

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
DECEMBER 14, 2009**

The December 14, 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, Robert W. Strickler, and Gregory B. Walker, with the record showing that Roger M. Seale was absent (due to illness).

The meeting was called to order by Mayor Angle.

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

The Mayor led the *Pledge of Allegiance*.

APPROVAL OF AGENDA

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

The Mayor requested that the agenda be amended to include under *New Business* an item to consider regarding changing the March 8, 2010 regular Council meeting to either Monday, March 1, 2010, or to Tuesday, March 9, 2010. The Mayor indicated that he would not be able to attend the regularly scheduled Council meeting of March 8, 2010 and would like to be able to attend the March meeting. The Mayor referenced the Town Code dealing with this requested Council meeting change, being:

Sec. 2-4. When and where regular council meetings held.

The regular meeting of the council shall be held at the municipal building on the third Tuesday in each month, at 7:00 p.m., unless the council shall specify in advance some other time or place for meeting.

(Code 1979, § 2-4; Ord. of 7-12-04)

State law references: *Meetings open to public, Code of Virginia, §§ 2.2-3707--2.2-3714.*

- Motion was made by Vice Mayor Dillon to approve the agenda as amended, seconded by Council Member Walker and carried unanimously by those present.

Prior to going any further with items on the Council agenda, the Mayor recognized the Franklin County High School government classes of Mr. Saleeby and Mr. Buckman.

SPECIAL ITEMS

A) Presentation of Certificate of Achievement to Finance Department

The Town Manager informed Council that the Finance Department had received a Certificate of Achievement for the Town's comprehensive annual financial report for fiscal year ending June 30, 2008. The Certificate of Achievement is the highest recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Mayor and Council congratulated the Finance Director on receiving this award. It was confirmed by the Finance Director that this is the third consecutive year that the Town has received the Certificate of Achievement.

PUBLIC HEARING

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

APPROVAL OF MINUTES

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

- November 9, 2009 Work Session Meeting
- November 9, 2009 Regular Meeting

The Mayor asked if there were any corrections, and there being none, the Mayor entertained a motion.

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

APPROVAL OF CONSENT AGENDA

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

- Miscellaneous Resolutions/Proclamations
 - Draft "Resolution in Support of 2010 Census"
- Miscellaneous Action
 - Proposed changes to Town of Rocky Mount's cellular telephone policy
- Departmental Monthly Report
- Bill List

There being no discussion, the Mayor entertained a motion.

- 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 by those present.

HEARING OF CITIZENS

Let the record show no one came forward to speak before Council at this time.

OLD BUSINESS

A) Turn Lane North Bound on South Main Street at Court House

The Vice Mayor informed Council that he, along with other Council members, have received phone calls complaining about the new turn lanes north bound on South Main Street in front of the court house. He further stated that it is confusing to some people, along with it being hard for emergency vehicles trying to make the right hand turn onto East Court Street from the right hand turn lane only. He further stated that he had contacted the Town Manager regarding this matter. The Vice Mayor further commented that instead of having one straight through lane and one right hand turning lane at this location, it might be better to have one lane large enough for vehicles to turn right and to go straight through.

The Mayor asked the Chief of Police's thoughts on this matter, with the Chief of Police stating that the more you change it, the more confusing it becomes. He further stated that engineers had looked at this intersection and what was done was set by regular standard, but understands that Council would like this matter reviewed again.

The Town Manager informed Council that the way the lanes are currently marked and proposed to be by Vice Mayor Dillon will be looked at again.

The Mayor stated that he would like the Streets, Sidewalks & Sanitation Committee to look at Vice Mayor Dillon's request and report back to Council during the regular January 2010 Council meeting. The Town Manager so noted.

NEW BUSINESS

A) Presentation of Town of Rocky Mount's Annual Financial Report (2009) by Brown Edwards & Company (Town Auditors)

The Finance Director introduced Mr. John Aldridge, partner of Brown Edwards & Company, who proceeded to inform Council of the annual audit that their firm does for the Town. He explained the reasons they do the audit and that it has to be done by the end of each year. Mr. Aldridge pointed out that he had presented the audit in more detail earlier to the Finance & Human Services Committee, in which most of Council had attended. He further pointed out that the Town had received an unqualified clean opinion, which is the highest to be received, and that the Town had met all the filing dead lines as well.

As there were no questions from Council regarding the audit, the Mayor entertained a motion.

○ Motion was made by Council Member Strickler to approve the audit report as presented to Council, 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 by those present.

B) Request of Rocky Mount Deputy Clerk and Town Clerk Regarding Rocky Mount Municipal Building Being a Complete Customer Focused Passport Acceptance Facility

The Town Clerk and Deputy Clerk informed Council that in October 2009, through a networking opportunity with some of our fellow clerks, they learned about the opportunity on how the Municipal Building could become a Passport Acceptance Facility (PAF), which they believe would provide both a valuable service to the community, as well as an opportunity for increased revenues for the Town. They further explained that in late October, they met with Teresa Brown, Franklin County Clerk of Court, to discuss the Town's possible interest in pursuing designation as a PAF, if there would be enough passport application volume to warrant a second facility in the County, and if the Town would be able to augment the County's services by providing a facility that is handicap accessible, offering passport

photographs as well. It was pointed out that the meeting with Mrs. Brown went well.

She advised that her office receives on average two to three applications per day and that because her office provides the service without requiring an appointment, applicants often come from neighboring counties due to convenience. At first, Mrs. Brown had indicated that she would be interested in completely relinquishing the service to the Town, because even though her office receives the \$25 execution fee per application, it is required to remit the fee to the state and therefore, her office is not compensated for the staff time required to offer the service. However, in recent conversations with Mrs. Brown, she has indicated that as an elected official she has decided to continue providing the service (as she had stated during her campaign that she would continue this service to her constituents). Mrs. Brown did relay that she would have no problem with sharing the service with the Town.

It was pointed out to Council by both clerks that the Municipal Building would be offering a handicap accessible site, along with being able to take the passport pictures as well. They also confirmed that the service fee that the Town would be able to keep was a \$25 execution fee, and any other fees set up for taking the passport photographs.

The Town Attorney informed Council that he had also had a conversation with Mrs. Brown, and that she was agreeable to the Town becoming a PAF.

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

- Motion was made by Council Member Walker to allow the clerks to apply for the Municipal Building to be a complete customer focused passport acceptance facility, with motion on the floor being seconded by Council Member Lester. There being no discussion, let the record show that the motion passed unanimously by those present.

C) Consideration of Re-appointing Ralph Casey for a Three-Year Term on West Piedmont Planning District Board

The Mayor stated that staff had received a letter from Mr. Robert W. Dowd, Director of West Piedmont Planning District Commission, requesting Council's consideration of re-appointing Mr. Ralph Casey as a citizen member to their West Piedmont Planning District Board for another three-year term, with the term expiring December 31, 2012.

There being no discussion, the Mayor entertained a motion.

- Motion was made by Vice Mayor Dillon to approve the request to re-appoint Mr. Ralph Casey to another three-year term as a citizen member on the West Piedmont Planning District Board, 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 by those present.

D) Jetbroadband Appearing Before Rocky Mount Council at Request of Mayor Steven
C. Angle

The Mayor stated that he had requested Mr. Bill Barbour with Jetbroadband to be present at the Council meeting to answer questions regarding concerns that he had had regarding Jetbroadband's recent proposed rate increase. The Mayor further stated that Mr. Barbour was not able to attend the meeting, but would be sending representatives in his place.

The Town Manager reiterated to Council what the Mayor had stated in that due to the recent proposed rate increase of Jetbroadband, the Mayor had sent a letter regarding his concerns to Mr. Bill Barbour, Vice President of Operations with Jetbroadband, to attend this Council meeting to address those concerns. Mr. Barbour had indicated that he had a prior engagement, but instead would be sending the Assistant Manager for Franklin County/Rocky Mount, Mr. Steve Yarbrough, and also the Director of Customer Care, Ms. Donna Radar.

Council was informed by the Town Manager that after the letter was mailed out, he had learned that Jetbroadband had recently re-bid its contract for vending machine service and is not buying vending services out of Rocky Mount, but has instead gone with a firm in Roanoke. He stated to Council that he believed it was important to work with vendors in the community served by the cable Franchise. He further stated that Jetbroadband can be a partner in Rocky Mount and Franklin County, but that requires them to hire local and shop local as one of the Town's larger consumers.

Mr. Yarbrough introduced himself and Ms. Rader. The Mayor requested that the issue regarding the rate increase be addressed first, stating that he understands a price increase, but however, the time could not have come at a worse time considering the overall economy, not only in the nation, but locally as well. He also pointed out that the increase was on top of the Christmas holiday, and taxes being due for the Town and County. Mr. Yarbrough stated that he heard the Mayor's concerns loud and clear, and it is not always a good time for a rate increase. He further stated that Jetbroadband is losing customers to DishNetwork and Direct TV (satellite providers). He also pointed out that this is the most economic hard times he has seen, which is very challenging to Jetbroadband. Mr. Yarbrough attempted to explain Jetbroadband's budget to Council. He stated that if he had it his way, there would be no increase at all. He further stated that he is proud that they have not had to decrease staff during these hard economic times. The Mayor questioned if Jetbroadband had given any thought to delaying the increase until after the first of the year, like they normally do, with Mr. Yarbrough explaining that typically, increases would not have come until after the first of the year, but Jetbroadband

thought it would be better to do the increases in December, rather than January. The Town Manager confirmed to Council Member Greer that Jetbroadband's franchise is not exclusive, with Council Member Greer stating that he thinks Council should have other people invited to bid the contract out to. Council Member Lester informed Mr. Yarbrough that he has recently become unemployed, and due to this, he and his family have had to make decisions on how they are entertained, and with this in mind, hopes Mr. Yarbrough will relay to Jetbroadband that they may need to cut back on the channels, except basic, as a lot of these channels do not interest a lot of people.

The next issue of concern the Mayor questioned Mr. Yarbrough about was the removal of doing business in Rocky Mount and Franklin County, as they had moved their vending business to Roanoke, instead of keeping it local. Ms. Radar addressed this concern of the Mayor by stating that they had discontinued their service with Franklin Vendors as they were having constant problems with the machines. Due to this, Jetbroadband decided to go with another vendor and help their employees get good service elsewhere. The Mayor questioned Ms. Radar several times that if Jetbroadband received poor service from the vendor in Roanoke, what would they do then. Ms. Radar stated that they will address that matter when it comes up. She informed Council that the vendor lives in Franklin County, but the Mayor reminded her that the vending business was located in Roanoke, not Franklin County or Rocky Mount.

The Mayor questioned Mr. Yarbrough as to why Jetbroadband was in the arrears four months in paying Cable 12. He further asked what Jetbroadband would do if they had a customer in arrears for four months. Mr. Yarbrough stated that Jetbroadband would try to work with them, but if they don't pay, that customer's service would be terminated. The Mayor questioned why Cable 12 was not given the same opportunity and being paid on time from Jetbroadband. The Mayor stated that Cable 12 had to temporarily drop their health insurance because Jetbroadband had not paid them on time. Mr. Yarbrough explained he was not aware that Cable 12 had not been paid on time. He further explained that Jetbroadband is trying to get payments to their vendors on time, but the payments come out of New York, with Mr. Barbour trying to get the payments coming out of the Rustburg office instead. He stated that it is his understanding that Jetbroadband is caught up now with payments to their vendors, and another payment should be made this week to Cable 12.

The Mayor stated that the things Jetbroadband does pushes people to get satellite, with Jetbroadband losing their customer base, which in turn causes Jetbroadband to raise their costs to their existing customers. He further stated that the Town has assurance after assurance that the cable company is going to take care of customer service, which has improved, but there are the other little things like was discussed tonight that are bothering him.

Council Member Lester stated that his sole reason for subscribing to Jetbroadband

is because of Cable 12, as it gives him feedback from the programs being aired that allows him to address problems. He further stated that he would ask and encourage Jetbroadband to keep their payments caught up and keep the issues resolved. He pointed out that in the meantime, the Town needs to look at getting competition for cable service so the Town can have an alternative solution if Jetbroadband does not come through.

Council Member Walker asked Mr. Yarbrough if Jetbroadband thought the rate increases could be pushing customers to satellite. He also stated that Cable 12 is his reason for subscribing to Jetbroadband.

The Mayor asked if customers could start picking their channels, with Mr. Yarbrough answering that he would run this up the flagpole with Jetbroadband.

Council Member Lester stated that changes were needed and he appreciates any help that Mr. Yarbrough could give the Town and County along these lines.

Vice Mayor Dillon asked Mr. Yarbrough if he was aware how many times this cable company has changed ownership, and that every time possession takes place, and multiple times thereafter, there are rate increases. He stated that the increase is directly related to the service instead of being able to pay for what they bought. He asked Mr. Yarbrough if he knew how many channels Jetbroadband receives compensation on. Mr. Yarbrough answered that the only one he knows about is the shopping network, and if certain criteria is met, a small revenue is shared.

The Mayor asked the Town Manager how much communication is made between his office and Jetbroadband. The Town Manager replied that typically, his office does not receive any communication from Jetbroadband, but this time, his office did receive notification of a rate increase, as opposed in the past, his office did not receive any notification of the two last rate increases. The Mayor stated that the Town Manager needs to receive communication every sixty days on a continuing basis from Jetbroadband.

Mr. Yarbrough informed Council that Jetbroadband has made considerable equipment updates recently for the cable.

The Mayor thanked Mr. Yarbrough and Ms. Rader for attending the Council meeting.

E) Funding Request of Rising Opportunities

The Town Manager briefed Council on the following:

- Goodwill Industries has moved their adult care program out of Franklin Council to a Roanoke facility.

- Didlake, who provides similar service, is closing at the end of the year and those adults are having to find somewhere else to go.
- Town has received a funding request from Rising Opportunities, who proposes to set up a new company to provide the service that Didlake provided, and to try and provide an alternative for the individuals who Goodwill is bussing to Roanoke each day. This is good news as it would keep the federal dollars for these programs local and would provide a place for these residents without long travel times, which is essential in supporting the parents of these individuals.
- The adults who qualify for these programs are funded as Medicaid entitlement cases. These federal funds have historically been split between Didlake and Goodwill. Goodwill has moved their participants to their Roanoke operation, and Didlake will soon close. This will not only be a loss of opportunity for those in our community who needed these services, but it will be a loss of several jobs.
- Rising Opportunities needs to obtain a license in order to operate a federally funded program. In order to apply for a license, they must indicate that they have 90 days of operating funds. Piedmont Community Services has agreed to loan them the \$60,000 needed, but is asking the Town and Franklin County to back the loan. This means that in the event of a default by Rising Opportunities, the Town and Franklin County would act as guarantors and be required to pay it. Rising Opportunities is asking the Town to back a 25% share (\$15,000). Default is defined as Rising Opportunities failure to repay the loan in 24 months.
- Rising Opportunities is also asking that the \$7,000 budgeted for Goodwill Industries be used to support this local program.

Mrs. Tillie Thompson, representing Rising Opportunities, came before Council with their request as outlined by the Town Manager. She confirmed to Council that if Rising Opportunities did not pay the funds by 2012, Piedmont Community Services would expect the Town and Franklin County to pay as guarantors. She stated that she does not believe the program will fail, as they will be getting funding from Medicaid, and have 13 people signed up to start the program as soon as Rising Opportunities comes into operation. She confirmed to Council that their break even number for clients is 13. She also stated that they have other clients looking into signing up also. She confirmed to Council that they can pay their bills if they have 13 clients in the program, confirming also that the total \$60,000 is a break even number, and anything above that is above break even. She also stated that she would like Council to consider Rising Opportunities in any future Council budgeting, and they would like the \$7,000 that was going to be given to Goodwill this budget year.

Council Member Lester stated that his background is in special education, working with special groups of people with special needs, wants, and personalities. He further stated that nothing to him in his eyes is worse than depriving these individuals to be people, as they have the same desires and wants that others have, and what they can achieve, if given the opportunity, is unbelievable. He informed

Council that he would like to see the Town do everything they can to help them.

Vice Mayor Dillon stated that he could not add anything more to what Council Member Lester has said, other than it may be better for the Finance & Human Services Committee to look a little closer at the Town being the guarantor for the \$15,000. The Mayor concurred with Vice Mayor Dillon's suggestion. Mrs. Thompson informed Council that Rising Opportunities cannot get a license until the guarantor is in place. She further confirmed to the Mayor that she would be asking Franklin County Board of Supervisors tomorrow about Rising Opportunities request for them to be the other guarantor.

The Town Manager stated that the agreement proposed would have to come before Council, and if Council gives support, it would have to come before them in January, and that any action tonight is simply directing staff to develop that agreement for Council vote.

- Motion was made by Council Member Lester to let the Town staff and Town Attorney meet with individuals from Rising Opportunities so a document can be developed so Town can possibly be guarantor for money, and that information would go to the Finance & Human Services Committee, who would bring back before Council for approval at January 2010 Council meeting, or before. Let the record show that the motion on the floor was seconded by Vice Mayor Dillon. Discussion ensued. Council Member Lester wanted to know if a meeting could take place within the next week, and for Council to possibly have a special Council meeting within two weeks. The Town Manager stated that the bulk of the drafting the agreement will fall on Rising Opportunities and Piedmont Community Services. Mrs. Thompson confirmed to Vice Mayor Dillon that Rising Opportunities have 13 clients now. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

F) Request of Town Clerk and Deputy Clerk Regarding Proposed Volunteer Program

Council was informed by the Town Manager that the Town Clerk and Deputy Clerk were proposing a volunteer program for the Rocky Mount Municipal Building, which would be using volunteers to host the receptionist desk.

The Town Clerk informed Council that there are other localities that use this program and are very successful with it. She further informed Council that the group of people that would be targeted is senior citizens who are looking for strictly volunteer back their time to the community. She confirmed to Council that this position would not be transitioning into any type of part-time or full-time work, but would strictly be a volunteer program.

- Motion was made by Council Member Strickler for the clerks to proceed with

starting this program. Discussion ensued. Council Member Greer stated he was not in favor of this program as he did not want another person working at the Municipal Building. The Town Clerk confirmed that the group of people that would be targeted is senior citizens who were looking to strictly volunteer their time, and that this position would not be transitioning into any type of part-time or full-time position. Council requested that the Town Clerk and Deputy Clerk provide them an overview of the volunteer program guidelines for their review either during their January or February 2010 regular Council meeting. The Town Clerk and Deputy Clerk so noted. Let the record show that Council Member Strickler withdrew his motion on the floor.

G) Update by Assistant Town Manager and Chief of Police Regarding Rocky Mount's Facebook Presence

The Assistant Town Manager updated Council on the Town's Facebook presence, showing them what it actually looks like on the website. He informed Council that he and the Deputy Clerk manage the site, and there is very little time being having to be spent to maintain the site. He stated that the Town has a little over 340 visitors to the site so far, and what is on the Town's Facebook is like a daily news letter that goes out directly to people who have signed up for it. He showed where there were postings of latest Town events. He also stated that he will monitor the site to make sure nothing offensive will be put on it.

The Chief of Police informed Council that when the Rocky Mount Police Department started their Facebook, they had the same idea as the Assistant Town Manager. In looking at the cost and time to maintain, the cost is non-existent, and the site is very easy to maintain. He commented that people who do not read newspaper get on the web all the time. The site allows the Police Department to announce weather conditions, awards, special recognition to local people giving to the food drive, etc. He pointed out that they have about 230 people involved in their Facebook and it has done real well.

H) Item Added to Amended Agenda Regarding Consideration of Changing March 2010 Rocky Mount Town Council Meeting Date

At the request of the Mayor, the agenda was amended to add under *New Business* an item to consider changing the March 8, 2010 regular Council meeting to either Monday, March 1, 2010, or to Tuesday, March 9, 2010, as defined in Section 2-4 of the Town Code. Discussion ensued on the best date to reschedule the meeting, with the Assistant Town Manager informing Council that March 1 would not be a good date due to the Planning Commission possibly needing to hold a public hearing that month, and if they do, Council would not be able to hear it in time to make a recommendation in March. Vice Mayor Dillon stated that March 9 would not

be a good date for him. It was a consensus of Council that Wednesday, March 10, 2010, would be a good date to reschedule the meeting.

- Motion was made by Council Member Strickler to reschedule the March 8, 2010 regular Council meeting to March 10, 2010, 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 by those present.

COMMITTEE REPORTS

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

- A) Finance & Human Services Committee on Town of Rocky Mount's Auditor's Annual Financial Report Presentation

Let the record show that the Finance & Human Services Committee met on this date, December 14, 2009, at 6:00 p.m. to hear the presentation of the Town's annual audit by Brown Edwards & Company, with audit being approved as presented under *New Business*.

OTHER MATTERS, CONCERNS AND RISE 'N SHINE APPEARANCES

- A) Referrals to Planning Commission from Town Council

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

- B) Rise 'N Shine Appearances

The Mayor stated that he and the Town Manager had appeared this morning on the *Rise 'N Shine* show.

COUNCIL CONCERNS

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

CLOSED MEETING

Let the record show there were no *Closed Meeting* items at this time.

ADJOURNMENT

At 8:25 p.m., motion was made by Council Member Strickler to adjourn, seconded by Council Member Lester and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk

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