

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
DECEMBER 20, 2005**

The December 20, 2005 regular council meeting of the Rocky Mount Town Council was held at the Municipal Building at 7:00 p.m. with Mayor Mark H. Newbill presiding. The following members of Council were present:

Vice Mayor Steven C. Angle and Council Members Stephen F. Agee, Ann A. Cook, Jerry W. Greer, Sr., Roger M. Seale, and Sadie W. Tuning

The meeting was called to order by Mayor Newbill.

The Town Clerk read for the record the following members being present: All members of Town Council as noted, Town Manager, Assistant Town Manager/Community Development Director, Town Attorney, Chief of Police, Finance Director, Planning & Zoning Administrator, and Town Clerk.

The Mayor led the *Pledge of Allegiance*.

APPROVAL OF AGENDA

Motion was made by Vice Mayor Angle to approve the agenda as presented, seconded by Council Member Tuning and carried unanimously.

TOWN OF ROCKY MOUNT EMPLOYEE SERVICE RECOGNITION

On behalf of the Rocky Mount Town Council and staff, the Mayor recognized the following Town employees for their years of service for the Town:

• Dallas Bailey	Water Treatment Plant	Five Years of Service
• Linda Woody	Finance Department	Five Years of Service
• Rebecca Dillon	Finance Department	Ten Years of Service
• Amy Dooley	Finance Department	Ten Years of Service
• Stephen McGhee	Public Works	Ten Years of Service
• Craig Sloan	Police Department	Ten Years of Service
• T. W. Wade	Water Treatment Plant	Twenty Years of Service

The Mayor congratulated each one for their years of service to the Town and citizens of Rocky Mount.

PUBLIC HEARING

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

A) Draft Personal Property Tax Relief Ordinance

The Town Attorney had drafted an ordinance for the Town of Rocky Mount providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 that was duly advertised to be heard in an open public hearing for Council's consideration of adoption regarding the changes to the Personal Property Tax Relief as adopted by the 2005 General Assembly.

The Mayor opened the floor to anyone wishing to speak regarding this matter.

- On behalf of the Town, the Finance Director informed Council that this draft ordinance was basically getting in compliance with the new General Assembly laws of the last General Assembly session, and it addresses the specific relief methods for Personal Property Tax Relief. She further commented that the qualifying vehicles are still the same, with the value still at \$20,000; but the State no longer provides 70% tax relief per vehicle, with the municipality having to assign a specific dollar amount to it, with that dollar amount being determined by looking at the total fleet assessment from the County, and then what will be given from the State, which the Town will know in March 2006. She stated also that once all this is determined, a percentage is given which is calculated into a specific dollar amount per qualifying vehicle. She confirmed to Council that each year the amounts will have to be re-figured.
- The Town Attorney informed Council that the new ordinance was required as a result of legislative action taken by the General Assembly during their last year's session, and that it is mandated under that legislation. He further reported that the Town has basically copycatted the provision of the Franklin County ordinance so that the Town will be in-line with the County as the Town works together with them on the personal property tax assessment.

Let the record show that no one from the audience came forward to speak for or against the proposed draft ordinance.

There being no further discussion, let the record show that the Mayor reconvened the public hearing back into regular session.

- Motion was made by Council Member Seale to approve the ordinance and resolution as drafted, with motion on the floor being seconded by Vice Mayor Angle. There being no further discussion, let the record show that the motion on the floor passed unanimously.

B) Proposed Draft CATV Agreement and Ordinance for Charter Communications

The Mayor stated that the public hearing on the proposed draft CATV Agreement and Ordinance for Charter Communications had been cancelled, but Council had before them for their review and consideration a draft "Extension of the Cable Television Franchise Agreement and Adopting a 5% Franchise Fee" resolution, which was prepared by the Town Manager. It was commented by the Town Manager that the draft resolution would extend the existing franchise agreement until February 21, 2006.

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

APPROVAL OF MINUTES

Motion was made by Vice Mayor Angle to approve the following council meeting minutes, seconded by Council Member Cook and carried unanimously.

October 26, 2005

Special Council Meeting Minutes

November 15, 2005

Regular Council Meeting Minutes

APPROVAL OF CONSENT AGENDA

The approval of the *Consent Agenda* consists of approving the bill list and monthly departmental reports that were submitted prior to the meeting for Council's review and consideration. Also included two miscellaneous items:

- Proposed draft "Resolution of Support" for the Virginia Department of Transportation Pigg River Bridge & Replacement Project.
- Proposed Fiscal Year 2006-2007 Budget & Capital Improvement Plan calendar.

Motion was made by Council Member Seale to approve the *Consent Agenda*, seconded by Council Member Tuning and carried unanimously.

HEARING OF CITIZENS

A) Request of Ellen Robertson

Mrs. Ellen Robertson of 874 North Main Street came before Council regarding a sewage line backup at her residence on November 30. She explained to Council she called a plumber, who during the process of getting the line cleaned out, had to

remove her commode and use a roto-cleaner to clean her sewage lines. She further informed Council that the following morning, she noticed the Town Public Works crew cleaning out a manhole down the hill from her home, and due to this, she feels that the problem with her lines was caused by some type of blockage on the Town's portion, with her further informing Council that she wanted the Town to reimburse her for her plumbing expense. As the Public Works Director was not present, the Mayor questioned the Town Manager on what had taken place. The Town Manager informed Council that he had talked with the Public Works Director regarding this matter, and was informed by him that while driving down the street the following day of Mrs. Robertson's sewer line blockage, he had noticed that a manhole was overflowing and when the Public Works Department went to unstop it, they found loose roots in the Town's portion of sewer line. It was confirmed the manhole was located below Mrs. Robertson's house. The Town Manager further reported that the Public Works Director had informed him that this should not have caused a problem in Mrs. Robertson's sewer line. It was also stated by the Town Manager that he had talked to the plumber Mrs. Robertson had used, and he had informed the Town Manager that while they were at Mrs. Robertson's house, ~~they~~ had ^{run their} roto-rotoer 100 feet into the line, and did cut some roots on Mrs. Robertson's portion of sewer line, and also the plumber did not believe the problem was related to the Town's portion of the sewer line, but on Mrs. Robertson's side. There was discussion on what the problem was. Council Member Greer commented that last week he also had problems with his sewer line on North Main Street, and that it was the Town's problem. There was discussion on what had actually been discussed between the Town's Public Works Director and the plumber, as neither was present to answer any questions from Council. At the suggestion of the Town Manager, the Mayor referred the matter to the Public Utilities Committee, with them to meet with the Public Works Director to look into this matter and bring back a recommendation before the Town Council during the next regularly scheduled Council meeting. Let the record show that all parties involved so noted.

OLD BUSINESS

A) Virginia Department of Historic Resources Survey and Planning Cost Share Program Application for 2005-2006 Funding Cycle

The Assistant Town Manager/Community Development Director informed Council that she had sent to the Virginia Department of Historic Resources (VDHR) the "Virginia Department of Historic Resources Survey and Planning Cost Share Program Application for 2005-2006 Funding Cycle". She reported that the VDHR is interested in helping jurisdictions to review their historic preservation strategies, as well as of what types of structures are identified in a community, and if there is a way to inventory them. She further reported that Hill Studio has helped her put together an application for the cost share, with VDHR putting up 50% of the cost to do the research, study, or inventory that the municipality is asking for. She further

reported that staff thought it would be better to look at the Town's Comprehensive Plan and see what could be done to support the Comprehensive Plan through the update, coming up with three separate projects:

- Survey of Proposed Bald Knob Historic District
- Architectural & Cultural Resource Investigation of Pigg River Heritage Area
- Public Education and Preservation Component Comprehensive Plan

The Assistant Town Manager/Community Development Director wanted Council to know that the application has been submitted to VDHR for their review and consideration, with the deadline being December 20, 2005 at 4:00 p.m., and that the application was already in the mail to VDHR (as Council had given permission for the project to be pursued and looked into).

The Assistant Town Manager/Community Development Director confirmed to the Mayor that she has essentially applied for a grant that will help with the three project areas as stated. Also confirmed that the estimated project budget totals \$35,000 that has a 50% match; that VDHR will actually put up the 50%; VDHR will then come back before the municipality when it goes out to bid for the additional match; with the Town expecting it to be around \$17,000 with a leverage of an additional \$17,000. It was also reported that VDHR actually will put the project out to bid and administer the project, with the Town lending support as an active member of the project team. Also commented that if the Town does not get approval this time, the application can be resubmitted in the spring of next year.

- Motion was made by Vice Mayor Angle to allow the application to VDHR to go forward, with motion on the floor being seconded by Council Member Cook. There being no further discussion, let the record show that the motion on the floor passed unanimously.

B) Corridor Enhancement Project – Phase I Report

The Assistant Town Manager/Community Development Director informed Council that the Corridor Study team has met twice and received a similar presentation that will be presented to Council during this regular Council meeting. It was further stated that staff will be asking from Council the approval to move forward with Phase II and Phase III of the Corridor Study Project.

Proctor Harvey with Harvey Delaney Landscape Architects came before Council with a PowerPoint presentation of the corridor study:

- Gave an overview of corridor improvement projects in Lynchburg, Virginia
- Gave an overview of Senate Bill 260 and what it allows

Maintenance issues were discussed, with Mr. Harvey informing Council that for this project, Council had voted for the Town to take care of the maintenance, if the

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citizens paid for everything else. It was the recommendation of Harvey Delaney that only a state crew or contractor do the gardening of the sites, or someone from Town's staff that is knowledgeable on gardening. It was further discussed that people taking pride in their community will probably come forward wanting to help with these sites.

Mr. Harvey informed Council that the Virginia Department of Transportation (VDOT) did not want any part of maintaining the corridor enhancement project. He further explained that when the text came before the General Assembly, it was pared down to where it is basically put on the community, with the community essentially wanting it, that it be approved by the governing body, the municipality maintaining it, and if these things are done and if everything meets the basic guidelines from VDOT, VDOT will stay out of the community's way and have the community manage to project. He further relayed that VDOT was very much in favor of this type of project. Council was further informed that this draft legislation (Senate Bill 260) has basically put back to the community level the responsibility of submitting the application for review by VDOT, with the local governing body pledging maintenance, and once the application is done, the municipality can move forward, which will allow the municipality to do one garden per application or a mass of gardens, whichever is approved. That being said, Harvey Delaney has identified 12 gardens. The Federal Highway Administration has monitored the whole process for the last two years, with them being very much in favor of the project. Also discussed that the Council not only needed to do a fundraiser, but needed someone from the community to do this that knows the community. He further explained the procurement process, the project concept, and how to approach the design of the corridors. Also mentioned that there was a minimum of \$7,500 per sign at the intersections, with a limit of two signs at each intersection. Mr. Proctor also confirmed to Council that he will walk Council through all the regulations that are required.

Trenda Leavitt with Harvey Delaney Landscape Architects came before Council and gave them a brief summary of what their firm has done so far and what is planned:

- Completed Phase I, which was the project overview.
- Phase II, the conceptual development, is the next phase that the Town will move into, pending Council's approval and support. This phase will consist of doing general design concepts for each garden that has already been identified, and create presentation awards that can be used for funding, as well as booklets that can be used for fundraising. The proposed gardens (strategic areas) and locations were pointed out and briefly explained:
 - Gardens 1 & 2 at State Route 122 and State Route 40 East intersections
 - Garden 3 at the 220 North and North Main "Welcome to Rocky Mount" sign
 - Garden 4 at 220 South ramp (east side)

- Garden 5 at 220 South ramp (west side)
 - Garden 6 at the “park and ride” on Tanyard Road
 - Garden 7 at South Main Street at the Veterans’ Memorial Park
 - Garden 8 at 220 ramp on Tanyard Road
 - Garden 9 at 220 North at Virginia Department of Transportation staging area perimeter
 - Garden 10 at 220 North ramp
 - Garden 11 at Cornell Road/220 North
 - Garden 12 at 40 West at Furnace Creek Road
- Phase III consists of developing detailed plans for the gardens after donors are secured; managing invitation to bid for landscape contractors; and contract administration in initial phases.

Council Member Cook stated that during the last planning session with Harvey Delaney, she was amazed that people at the meeting were already planning to do a garden and were getting the finances together to do it. She further stated that with this kind of enthusiasm, you get two gardens done on Route 122 and the entrance, with the Town probably getting other donors quickly. She further commented that she believes that this is a wonderful project, that Harvey Delaney has done a wonderful job, and the Town would be remiss if not continuing with Phase II and Phase III of this project.

- Motion was made by Council Member Cook for the Town to continue with Phase II and Phase III of the project, with motion on the floor being seconded by Council Member Greer. Discussion ensued. The Mayor questioned if other interior sites, such as Floyd and Franklin, could be a potential for corridor improvement. Ms. Leavitt informed Council that if there was anyone interested in donating for potential sites, this could be done. Mr. Harvey stated that in working within VDOT regulations, the municipality takes care of its own streets, and VDOT gives you the money, and once the municipality comes inside its own zone, VDOT leaves the municipality alone. He further explained that if the small site cannot get \$7,500 donation, get a small donation, prepare the site and put up a small sign, and do not participate in that particular project. By doing this, Council can find small pockets for gardens that are wonderful to recognize somebody’s donation. Also mentioned that these small pockets of gardens may fall under revitalization, and the expertise of Harvey Delaney is the VDOT right-of-ways, with VDOT being involved with the small interior garden projects. There being no further discussion, let the record show that the motion on the floor passed unanimously.

C) Proposed Change Orders for Municipal Building Renovations Project

Presented to Council for their review and consideration by the Town Manager were two proposed change orders for the Municipal Building renovations project in relation to council chambers and to the public seating. The change orders were as

follows:

- Change Order No. 1 in the amount of \$1,524.02, which takes out the table to the rear of the building as you come in from the hallway, and adds six (6) more seats, bringing the total of seating to 98 seats for the room.
- Change Order No. 2 in the amount of \$1,493.54, which changes the plastic arm rest on the blue chair to a red oak arm rest (similar to the beige chair that Council had seen). This would be a longer arm also. It was confirmed that the chair would still have the plastic back and side.
- Motion was made by Vice Mayor Angle to approve the two change orders, with motion on the floor being seconded by Council Member Tuning. There being no further discussion, let the record show that the motion on the floor passed unanimously.

NEW BUSINESS

A) Overview of the Fiscal Year 2005 Comprehensive Annual Financial Report

Mr. John Aldridge, representing Brown Edwards & Company, auditors for the Town, informed Council that prior to the meeting, the Finance & Human Services Committee had met with him at 6:00 p.m. on December 20, 2005 to go over the Town's financial report in detail. He further stated that localities in Virginia with a population greater than 3,500 are required to have an audit each year, and as part of that requirement, he has to come before Council as the Town's auditor and present the report in a public meeting for Council's review and approval. He further informed Council that this year, the audit was a little different as they did the GASB 34, but the results were a unqualified opinion on the Town's financial statement, which is a highest level of assurance that Brown Edwards & Company will put on the financial reports. As the report had been previously presented to Council, he asked if there were any more questions from Council that were not asked in the prior meeting.

- Motion was made by Vice Mayor Angle to accept the auditors' report, with motion on the floor being seconded by Council Member Cook. There being no further discussion, let the record show that the motion on the floor passed unanimously.

Let the record show that the Council thanked the Finance Director and the Finance Department for a job well done.

B) Request for Funding for Rocky Mount Rotary Skate Park

Scott Martin, Director of Franklin County Commerce & Leisure Services, came before Council regarding a request for funding for the Rocky Mount Rotary Skate Park. He brought to Council's remembrance of when he ~~had~~ came before Council two years prior regarding the proposed skate park, with Council at that time informing him to find a location, then come back before Council. He informed Council that ~~now~~ a location had now been found. He introduced two people wishing to come before Council regarding this request.

- John Richardson, Faculty Advisor for the Skate Board Club at the Franklin County High School, deferred his time before Council to his son, Colin Richardson.
- Colin Richardson, member of the Executive Council for the Skate Board Club at the Franklin County High School informed Council of the following:
 - The club had recently completed a fund raiser for the proposed skate park, and had raised over \$1,000 for the project.
 - Over 100 skate boarders around the area are in need a place to skate.
 - Have to travel about an hour to places to skate and compete.
 - Competitions could be held at the proposed skate park to help raise money for the proposed site.
 - Would bring people from other communities to the area that are interested in using the proposed skate park.
 - Shared myths and realities of skate boarders.
 - Those using the proposed skate park would be spending money in the Town and not at another community.
 - Skate boarders in the area and in Roanoke would be most grateful and appreciative to have a skate park in this area.
- Billy Kingery, representing the Rocky Mount Rotary Club (RMRC) and the title sponsor of the proposed skate park, informed Council that the RMRC has raised \$20,000 and have applied for a \$5,000 grant to go towards the construction of the proposed skate park. He further stated that the RMRC is committed to the youth of the community and have done the park at the Franklin County YMCA. He informed Council that this proposed skate park will tie-in well with the park at the YMCA (the location for the proposed skate park).

Mr. Martin informed Council that the project will be \$100,000 (\$10,000 over bid due to concrete costs), and he is approaching Council for a contribution of \$10,000 in order to finish the proposed skate park (will actually go towards the purchase of the ramps), with a ribbon cutting scheduled for this Spring. Mr. Martin confirmed to Council that a private donor contributed \$15,000 anonymously to the proposed project, with the County contributing \$60,000.

- Motion was made by Council Member Seale for the Town to find \$10,000 for the proposed skate park project, with motion on the floor being seconded by Council Member Cook. Discussion ensued. Vice Mayor Angle questioned who will be responsible for maintenance and upkeep once the project is built, with Mr. Martin informing Council that the County will be responsible. Mr. Martin also confirmed to Council that the proposed skate park will not be lighted and closed at dark, with arrangements made with the YMCA to lock the gate. It was also questioned by Vice Mayor Angle who would be overseeing the proposed skate park during the hours of operation, with Mr. Martin stating that no one will be, with the skaters supervising themselves, and that it will be treated just like a baseball field or basketball court. He further informed Council that their policy at the proposed skate park was pretty simple in that if vandalism takes place, they will close the park down for two weeks on the first incident of vandalism, as they have found out the skate boarders will find out who created the vandalism and solve it better than they could (police themselves). There being no further discussion, let the record show that the motion on the floor passed unanimously.

C) Proposed Contribution to the Crooked Road Heritage Music Trail Project

The Town Manager came before Council stating he was speaking before Council as a representative of the Executive Committee for the Crooked Road Heritage Music Trail Project (CRHMTP), as he serves on that committee as representative for local government. He further explained to Council that the CRHMTP will seek to apply for the Tobacco Indemnification special projects grant this Spring, with the money being used for additional marketing. He further informed Council that the CRHMTP is getting incredible interest from the international community, especially with the Scotch-Irish influence. He stated that he hopes to use the Tobacco Commission money to sponsor a tour of the Crooked Road area's based musicians to tour Scotland and Ireland later this summer; and hopefully, one of the Town's local band can go on this tour. It was further explained that it is hoped to tie this in with a national marketing campaign and develop a relationship with the national public radio with Prairie Home Companion and with the Mountain Stage Show that is broadcast on MPR nationwide. The marketing efforts to-date have been in articles or advertisements in publications with over 13 million circulation; and the project has received an award this year from Governor Warner for outstanding tourism project in Virginia. Also mentioned was that the Crooked Road has a link to a movie trailer for the movie "Walk The Line", tying-in the relationship with Johnny Cash and the Carter Family that encourages people that enjoy the music played in the movie to come and see the countryside that inspired the musicians. The Town Manager reported also that VDOT has postponed the meeting regarding the wayside exhibit that was suppose to be held today, and it may be after the first of the year before this meeting is underway and hopefully, something can be worked out with VDOT regarding a wayside exhibit for the CRHMTP for Rocky Mount. Getting back to the CRHMTP Executive Committee to create a match for the Tobacco Commission

grant, the Town Manager stated that the decision was to go back to local governments (even though in the middle of the budget year) and request from those that had contributed in the past to see if an additional allotment of money could be given as a match for the grant. It was pointed out that all 28 local governments that participated were contacted, with the total amount of \$33,500 being committed, and this included the \$5,000 committed by Franklin County Board of Supervisors today during their regular monthly meeting. These commitments were from eight governments that have agreed to commit, with five stating that they cannot commit, with the Executive Committee waiting to hear from the remaining localities. This matter will be brought back up by the Executive Committee in December or January. Due to this, the Town Manager presented to Council an invoice for level funding of \$5,000 (which had been provided in the past) to help support the grant initiative. It was also pointed out by the Town Manager that last week, the Virginia Tourism Council had sent out an advanced scout that was in the area for three days, whose job was to set up locations to bring in a travel writers' tour that will be coming into the area later this Spring that will be spending about two weeks on the Crooked Road in the different jurisdictions, taking in the different musicians, with these writers coming from different publications such as *The New York Times*, *Detroit Free Press*, and other such newspapers from Orlando and Atlanta areas that hopefully will write how great southwest Virginia is and encourage music enthusiasts to come here and visit, which means filling up the areas' hotels, restaurants, with revenue coming into the area for economic development, creating opportunities for local musicians as well.

The Mayor stated that the Town is one of the gateways to the Crooked Road and he would like to see the Town continue assisting with this project.

- Motion was made by Council Member Cook to contribute \$5,000 and to take the money from the contingency funds, with motion on the floor being seconded by Council Member Greer. There being no further discussion, let the record show that the motion on the floor passed unanimously.

D) National Incident Management System

The Chief of Police came before Council reminding them that they had adopted the National Incident Management System (NIMS) a few months ago, with the NIMS basically being a comprehensive plan that incorporates various entities to respond to a disaster, terrorist attack, or anything that threatens the United States of America homeland. He informed Council that the first phase has been completed, with the NIMS program being adopted by proclamation. The Federal Emergency Management Agency (FEMA) has changed several times who would be taking the certification courses that relate to NIMS, and now they are urging all elected officials to take the initial "IS 700" course, which is approximately a four hour course. It was stated by the Chief of Police that himself and the Town Manager will be responsible for taking four basic courses, with Council taking only the entry level "IS 700" course.

Chris Slemp, Director of Public Safety, briefed Council that the "IS 700" course is basically a four hour overview of disaster preparedness planning and response which will acclimate Council as the governing body that funds public safety and are responsible to a degree to have baseline knowledge of what goes on if anything happens that will threaten the United States homeland. This course will assist in Council being better prepared, with the course creating standards that are not available now. After taking the class, the participants will receive a certificate from FEMA. He further reported that Public Safety will be conducting the class and it will be very hands-on and easy. The classes will be on the second and fourth Tuesday of the month, beginning in January at the Public Safety office. He also stated that Public Safety will also do a class just for Council, if needed. Also stated by Mr. Slemp was that the class is also available to take on-line. It was further pointed out by Mr. Slemp that as Council is aware of, this course is tied-in with federal funding, and if Franklin County does not comply at certain stages over the next few years, the funding will not be there for the County. Mr. Slemp confirmed to Council that they have until October to do the classes, with the classes taking place for the next six months or so. The Mayor confirmed that Council will get with the Town Manager to set up the classes.

COMMITTEE REPORTS

A) Streets, Sidewalks & Sanitation Committee

1. *Request to Designate Handicap Parking Space on East Court Street at the Trinity Episcopal Church* – The Town Manager mentioned that the Trinity Episcopal Church had asked that the Town work with them to mark in the street appropriate signage to designate a handicap space, with the committee recommending 3-0 that the Public Works Director work with the church's rector to do the appropriate signage.
 - Motion was made by Council Member Cook to approve the recommendation of the committee, with motion on the floor being seconded by Council Member Tuning. There being no further discussion, let the record show that the motion on the floor passed unanimously.
2. *Potential Proffers and Conditions Requested by Developer* – The Town Manager informed Council that the committee had looked at a potential residential development off of Scuffling Hill Road for a planning unit development that will come before Council probably during their regular February monthly meeting, with the committee wanting to make sure that the Town Manager would make sure the developer would understand that the Town would not be willing to waive the requirements for curb and guttering. The Planning & Zoning Administrator confirmed to the Town Manager that the developer had relayed to him that he would not be including potential proffers and conditions.

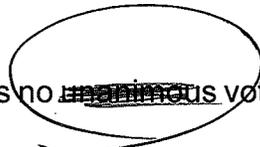
Let the record show that no action was taken.

B) Public Utilities Committee

1. *Request by Property Owner for Town to Waive Mandatory Hookup Fees* – Chairman Seale reported to Council that Ronnie Wilson had requested Council to allow a private well to be drilled on his property instead of requiring connection to the Town's public water line for a home site planned for a portion of the Lynch Farm near Christian Heritage Academy due to the length (approximately 2,300 feet) the structure will be from the road and Town existing line. Chairman Seale informed Council that in light of the distance and the cost for everything, it would make good sense to waive the requirement in this particular case, but he further reported that the Town is obtaining an agreement from the property owner an easement for a possible sewer line that may run along Pigg Rive on that property. He further informed Council that the property owner is willing to grant the easement to the Town that may or may not be needed. Chairman Seale stated that the committee's recommendation was to waive the mandatory hookup provision for this particular case and let the property owner dig a well.

- Motion was made by Council Member Seale that the Town waive the mandatory hookup provision for this particular case and let the property owner dig a well, with motion on the floor being seconded by Council Member Tuning. Discussion ensued. It was confirmed by Council Member Seale that the property owner was Ronnie Wilson, who had purchased part of the Harrison-Lynch estate that borders Pigg River. There was much discussion on the Town waiving the mandatory hookup fee due to the footage of the home site from the Town's line, and the potential of the Town getting something in return for the easement. It was further confirmed the well would only provide water to the house. It was confirmed that an easement had not been written up yet. It was requested by Council that the Town Attorney look into acquiring something in writing regarding the easement, such as a memorandum of understanding. It was further mentioned that Mr. Wilson had not only offered to exchange a sewer easement, but also a trail easement for the authorization to dig a private well. There was brief discussion on where the Town draws the line on allowing wells to be drilled, with this particular situation being different since the home site was a significant distance from the Town's line, and the property owner willing to exchange something in return for the easement. It was mentioned that the Town would look at each case on whether or not the distance was reasonable or not. It was the recommendation of Council that the Town Attorney meet with the Town Manager and figure out how this matter can be done, and for the Town Manager to get with the property owner regarding this matter.

Let the record show that there was no ~~unanimous~~ vote taken on the motion on the floor.



- Motion was made by Council Member Seale to table this request, with motion on the floor being seconded by Council Member Tuning. There being no further discussion, let the record show that the motion on the floor passed unanimously.

COUNCIL CONCERNS

A) Council Member Greer

1. Mentioned that the phone at the Farmers' Market needs to be monitored, as he had been made aware that people loafing at the Farmers' Market are abusing the use of the phone that is kept in the concession area (making obscene calls). As Chairman of the Public Facilities & Special Events Committee, Council Member Cook stated that there were several things that need to be discussed regarding the Farmers' Market and Community & Hospitality Center. At the recommendation of the Mayor, Council Member Cook stated that she would address the issues at these two facilities and come back before Council with recommendations. She further requested that she be allowed some time to review these matters and would report back to Council within a couple of months. The Mayor so noted.
2. Announced that he will be running for Town Council in the upcoming election in May 2006.
3. Mentioned that he did have a sewer problem this week on North Main Street that he corrected, and stated that he knows Mrs. Robertson may have a problem.

B) Council Member Cook

1. Requested that Council look into moving the Council monthly meeting dates back to the second Monday of each month. The Town Manager informed Council that the Town Attorney had informed him that to do this would require Council adoption of an ordinance.
 - Motion was made by Council Member Seale to instruct the Town Attorney to prepare such ordinance that will state that the regular Town Council meeting shall be on the second Monday of each month, with motion on the floor being seconded by Vice Mayor Angle. There being no further discussion, let the record show that the motion on the floor passed unanimously.
2. Concerned over signage and visual clutter, particularly on Route 40 East, and would like the Planning Commission to review the sign ordinance, particularly the 25' foot sign to see if something can be done to lower the size somewhat. It was explained to Council that the best way to go about getting this matter looked into was to ask the Planning Commission to review this matter.

- Motion was made by Council Member Cook to ask the Planning Commission to review the sign ordinance, with motion on the floor being seconded by Vice Mayor Angle. There being no further discussion, let the record show that the motion on the floor passed unanimously.

C) Vice Mayor Angle

Stated that he had read in the Council packet that there were going to be changes made with Charter Communications as being the Town's internet service provider (ISP), and due to this, suggested that the Town shop around for other options for a ISP for the Town. The Town Manager commented that once the Municipal offices get back to the renovated Municipal Building, this will be looked into.

D) Council Member Seale

Wished everyone a merry Christmas and a happy holiday.

E) Council Member Tuning

Questioned why Channel 14 was still off the air on cable. The Town Manager explained that Charter Communication claims WDRL's transmission signal is below the minimum quality that they require to carry their signal. He further stated that there has been numerous discussions with WDRL about buying equipment to improve their signal quality, and he has also talked to the FCC about this matter, and they state that Charter Communications is not required to carry WDRL as long as their signal quality falls below their minimum level. He also stated that he has been told that WDRL has bought the equipment and it is close to be putting back on the air. He informed Council that he will mention this to Charter Communications when he talks to them tomorrow.

F) Mayor Newbill

Announced that he will be running for the Mayor's seat in the upcoming election in May 2006.

CLOSED MEETING

At 8:55 p.m., motion was made by Vice Mayor Angle to go into Closed Meeting, seconded by Council Member Greer and carried unanimously to discuss the following:

- Section 2.2-3711(A).3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

- Section 2.2-3711(A).7 – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

At 9:30 p.m., motion was made by Council Member Greer to come out of Closed Meeting and to reconvene the meeting back into open session, with motion on the floor being seconded by Council Member Tuning and carried unanimously.

CERTIFICATE OF CLOSED MEETING

Whereas, the Town of Rocky Mount Council has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires certification by this council that such Closed Meeting was conducted in conformity with Virginia Law;

Now, Therefore, Be It Resolved that the Rocky Mount Town Council hereby certifies that, to the best of each members' knowledge: (1) only public business matters lawfully exempted from open meeting requirements under this chapter and (2) only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered in the meeting by the public body.

Mark H. Newbill, Mayor

Motion was made by Council Member Cook certifying that nothing was discussed in Closed Meeting other than what was stated. Motion was seconded by Council Member Seale The Mayor swore to adopt the motion on the floor by Council Member Cook that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Steven C. Angle and Council Members Stephen F. Agee, Ann A. Cook, Jerry W. Greer, Sr., Roger M. Seale, and Sadie W. Tuning.

The Mayor reported the following action taking place:

- Motion was made by Vice Mayor Angle authorizing the Town Manager to enter into an agreement for the purchase of three properties: one for \$110,000; one of

\$70,000; and the other for \$40,000; with motion on the floor being seconded by Council Member Agee. There being no further discussion, let the record show that the motion on the floor passed unanimously.

ADJOURNMENT

At 9:35 p.m., motion was made by Council Member Seale to adjourn, seconded by Council Member Agee and carried unanimously.

Mark H. Newbill, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk