

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
APRIL 13, 2009**

The April 13, 2009 regular Council meeting of the Rocky Mount Town Council was held in the Council Chambers of the Rocky Mount Municipal Building located at 345 Donald Avenue, Rocky Mount, Virginia at 7:00 p.m. with Mayor Steven C. Angle presiding. The following members of Council were present:

Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker

The meeting was called to order by Mayor Angle.

The Town Clerk read for the record the following being present: All members of Town Council as noted, Town Manager C. James Ervin, Assistant Town Manager/Community Development Director Matthew C. Hankins (and Planning & Zoning Administrator), Town Attorney John T. Boitnott, Chief of Police Erik Mollin, Finance Director Linda Woody, Fire Chief Posey W. Dillon, Public Works Director Cecil R. Mason, and Town Clerk Patricia H. Keatts.

The Mayor led the *Pledge of Allegiance*.

APPROVAL OF AGENDA

Prior to the meeting, Council had received the agenda for review and consideration of approval.

- Motion was made by Council Member Seale to approve the agenda as presented, seconded by Council Member Lester and carried unanimously.

SPECIAL ITEMS

- A. Review and Consideration of Adopting Draft “Proclamation – Municipal Clerks Week – May 3 Through May 9, 2009”

The Mayor stated that Council was glad to have the Town Clerk back, with her stating that it was good to be back.

The Mayor presented to Council a draft "Proclamation – Municipal Clerks Week – May 3 Through May 9, 2009" honoring Town of Rocky Mount Deputy Clerk Stacey B. Sink, Town Clerk Patricia H. Keatts, and all other municipal clerks for Council's review and consideration of approval.

B. Review and Consideration of Adopting Draft "Resolution by the Rocky Mount Town Council Honoring Ferrum College Agriculture Club".

The Assistant town Manager presented to Council for their review and consideration of approval a draft "Resolution by the Rocky Mount Town Council Honoring Ferrum College Agriculture Club".

The Assistant Town Manager stated that he had invited members of the Ferrum Agricultural Club to attend, but let the record show that none were present.

- Motion was made by Council Member Lester to approve the draft "Proclamation – Municipal Clerks Week – May 3 Through May 9, 2009" and the draft "Resolution by the Rocky Mount Town Council Honoring Ferrum College Agriculture Club", with motion on the floor being seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

PUBLIC HEARING

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

A. Review and Consideration of Request of Stepping Stone Mission of Franklin County, Inc. for a Special Use Permit to Continue Operation of a Soup Kitchen at the American Legion Building on Diamond Avenue.

After being duly advertised, Stepping Stone Mission of Franklin County, Inc. requests Council's review and consideration of approval of a special use permit to continue operation of a soup kitchen at the American Legion Building on Diamond Avenue for property known as Tax Map and Parcel Number 20600-02101. The zoning is currently Residential Business, which does not permit operation of the mission unless under a special use permit. The Mission started operating at the location under a 15-month special use permit granted March 13, 2006, and while that permit has since expired, operation has continued. With this renewal, Stepping Stone requests an open-ended permit.

The Mayor opened the floor to anyone wishing to come before Council to speak regarding this request.

- The Assistant Town Manager gave a staff summary of the request:
 - Stepping Stone Mission of Franklin County, Inc. applied for and was granted in March 2006 a special use permit to use the American Legion Hall located at 565 Diamond Avenue as a soup kitchen, with this application being for the purpose of using the American Legion Hall until such time as a permanent location could be found.
 - Town Council conditionally zoned the building as General Business (GB), approving the special use permit for 15 months under the following conditions: the property would be used only as a soup kitchen, serving one meal per day between 12 Noon and 1:00 p.m., with no food taken from the building and no loitering.
 - In the intervening years, the soup kitchen has worked out an agreement with the American Legion members to continue to use the building. Stepping Stone would like to continue its operation at the current location.
 - Staff also requested that Stepping Stone Mission furnish regular periodic reports on its activities, but that requirement has not been met.
 - Since the use of the building by Stepping Stone Mission has continued at the building, the conditional zoning has not lapsed; however, the special use permit has expired and this request should be treated as essentially a new application, but with adequate history in place to guide Council in making their decision.
 - The Mission provides one meal per day, seven days a week, during the noon hour, using volunteer labor to meet the needs of needy, elderly, unemployed, and homeless individuals. Indications from Mrs. Patterson show that the Mission generally serves over 50 patrons per day.
 - The Chief of Police was very complimentary of the job Mrs. Patterson and the Mission volunteers have done to ensure orderly service at the Mission, with there being no increases in crime in the neighborhood, and the property itself is well-maintained.

The Assistant Town Manager reported to Council that the Planning Commission had met on April 7, 2009 to hold a public hearing regarding this request, with the Planning Commission recommending the following to Council (by a vote of 6-0, with Commissioner Milton Arrington being absent): Council approve a renewable special use permit for property known as Tax Map and Parcel Number 20600-02101, to allow Stepping Stone Mission of Franklin County, Inc. to operate a soup kitchen on site for five years with the following conditions:

- Serve one meal per day, for a maximum of seven days per week during the noon hour.
- No food may be carried from the site, except when “brown bag” service is needed for unusually circumstances.
- Enforce a “No Loitering” rule.

- If Stepping Stone wishes to offer shelter services, it must come to the Planning Commission and Town Council for a separate special use permit.
- The applicants must submit regular reports to the Planning & Zoning Administrator, with such information as the Administrator deems necessary to monitor the operations adequately.
- At the conclusion of the five-year special use permit, staff may review the operations of the Mission and renew the special permit without requiring a new application.

The Mayor stated no one had signed up from the public to speak, and let record show none came forward.

Council Member Lester stated that this program makes everyone feel important that goes through the doors to be fed, and from his standpoint, he has observed the highest level of performance from them and recommends approval of their request.

There being no further discussion, the Mayor reconvened the meeting back into regular session and entertained a motion.

- Motion was made by Council Member Seale to approve the conditions and stipulations as recommended by the Planning Commission, with motion on the floor being seconded by Council Member Lester. Discussion ensued. Vice Mayor Dillon questioned the refund fees, with the Town Manager stating the refund fees will be discussed under *New Business*. There being no further discussion, let the record show that the motion on the floor passed unanimously.

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

B. Review and Consideration of Request of David J. and Kimberly Y. Lang for a Rezoning of 220 Claiborne Avenue for Property Known as Tax Map and Parcel Number 20700-21200 from Residential (R-2) to Commercial (CBD) to Permit the Operation of a Computer Networking and Support Business with Little Need of Employee Parking

After being duly advertised, David J. and Kimberly Y. Lang requests Council's review and consideration for a rezoning of 220 Claiborne Avenue for property known as Tax Map and Parcel Number 20700-21200 from Residential (R-2) to Commercial (CBD) to permit the operation of a computer networking and support business with little need of employee parking. The Langs have a purchase contract on 220 Claiborne conditioned upon the rezoning. The property is contiguous to CBD zoning (Mary Elizabeth Park) and R-3 properties. The property has an existing conditional use, which would be terminated by the Town's rezoning of the property.

The Mayor opened the floor to anyone wishing to come before Council to speak regarding this request.

- The Assistant Town Manager gave a staff summary of the request:
 - This is the third request for rezoning of 220 Claiborne Avenue in the past 18 months. Both previous requests, made by the current owner, were to rezone from R-2 to R-3 to allow for a minimum of three apartments in the building, resulting in higher demand for parking. Additionally, the Planning Commission and Town Council were reluctant to hear any requests that did not come from the potential owner.
 - This request, made by David and Kimberly Lang of Callaway, representing their technology networking business, SAFER Network Solutions, is different from the previous requests. The Langs make this request with a contract accepted and signed by the current owner (Chapter 10 Group Homes) conditional upon the property being rezoned.
 - This request to rezone as CBD would permit operation of their networking business, which serves clients from Martinsville, Virginia to Roanoke, Virginia, with a variety of technical and networking services. The building would house offices and computer servers, with a limited number of employees, most off-site at any given time, limiting the amount of parking needed to support the building. On-street parking will be sufficient to serve the needs of the office building proposed.
 - The new zoning is contiguous to CBD, and is in keeping with recent changes to the neighborhood, such as the recent rezoning of the former Wolfe Medical Building to CBD. This rezoning is in keeping with the Town's land use plan included in the Comprehensive Plan, in which this property is listed as mixed uses.
 - The current R-2 zoning has a conditional use placed on it, which would be terminated by the rezoning.
 - Mr. Lang spoke before the Planning Commission public hearing, indicating his desire to maintain the property's residential look, adding an appropriate wooden sign in the front yard and gradually renovating the building as needed. He indicated that because of the server security and network integrity requirements, he would not sublet any part of the building to other tenants. He has also spoken with Dr. Angle, the chair of the Board of Trustees of the United Methodist Church, and has an understanding in place to allow parking, when needed, on the church lot.
 - Considering these criteria, staff and Planning Commission believe this proposed use and zoning is a good use of the property and that this rezoning would represent good land use management.

The Assistant Town Manager reported to Council that the Planning Commission had met on April 7, 2009 to hold a public hearing regarding this request, with the Planning Commission recommending (by a vote of 6-0, (with Commissioner Milton

Arrington being absent) rezoning the property located at 220 Claiborne Avenue, known as Tax Map and Parcel Number 20700-21200, from Residential (R-2) to Central Business District (CBD).

- Mr. Lang came before Council stating that he did not have anything else to add to what the Assistant Town Manager had presented to Council.

There being no further discussion, the Mayor reconvened the meeting back into regular session and entertained a motion.

- Motion was made by Vice Mayor Dillon to approve the rezoning as recommended by the Planning Commission, with motion on the floor being seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

There being no further discussion, the Mayor reconvened the meeting back into regular session.

APPROVAL OF MINUTES

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

- February 9, 2009 Regular Council Meeting Minutes
- February 23, 2009 Special Council Meeting Minutes
- March 9, 2009 Regular Council Meeting Minutes
- March 17, 2009 Special Council Meeting Minutes
- March 23, 2009 Special Council Meeting Minutes
- March 26, 2009 Special Council Meeting Minutes

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

APPROVAL OF CONSENT AGENDA

The approval of the *Consent Agenda* consists of approving any miscellaneous resolutions/proclamations, miscellaneous action, departmental monthly reports, and bill list that were submitted prior to the meeting for Council's review and consideration.

- Miscellaneous Resolutions/Proclamations

- Miscellaneous Action
 - Review and consideration of approval of request of Community Partnership for Revitalization to close Franklin Street in conjunction with their Annual Run/Walk Race in Uptown/Downtown Rocky Mount “Chug for the Jug” event to be held April 18, 2009. The Chief of Police has reviewed this request and has no issues with it as it is the same last year.
 - Departmental Monthly Report
 - Bill List
- Motion was made by Vice Mayor Dillon to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion on the floor passed unanimously.

HEARING OF CITIZENS

Let the record show that no citizens came forward to speak.

OLD BUSINESS

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

NEW BUSINESS

A) JetBroadband Addressing Citizens' Complaints

The Assistant Town Manager stated that at the request of the Town Manager, JetBroadband was asked to attend the Council meeting to address recent complaints that Council and staff have received regarding:

1. A rate increase was implemented without prior notification to the Town and with limited notification to the citizens.
2. February bills were postmarked February 16 with a due date of February 22. A \$5.00 late charge was applied to many citizens who were only given two to four business days to pay their bill. JetBroadband is willing to credit late fees, but is not willing to credit them without a call from each customer. The complaints that this unfair practice initiated overwhelmed JetBroadband phone lines and the wait times, and the hold times for JetBroadband soared to unacceptable levels.
3. Complaints of poor picture quality have been made.

The Assistant Town Manager informed Council that staff is recommending that a

credit be requested for all Town residents as compensation for the late fees, and as compensation for the customer service deficiencies.

Mr. Bill Barbour, Vice President of Operations for JetBroadband, along with Donna Rader, Director of Customer Care and Office Manager for JetBroadband properties in Virginia, came before Council. Mr. Barbour apologized to the Mayor and Council for the unfortunate situation of timing of bills that went out. He also stated that he has had conversations with the Town Manager regarding not notifying the Town without prior notification of the rate increase, indicating that it was mailed to the wrong address, but since, have this corrected. He further confirmed to the Mayor that he assures Council that JetBroadband would serve the Town as promised, further giving out Ms. Rader's accessible phone numbers. Also discussed sound drop offs on certain channels, pixelulating of others, and how this would be addressed by JetBroadband.

B) Review and Consideration of Several Options Regarding Special Use Permit Refund of Fees for Stepping Stone Mission of Franklin County, Inc.

The Assistant Town Manager informed Council that when Stepping Stone Mission of Franklin County, Inc. had applied for a special use permit, staff had discussed with its Director, Joanne Patterson, that the fees required posed a significant burden on the charity, with the total fees required totaling \$506.92 (\$475 for the special use permit; \$31.92 for postage). He also stated that Mrs. Patterson had indicated that she is paying the permit fee from her own pocket, and rather than the Town requiring the full amount up front, staff has set up a payment plan with Mrs. Patterson wherein she has agreed to pay \$25 per month until the payment is complete, with her already making the first payment. He further stated that due to the benefit derived by the community from this volunteer and donation driven service, staff believes it is appropriate for Council to consider abating, or mitigating, the fee for this charitable use, with Council reviewing and considering the following options.

1. Require Mrs. Patterson to complete the payment based on the existing payment plan.
2. Require only payment sufficient to cover the Town's advertising and postage costs, which is approximately \$200.
3. Refund the amount paid and waive further payment.

The Mayor thanked Mrs. Patterson for all the good work the Mission is doing, stating that he has heard nothing but good reports. That being said, the Mayor entertained a motion.

- Motion was made by Council Member Lester for the Town to refund the amount paid and waive further payment, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

C) Review and Consideration of Rocky Mount Beautification and Urban Design (BUD) Commission Request to Expand Membership

At the request of Lorinda G. Lionberger, Chairman of the BUD Commission, the Assistant Town Manager stated that the Commission would like to add up to two more members to allow them to be able to better fill the four elected offices and four committee chairmen in order to have a quorum for all meetings, as they in the past have not always had a quorum. The Assistant Town Manager stated if Council grants the request, Town staff will advertise the needed positions.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Council Member Lester to authorize the addition of two more members to the Commission, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

D) Review of General Assembly Action Adding Blight Elimination Tools for Communities to Use

Council was informed by the Assistant Town Manager that the Virginia Municipal League (VML) had put before the State of Virginia General Assembly this year a bill to strengthen localities' ability to deal with derelict structures that endanger the strength of their neighborhoods. He further pointed out the following:

- The bill, known as Senate Bill 1094 and House Bill 1671, gives localities more freedom to deal with blight issues that threaten to destabilize neighborhoods, with this bill not being a tool to deal with blighted neighborhoods, but should be effective to deal with neighborhoods like Spring Street and Anderson Street, where one or two blighted properties threaten to reduce the property values of the entire neighborhood.
- If the properties threaten the public health and safety by the criteria of being vacant, closed up, and off electric and/or water and sewer, then the General Assembly has provided two paths to work to fix those properties and streamline the process for declaring properties to be blighted.
- The first path is to push owners of damaged and neglected structures to work with the Town to eliminate the blight caused by their properties
- Town Council can declare a property blighted, then the Community Development Department can order the property owner to develop a plan to demolish or renovate the property. In following this act, the Town would establish a tax abatement property to abate. This is not something that can be used on an entire neighborhood. It was pointed out that there are several ways staff can handle this, which was not pointed out at this time, but would be addressed at the appropriate time when necessary. It was pointed out also that the Town could contract to fix the blight, and the Town declares a

property as derelict, the Community Development Department can contract to fix the property at the Town's expense, and then the Town can force the lien after one year instead of two. This path shortens the spot blight process by eliminating public hearings at the Planning Commission level and bringing it directly to Council.

It was confirmed to the Mayor by the Assistant Town Manager that at some point and time what he had brought before Council regarding blight elimination would require action from Council to set up tax abatement schedule. The Assistant Town Manager also confirmed to Council Member Lester that he does not think that the Franklin County Building inspections would affect this.

E) Review and Consideration of Request of Property Owner on Byrd Lane

Vice Mayor Dillon stated that he had been approached by a property owner on Byrd Lane that had water runoff onto her land. He reported that the lady has done a lot to her house and that a pipe that the Town owns and near her property is causing the water runoff to her property. He further stated that she is requesting that the Town put in pipe to direct the water away from her property, thus, eliminating the water runoff towards her property. Vice Mayor Dillon further stated that he and Council Member Greer had visited the property and believe the needed pipe is about 100 feet, and if Council agrees to replacing the pipe, it does not need to be a concrete one, but plastic corrugated pipe. He further stated that he would like Council to find it in their heart to help this property owner in putting in the pipe, and that she states she will mow the grass at the place the pipe is put in. It was discussed with the Public Works Director how much the pipe would cost, with the Public Works stating it would probably take a 24" pipe, which would run about \$13 to \$14 per foot. The Mayor stated that the cost would then be approximately \$1,300 for the pipe.

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

- Motion was made by Council Member Lester to fix this problem, with the price not to exceed \$2,000, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

COMMITTEE REPORTS

The Assistant Town Manager/Community Development Director presented to Council the following committee reports:

Public Facilities & Special Events Committee

The Assistant Town Manager stated that the Public Facilities & Special Events Committee had met in the past month to consider two items, outlining the following:

1. On March 17, the Committee recommended accepting a proposed schedule of events from the Franklin County Historical Society, including:
 - Close East Church Street from Main Street to Maple Street on May 23 for the Veterans' Memorial program on the Courthouse lawn from 9:30 a.m. to just after Noon.
 - Motion was made by Vice Mayor Dillon to approve this request, with motion on the floor being seconded by Council Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.
 - Permit the Society to use the Farmers' Market for a second *Gateway to The Crooked Road* event. The initial request was for May 2, but the Society has since that meeting revised its request to be for May 9.

It was pointed out by the Assistant Town Manager that the timing of this event is of some concern for vendors, as May 9 is Mother's Day weekend and it is one of the better weekends for plant and flower sales at the Market. He further pointed out that he believes the Society will work this out with the vendors and that he will do his best to coordinate with the vendors, discussing this with Ms. Stanley.

- Motion was made by Council Member Seale to approve this request contingent upon getting coordination between the vendors and Society, with motion on the floor being seconded by Council Member Lester. The Assistant Town Manager stated that this may require staff going to the Market and coordinating the parking while the music is going on. There being no further discussion, let the record show that the motion on the floor passed unanimously.
2. The Committee also heard a request from Arlene Jones, organizer of a proposed "*Bargains, Boogie & Barbecue*" event to be held Saturday, June 27, in downtown Rocky Mount. Mrs. Jones' principally requesting:
 - Use of Claiborne Avenue parking lot for a car show.
 - Close Franklin Street from High Street to Claiborne Avenue for an evening street dance.
 - Allow Mrs. Jones to use the Farmers' Market and waive the fees.
 - Town to make a donation of \$1,000 to support the event.

The Assistant Town Manager informed Council that during the March 17 Committee meeting, the Committee asked staff to follow-up on a variety of issues, meeting again on April 2 to review and make recommendations, with the following recommendations being made by the Committee to Council for review and consideration of approval.

- Require proof of insurance from Mrs. Jones.
- After consultation with Edible Vibe/Center Stage Catering, permit use of Claiborne Avenue parking lot, with the exception of spaces reserved for J&J Fashions.
- Permit closure of Franklin Street from High Street to Claiborne Avenue for the evening street dance from 6:00 p.m. to 10:30 p.m.
 - o Designate an on-duty Town Police Department office to patrol the event.
 - o The Chief of Police should ask the Franklin County Sheriff's Office for additional support with an on-duty deputy.
- Permit the use of the Farmers' Market for cooking during the day in a designated area, specifically roping off the upper parking lot from the Developmental Center Church Street.
- Deny closure of Franklin Street during the day for the motorcycle show, but permit closure of Church Street to Franklin Street to Randolph Street to permit the motorcycle show on Church Street.
- Permit the use of tables from the Depot for the event, so long as Mrs. Jones agrees to cover any loss or severe damage to Town property.
- No cash donation from the Town, but waive fees for using Town facilities.
- Pay for a banner to advertise the event, and locate the banner in a suitable location selected by the Public Works Department.
- Advertise through the Town's TV channel and website.
- Provide Mrs. Jones with assistance in setting up trustees to set up before and clean up after the event.

There was much discussion regarding this request:

- Mrs. Jones confirmed to the Mayor that Chamber of Commerce had been invited to the meetings that the organization has held regarding this event, but that they had not shown up.
- Mrs. Jones confirmed to Council Member Walker: that this organization was not that type of business for raising monies, but for bringing people into the downtown area; money will be used for advertising and any money saved over will be put into a fund to carryover to the next event.
- Mrs. Jones confirmed to Council Member Lester that after the event, Council could look at any financial information pertaining to the event.
- Council Member Lester stated that events like this needs the support of local government.
- Vice Mayor Dillon stated: he thinks this event is a good idea to bring people downtown, and you can't go wrong in getting people to patronize all the business; need to all work together for this; it is hard to close streets on Saturday and believes Mrs. Jones has done all she can do to accommodate this.
- Jewell Hunt, business owner of J&J Fashions, stated that she had noticed in the newspaper that in connection with this event, yard sales would be allowed across from her business on Franklin Street. Mrs. Jones confirmed

that this was going to take place during the event. Mrs. Hunt indicated that she had no problems with yard sales, but there is a place for them and Franklin Street is a retail area and this is not the image needed for the Town by allowing the yard sales to take place. She further stated that the Town has two great people who are paid by the Town and do a great job, along with three organizations that would love to do it, and she doesn't think one individual should come in and do all these things, making money personally, with no money going to the County or Town. She further stated that this is not a personal thing, and she thinks Mr. Bobby Quill (owner of Franklin Glass) is a fine neighbor and business owner. She reiterated that it is not a good thing to allow the yard

sales. She also stated that the motorcycles and antique cars are fine to allow, but she thinks that something is getting a little out of control.

- Vice Mayor Dillon asked Mrs. Jones if there was another place the yard sales could be held at. Mrs. Jones informed Council that the yard sales were a community yard sale and that Mr. Quill has graciously opened up his parking lot for allowing the yard sales to take place on his property. Discussed if Maynor Street would be a good place to hold the yard sales and incorporating this into Mrs. Jones' plans to hold the yard sale. It was confirmed by Mrs. Jones to Council that the yard sales would take place from 8:00 a.m. to 2:00 p.m.
- Council Member Walker stated that although the Committee had recommended waiver of fees, he doesn't think fees need to be waived for private citizens. He did state that he believes this event is a good thing.
- There was discussion between staff, Mrs. Jones, and Council on what type of classification this organization fell in, as it was not non-profit. Council Member Seale stated that although Mrs. Arlene's group is known as the Franklin Street Organization, not much is known about them.
- Mrs. Jones confirmed to Council Member Strickler that what little bit of money was left over from the last event, will go towards advertising this event.
- Mrs. Jones confirmed to Vice Mayor Dillon that the insurance they had from last year will be good for this event.
- Council Member Seale voiced same concern that Council Member Walker had regarding the Town waiving fees for individuals, or private organizations, as the Town usually does for organizations that are known.
- Mrs. Jones confirmed to Vice Mayor Dillon that originally, the organization was part of the merchants that were located along Franklin Street.
- Council Member Seale stated that Council needed to know more about the organization, with Mrs. Jones quickly giving names of who were members originally.
- Council Member Lester stated that it would be helpful to know what classification Mrs. Jones' organization falls into in relation to other organizations that come before Council requesting assistance for their events. He further stated that he gets upset during the Town's budget time in funding money for organizations that should be doing what Mrs. Jones'

organization is doing.

- Motion was made by Vice Mayor Dillon to table the request of Mrs. Jones until the next Council meeting to satisfy Council's minds on what they can do for the merchants and Mrs. Jones' organization. Due to a lack of a second, let the record show that the motion on the floor died. Council Member Lester offered an alternative motion to approve the request of Mrs. Jones, subject to fees not being waived, and for Council to receive feedback from various businesses downtown in written form so that Council could get input. Let the record show that the motion on the floor was seconded by Council Member Seale. There being no discussion, let the record show that the motion on the floor passed unanimously.

OTHER MATTERS & COMMENTS

A. Referrals to Planning Commission from Town Council

Let the record show there were none.

B. Rise 'N Shine Appearances

The Assistant Town Manager stated that he appeared this morning on the Rise 'N Shine show, and that the Town Manager would be appearing in May on the show.

COUNCIL CONCERNS

Let the record show there were no Council concerns.

CLOSED MEETING

At 8:25 p.m., motion was made by Council Member Lester to go into *Closed Meeting*, and seconded by Council Member Walker and carried unanimously to discuss the following:

- 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 (Board of Zoning Appeals).
- 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 (Franklin Heights; School Board Road).

At 9:00 p.m., motion was made by Council Member Seale 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 Lester 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.

Steven C. Angle, Mayor

- Motion was made by Council Member Walker certifying that: (1) only public business matters lawfully exempted from open meeting requirements under this chapter was discussed; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or consider in the meeting by the public body was discussed. Motion was seconded by Council Member Strickler. The Mayor swore to adopt the motion on the floor by Council Member Walker that this was all that was discussed as defined in Section 2.2-3412 Code of Virginia. Voting yes were Vice Mayor Posey W. Dillon and Council Members Jerry W. Greer, Sr., John H. Lester, Roger M. Seale, Robert W. Strickler, and Gregory B. Walker.

The Mayor reported that no action was taken.

ADJOURNMENT

At 9:02 p.m., motion was made by Council Member Greer to adjourn, seconded by Council Member Lester and carried unanimously.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

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