



**ROCKY MOUNT TOWN COUNCIL
AGENDA
REGULAR COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS
ROCKY MOUNT MUNICIPAL BUILDING
345 DONALD AVENUE
ROCKY MOUNT, VIRGINIA
MARCH 9, 2015
AT 7:00 P.M.**

When speaking before Town Council, please come to the podium and give your name and address for the record. Please address the Council and not the audience. If you provide Council with any documentation, please also give a copy to the town clerk prior to speaking.

◆
All cellular phones must be turned off during the Council Meeting.
◆

The Town of Rocky Mount is pleased to offer assistive listening devices for meeting attendees with special hearing needs. Please ask any staff member or the town clerk for assistance.

- I. Roll Call
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Special Items (*none at this time*)
- V. Public Hearing (*none at this time*)
- VI. Approval of Draft Minutes
 - February 9, 2015, regular meeting minutes
 - February 18, 2015 special meeting minutes
- VII. Approval of Consent Agenda
 - Miscellaneous Resolutions/Proclamations (*none at this time*)
 - Miscellaneous Action (*none at this time*)
 - Departmental Monthly Reports
 - Community Development Department
 - Finance Department
 - Fire Department
 - Police Department
 - Public Works Department
 - Wastewater Department
 - Water Department
- VIII. Hearing of Citizens (*none at this time*)
- IX. Old Business
 - A. Resolution by the Rocky Mount Town Council Legislative Prayer
- X. New Business
 - A. Presentation of Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2014
 - B. Discussion regarding Virginia Municipal League Supper to be held at the Harvester Performance Center in April 2015
 - C. Discussion of options for the Depot – Community & Hospitality Center

- D. Overview of Crooked Road events for the Mountains of Music Homecoming
- E. Review and consideration of contract award to Waco, Inc. for sodium hypochlorite water treatment project

XI. Committee Reports (*none at this time*)

XII. Other Matters, Concerns and Rise 'N Shine Appearances

- A. Referrals to Planning Commission from Rocky Mount Town Council
- B. *Rise 'N Shine* Appearances

XIII. Closed Meeting and Action

- Section 2.2-3711(A).1- Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body (town manager's office).

XIV. Adjournment

Copies of the agenda packet are available for review at the Town Clerk's Office located at the Rocky Mount Municipal Building, 345 Donald Avenue, Rocky Mount, Virginia, Monday through Friday, during normal working hours (8 a.m. to 5 p.m.), or by going to Town of Rocky Mount website: www.rockymountva.org.

◆
Notice of intent to comply with Americans With Disabilities Act: Special assistance is available for disabled persons addressing Town Council. Efforts will be made to provide adaptations or accommodations based on individual needs of qualified individuals with disability, provided that reasonable advance notification has been received by the Town Clerk's Office. For assistance, please contact the Town Clerk's Office, Town of Rocky Mount, 345 Donald Avenue, Rocky Mount, VA 24151, or by calling (540) 483-7660.

◆
Thank you for taking the time to participate in your Town Council meeting. The Mayor and members of Council invite and encourage you to attend whenever possible because good government depends on the interest and involvement of citizens.

**ROCKY MOUNT TOWN COUNCIL
MEETING MINUTES
FEBRUARY 9, 2015**

The February 9, 2015 regular meeting of the Rocky Mount Town Council (hereafter referred to as "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:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- P. Ann Love
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton

The following staff members were present:

- Deanna Alexander, Deputy Clerk
- John T. Boitnott, Town Attorney
- Tim Burton, Waste Water Treatment Plant Superintendent
- Kenneth Criner, Acting Chief of Police
- Robert Dietrich, Water Plant Superintendent
- Joshua Gibson, Town Planner
- Matthew C. Hankins, Assistant Town Manager
- Cecil Mason, Public Works Director
- Stacey Sink, Town Clerk

The meeting was called to order by Mayor Angle.

PLEDGE OF ALLEGIANCE

Mayor Angle led in the Pledge of Allegiance.

Following the Pledge of Allegiance, Mayor Angle welcomed Council Member Moyer back to the dais after a brief absence due to surgery.

APPROVAL OF AGENDA

Mayor Angle asked for any additions or corrections to the presented agenda, and being none entertained a motion.

Motion: To approve the agenda as presented

Motion By: Council Member Love

Second: Council Member Snead

Motion Discussion: None

Action: The presented agenda was approved by a unanimous vote

SPECIAL ITEMS

Special Item No. 1: Introduction of new staff in the Community Development Department

Matthew Hankins, Assistant Town Manager and Director of the Community Development Department, introduced the department's new Administrative Assistant and Deputy Clerk Deanna Alexander and Town Planner Josh Gibson to Council.

PUBLIC HEARING

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

APPROVAL OF MINUTES

Prior to the meeting, Council received for review and consideration of approval the following draft minutes: **January 12, 2015 - regular Rocky Mount Town Council Minutes.**

Mayor Angle asked if there were any additions or corrections to the presented draft minutes. The town clerk noted that there was an error on page 5558 of the minutes in which a vote had been recorded showing that Council Member Moyer had voted and it should have been Council Member Love. She has already made the correction but Council will need to approve the amended minutes.

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

Motion: To approve the minutes as amended

Motion By: Council Member Moyer

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: The January 12, 2015 minutes were approved as amended by a unanimous vote

APPROVAL OF CONSENT AGENDA

Prior to the meeting, Council received, for review and consideration of approval, a list of consent agenda items, which consists of any miscellaneous resolutions, proclamations, miscellaneous action items, departmental monthly reports, and the bill list. This month's consent agenda consists of the following:

- Miscellaneous Resolutions/Proclamations: "Resolution by the Rocky Mount Town Council Acceptance of Old Fort Road"
- Miscellaneous Action (none at this time)
- Departmental Monthly Reports: Community Development Department, Finance Department, Fire Department, Police Department, Public Works Department, Waste Water Department, Water Department

There being no discussion, Mayor Angle entertained a motion.

Motion: To approve the consent agenda as presented

Motion By: Vice Mayor Walker

Second: Council Member Moyer

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: The consent agenda was approved by a unanimous vote

HEARING OF CITIZENS

Let the record show that no citizens came forward prior to the meeting asking to speak before Council. Mayor Angle opened the floor to any citizen wishing to speak. Let the record show that no citizen came forward.

OLD BUSINESS

Old Business Item No. 1: Resolution by the Rocky Mount Town Council Legislative Prayer

Staff Report By Assistant Town Manager Hankins: Council Member Moyer has asked Town Council to consider opening its meetings with a prayer. The Town Attorney and Town Manager have consulted with the Virginia Municipal League (VML) and other local government attorneys in order to assist Council in establishing, if it so chooses, a legal meeting prayer policy.

The attached "Legislative Prayer" guidance document from the Virginia Municipal League summarizes the opportunities and pitfalls associated with establishing an opening meeting prayer. The core challenge is the establishment clause in the first amendment of the United States Constitution that guides all levels of government not to

make any law regarding the establishment of a religion. VML offers the following guidelines regarding meeting prayers in local governments in Virginia:

- The prayer should be given by a person other than a member of the governing body.
- Individuals wishing to deliver a prayer should have an opportunity to sign up to do so, thereby allowing all faiths the chance to participate.
- The prayer should be given to the governing body and not those in attendance, and participation by those attending the meeting should not be sought.

With these guidelines in mind, the attached draft policy is submitted.

General Discussion: None

Mayor Angle entertained a motion.

Motion: To table the discussion until March

Motion By: Council Member Moyer

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Motion to table the discussion regarding legislative prayer was approved by a unanimous vote

NEW BUSINESS

New Business Item No. 1: Review and consideration of approval of requests of Linda Stanley, Franklin County Historical Society, to hold annual Moonshine Express and Ghosts & More events and sponsorship request

Staff report by Assistant Town Manager Hankins: The town clerk has received several requests from Linda Stanley, Special Projects Coordinator of the Franklin County Historical Society. The first is to hold the 11th annual Moonshine Express event on Sundays, April 12th and 19th, beginning at the Rocky Mount Municipal Building. The second is for a \$600.00 sponsorship from the Town for two buses (\$300.00 per bus) to use for the event. The third request is to hold the 13th annual Ghosts & More event on Saturdays, October 17th and 24th, beginning at the Rocky Mount Municipal Building. Contained in the meeting packet is a letter from Ms. Stanley explaining her requests in further detail, along with a description of the requested sponsorship.

The Rocky Mount Police Department has reviewed the event requests and approves them as submitted (pertaining to the use of the streets).

General Discussion:

Love: If this is approved will Council be obligating money for next year's budget?

Hankins: Yes.

Walker: Wants to thank Ms. Stanley for all that she does.

Hankins: Clarified that the Moonshine Tour money is already in the budget for this year, but the Ghosts & More money would be for next budget year.

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

Motion: To approve the request as presented

Motion By: Vice Mayor Walker

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Requests of Linda Stanley were approved by a unanimous vote

New Business Item No. 2: Review and consideration of approval of request from Marcia Cramblitt, Franklin County Parks and Recreation, to hold annual Chug for the Jug 5K, Kids Fun Run, and Carilion Health Walk

Staff report by Assistant Town Manager Hankins: The town clerk has received a request from Marcia Cramblitt, Recreation Programs Manager with Franklin County Parks and Recreation to hold its annual Chug for the Jug 5K, Kids Fun Run, and Carilion Health Walk on Saturday, April 18, 2015 at the Rocky Mount Farmers' Market. Contained in the packet is a letter from Mrs. Cramblitt outlining the request in further detail.

The Rocky Mount Police Department has reviewed this request and approves as submitted.

There being no discussion, Mayor Angle entertained a motion.

Motion: To approve the request as presented

Motion By: Council Member Stockton

Second: Council Member Love

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Request of Ms. Cramblitt was approved by a unanimous vote

New Business Item No. 3: Review and consideration of authorizing contingency funds to replace water line service for Lee M. Waid Elementary School

Staff report by Assistant Town Manager Hankins: In the early fall, the Water Department determined that the hydrant flow on the six-inch water line serving Lee Waid Elementary

School did not meet standards for water supply in case of a fire. Staff bagged the hydrants and notified the school division that the fire department can fight fires there but would need additional supply from other sources to make a successful attack.

The Public Works, Water and Community Development directors have been working to determine whether constructing an eight-inch line replacement connected to the main at Mary Coger Lane would be sufficient to raise fire flow to higher than minimum standards.

After appropriate review, staff believes that the correct action is to replace the existing six-inch line with an eight-inch main using the same trench, removing the existing line and replacing it as the work progresses. The shallow soil and solid rock in this area make that the most prudent, cost-effective action. In order to replace the section, Mr. Mason will need to enact this fix after school adjourns in late May, as work is likely to take three weeks or more, particularly if the original trench was not made wide enough throughout.

Mr. Mason has a materials cost estimate just under \$30,000. Staff recommends moving those funds from contingency, and the Finance Director has prepared the appropriation resolution. Labor costs will come from the utility fund budget.

There being no discussion, Mayor Angle entertained a motion.

Motion: To approve the request as presented

Motion By: Council Member Stockton

Second: Vice Mayor Walker

Motion Discussion: none

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Request to authorize \$30,000 in contingency funds for use in replacing water line at Lee M. Waid Elementary School approved by a unanimous vote

New Business Item No. 4: Review and consideration of Resolution by the Rocky Mount Town Council Acceptance of Penny Lane

Staff report by Assistant Manager Hankins: Noted that as with the previous resolution for Old Fort Road in the consent agenda, this resolution will allow the Town to seek reimbursement from the Virginia Department of Transportation (VDOT) for road maintenance money.

General Discussion:

Hankins: Confirmed that the road area taken into the Town's system will be from the Plateau sign to the cul-de-sac.

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

Motion: To approve the request as presented

Motion By: Vice Mayor Walker

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: The request to approve the acceptance of Penny Lane into the Town's road system was approved by a unanimous vote

New Business Item No. 5: Review and consideration of partial closure of State Street in support of state technical rescue competition hosted in part by Franklin County Public Safety

Staff Report by Assistant Manager Hankins: Capt. Billy Ferguson with Franklin County Public Safety has asked for the ability to narrow lanes on State Street for four days in May. This would facilitate a four-day technical rescue competition with participants from all over Virginia. The vehicles used are fire and rescue trucks and may protrude into the southbound travel lane while the skills test goes on at Ferguson Land & Lumber. If that is the case, Capt. Ferguson has asked for the ability to put down cones to separate the vehicles from the travel lane.

If you do not permit the temporary narrowing of the street, Capt. Ferguson may be able to work out using the CavCo/Fleetwood parking lot as an alternative.

General Discussion:

Mayor Angle: How much of State Street will be affected?

Billy Ferguson: Probably from Byrd Cemetery to Fleetwood. Would start at 9:00 A.M.

and be two teams a day, and school buses could get through. He spoke to Chief Criner and he had no issues.

Walker: Will there be something in news paper and also signage?

Hankins: Will ask Franklin County Public Safety to alert the public with advertisement and signage.

Walker: What are the days of week?

Ferguson: Monday through Thursday, the first week in May.

Mayor Angle: Please put notice in local newspaper so folks will know something is happening.

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

Motion: To approve the request as presented

Motion By: Council Member Love

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Request for a partial closure of State Street during four-day technical rescue competition approved as presented by a unanimous vote

New Business Item No. 6: Declararion of surplus vehicle

Staff report by Assistant Town Manager Hankins: Acting Chief Criner has requested authorization to trade the Ford Excursion in for a smaller vehicle more suited for his administrative duties. The diesel engine in the Excursion has been problematic and continues to be so. The book value for the 2005 Ford Excursion is \$12,808.00. The police department has been offered \$17,000.00 in trade toward a smaller SUV with low mileage.

There being no discussion, Mayor Angle entertained a motion.

Motion: Motion to approve the request as presented

Motion By: Council Member Love

Second: Vice Mayor Walker

Motion Discussion: none

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Request to declare Police Department Excursion as surplus and eligible for trade-in approved as presented by a unanimous vote

New Business Item No. 7: Review and consideration of funding request for new lighting at Waste Water Treatment Plant

Staff report by Assistant Town Manager Hankins: The Waste Water Treatment Plant has a line item in its capital budget for a new Polymer Blending System. Mr. Burton has determined that such a system will not improve the plant's efficiency to justify the cost (\$10,000).

However, he advises that the lighting fixtures in the headworks building have suffered from exposure to moister with 50% of them being in need of replacement, and that the remaining require frequent bulb replacements. He has obtained the attached quote to replace the lights with long lasting corrosion resistant LEDs. He requests Council authorize him to use the funds allocated for the Polymer Blending System to replace the lights as quoted.

General Discussion:

Burton: Had originally requested a polymer system under the impression that it would improve the efficiency of his plant. However, he tested a unit in December and found that it would not improve the efficiency enough to justify the expense, so he decided to ask to use the money somewhere it is needed more.

Cundiff: This is just shuffling the money that is already approved in the budget to fund another project, not asking for new money.

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

Motion: To approve the request as presented

Motion By: Council Member Cundiff

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Request to allow WWTP to transfer budget dollars from polymer blending system to interior lighting project approved as presented by a unanimous vote

COMMITTEE REPORTS

Committee Report No. 1: Finance & Human Services Committee Report

Committee Report delivered by Assistant Town Manager Hankins: The Finance and Human Services Committee met on January 20, 2015 to consider the options related to the Town being made whole on credit card transactions while at the same time not over-collecting. § 2.2-614.1 of the Code of Virginia grants the Town the authority to collect a service charge, but states that such a charge should not exceed the Town's cost.

The Town's credit card processing company "Heartland Payment Systems" estimates that on average the cost of a credit card transaction will be equal to 2.5% of the transaction.

The Committee directed staff to switch from a \$2.50 transaction fee to a 2.5% transaction fee and to report back to the Committee after a full month of statements are available for review.

Given that the Town's financial software cannot add a percentage fee automatically, the finance director has prepared a chart to guide customer service agents in adding a fee based on purchase amounts in increments of ten dollars.

Discussion:

Stockton: Reiterated that the committee wants to review the fees again in March.

Walker: Does not want to overcharge the citizen upfront.

Cundiff: The Town has not received any discount rate and he knows discount rates are available. Bedford and Martinsville have basically the same thing. Both are running it through a card system, and one charges \$2.99 and one charges \$3.99. Likes that it will be revisited in March.

OTHER MATTERS & COMMENTS

Referrals to Planning Commission: Let the record show there were no referrals to Planning Commission at this time.

Rise and Shine: Let the record show that Assistant Town Manager Hankins appeared on the *Rise and Shine Franklin County* show with host Richard Shoemaker this morning.

COUNCIL CONCERNS

Vice Mayor Walker: Where is the Town with advertising the Cox property and attracting business?

Hankins: Currently working with the Roanoke Economic Development Partnership to attract potential businesses. Currently, there is potential to get a cellphone tower there, but not sure if that will satisfy the requirement for a tenant. Edelman looked at the Cox site and then decided to downscale its operations. 2017 is the current date when the funds have to be repaid or a tenant found. The most recent interest is from a manufacturing tenant from West Virginia but this interest is not likely to pan out. The hope is still to find a company to take a railserve site, and the railroad is trying to help the Town find a tenant. A major hold up is not having natural gas at the site.

Vice Mayor Walker: At one time there were trash cans on Circle Drive and Greenmeadow/Windy Lane. Did we discuss taking some of the trashcans from downtown and taking them there? The old concrete cans from downtown?

Mason: Thinks that is what is there now.

Hankins: Staff will take a look and if there is not something there we will get something there.

ADJOURNMENT

There being no further business to discuss, Mayor Angle entertained a motion to adjourn.

MOTION BY: Council Member Moyer

SECOND: Vice Mayor Walker

MOTION DISCUSSION: None

ACTION: Meeting adjourned at 7:40 p.m.

**ROCKY MOUNT TOWN COUNCIL
MEETING MINUTES
SPECIAL MEETING
FEBRUARY 18, 2015**

The February 18, 2015 special meeting of the Rocky Mount Town Council (hereafter referred to as "Council") was held in the Council Chambers of the Rocky Mount Municipal Building located at 345 Donald Avenue, Rocky Mount, Virginia at 5:00 p.m. with Mayor Steven C. Angle presiding.

The following members of Council were present:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- Robert L. Moyer
- P. Ann Love
- Jon W. Snead
- Billie W. Stockton

The following staff members were present:

- John T. Boitnott, Town Attorney
- C. James Ervin, Town Manager
- Matthew C. Hankins, Assistant Town Manager
- Stacey B. Sink, Town Clerk

The meeting was called to order by Mayor Angle.

APPROVAL OF AGENDA

Mayor Angle noted that the town manager has requested to amend the agenda to include the following new business item: *discussion regarding funding assistance for erosion repair at Franklin County Veterans' Memorial Park.*

There being no further additions or corrections, Mayor Angle entertained a motion.

Motion: To approve the agenda as amended

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: The amended agenda was approved by a unanimous vote

NEW BUSINESS**New Business Item No. 1: Discussion regarding funding assistance for erosion repair at Franklin County Veterans' Memorial Park**

Staff report by Town Manager Ervin: The town manager noted he has previously mentioned in one of his Friday memos that he had asked Thompson and Litton to make application to the Virginia Department of Conservation and Recreation for funding to repair the erosion of Veterans' Memorial Park through the Land and Water Conservation Fund. To recap, the Town budgeted \$550,000 and bid the project this year only to find out that the engineer's estimate was low and actual bids were closer to \$900,000. It is his plan to address this short fall in the budget that is presented to Town Council in March, but in the interim he has been seeking grant funds as well.

Thompson and Litton will submit an application by the February 24th deadline that seeks \$500,000 towards the project. The prior bid was approximately \$900,000 and Thompson and Litton is presenting an application with an estimated project cost of \$1,000,000 to allow for construction inflation and for contingency. The Town has budgeted \$550,000 in the current year that will be its match for the application. The application requires a resolution from the Town which is presented today for Council's consideration.

General Discussion:

- Mayor Angle questioned if by applying, the Town is guaranteed to get the funding, with Town Manager Ervin advising that there is no guarantee the grant will be awarded, as it is a competitive process.
- Mayor Angle questioned if the grant requires a match with the town manager confirming the grant does require a match, but indicating that the matching dollars are currently appropriated in the budget.
- Mayor Angle questioned if the grant is awarded if the Town has to accept the funding, with the town manager confirming it does not.
- The town manager noted that he has asked the county for \$100,000 towards the project and Mr. Huff has indicated that it will be added to the County's budget discussion. The Town probably will not have an answer until April or May.
- The town manager noted that this is the best option he has found to leverage the funds already in the budget towards completing the project.

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

Motion: To submit the grant application as requested

Motion By: Council Member Love

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: The motion to approve the grant application as requested was approved by a unanimous vote

WORK SESSION

Work Session Item No. 1: Discussion Regarding Harvester Performance Center

Work Session General Discussion:

The town manager introduced Andy Turner of BT's Tax & Business Service, Inc., accountant for the Harvester Performance Center to give a presentation on the current status of the Harvester's financials. Mr. Turner noted the following:

- Earlier in the week, Council received the Harvester's Financial Report for Calendar Year 2014. The first page of the report is a summary of the year presented on a cash basis, and the following pages are monthly summaries also presented on a cash basis.
- Harvester's accounting is actually maintained on an accrual basis; however, these reports are presented on a cash basis at Council's request. As an example, Mr. Turner presented Council with copies of the January 2015 financial data report, which showed ticket sales of \$40,847.50. This figure represents the ticket sales collected only for January shows. In actuality, tickets were sold for future months, but those dollar values are not represented here. This is the difference between cash and accrual accounting. It is the same with expenses. Only the expenses pertaining to the January operations are accounted for on this financial report.
- "Convenience fees" revenue represents the \$1.00 fee collected per ticket sold.
- "Merchandise sold" of \$214.67 represents Harvester branded merchandise whereas "Merchandise Band" reopresents the Town's portion of merchandise sold by the band.
- Under performance expenditures, "Artists Deposits" of \$13,900 represents the amount paid to artists at the time of contract signing, and "Artists Settlement" represents the amount paid to artists at the end of the show. Assistant Town Manager Hankins clarified that this could be a percentage of ticket sales, or a flat fee and that it depends on the artist's contract requirements.
- "Paypal Fee Expense" is the cost to the Harvester for accepting credit card payments online totaling \$993.80 for the month of January, whereas "Credit Card Fees" is the cost of accepting credit card fees in-house at the ticket window, which for the month of January was \$596.50. Assistant Town Manager Hankins noted that both of these fees together should be offset by the "Convenience Fees" revenue of \$1,757.40.
- Council Member Love questioned if the convenience fee had been adjusted yet from \$1.00 to \$2.00 with the assistant town manager advising it had not and he may need to look at doing a percentage of the total sale instead of a flat fee.
- In looking at the overall performance revenues and expenditures, the profit from shows for the month of January was \$16,101.81. However, this figure does not account for operational expenditures.

- "Payroll" expenses for January include \$15,177.68 for two full-time and several part-time staff members.
- "Security" expenses total \$996.50. Assistant Town Manager Hankins noted that he is trying to reduce this amount based on show attendance. For example shows with less than 120 attendees probably do not need security to cross the street.
- "Advertising" is a rather large expenditure at \$15,177.68 for the month of January. The assistant town manager noted that it has been lower for the past three months than what it is for January. The amount tends to fluctuate because of the number of shows in a month and also the particular artists that are coming. His expected advertising goal is \$10,000 per month. There is no standard media partner with which to advertise. Again, it is based on the particular show and where the advertising dollars are best spent. This month's advertising amount could have been affected by the rescheduling of the Dickie Betts show. Also, for most of these shows, the advertising dollars were spent before the pricing corrections were established.
- "Contractual" expenses at \$6,602.87 include contracts for companies like Downtown Music to set up and take down equipment and BT's tax to provide accounting services.
- "Web-Site" expenditures at \$1,025 for January seems a little high. The assistant town manager advised that the website is constantly evolving, but his expectation is that it should be \$700 to \$800 per month. The contract for the website was awarded based on overall site design and hourly fees.
- "Landscape Maintenance" of \$777.08 is for a contract with Seven Oaks Landscaping. Mayor Angle questioned if this is work that could be done by the Public Works Department, with Assistant Town Manager Hankins advising that the public works director deferred this work to a professional contractor.
- "Certification Fees" is an expenditure that should be going away by the end of March. It is related to the Historic Property Tax Credits.
- Town Manager Ervin pointed out that this financial report shows twelve months of expenses with only eight months of income, as the Harvester did not open for business until April 2014, but expenses were incurred prior to opening.
- Regarding the Historical Property Tax Credits, the Town can expect \$1.1 million dollars to come in over the next five years.
- Mayor Angle requested Mr. Turner about how he felt concerning the Harvester's financials from an accounting standpoint. Mr. Turner commented that from a visual standpoint and given the young nature of the Harvester he thinks the Harvester is doing exceptionally well. Council should not just look at fixed costs but should look at overall benefit to the Town. Bootlegger's and the Early Inn are a direct result of the Harvester. Transient occupancy tax, meals tax, fuel sales, and sales tax have all increased as a direct result of the Harvester.

Assistant Town Manager Hankins presented Council with a brief presentation analyzing the economic impact the Harvester has had on the local area, making the following points:

- Regarding Meals Tax: (1) Over the past 12 months, restaurants, delis and markets reported tax on \$25,742,540 in prepared meals; (2) Since May, Town meals tax collections are up \$63,410 over the previous year; (3) These figures represent

\$1,268,200 in additional meals sold; (4) Anecdotal evidence suggests Harvester guests are responsible for 80% of the increase; (5) Harvester impact on restaurant sales equates to approximately \$1,014,560.

- Regarding Lodging Tax: (1) In the current fiscal year, lodging tax collections are up \$1,686 over this time last year; (2) At 5% rate, this equates to \$33,720 in additional room sales; (3) At an average of \$80 per room, this equates to an extra 421 room nights; (4) Anecdotal evidence suggests that Harvester guests are responsible for 80% of the increase; (5) Harvester impact on hotel sales is approximately \$26,976, and on hotel room nights is approximately 337 nights.
- Regarding Local Sales Tax: (1) Of 100% of the sales tax collected in Franklin County, Franklin County keeps 95%, Rocky Mount keeps 4%, and Boones Mill keeps 1%; (2) For the nine months the Harvester has been open, the change in reportable sales tax reportable spending is an increase of \$2,488,005; (3) Rocky Mount accounts for approximately 60% of the county's spending economy; (4) Anecdotal evidence suggests Harvester guests are responsible for 80% of the increase; (5) Impact of the Harvester on general sales economy is approximated at \$1,194,242 with a calculated non-food spending portion of \$179,682.
- Regarding the Harvester's total impact from May-January on the local (Town only) economy: (1) Restaurant sales due to Harvester - \$1,014,560; (2) Lodging sales due to Harvester - \$26,976; (3) Tax eligible sales due to Harvester - \$1,194,242; (4) Total Sales impact to date - \$2,235,778; (5) Average spending per patron on non-ticket items - \$93.16.
- Regarding Harvester taxation impact: (1) Harvester impact on Meals Tax collections - \$43,659; (2) Harvester impact on Lodging Tax collections - \$1,349; (3) Harvester impact on Local Sales Tax collections - \$66,460; (4) To date increase in tax collections (total) - \$111,468.

Mayor Angle questioned what the Harvester general manager and assistant general manager think about the Harvester's operations, with the assistant town manager confirming that both are pleased with the Harvester's audience and its branding penetration. They are both aware that they must strive to increase the margin on shows and to decrease the advertising dollars.

Assistant Town Manager Hankins noted that the majority of Harvester guests are coming from Roanoke County, Montgomery County and also North Carolina.

There was recently a unique experience with one of the bands when the drummer from Southern Culture on the Skids, after playing the Harvester in December, came back as a guest to attend two different shows because he liked the acoustics so much. Also, a lot of the artists that played the Harvester last year are impressed with the venue so much that they want to come back again this year.

Council Member Cundiff questioned if any of the Tobacco Commission grant funds have been received yet, with Assistant Town Manager Hankins advising that Tobacco Commission funds can only be used to pay for expenses which are not eligible for historical property tax credits. He is working with the tax credit accountants to determine

those expenses to submit to the Tobacco Commission and he expects to have it done by the end of February.

Vice Mayor Walker and Council Member Love expressed concern over the need to control operating expenses, especially advertising, and to increase profit margins on shows. The rest of Council was in consensus and asked for a follow-up report in three months.

COUNCIL CONCERNS

Vice Mayor Walker: Questioned where the staff stands on the credit card fee issue.

Town Manager Ervin: Noted that the Town is close on costs but still has not compensated for \$2,200 spent on equipment. The Finance and Human Services Committee is going to meet again in March before the regular Council meeting to discuss fees.

Council Member Love: Advised she would like to go into closed session to discuss a personnel matter.

CLOSED MEETING

Entering Closed Meeting:

Motion: To go into closed session to discuss a personnel matter under Section 2.2-3711(A).1

Time: 6:15 p.m.

Motion By: Council Member Love

Virginia Code Section: 2.2-3711(A).1 Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Motion to go into closed meeting approved by a unanimous vote

Exiting Closed Meeting:

Motion: To come out of closed meeting and to reconvene into open session

Time: 6:30 p.m.

Motion By: Council Member Stockton

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: Motion to come out of closed session and reconvene in open session approved by a unanimous vote

Declaration of Closed Meeting Discussion:

Motion: To certify that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting

Motion By: Council Member Love

Second: Council Member Moyer

Motion Discussion: None

Ayes: Cundiff, Love, Moyer, Snead, Stockton, Walker

Nays: None

Action: The Mayor swore to adopt the motion on the floor by Council Member Love and reported that no action was taken during the closed meeting

Certificate of Closed Meeting:

Whereas, the Rocky Mount Town Council has convened a closed meeting on Wednesday, February 18, 2015 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 (1950), as amended, 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

ADJOURNMENT

There being no further business to discuss, Mayor Angle entertained a motion to adjourn.

Motion By: Vice Mayor Walker

Second: Council Member Love

Motion Discussion: None

Action: Meeting adjourned at 6:35 p.m. by a unanimous vote

Steven C. Angle, Mayor

ATTEST:

Stacey B. Sink, Town Clerk

SBS/

DRAFT

MONTHLY STAFF REPORT

DATE:	March 5, 2015
TO:	Rocky Mount Town Council
FROM:	Stacey Sink, Town Clerk
DEPARTMENT:	Community Development
MONTH:	FEBRUARY 2015

Community Development Staff Report not available at time of packet publication.

MONTHLY STAFF REPORT

DATE:	March 3, 2015
TO:	Rocky Mount Town Council
FROM:	Linda Woody, Finance Director
DEPARTMENT:	Finance Department
MONTH:	March meeting

This report contains the following monthly information for January 2015 activity:

New businesses obtaining a business license during the month

Investment portfolio from the latest bank statement

Revenue comparisons from this fiscal year to last fiscal year

Meals tax collections chart

Local sales tax collections chart

Expenditure comparisons from this fiscal year to last fiscal year

Available contingency funds status

Capital project expenses for the Performance Venue

Utility billing profiles on customers and consumption

Water Customer Cut-off's chart

Water accountability reconciliation of finished water gallons pumped vs. metered water gallons consumed

Utility profiles on water production and wastewater flow

Customer flow for the Finance Department:

1179 walk-in transactions

1449 drive-thru transactions

1740 mail transactions

MONTHLY STAFF REPORT

DATE:	March 3, 2015
TO:	Rocky Mount Town Council
FROM:	Charlie Robertson, Fire Chief
DEPARTMENT:	Rocky Mount Fire Department
MONTH:	January 2015

- The Rocky Mount Fire Department answered a total of 39 calls for the month of January 2015. There were 17 calls answered inside the Town limits and 22 calls answered in the County.
- The Department averaged 9.3 members on all calls for the month and accumulated a total of 243 manhours on these calls. There was a total of 53.9 gallons of gasoline used and a total of 163.6 gallons of diesel fuel used during the month.
- For the month, there were 9 structure fires, 4 woods and grass fires, 10 motor vehicle accidents, 7 false alarm calls, 1 debris in the roadway (fallen trees), 3 smoke and odor removal calls, 2 electrical fires (utility poles), and 3 assistance to the rescue squad calls.
- The Fire Department conducted a 2-day training that incorporated 3 hours of classroom training and 9 hours of practical training that concluded with a live burn. There was a total of 175 manhours accumulated on this training weekend.
- The Department presently has 3 new members that are enrolled in the Fire Fighter I Certification Program that is sponsored by the Virginia Department of Fire Programs. The final examination for certification for this program will be in March. After these members pass this certification, the Department will have 100% certification at the basic level of fire fighter training for all active members.
- Arrangements were made to paint the inside of the North Main Station sometime in February. The inside of the station has not been painted since the station was built in 2001. With the completion of the roof repairs and water damage repairs, the paint job should complete the process for now.

MONTHLY STAFF REPORT

DATE:	March 3, 2015
TO:	Rocky Mount Town Council
FROM:	Chief of Police Ken E. Criner, Jr
DEPARTMENT:	Police
MONTH:	FEBRUARY 2015

Rocky Mount Police Department personnel would like to congratulate Ken E. Criner on his promotion to Chief of Police! We all look forward to serving under his command.

February was a relatively “quiet month” due to it being a short month and all of the inclement weather we had during February!

ROCKY MOUNT POLICE DEPARTMENT
MONTHLY REPORT TO COUNCIL

ADM #1

DATE: FEBRUARY 2015

DEC.

JAN.

FEB.

	DEC.	JAN.	FEB.
UNIFORM TRAFFIC SUMMONS ISSUED	97	105	53
TRAFFIC STOPS	174	209	120
SPEEDING TICKETS ISSUED	46	54	17
DUI	2	4	2
ACCIDENTS INVESTIGATED (TREDS)	22	13	10
MOTORIST AIDES	85	74	60
CRIMINAL ARRESTS "MISDEMEANOR"	36	39	16
CRIMINAL ARRESTS "FELONY"	8	11	10
INCIDENTS ADDRESSED	2677	3141	2326
INCIDENTS, OFFENSES REPORTABLE	59	78	60
GRAND LARCENY WARRANTS	0	1	1
BREAKING & ENTERING REPORTS	0	1	0
BREAKING & ENTERING WARRANTS	0	0	0
BOLO'S (Be On Look Out)	64	59	43
FOLLOW-UP'S	139	155	89
BUSINESSES, RESIDENCES CHECKED "FOOT PATROLS"	1771	2108	1495
SCHOOL CHECKS	45	22	139
ALARM RESPONSES	30	26	27
OPEN DOORS, WINDOWS, ETC. UNSECURED	6	11	1
COURT HOURS	20.5	32	20.75
TRAINING HOURS:	164.5	175	222.25
SPECIAL ASSIGNMENT HOURS:	161.75	90.75	76.75
HARVESTER HOURS WORKED:	38.5	36	35

TRAFFIC ENFORCEMENT:

- ◇ Moving and stationary radar: throughout the Town, Bernard Road, Greenview Drive, North & South Main Street, Grassy Hill Road, Tanyard Road, Pell Avenue, State Street, Old Franklin Turnpike, Scuffling Hill Road, Glenwood Drive, Green Meadow Lane and Windy Lane.
- ◇ There were 10 reportable accidents with 8 of the accidents on our public streets.

COMMUNITY OUTREACH:

- ◇ Residential Foot Patrols: Avalon Street, Bernard Road, Byrd Lane, Candlwood, Center Street, Claiborne Avenue, Darlington Drive, Diamond Avenue, Donald Avenue, East Court Street, Fairlawn Drive, Grassy Hill Road, Green Meadow Lane, Harvey Street, Hatcher Street, Herbert Street, Hillcrest Drive, Hilltop Drive, Knollwood Drive, Lakeview Drive, Law Street, Leonor Street, Montview Avenue, North Main Street, Oak Street, Old Fort Road, Old Furnace Road, Patterson Avenue, Pell Avenue, Pendleton Street, Penny Lane, Scuffling Hill Road, State Street, Summit Drive, Sycamore Street, Tanyard Village, Trail Drive, West College Street, Wilson Street, Windy Lane and Woodlawn Drive.
- ◇ Business Foot Patrols: Auto Zone, BB & T, BFMS, Burger King, CATCE Center, Christian Heritage Academy, Cook Out, CVS, Dairy Queen, Dollar General, Eagle Cinema, Empire Foods, Family Pharmacy, Franklin County High School, Fleetwood Homes, Food Lion, Francis of Assisi Church, Franklin Heights Baptist Church, Franklin Memorial Hospital, Franklin Outdoors, Franklin Street, Goodwill, Harvester Center, Ideal Building Supply, Ippy's, Kentucky Fried Chicken, Kroger, Lee M. Waid, Lowe's, Martinsville DuPont Credit Union, Mary Bethune Park, McDonald's, Member One Credit Union, Mod-U-Kraf, Moose Lodge, Newbold, North Main Street, Old Franklin Turnpike, Pell Animal Clinic, Pet Clinic, Pizza Hut, PlyGem, Rocky Mount Bowling Center, Rocky Mount Elementary, Rocky Mount Public Works, Roses, Schewel's, School Board Road, Sheetz, Shell Station, Shoe Show, South Main Street, Step, Tanyard Road, Trinity Packaging, Walgreens, Wal-Mart, Weindy's, YMCA and the Zone.

MISCELLANEOUS:

- ◇ February 14th, 2014 - Open door at Natural Foods "Tanyard Road"
- ◇ February 18th, 2014 - Gang Intel Meeting @ "RMPD"

CRIMINAL ARRESTS & LOCATIONS:

Possession of Schedule II Drug	North Main Street
Possession of Schedule III Drug	North Main Street
Possession w/ Intent to Manufacture Meth	Old Franklin Turnpike (x 4)
Possession of Marijuana	Old Franklin Turnpike
Possession of Marijuana	North Main Street
Driving Under the Influence	North Main Street
Driving Under the Influence	East Court Street
Drunk In Public	Sycamore Street
Open Container	Franklin Street
Felony Shoplifting	Old Franklin Turnpike (x 2)
Shoplifting	Old Franklin Turnpike (x 2)
Felony Larceny	Old Franklin Turnpike
Larceny	North Main Street
Failure to Return Rental Property	Old Franklin Turnpike
Eluding Police	North Main Street
Emergency Custody Order	Harvey Street
Domestic Assault	Mary Coger Lane
Disorderly Conduct	Hatcher Street
Violation of a Protective Order	Windy Lane
Trespassing	North Main Street
Driving Suspended	North Main Street
Driving Suspended	Scuffling Hill Road

SPEEDING TICKETS ISSUED

Pell Avenue (x 6)

Tanyard Road (x 5)

North Main Street (x 2)

State Street

Bernard Road

Hatcher Street

South Main Street

MONTHLY STAFF REPORT

DATE:	March 4, 2015
TO:	Rocky Mount Town Council
FROM:	Cecil R. Mason, Public Works Director
DEPARTMENT:	Public Works Department
MONTH:	February 2015

1. Clean-up (2 days).
2. Cut-offs and ons for frozen pipes.
3. Relocated water service connection for 60 Pendleton Street.
4. Read meters (3 days).
5. Changed water meters 5/8" – 11, 2" – 1
6. Repaired 2" water line, Ann Sink Street.
7. Repaired 8" water line, Warren Street.
8. Repaired 2" water line, Patterson Avenue.
9. Worked on 6" pressure producing valve at Hammocks Drive. Could not fix. Ordered new one.
10. Replaced hydrant at Briardale Apartments.
11. Swept streets (2,5).
12. Worked on snow and ice (16,17,18,19,20,21,23,26,27)
13. Dug one grave, Reva Hutcherson, Lynch-Conner.
14. Repaired sewer, 225 Hillcrest Drive, Orangeburg pipe.
15. Repaired sewer at 100 Hillcrest.
16. Repaired sewer at 90 Ann Sink Street, Orangeburg pipe.
17. Checking sewer lines – flushing.
18. Cleaning easements.

MONTHLY STAFF REPORT

DATE:	March 3, 2015
TO:	Rocky Mount Town Council
FROM:	Tim Burton
DEPARTMENT:	WWTP
MONTH:	February

Average Daily Flow	0.654 MGD
TSS Reduction	99 %
BOD Reduction	99 %
Leachate (F.C. Landfill)	104,017 gallons
VPDES Violations	None
Sludge (Land filled @ F.C.)	77.51 Tons
Rain Total 2.06 inches	Snow Total 3.0 inches

Request: None

Respectfully Submitted,

Timothy Burton

MONTHLY STAFF REPORT

DATE:	March 2, 2015
TO:	Rocky Mount Town Council
FROM:	Bob Deitrich, Water Plant Superintendent
DEPARTMENT:	Water
MONTH:	February 2015

Operation and Production Summary:

For February, the actual water production time (filtering of water) for the entire month averaged 9.7 hours per day which yielded approximately 690,000 gallons of water per day.

Total Raw Water Pumped:	20.38 million gallons
Total Drinking Water Produced:	19.87 million gallons
Average Daily Production:	690,000 gallons per day
Ave Percent of Production Capacity:	34.5%
Flushing of Hydrants/Tanks/FD Use:	270,000
Plant Process Water:	612,000 gallons (finished water used by the plant)
Bulk Water Sold @ WTP:	None

Testing:

- All routine monthly water samples were within normal parameters.

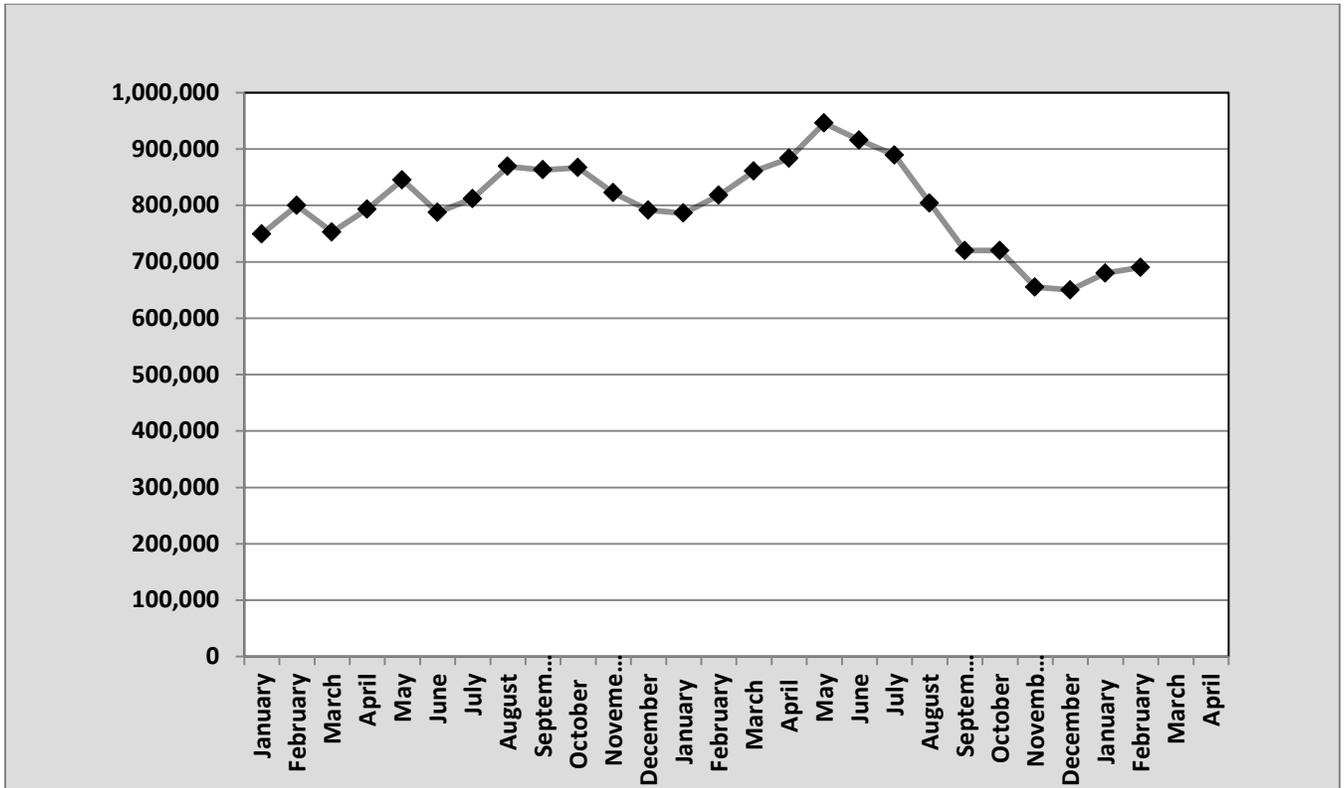
Activities / Maintenance / Improvements

- Work at Pendleton Street was progressing ahead of schedule. Work has stopped while we wait for delivery of the new valve that will be installed. Weather would have undoubtedly slowed work as well. The project should be complete by the end of April.
- The cold weather continues to affect pipes in the distribution system. Recent leaks triggered an overnight low water alarm. Plant staff were roused and the plant started at 2 AM to prevent customers from being without water.
- Bald Knob tank altitude valve was adjusted to maximize water in the tank which will boost pressure and fire flow. Following the adjustment, the valve ceased to operate properly. Plant staff have been working to rectify the situation. We have been monitoring the tank carefully to prevent any further overflows.
- The speed control on #1 Flocculator had to be replaced. Complete replacement of all three mixers and controllers is in the 5 year CIP. We would like to get one more year out of them if possible.

Upcoming:

- Chlorine Bleach Project – The Health Department has approved our project. We have received bids and hope to award the contract by the March council meeting.

Water Plant Production in Gallons Per Day (Jan. 2013 to Feb. 2015)



ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens
 Consent Item
 Old Business
 New Business
 Committee Report
 Other

FOR COUNCIL MEETING DATED:	March 9, 2015
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STAFF MAKING REQUEST:	C. James Ervin, Town Manager
BRIEF SUMMARY OF REQUEST:	<p>(Note: This item was continued from the February meeting.) <u>Meeting Opening Prayer :</u> Council Member Moyer has asked Town Council to consider opening their meetings with a prayer. Your Town Attorney and Town Manager have consulted with the Virginia Municipal League (VML) and other local government attorneys in order to assist Council in establishing, if they so choose, a legal meeting prayer policy.</p> <p>The attached “Legislative Prayer” guidance document from the Virginia Municipal League summarizes the opportunities and pitfalls associated with establishing an opening meeting prayer. The core challenge is the establishment clause in the first amendment of the United States Constitution that guides all levels of government not to make any law regarding the establishment of a religion. VML offers the following guidelines regarding meeting prayers in local governments in Virginia:</p> <ul style="list-style-type: none"> - The prayer should be given by a person other than a member of the governing body. - Individuals wishing to deliver a prayer should have an opportunity to sign up to do so, thereby allowing all faiths the chance to participate. - The prayer should be given to the governing body and not those in attendance and participation by those attending the meeting should not be sought. <p>With these guidelines in mind, the attached draft policy is submitted.</p>
ACTION NEEDED:	Approval/denial of draft resolution as submitted.

Attachment(s): Yes

FOLLOW-UP ACTION: (To be completed by Town Clerk)
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Legislative Prayer

THE PRACTICE OF LEGISLATIVE PRAYER has been present throughout our nation's history. The Supreme Court has repeatedly upheld the right of government bodies to have prayers during their legislative meetings.¹ While the practice is clearly religious, it also "lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society."² The United States Supreme Court recently provided additional direction on how a governing body may open its meeting with an invocation without proselytizing or disparaging any faith or belief in violation of the Establishment Clause of the First Amendment.³ While this recent decision has clarified particular parts of the legislative prayer debate, there are still ambiguities that local governments should be aware of.

Town of Greece

In *Town of Greece v. Galloway*, the Court upheld a local government legislative prayer practice that allowed sectarian prayers.⁴ The Court reasoned that it is not the job of courts or local governments to censor religious speech. Those who deliver legislative prayers are allowed to make references to a particular religion or religious figures.⁵ However, the prayer practice is still limited by the *Marsh* prohibition on proselytizing or disparaging any faith or belief.⁶ Local governments should not censor or review legislative prayers nor should they allow the overall prayer practice to either denigrate or proselytize.

Local governments do not need to look past their borders in order to gather a varied group of prayer-givers. That being said, the locality must welcome prayers from all members of the community that wish to deliver a prayer regardless of their religious affiliation. Local governments need not be concerned if the majority of their invocations represent a particular religion as long as the locality follows a policy of non-discrimination.⁷ Localities

should create a written policy governing their legislative prayer policy. This policy should mention that the prayer opportunity is open to speakers of all religious backgrounds and that prayers are not permitted to proselytize or disparage any faiths or beliefs.

Governments may not coerce anyone to engage in the prayer practice. The lawmakers are meant to be principal audience for these prayers and members of the public must be allowed to choose to participate in them or not, without pressure or embarrassment. However, what qualifies as coercion is not clearly set out. The court noted that "[t]he analysis would be different if town board members directed the public to participate in the prayers, singled out dissidents for opprobrium, or indicated that their decisions might be influenced by a person's acquiescence in the prayer opportunity."⁸

Here are a few examples of best practices that would ensure the localities is not engaged in coercion. Not all of these suggestions must be followed but they may help in developing a legislative prayer policy. Have the speaker face the city or town council and speak at the opening, more ceremonial portion of the meeting before any business is taken up. This will help to make it clear that the purpose of the prayer is to create a solemn atmosphere. The public must not be required to participate in any way. If possible, the governing body should allow a moment for the public and members of the council to leave and then return if they don't feel comfortable engaging in the invocation.

Council members delivering prayers

The Supreme Court, in *Town of Greece v. Galloway*, did not directly address the constitutionality of invocations delivered by members of the city or town council as opposed to members of the public because the public, not the council members delivered the prayers. Prior to the *Galloway* decision, the Western District of Virginia ruled on the facts in one case that this practice can be a violation of the Establishment Clause. That case, *Hudson v. Pittsylvania County*, is pending before the Fourth Circuit Court of Appeals. As of the date of this publication, there has been no decision in *Hudson*.

1 See *Marsh v. Chambers*, 463 U.S. 783 (1983); *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014), *Lynch v. Donnelly*, 465 U.S. 668 (1984).

2 *Town of Greece v. Galloway*, 134 S.Ct. 1811, 1811 (2014).

3 *Id.*

4 *Id.* at 1813-14.

5 *Id.*

6 *Id.* at 1814.

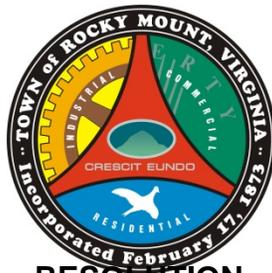
7 *Id.* at 1824.

8 *Id.* at 1825-26.

While the Fourth Circuit considers *Hudson*, public bodies who open their meetings with invocations delivered by council members must review their practice carefully in light of the *Galloway* decision. In *Galloway*, the public body took no role in determining the content of the prayers. The *Galloway* opinion held that a requirement that prayers be nonsectarian would impermissibly involve the government in religious matters. When council members deliver the prayers, that goes beyond regulating the prayers and directly involves the members in determining the content of the prayers; this could easily be seen by a Court as impermissibly “involv[ing] government in religious matters.”

The Town of Greece allowed persons of all faiths to volunteer to give a prayer and the prayers were directed at the members of the council by a person facing the council. These were important facts in determining that the practice in the Town of Greece did not advance one faith or belief. Council members usually face the public, rather than their fellow members. When the Council members themselves are delivering the invocations, especially while facing the public, it gives the impression that the council is not acting with the permissible purpose of lending gravity to the proceedings and reminding the lawmakers to act in the community’s best interests. Additionally, with council member-led prayers, persons of faiths not represented on the council have no opportunity to offer an invocation. This preference for particular faiths may be deemed a violation of the Establishment Clause.

The upcoming Fourth Circuit decision should clarify this issue. In the meantime, localities should be very cautious about relying on *Galloway* to support the practice of council members delivering prayer invocations.



**RESOLUTION
BY THE
ROCKY MOUNT TOWN COUNCIL
LEGISLATIVE PRAYER**

WHEREAS, it is Rocky Mount Town Council's intent to seek the blessing of God upon their meetings and to open their meetings in a solemn fashion in keeping with the dignity and challenges of the office; and

WHEREAS, the act of governing is a secular pursuit and the community of Rocky Mount is comprised of many faiths, seeking the blessing of those faiths for the complex and difficult work of governance will aid the Rocky Mount Town Council as they strive to create the best future for the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED, that after the Pledge of Allegiance to the United States, the Rocky Mount Town Council will receive an invocation from a volunteer community member. Individuals who wish to deliver the invocation shall register with the Town Clerk who will schedule the invocations for each meeting. Individuals who sign up to deliver the invocation shall have an opportunity to do so based on the order of sign up and if an individual cannot perform the invocation for a particular meeting, the next offeror in order will be invited to perform the invocation. The invocation given shall be addressed to the Rocky Mount Town Council. Individuals in attendance at the Council meeting may participate if they so choose, but are not required to do so. Additionally, if the invocation offered is in any way not in keeping with a Rocky Mount Town Council member's personal faith or the personal faith of a person in attendance, they may decline to participate or leave the Council Chambers during the invocation portion of the meeting.

Adopted in the Town of Rocky Mount, Virginia this 9th day of March, 2015.

Given under my hand this 9th day of March 2015.

Steven C. Angle, Mayor

ATTEST:

Stacey B. Sink, Town Clerk

ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens**
 Consent Item
 Old Business
 New Business
 Committee Report
 Other

FOR COUNCIL MEETING DATED:	March 9, 2015
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STAFF MAKING REQUEST:	C. James Ervin, Town Manager Linda Woody, Finance Director
BRIEF SUMMARY OF REQUEST:	<p>Re: Presentation of Town of Rocky Mount Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2014.</p> <p>Deanna Cox with the audit firm Robinson, Farmer, Cox Associates will be here to formally present the annual report. She will also be at the Finance Committee meeting scheduled for 6:00 p.m. on Monday, March 9, 2015.</p>
ACTION NEEDED:	Accept the audited financial statements.

Attachment(s): Yes – previously received by Council.

PLEASE NOTE: The public may review the CAFR document in person at 345 Donald Avenue or on-line at :http://www.rockymountva.org/content/File/Finance/town_of_rocky_mount_virginia_cafr_2014.pdf

<p>FOLLOW-UP ACTION: (To be completed by Town Clerk)</p>
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ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens**
 Consent Item
 Old Business
 New Business
 Committee Report
 Other

FOR COUNCIL MEETING DATED:	March 9, 2015
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STAFF MAKING REQUEST:	C. James Ervin, Town Manager
BRIEF SUMMARY OF REQUEST:	The Virginia Municipal League holds regional dinners throughout the state as a method of encouraging localities to meet and network over a shared topic of interest. The schedule of regional dinners is attached. Of note is the event on Thursday, April 16, 2015, at 6:00 p.m., that will be held at the Harvester (in the downstairs meeting space). The Town is playing host to this event for VML, and the topic will be "Economic Development". I encourage Members of Council to attend. Your staff also plans to invite members of the Economic Development Authority and the Planning Commission to attend the dinner. (Please let Mrs. Sink know if you plan to attend so that she may register you for the meeting and dinner.)
ACTION NEEDED:	No action needed.

Attachment(s): Yes (1)

FOLLOW-UP ACTION: (To be completed by Town Clerk)
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Stacey Sink <ssink@rockymountva.org>

VML spring Regional Suppers registration

1 message

Joni Terry <jterry@vml.org>

Wed, Feb 25, 2015 at 12:27 PM



Feb. 25, 2015

Sign up now to attend a VML spring Regional Supper

VML will host seven Regional Suppers this spring to provide local government officials with up-to-date information on a number of important topics and issues. In addition, each of the suppers will include a featured topic accompanied by a more in-depth presentation.

Elected and appointed officials from member localities are encouraged to attend one of these informative get-togethers. As always, VML staff will also want to hear about issues affecting your community and how the league can better serve cities, towns and counties across the state.

More information and register online at: <http://www.vml.org/content/regional-suppers>

(You may pay by credit card or request an invoice.)

Questions: Contact Joni Terry at: jterry@vml.org

All suppers will begin at 6 p.m. and cost \$35.

Date	Location	Featured topic
Wednesday, April 15 <i>Respond by April 8</i>	Bristol – School Board Building 220 Lee St. Bristol, VA 24201	Transportation
Thursday, April 16	Rocky Mount –	Economic Development

<i>Respond by April 9</i>	Harvester Performance Center 450 Franklin St. Rocky Mount, VA 24151	
Wednesday, April 29 <i>Respond by April 22</i>	Leesburg – Morven Park 17263 Southern Planter Lane, Leesburg, VA 20176	Civics Education
Thursday, April 30 <i>Respond by April 23</i>	Wachapreague – The Island House Restaurant 17 Atlantic Ave. Wachapreague, VA 23480	Sea Level Rise
Wednesday, May 20 <i>Respond by May 13</i>	Farmville – Historic Farmville Train Station 510 W. Third St. Farmville, VA 23901	2015 Legislative Review
Thursday, May 21 <i>Respond by May 14</i>	Williamsburg – Woodlands Conference Center 119 Visitor's Center Drive, Williamsburg, VA 23185	Nonpartisan Redistricting (OneVirginia2021)
Wednesday, June 3 <i>Respond by May 27</i>	Orange – Town Community Meeting Room 235 Warren St. Orange, VA 22960	Budget Forecast

ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens**
 Consent Item
 Old Business
 New Business
 Committee Report
 Other

FOR COUNCIL MEETING DATED:	March 9, 2015
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STAFF MAKING REQUEST:	C. James Ervin, Town Manager
BRIEF SUMMARY OF REQUEST:	<p>We have been operating the Depot as a visitors' center with paid part time staff. The budget for the Depot in the current fiscal year is \$36,000 which is predominantly salaries and utilities.</p> <p>An annual report detailing the visitation and rental of the Depot from March 26 – November 30, 2014 is attached.</p> <p>Based on current utilization, staff recommends that the visitor center not be opened in the spring and that some of the staff and publication resources that were invested there be used to greet and guide visitors at the Harvester, consolidating the two operations into one facility. This can be done on a test basis for the spring and the summer.</p> <p>Concurrently, staff proposes that a dialogue with Ferrum College be created to potentially turn the visitors' center into a small business incubator (with potential partnerships for Ferrum students that are interested in entrepreneurial endeavors).</p> <p>Staff seeks Council's input on these recommendations and guidance as to how Council envisions the future of the Depot and a location for visitors to our Town.</p>
ACTION NEEDED:	Guidance and direction needed. Action at Council's pleasure.

Attachment(s): Yes (1)

<p>FOLLOW-UP ACTION: (To be completed by Town Clerk)</p>
--

COMMUNITY & HOSPITALITY CENTER

ANNUAL REPORT 2014

REPORTING PERIOD

FROM: 3/26/2014 To: 11/30/2014

ANALYSIS OF VISITORS BY DOMICILE

(LIST NUMBER OF VISITORS FROM EACH LOCATION)

VISITORS THAT WERE RESIDENTS OF FRANKLIN COUNTY.....	<u>355</u>
VISITORS THAT WERE VIRGINIA RESIDENTS (OUTSIDE OF FRANKLIN COUNTY).....	<u>255</u>
OUT-OF-STATE VISITORS	<u>181</u>
INTERNATIONAL VISITORS	<u>8</u>
TOTAL VISITORS	<u>799</u>

ANALYSIS OF OUT-OF-STATE AND INTERNATIONAL VISITORS

(LIST THE TOTAL NUMBER OF VISITORS FROM EACH STATE. FOR

INTERNATIONAL VISITORS, LIST THE COUNTRY AND THE TOTAL NUMBER OF VISITORS)

ALABAMA	_____	MARYLAND	<u>15</u>	RHODE ISLAND	_____
ALASKA	_____	MASSACHUSETTS	_____	SOUTH CAROLINA	<u>5</u>
ARIZONA	<u>6</u>	MICHIGAN	<u>4</u>	SOUTH DAKOTA	_____
ARKANSAS	_____	MINNESOTA	<u>5</u>	TENNESSEE	<u>12</u>
CALIFORNIA	<u>4</u>	MISSISSIPPI	_____	TEXAS	<u>4</u>
COLORADO	_____	MISSOURI	_____	UTAH	_____
CONNECTICUT	<u>2</u>	MONTANA	_____	VERMONT	_____
DELAWARE	_____	NEBRASKA	_____	WASHINGTON	_____
FLORIDA	<u>8</u>	NEVADA	_____	WASHINGTON D.C.	<u>2</u>
GEORGIA	<u>10</u>	NEW HAMPSHIRE	_____	WEST VIRGINIA	<u>10</u>
HAWAII	_____	NEW JERSEY	<u>4</u>	WISCONSIN	_____
IDAHO	_____	NEW MEXICO	_____	WYOMING	_____
ILLINOIS	_____	NEW YORK	<u>15</u>	UNKNOWN	_____
INDIANA	_____	NORTH CAROLINA	<u>40</u>	INTERNATIONAL: <u>Austria 2</u>	
IOWA	_____	NORTH DAKOTA	_____	<u>British Columbia 2</u>	
KANSAS	<u>2</u>	OHIO	<u>10</u>	<u>Brazil 2</u>	
KENTUCKY	_____	OKLAHOMA	_____	<u>Germany 2</u>	<u>(8)</u>
LOUISIANA	_____	OREGON	_____	TOTAL STATES REPRESENTED	<u>19</u>
MAINE	<u>3</u>	PENNSYLVANIA	_____	TOTAL FOREIGN COUNTRIES	<u>8</u>

MISCELLANEOUS VISITOR INFORMATION

(LIST NUMBER OF VISITORS PARTICIPATING IN THE FOLLOWING ACTIVITIES)

STAYING THE NIGHT	<u>192</u>	FERRUM COLLEGE	<u>14</u>
PASSING THRU	<u>103</u>	GENEALOGY	<u>16</u>
VISITING	<u>246</u>	BOOKER T. WASHINGTON	<u>2</u>
SMITH MOUNTAIN LAKE	<u>38</u>	FAIRSTONE PARK	<u>14</u>
PHILPOTT LAKE	<u>6</u>	CROOKED ROAD	<u>14</u>
EVENTS	<u>84</u>	OTHER (LIST): <u>(52)</u>	
RESTAURANT	<u>36</u>	<u>Ferrum Festival</u>	<u>2</u>
SHOPPING	<u>36</u>	<u>Hanvester</u>	<u>8</u>
BLUE RIDGE PARKWAY	<u>21</u>	<u>New Location</u>	<u>2</u>
		<u>Info of Area</u>	<u>2</u>

ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens** **Consent Item** **Old Business** **New Business**
 Committee Report **Other**

FOR COUNCIL MEETING DATED:	March 9, 2015
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STAFF MAKING REQUEST:	Matthew C. Hankins, Assistant Town Manager & Community Development Director
BRIEF SUMMARY OF REQUEST:	The localities along the Crooked Road will hold a region-wide celebration/event under the common umbrella name of "Mountains of Music Homecoming" from June 12th to June 20 th , this summer. The Town will be aggressively participating, as will our partner community entities and the County. Mr. Hankins will present an overview of the events scheduled to date.
ACTION NEEDED:	Informational only.

Attachment(s): No.

FOLLOW-UP ACTION: (To be completed by Town Clerk)
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ITEM(S) TO BE CONSIDERED UNDER:

- Consent Item** **Old Business** **New Business** **Committee Report**
 Other

FOR COUNCIL MEETING DATED:	March 3, 2015
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STAFF MAKING REQUEST:	Bob Deitrich, Water Plant Superintendent
BRIEF SUMMARY OF REQUEST:	For a number of safety and security reasons, the water treatment industry is moving away from the use of chlorine gas for the disinfection of drinking water. Your water department has been working with a consulting engineer and the Virginia Department of Health to facilitate the switch over from gas to liquid sodium hypochlorite. At this time we have approved design plans and have received a number of qualified bids for the project. After a review of the bids by Town staff and our consulting engineer we have chosen Waco Inc. to do the work required. Waco Inc.'s bid of \$129,000 was the lowest of five bids that ranged up to \$190,000. \$130,000 was budgeted for the project.
ACTION NEEDED:	Approval to award the contract to Waco Inc. for the Sodium Hypochlorite Improvements Project.

Attachment(s): Bid Documents and W&W Associates memo.

FOLLOW-UP ACTION: (To be completed by Town Clerk)



March 5, 2015

Mr. C. James Erwin
Town of Rocky Mount
345 Donald Avenue
Rocky Mount, VA 25151

Ref: Sodium Hypochlorite Project
Water Treatment Plant
Rocky Mount, Virginia

Dear Mr. Deitrich:

On Thursday, February 26, 2015, bids were received at Town Hall for the Sodium Hypochlorite project for the Town's water treatment plant. Five bids were received. Enclosed is a bid tabulation results from these bids.

Waco, Inc. was the apparent low bidder with a total base bid of \$129,000.00. We have confirmed that the Contractor's License is current and clear of open complaints. We have also evaluated the bids, and associated documentation. The low bid for the work is less than the Engineer's Estimate of \$172,000.

The bid from Waco, Inc. did not acknowledge receipt of Addendum Number 1. We requested and received written assurance that all elements contained in Addendum Number 1 were included in their bid. We consider the absence of acknowledgement of Addendum Number 1 on their bid form an oversight and informality of bidding.

We therefore recommend a contract award in the amount of \$129,000 to Waco, Inc., contingent upon fund availability.

We appreciate the opportunity to be of service to the Town of Rocky Mount. Should you have any questions, please feel free to call.

Sincerely,

WW Associates, Inc.

Ronald B. Smith, P.E.
Senior Associate

Enclosure

Client: Town of Rocky Mount, VA

Project Name: Sodium Hypochlorite Improvements

WW Associates Project No. 214049.02

Bid Opening Date: Thursday, February 26, 2015 at 2:00 PM

#	Contractor	Contractor License No.	Bid Bond	Recv'd.Add 1	TOTAL BASE BID
1.	Waco, Inc.	2701-007061-A	X	No	\$129,000
2.	Littleton & Associates, Inc.	2705-039865-A	X	Yes	\$149,000
3.	Mid-State Construction Company, Inc.	024504-A	X	Yes	\$169,000
4.	Anderson Construction, Inc.	2705-029239-A	X	Yes	\$170,000
5.	George E. Jones & Sons, Inc.	2701-006013-A	X	Yes	\$190,000
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					



COMMONWEALTH of VIRGINIA

Marissa J. Levine, MD, MPH, FAAFP
State Health Commissioner

DEPARTMENT OF HEALTH
OFFICE OF DRINKING WATER

Madison Building
109 Governor Street, 6th Floor
Richmond, VA 23219
Phone: 804-864-7500
Fax: 804-864-7521

John J. Aulbach II, PE
Director, Office of Drinking Water

Processing Office:

Danville Field Office
211 Nor Dan Drive, Suite 1040
Danville, Virginia 24540
Phone: (434) 836-8416

SUBJECT: Franklin County
WATERWORKS: Town of Rocky Mount
PWSID: 5067840

WATERWORKS CONSTRUCTION PERMIT

Permit No.: 500215 **Effective Date:** February 27, 2015 **Expiration Date:** February 27, 2020

Issued to:

Town of Rocky Mount
345 Donald Avenue
Rocky Mount, Virginia 24151

ATTN: Mr. C. James Ervin, Town Manager

Revised plans and specifications for the construction of modifications to the Town of Rocky Mount community waterworks located in Franklin County, prepared by WW Associates have been reviewed by this Office. The plans titled "Sodium Hypochlorite Improvements Town of Rocky Mount, Virginia Water Treatment Plant" are dated January 28, 2015 and include sheets 1 through 5. The specifications titled "Sodium Hypochlorite Improvements Town of Rocky Mount, Virginia Water Treatment Plant" are dated January 28, 2015.

The project consists of the removal of the gaseous chlorine system and installation of a sodium hypochlorite storage and chemical feed system. A waterworks description sheet is enclosed.

The plans and specifications are technically adequate and are approved by this Office, in accordance with the Code of Virginia, Section 54.1-402 and 12VAC5-590 of the Commonwealth of Virginia *Waterworks Regulations*. A copy of these documents is on file in the Danville Field Office.

This approval does not suspend, minimize, or otherwise alter the waterworks obligation to comply with federal, state, or local laws and regulations or permits.

Town of Rocky Mount
Waterworks Construction Permit No. 500215
February 27, 2015
Page 2

This Waterworks Construction Permit is issued in accordance with Title 32.1 of the Code of Virginia, and 12VAC5-590 *et seq.* of the *Waterworks Regulations*. This is your authorization from the State Health Commissioner to construct modifications to the subject waterworks in accordance with the approved documents. Any deviations from the approved documents affecting capacity, hydraulic conditions, operating units, the functioning of the treatment processes, or the water quality delivered, must be approved by this Office before any such changes are made. Revised plans and specifications shall be submitted to the Danville Field Office in time to permit review and approval before construction.

Upon completion of construction, the owner shall submit a statement signed by a professional engineer licensed in Virginia certifying that the work was completed in accordance with the approved documents.

Upon receipt of this statement, and final inspection by an Office representative, the State Health Commissioner will amend your current waterworks operation permit in accordance with the *Regulations*.

If we can be of additional assistance, please contact K. Ray Weiland, District Engineer, in our Danville Field Office at 434-836-8416.

Sincerely,



John J. Aulbach II, PE
Director, Office of Drinking Water

KRW:ga:edt
Enclosure

cc: ✓ Ronald B. Smith, PE, WW Associates
Franklin County Health Department, Attn: J. Henry Hershey, MD, MPH, PhD, Director
Richard E. Huff, II, Franklin County Administrator
ODW – Danville
ODW – Central Office

Contractor Waco, Inc. Date February 26, 2015

VA License No. 2701 007061A

Section 01300
Bid Form

Gentlemen:

The undersigned, having visited and examined the site and having carefully studied the drawings and project manual for the Sodium Hypochlorite Improvements, Town of Rocky Mount, Virginia Water Treatment Plant, hereby proposes to furnish all plant, labor, equipment, materials, and services and to perform all operations necessary to execute and complete the work required for the project, in strict accordance with the drawings and technical specifications prepared by WW Associates, Engineers • Surveyors • Planners, dated November 18, 2014 and revised January 28, 2015, together with addenda numbered _____, issued during bidding period and hereby acknowledged, subject to the terms and conditions of the agreement as follows:

The Base Bid is defined as all work associated with the project for the sum of One Hundred Twenty Nine Thousand dollars (\$ 129,000.00).

Notes:

- a) The basis of award for determining the low bidder shall be the Base Bid.
- b) The Base Bid is founded upon furnishing equipment and materials of specified manufacturers.

It is understood and agreed that the Owner, in protecting his best interest, reserves the right to:

Reject any or all bids,

We are properly equipped to execute work as defined in the contract documents and so covered by this bid and will enter into agreement for the execution and completion of the work in accordance with the drawings, project manual, and this bid. We further agree that if awarded the contract, we will commence the work on the date stated in the "Notice to Contractor to Proceed," and will prosecute the work and shall be substantially complete as defined in the General Conditions within 180 calendar days, and complete all obligations within 210 calendar days.

The Owner and Contractor recognize that time is of the essence with this agreement and that the Owner will suffer financial loss if the work is not completed within 180 calendar days. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by the Owner if the work is not completed on time. Accordingly, instead of requiring any such proof, the Owner and Contractor therefore agree that, as liquidated damages for delay (but not as a penalty), the Contractor shall pay the Owner five hundred dollars (\$500.00) for each day that expires after the time specified for substantial completion of this project.

Enclosed herewith is the following security, offered as evidence that the undersigned will enter into agreement for the execution and completion of the work in accordance with the drawings and project manual:

Certified check for the sum of N/A

Contractor Waco, Inc. Date February 26, 2015
VA License No. 2701 007061A

Name of bank N/A

Bidder's bond in amount of 5% of Bid

Bond issued by Hanover Insurance Company

The undersigned further agrees that in case of failure on his part to execute the said agreement within 10 consecutive calendar days after written notice being given on the award of the contract, the monies payable by the securities accompanying this bid shall be paid to the Town of Rocky Mount as liquidated damages for such failure; otherwise, the securities accompanying this bid shall be returned to the undersigned.

This bid is subject to acceptance within a period of 90 days from bid submission date.

Respectfully Submitted,

Waco, Inc.

Contractor

By: *Joe Hill*

11 East Main Street

Fincastle, Va. 24090

Address

(540) 473-2891

Telephone

Date: February 26, 2015

Contractor's Current Virginia

License Number 2701 007061 Code A

BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address):

Waco, Inc.
5453 Lewis Road
Saniston, VA 23150

SURETY (Name and Address of Principal Place of Business):

Harover Insurance Company
440 Lincoln Street
Worcester, MA 01653

OWNER (Name and Address):

Town of Rocky Mount, VA
345 Donaldson Avenue
Rocky Mount, VA 24151

BID

Bid Due Date: February 26, 2015

Description (Project Name and Include Location): WWA Project No. 214049.01 Install Sodium Hypochlorite Bulk Storage Tank System and Removal Existing Gas Chlorination System

BOND

Bond Number: Bid

Date (Not earlier than Bid due date): February 26, 2015

Penal sum Five Percent of Bid

\$ 5% of Bid

(Words)

(Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

Waco, Inc. (Seal)

Bidder's Name and Corporate Seal

By:

Ronald J. Post
Signature

RONALD J. POST
Print Name

VP
Title

Attest:

Thomas Blanswell
Signature

Secretary
Title

SURETY

Harover Insurance Company (Seal)

Surety's Name and Corporate Seal

By:

Laura E. Scholze
Signature (Attach Power of Attorney)

Laura E. Scholze
Print Name

Attorney-In-Fact
Title

Attest:

Courtney W. Judge
Signature

Courtney W. Judge, Assistant
Title

Note: Above addresses are to be used for giving any required notice. Provide execution by any additional parties, such as joint venturers, if necessary.

PENAL SUM FORM

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
 - 3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2 All Bids are rejected by Owner, or
 - 3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after Bid due date.
7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY
CERTIFIED COPY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

Thomas A. Whipple, Douglas J. Dixon, Laura E. Scholtz, Courtney W. Judge and/or Brian S. McCoog

of Timonium, MD and each is a true and lawful Attorney-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

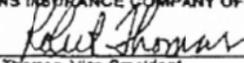
Any such obligations in the United States, not to exceed Twenty Million and No/100 (\$20,000,000) in any single instance

and said companies hereby ratify and confirm a) and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President in conjunction with any Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 14th day of November 2011.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA


Robert Thomas, Vice President


Mark Fitzgerald, Vice President

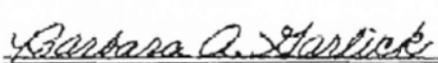


THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

On this 14th day of November 2011 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



BARBARA A. GARLICK
Notary Public
Commonwealth of Massachusetts
My Commission Expires Sept. 21, 2018


Barbara A. Garlick, Notary Public
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 26 day of February 20 15

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA


Brian S. McCoog, Vice President

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
COMMONWEALTH OF VIRGINIA

EXPIRES ON
01-31-2017

NUMBER
2701007061

9960 Mayland Dr., Suite 400, Richmond, VA 23233
Telephone: (804) 367-8500

BOARD FOR CONTRACTORS
CLASS A CONTRACTOR
CLASSIFICATIONS ASB BLD ELE GFC H/H HVA LAC PLB

WACO INC
PO BOX 829
SANDSTON, VA 23150



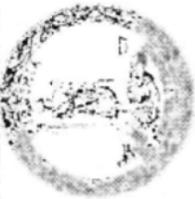
Jay W. Dulwa
Jay W. Dulwa, Director

ALTERATION OF THIS DOCUMENT, USE AFTER EXPIRATION, OR USE BY PERSONS OR FIRMS OTHER THAN THOSE NAMED MAY RESULT IN CRIMINAL PROSECUTION UNDER THE CODE OF VIRGINIA.

(SEE REVERSE SIDE FOR NAME AND/OR ADDRESS CHANGE)

(POCKET CARD)
COMMONWEALTH OF VIRGINIA
CLASS A BOARD FOR CONTRACTORS
CONTRACTOR

CLASSIFICATIONS ASB BLD ELE GFC H/H HVA LAC PLB
NUMBER: 2701007061 EXPIRES: 01-31-2017



WACO INC
PO BOX 829
SANDSTON, VA 23150

(DETACH HERE)

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
9960 Mayland Dr., Suite 400, Richmond, VA 23233

ALTERATION OF THIS DOCUMENT, USE AFTER EXPIRATION, OR USE BY PERSONS OR FIRMS OTHER THAN THOSE NAMED MAY RESULT IN CRIMINAL PROSECUTION UNDER THE CODE OF VIRGINIA.



CERTIFICATE OF LIABILITY INSURANCE

WACO-1 OP ID: 9S

DATE (MM/DD/YYYY)
02/28/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Scott Insurance (Lynch) P O Box 10489 Lynchburg, VA 24506 Erik Koroneos - Lynchburg	CONTACT NAME: Stacey Hall	
	PHONE (A/C, No, Ext): 804-545-2216	FAX (A/C, No): 434-455-8938
	E-MAIL ADDRESS: shall@scottins.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Aspen Specialty Insurance Co	NAIC #
	INSURER B: ZURICH-AMERICAN INS (Inv/Stmt)	16535
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

INSURED **Waco, Inc.**
PO Box 829
Sandston, VA 23150

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> BI/PD Ded: 50000 <input checked="" type="checkbox"/> XCU Coverage GENL AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC		ERA9NGK14	03/01/2014	03/01/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 25,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		BAP488794904	03/01/2014	03/01/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		EXA9NGL14	03/01/2014	03/01/2015	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input checked="" type="checkbox"/> N/A		WC488794704 ALL STATES ENDORSEMENT	03/01/2014	03/01/2015	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Pollution Legal		ERA9NGK14	03/01/2014	03/01/2015	Per Claim 1,000,000
A	Contractors Poll.*		ERA9NGK14	03/01/2014	03/01/2015	Per Claim 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER For Bidding Purposes Only BIDDNIG	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 