a donation. The Mayor stated to Mr. Forbes that if Council grants the request of the Booster Club for the Town to waive the fees, if they come back before Council asking for a donation, the answer would be no. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

C. Economic Development Authority (EDA) Proposed Board Appointments

*(Following the creation of an Economic Development Authority (EDA) Board, the Assistant Town Manager was asked to come before Council with a list of potential board members.)*

The Assistant Town Manager stated that after the creation of the EDA last month to assist in the development of the performance center at the Lynch Hardware Building, Council had directed him to approach potential board members to ask if they would consider serving. He further stated that this agency would allow the Town to recoup an estimated \$600,000 to \$700,000 in historic property tax credits that they anticipate would come upon this project, and the reason he wants to elaborate on this is because last month it was reported to Council that it would only be \$65,000 to \$70,000 being recouped, when in fact, it is much more than that. He further stated that additionally, Council's creation of the document establishes initial terms of service (two each of terms for one, two and three years, with one four year term). It was confirmed to Council also by the Assistant Town Manager that Mr. Cliff Hapgood would be the one on the list that was "to be determined"; and also one person Council wanted him to contact had to decline serving due to time constraints, therefore, had to pull up one reserve name on the list. He confirmed to Council that once the terms are up, they can agree to continue to serve, or Council can reappoint. He also pointed out to Council that each member on the list was surprised to be asked to serve and looked forward to serving.

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

- Motion was made by Vice Mayor Walker to approve the potential EDA list with terms as listed, with motion on the floor being seconded by Council Member Love. There was no roll call vote, but voting in favor of the motion on the floor were Vice Mayor Walker and Council Members Greer, Love, Moyer and Stockton. Voting in opposition to the motion of the floor was Council Member Cundiff. Let the record show that the motion on the floor passed five to one. Council Member Cundiff explained that his objection is to the concept of the music venue and in no way was it to cast reflection on citizens willing to serve.

D. USDA Rural Development Grant Funding for Vehicle Purchases

*(Consideration of accepting USDA Rural Development Grant funding for vehicle purchases; specifically, for two Rocky Mount Police Department vehicles.)*

The Assistant Town Manager informed Council of the following:

- In 2010, Council had approved a grant application to USDA Rural Development Agency to fund the purchase of two police vehicles, and when the grant was not funded, the Town proceeded with a lease-purchase program, which set the Town's current fleet of vehicles before Ford's Crown Victoria being phased out, allowing the Town to recycle cages and other outfitting equipment.
- In August, the Assistant Town Manager was notified by Art Powers with USDA that the agency possibly had funding available for previously considered applications, and asked if the Town would like their previous grant application to be considered, with the Assistant Town Manager indicating that the agency should reconsider the previous application.
- The application was considered and approved, pending Council review and acceptance of the grant. The total expected grant expenditure is \$45,000, with USDA contributing the lesser of \$25,000, or 55% of the overall acquisition costs for two new police vehicles.
- The Town Manager and Assistant Town Manager have discussed vehicle needs with the Chief of Police, who does have vehicle needs at the Police Department, including vehicles for investigators, personnel transport, and starting the replacement fleet for the current service Crown Victorias.
- If Council agrees to accept the proposed grant, Town staff will assess the vehicle needs and determine pricing, using the state contract, then return to Council with the purchase plan.
- This is an unbudgeted expense, with Council needing to consider approving the difference, either from contingency or from fund balance.

The Assistant Town Manager confirmed to the Mayor that if Council approves this request at this time, the Town does not have to spend the money, resulting in the money having to be sent back to USDA.

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

- Motion was made by Council Member Stockton to approve the request, 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.

E. Advertising Contract for U.S. Highway 220 Town Billboard

*(Consideration of Town to continue to place advertisements on its billboard located on U.S. Highway 220 in continuing the effort to attract visitors into the revitalized areas of the central business district.)*

The Assistant Town Manager informed Council of the following:

- Last year, Council had approved a staff plan to use Department of Housing & Community Development (DHCD) grant marketing funds and Town advertising funds in combination to set a billboard on U.S. Highway 220 in an effort to attract customers into the heart of the central business district.
- Over the past year, the billboard has made over three million impressions on drivers, based on traffic counts at the site.
- The billboard is up for renewal in November, and it is time for Council to decide whether the investment is worth the effort.
- The proposal presented by Lamar (owner of billboard) includes a 2.5% increase in the cost of the billboard to \$615.00 every four weeks, up from \$600.00. The cost of materials remains the same at \$700.00.
- The total investment for one year would be \$8,695.00, or about \$24.00 for every day. If Council wishes to proceed with the renewal, they will need to authorize the Assistant Town Manager to proceed with executing the documents with Lamar.
- If Council does not wish to pursue renewal, the Assistant Town Manager will notify Lamar so they have time to pursue another client; then, he will turn a significant portion of those advertising funds toward a "use local" advertising campaign during the holiday season.
- Over the past year, the billboard has received mixed reviews from the business community, with the general consensus being that the people are glad the Town made the effort to promote retail business, but that the billboard content was not dramatic or exciting enough to draw in visitors.
- If Council wishes to proceed with renewing the billboard, the content would be renewed and would probably contract with a design firm to produce the artwork, using professional photos the Town has taken over the past year.

There was discussion regarding still having advertisement on a billboard, but that it be placed in the southbound lane facing traffic so the Town would be paying for something that could be easily seen, and that the Assistant Town Manager contact other billboard companies to see what the costs would be. It was relayed to Council by the Assistant Town Manager that he will proceed in contacting Lamar to let them know that the Town will not be renewing the contract with them for this location; he will be looking at other possible billboard sites, with this taking possibly another year before having anything to

bring back before Council regarding this matter; and when he has the information, he will work something up and give to Council in one of their weekly packets.

F. Veterans' Memorial Commission Request

*(Consideration of Veterans' Memorial Commission request for an amendment to their existing original resolution that established the Franklin County Veterans' Memorial Commission (enacted November 13, 2006). Prior to the meeting, Council had received a copy of the original resolution and the proposed amendment to review.)*

Let the record show that the Mr. B. W. Wright, Chairman of the Veterans' Memorial Commission, attended the meeting to answer any questions Council may have regarding the proposed amendments to the Franklin County Veterans' Memorial Commission resolution.

The Assistant Town Manager informed Council of the following:

- The Finance & Human Services Committee met on October 3, 2012 to discuss proposed changes to the resolution that established the Franklin County Veterans' Memorial Commission; specifically, regarding their membership.
- After the Committee heard the request from Mr. B. W. Wright, the Committee recommended that the Commission be allowed to appoint its own membership within the guidelines established by Council, and also recommended amending which Council member votes as a member of the Commission. The Public Facilities & Special Events Chair has been Council's representative in the past, but this amendment would allow the Mayor to appoint any Council member to serve as Council's liaison to the Commission. The Assistant Town Manager has drafted language in the amendment to reflect this direction from Council.
- Staff believes the proposed amendments will foster greater participation in the Commission's work, and urges Council to adopt the amendment as drafted.

The Assistant Town Manager confirmed to Council that Town staff does take care of staff work for the Commission and will continue to do so.

The Assistant Town Manager asked Council that if they approve the proposed amendments, to make it effective immediately as the Veterans' Memorial Commission has a meeting tomorrow evening.

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

- Motion was made by Vice Mayor Walker to approve the proposed changes to the resolution for the Franklin County Veterans' Memorial Commission, 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 pass unanimously by those present.

For the record, the Mayor appointed Council Member Moyer as Council liaison to the Commission.

G. Franklin County Commerce & Leisure Services

*(Consideration of Council approving a request from Franklin County Commerce & Leisure Services regarding a grant effort to improve boater access at major put-in and take-out points along the Pigg River; specifically, by installing new access ramps at Waid and Lynch Parks.)*

Let the record show that Mr. Michael Burnette, Director of Franklin County Commerce and Leisure Services, attended the meeting to answer any questions Council may have regarding grant effort.

The Assistant Town Manager informed Council of the following:

- Franklin County Commerce & Leisure Services Director Mr. Mike Burnette is leading a grant effort to improve boater access at major put-in and take-out points along the Pigg River; specifically, by installing new access ramps at Waid and Lynch parks.
- The total expected cost of the projects proposed is \$29,800, with the state covering \$20,000 and local contributions making up the \$9,800 difference.
- Town staff believes that if the award is granted, this will generate additional tourism spending within the Town limits of Rocky Mount and within Franklin County in general, and this small investment would generate a positive return for the Town.
- Staff has been a part of this application from early on, with staff urging Council to match funding in the amount of \$2,450, with such funding coming from the Planning and Community Development budgets. This amount represents a 25% share of the expected total local contribution for the project. In the event the grants are not funded, Council would not be obligated for any funding.

Mr. Michael Burnette came before Council stating that this grant project is a great tourism effort, especially considering how many people attend the annual Pigg River Ramble and the additional tourism spending in the Town and County. Mr. Burnette confirmed to Council that if the grant is funded, the plans are to put in the concrete and wood ramps that are very similar to the Blackwater River ramps, with Mr. Burnette describing how this would work. Council Member Moyer expressed that he would like to see the concrete and wood ramps design put in due to the fact that he has actually put his canoe in at Lynch Park and it would make it a lot easier if it was concrete and wood.

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

- Motion was made by Council Member Moyer to approve the request for the Town to match the funding in the amount as requested, with motion on the floor being seconded by Council Member Stockton. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

## **COMMITTEE REPORTS**

### **Finance & Human Services Committee**

*(The Finance & Human Services Committee met on October 3, 2012 to review several items. Prior to the meeting, Council had received a list of the items that were discussed by the Committee.)*

The Assistant Town Manager informed Council that the Finance & Human Services Committee had met to discuss several items, which included reconfiguring appointments for the Franklin County Veterans' Memorial Commission, which was considered and action taken by Council under *New Business*. Other items discussed were:

- Funding of the "Footlights of the Blue Ridge", with the Committee asking staff to investigate the process for "Footlights" to earn tax-exempt status for the purpose of gaining corporate sponsorship and earning autonomy from Community Partnership for Revitalization.
- Reviewed proposed planning and zoning fee changes, setting a follow-up meeting for October 29<sup>th</sup> at 5:00 p.m. to discuss the proposed changes.
- Requested that staff change the procedure for reporting staff credit card payments listed on Council's biweekly finance reports in order to identify which credit cards are being paid with that line item.

The Assistant Town Manager informed Council that he does not believe any of the items discussed during the Committee meeting requires Council action at this time, other than requesting that once the Committee reviews the proposed fee changes, that they be referred to the Planning Commission for review, comment and recommendation at its November meeting.

Let the record show that no action was taken by Council at this time.

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

### A. **Referrals to Planning Commission from Town Council**

Let the record show that the review of the planning and zoning fees will be reviewed by the Planning Commission as requested by the Assistant Town Manager.

### B. **Rise 'N Shine Appearances**

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

## **COUNCIL CONCERNS**

Let the record show there were no Council concerns at this time.

At the request of the Mayor, Lieutenant of Investigation Kenneth Criner introduced the newest personnel addition to the Rocky Mount Police Department, Lieutenant of Patrol Danny C. Brabham.

## **CLOSED MEETING**

At 8:20 p.m., motion was made by Council Member Love to go into *Closed Meeting*, and seconded by Council Member Moyer and carried unanimously to discuss the following:

- Section 2.2-3711(A).5 - Discussion concerning a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (economic development).
- Section 2.2-3711(A).3 - Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (economic development).

At 8:55 p.m., motion was made by Vice Mayor Walker 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.

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Steven C. Angle, Mayor

- Motion was made by Council Member Greer 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 Moyer. The Mayor swore to adopt the motion on the floor by Council Member Greer 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 Billie W. Stockton.

The Mayor reported that the following action took place:

- Motion was made by Vice Mayor Walker for Council to approve the economic development incentive for Ply Gem in the amount of \$12,500.00, 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.

### **ADJOURNMENT**

At 8:57 p.m., motion was made by Vice Mayor Walker to adjourn, seconded by Council Member Greer and carried unanimously by those present.

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Steven C. Angle, Mayor

ATTEST:

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Patricia H. Keatts/Town Clerk

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