

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
DECEMBER 12, 2011**

The December 12, 2011 regular Council meeting of the Rocky Mount Town Council was held in the Council Chambers of the Rocky Mount Municipal Building located at 345 Donald Avenue, Rocky Mount, Virginia at 7:00 p.m. with Mayor Steven C. Angle presiding. The following members of Council were present:

Vice Mayor Gregory B. Walker and Council Members
Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L.
Moyer, and Robert W. Strickler

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 David Cundiff, Finance Director Linda Woody, Public Works Director Cecil R. Mason, Superintendent of Water Department Robert Deitrich, Superintendent of Wastewater Department Timothy Burton, Fire Chief Charles Robertson, and Town Clerk Patricia H. Keatts.

The Mayor led the *Pledge of Allegiance*.

APPROVAL OF AGENDA

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

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

SPECIAL ITEMS

The Mayor recognized Franklin County High School government class students that were attending the Council meeting.

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 14, 2011 Regular Council Meeting

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

- Motion was made by Council Member Love to approve the draft Council meeting minutes as presented, with motion on the floor being seconded by Vice Mayor 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 (nothing at this time)
- Miscellaneous Action (nothing at this time)
- Departmental Monthly Report
- Bill List

There being no comments, the Mayor entertained a motion.

- Motion was made by Vice Mayor Walker to approve the draft *Consent Agenda*, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

HEARING OF CITIZENS

A. Franklin County High School Senior Class Request

On behalf of the Franklin County High School Senior Class, President Abby Brooks and Skyler Brooks, along with Class Advisor Allyson Lynch, presented to Council their request to hold a 5k race on March 31, 2012 in the downtown area of Rocky Mount. Just prior to the meeting, Council received an outline of the proposed route. The Chief of Police confirmed to Council that he had reviewed the proposed route and had no problem with it.

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

- Motion was made by Council Member Greer to approve the request, with motion on the floor being seconded by Council Member Strickler. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

B. Request of Virginia Shirley Regarding Town of Rocky Mount's Farmers' Market

Ms. Virginia Shirley came before Council stating that she wanted a refund of money in the amount of \$300 she had spent on materials she had bought to make wreaths to be sold at the Farmers' Market at the permission of Dorothy Cundiff, Managing Director of the Franklin County Retail Merchants Association and also Manager of the Farmers' Market for the Town of Rocky Mount. She further commented that Ms. Cundiff was told later by the Town's Assistant Town Manager that she could not sell the wreaths at the Market since that permission had been previously been given to another vendor. She questioned who was running the Farmers' Market and who had permission to allow people to sell items there.

The Mayor questioned Ms. Shirley that if the Town was to pay her back the \$300, would she have resolution to her request. She confirmed she could not supply receipts and again questioned who was in charge of the Market.

At the direction of the Mayor, the Assistant Town Manager came before Council explaining that each year, the Town advertises for one vendor to be able to sell Christmas greenery and trees at the Market, with this process going through a bidding process, and by the time Ms. Shirley had approached Ms. Cundiff about selling her wreaths, the vendor had already been selected and awarded the bid. He also stated that this process has been followed for the past several years, with this never being a problem. He further commented that he did not know why Ms. Cundiff deviated from this practice this year.

Council Member Greer stated he would like the request of Ms. Shirley be settled quickly, with Ms. Shirley bringing the equipment she had bought to the Town prior to giving Ms. Shirley the requested \$300. The Mayor stated he was uncomfortable doing this without any receipts because it was the tax payers' money paying for this. Council Member Moyer stated he believes Ms. Shirley had an injustice done to her and believes she should be refunded.

There was discussion between Council and the Assistant Town Manager regarding the misunderstanding not being anyone's fault, but basically that communication wires were crossed on who was to sell the Christmas greenery at the Market. The Assistant Town Manager confirmed to Council that he will be eliminating this problem next year with his discussions with Ms. Cundiff.

Council Member Strickler commented that he would like to see proof of the purchases made by Ms. Shirley before the Town refunds her the \$300. Ms. Shirley stated she would be glad to go back and get the receipts if this is what Council

wants, but further mentioned that when she does so, it will be well over \$800 if that is what the Town wants her to do in order to get paid. The Mayor indicated that the Town is only interested in looking at receipts for the original \$300 that she had earlier requested payment for. Ms. Shirley indicated that this was fine with her as long as she gets paid.

The Assistant Town Manager confirmed to Council that he had talked face-to-face with Ms. Cundiff about Ms. Shirley selling the Christmas greenery at the Market. Ms. Shirley asked to know what that conversation consisted of, with the Mayor indicating that she could not as this was a private conversation between Ms. Cundiff and the Assistant Town Manager.

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

- Motion was made by Council Member Greer to let Ms. Shirley gather what receipts she could and bring them in; for Council to limit her reimbursement to \$300; and then for Council to consider paying her. Motion on the floor was seconded by Council Member Moyer. Discussion ensued. It was confirmed to Vice Mayor Walker that Ms. Shirley would be returning the materials that she has not used, plus, receipts to show where she spent the \$300 on. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

The Mayor advised Ms. Shirley to bring to the Assistant Town Manager the receipts and material.

C. Community Partnership For Revitalization

Whitney Harmon, Executive Director for Community Partnership for Revitalization (CPR), came before Council and recognized the Rocky Mount Police Department and Public Works Director for their tremendous support of "Come Home to a Franklin County Christmas", further commenting that the turnout this year was a record number, and the businesses' receipts will show this.

OLD BUSINESS

A. Town of Rocky Mount's Utility Rates

The Town Manager reported the following:

- Council had directed staff to report annually on the fiscal state of the Utility Fund and to recommend rates for the next calendar year during the November and December Town Council meetings.
- During the November Council work session, it was reported that the Utility Fund had depleted its cash reserves (though it has a fund balance made up of assets) and that the Town's rates are not sufficient to cover the Town's operating costs, nor the estimated capital expenses needed by

the Water Plant, Waste Water Plant, and the water/waste water collection and distribution systems. During that work session, Council had asked for a rate plan that would bring the Town's utility rates in-line with the Town's costs.

- The Town's Finance Director reports that the Town's breakeven rate for a minimum inside residential bill was \$49.92 in Fiscal Year 2009; \$49.08 in Fiscal Year 2010; \$41.83 in Fiscal Year 2011; and an estimated \$51.35 in Fiscal Year 2012. The breakeven rate will continue to increase as the costs to the Town increase (electricity, regulatory expenses, capital expenses, and health care have been the largest cost increases).
- Prior to the meeting, Council had received the proposed utility rates for calendar years 2012, 2013, 2014 and 2015. The highlights of each were:
 - o 2012: A reduction in the price per 1,000 gallons of water/waste water and the initiation of a capital recovery fee. Utility rates are calculated on a fixed and variable basis with the cost per 1,000 gallons of water/waste water being calculated to cover the variable charges. The Town currently has no flat capital recovery or base charge to assist with the recovery of fixed expenses. A capital recovery charge is proposed in calendar year 2012 to give the Town a tool to recover fixed costs without changing the price per 1,000 gallons of water/waste water as changes to the rate scale exponentially to industrial users. The proposed rates are a reduction in the monthly costs for those on the Town's elderly and disabled rate plan. A fire suppression fee of \$50 is proposed.
 - o 2013: No increase in the cost per 1,000 gallons of water/water water is proposed. The capital recovery charge increases by approximately 10%. There is no change in the cost to those on the elderly and disabled rate plan.
 - o 2014: A 5% increase in the cost per 1,000 gallons of water/waste water is proposed and no change in the capital recovery charge. This results in an increase to those on the elderly and disabled rate pan of approximately \$0.66 a month.
 - o 2015: No change in the price per 1,000 gallons of water/waste water is proposed. The capital recovery charge is increased by 10%. There is no change in the cost on the elderly and disabled rate plan.
 - o Minimum Bill Summary: for an in-town customer, the current minimum bill is \$22.50. In five years, the rates proposed will result in a minimum bill of \$31.95. The minimums are.
 - 2011: \$22.50
 - 2012: \$27.95
 - 2013: 29.95
 - 2014: 30.95
 - 2015: 31.95
- If the proposed rate schedule is adopted, the Town will still be short of the Town's current breakeven rate, but the rates proposed represent a measured slow approach towards fiscal balance in the Utility Fund. Also,

the Utility Fund will see a reduction of debt service in 2014, but these funds are likely to be used to pay additional debt service on capital expenses, or to pay for capital expenses directly.

The Mayor commented that the Town has discussed the rates for quite a while and that the Town is not meeting their cost to produce water. He further commented that the suggested rate increase will put the Town back on track to reach a breakeven point for services the Town provides for water and waste water. He further stated that even with what is being proposed, it does not put the Town at the breakeven point, and realistically, the Town is selling a product that does not even pay for itself. Also commented that the Town's rates are still lower than the state-wide rates; if the Town does nothing in increasing the rates, the Town will become further and further behind, and when nothing is done, it will be more expensive and the Town will get farther and farther behind. He further stated that by raising the rates, when the year hits to go forward with capital projects, those funds can assist with those capital needs.

Discussion ensued amongst Council regarding the best way to do what was being proposed:

- The Finance Director confirmed that the majority of the utility users use the minimum rate of 3,000 gallons; and also confirmed that a lot of the elderly are already on the relief program allowed by the Town.
- Town Manager explained that the proposed structure is for the minimum bill; confirmed that the refuse collection is not included in any of the numbers proposed.
- The Public Works Director stated that he did not know of any serious water leaks in the Town that would make up the 7,000,000 gallons that are in question.
- Town Manager explained what the Town is proposing in actually reducing the elderly/disabled fees in 2012.
- Discussed how many businesses were on the fire suppression, with Finance Director confirming that there were approximately 30, which amounts to approximately \$600 annually. The Town Manager explained how this works and how the fee is accounted for, with the Town already bearing this cost and not recouping any of the cost for it; went over those businesses that have the sprinkler systems and an unrestricted 6" fire suppression line, with them currently only being charged \$11 a month. He further stated that the Public Utilities Committee ultimately recommended the fire suppression fee. He also pointed out that this fee would also include inspections and an annual audit for what the businesses use for flushing, which needs to be accounted for.
- There was discussion regarding the capital recovery fee, with the Town Manager explaining that the Town was not trying to start big on this, but was proposing a fee structure that Council can adjust, and that businesses would probably be willing to pay the capital recovery fee verses a scaling price increase per 1,000 gallons used. He further

explained that there were approximately 24 to 25 businesses using over a 3" line. The Public Works Director stated that he believes that Hardee's Restaurant has a 1" water meter. The Town Manager explained that the Town has about 125 one inch lines, and that for the 6" lines, the businesses will go from paying \$11 a month to \$50 a month. There was discussion on who had sprinkler lines. It was also mentioned by the Town Manager that the fire suppression connection also helps those businesses avoid higher insurance costs.

- Council Member Cundiff pointed out that about 14 months ago, he started working on this matter, trying to get a handle on it. He pointed out that at that time to the best of his remembrance, the Town had an 82% accountability rate, but now, it has dropped another 5% accountability. He knows that this the idea is that this has nothing to do with water, but it does. He stated that if there was a water leak in the ground, the Town needed to find it, and it doesn't matter whether the Town raises the rates or revenue or not, if there is a problem, and it needs to be found it needs need to be fixed. Like he has said, he has tried for the last 14 months and he has hit a dead end. He also stated that the Town needs to get the cart where it is suppose to be and needs to fix what is broke first, then see how much the Town needs to generate to make it a paying enterprise. If the Town needs to spend money to fix the water lines, the Town needs to fix the water lines, and if the Town needs to fix another portion of it, the Town needs to fix that also, but the Town needs to get on to it and fix it. This has not just jumped up now, but has been five years that he is aware of. He is not speaking for or against, he is just stating his position. He has put a lot of hours on it and a lot of thought, and most of the time he is told it is not going to work before it is tried. He is not discouraged, but he is also not taking it all in either.
- Council Member Love questioned what would happen if the Town did not raise the rates, and where does the money come from then. The Town Manager explained what he did previously about what would happen, and then stated that the decision is either to adjust or not adjust, with this being Council's domain. He pointed out that staff has pitched a modest increase.
- The Mayor stated that Council has before them what was prepared by staff at the request of Council. He further stated that all of them could see that the Town is selling water for less, and is the Town going to continue selling at a loss, or is the Town going to take positive steps to get down the road where it is at a breakeven point.
- Council Member Strickler pointed out that he keeps reflecting on the Town's audit report, which has been in a positive light that shows the Town is within the norm for its water accountability rate, with it stating that 91% is almost perfect. He further mentioned that he does not know how you can improve on that. He also pointed out that the Town has about 60 miles of old water lines. He commented that he does not know what else the Town can look at from a professional point of view.

- The Mayor questioned if the Council would be going forward or not with the proposed rates.
- Council Member Moyer stated that if the Town could recover five million gallons of the seven million, that find would be a big boost.
- The Mayor explained that producing water does not affect the loss.
- Council Member Cundiff stated that he did not want to be argumentative on the point, but that unless you fix the problem, you are just kicking the can down the road.
- Vice Mayor Walker stated that the average is around 80% to 82%. The Town Manager pointed out that the Town's average right now hovers around 80%, but the Town is in the top 20 in the state of Virginia for accountability.
- Vice Mayor Walker stated that he cannot support any increase the way the economy is right now, even though the proposed rate is a modest increase. He further stated that he still wants to see how the debt service is once it is paid off, and how that will play out. There was discussion on the Town still putting out so much each year until that debt is paid off, with the Town Manager pointing out that more than likely capital projects that have been put aside due to the slow economy would have to be funded through funds made available after the debt service is paid off.
- The Mayor questioned what Council wanted to do and asked for a decision from them. Council Member Greer questioned if Council needed to vote on the matter at this time, with the Mayor indicating that they did not, but stated that it had been years like this and the figures were gathered at Council's request.
- There was discussion on the meals tax going into the General Fund and how it was allocated.
- The Mayor commented that the proposed utility rates need to be separated out of the budget process as originally decided by Council.
- Vice Mayor Walker indicated that he does not think it is a good idea to throw any increase or taxes at this time onto the Town citizens.
- The Mayor commented that the Town would then be continuing to keep making water at a loss to the Town.

There being no further comments, the Mayor entertained a motion. Let the record show that no motion was made at this time.

B. Proposed Funding to Staff Town of Rocky Mount Community & Hospitality Center

The Assistant Town Manager presented to Council the proposed funding for the Town to staff the Town of Rocky Mount Community & Hospitality Center (Depot), stating the following:

- The Town has not been able to reach mutually satisfactory terms with the Franklin County Retail Merchants Association (RMA) to operate the Depot, and RMA Director Dorothy Cundiff has indicated that she no longer wishes to pursue operating the Depot. The Town has also been

- unable to recruit volunteers who wish to staff the Depot regularly.
- The Town has very limited options to meet the Council's expressed goals of re-opening the facility to the public.
 - Recommends that Council authorize the Community Development staff to hire part-time greeters to provide information and directions to visitors to the community; to book rentals and collect deposits; to ensure that the facility is clean and supplied with necessities; and ensure security at the location.
 - The Town intends to staff the facility from 10 a.m. to 4 p.m., Tuesday through Saturday, for a total of 30 hours per week, 51 weeks per year (closing between Christmas and New Year's), and pay \$8.50 per hour without benefits or employee bonuses. Total personnel cost to the Town would be \$13,005 per year, or \$6,502.50 for the remainder of the fiscal year if staffed starting in January. If Council desires to add Monday to the list of days of operation, it would be \$2,600 per year more.
 - Funds would be paid through personnel line items in the Depot budget. Although those line items are unfunded this year, he can reach adequate savings to pay for part-time staff until the new budget year begins.
 - Explained to Council Member Moyer that in the past, the Depot had three paid staff, but is not sure if this is the way it will be staffed again, but at the time, it seemed to work well for the Town. The Depot had two people working during the week and one person working on Saturdays, with each taking a Saturday to work.
 - Confirmed that realistically, it would more than likely be mid-January before anyone is hired to staff the Depot.
 - Discussed with Council Member Greer that although a lot of communities may not have a Depot for a community center, and even though the music venue will be opened one day, the Depot brought in anywhere between \$6,000 to \$8,000 a year in rentals.
 - \$15,000 was budgeted to keep the Depot open, which was used for heating, air conditioning, etc. Discussed that the highest electricity bill was about \$900, which was a couple of Decembers ago, with the average electric bill now being around \$350.
 - Also discussed that historically, there are not many visitors to the Depot during the winter months, but that it picks up around the spring time and stays busy during the summer, leaf season and late fall.
 - Discussed that the Town will more than likely not sell souvenirs, as proposed by Ms. Cundiff if the RMA did rent the Depot. One reason the Town would not be selling souvenirs, they would be competing with local businesses that do, and the Town does not want to take away another businesses' revenue. It was also mentioned that those staffing the Depot will be encouraging visitors to visit the Town's local businesses to shop and to eat.
 - Confirmed that the only thing about the County helping out with the Depot was having the County tourism located in the Depot, with that not going anywhere.

Mrs. Mary Wray (owner/operator of Baskets, Creations & More) was present and confirmed to Council that the only thing they have at their visitor's center located in their business was mostly maps.

Vice Mayor Walker stated that he was not comfortable staffing the Depot with part-time help at this time. The Town Manager informed Council that they had asked staff to see what it would take to open the Depot, and since no volunteers wanted to staff it, he asked the Assistant Town Manager to see what it would take to get it open. He also pointed out that Council wanted to have the Depot open due to the Town being the eastern gate to The Crooked Road.

Whitney Harmon, Executive Director for Community Partnership for Revitalization (CPR), asked the Mayor why the request from CPR to go into the Depot was tabled and denied by Council in July of this year. The Mayor informed her that she would have to get with the Assistant Town Manager regarding this.

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

○ Motion was made by Council Member Love that Council staff the Depot as proposed by the Assistant Town Manager, but to change the dates to be opened to March 1st through "Come Home to a Franklin County Christmas" event, which is the first Friday of each December, with motion on the floor being seconded by Council Member Cundiff. Discussion ensued. The Mayor confirmed to the Vice Mayor that the staffing of the Depot could always be brought up again if someone else comes along to go into the Depot building to manage it. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

C. Draft "A Resolution of Approval and Acceptance of Conveyance of Herman A. Hunt Property Identified as a Portion of Tax Map Number 204.00-369.00".

During the regular Rocky Mount Town Council meeting of October 10, 2011, Council held a public hearing to authorize acquisition and disposition of real property: land exchange of 0.806 acres on Bernard Road owned by the Town of Rocky Mount for .351 acres and right-of-way on Harvey Street owned by Mr. and Mrs. Herman Hunt. During that Council meeting, Council approved to proceed with the acquisition and disposition of real property and authorized the Town Attorney to draft, and the Town Manager to execute the documents necessary to complete the exchange. Prior to the December 12, 2011 meeting, Council received the draft "A Resolution of Approval and Acceptance of Conveyance of Herman A. Hunt Property Identified as a Portion of Tax Map Number 204.00-369.00" for review and consideration of approval in order to proceed with the finalization of the proposed land exchange. The Town Attorney confirmed to Council that all the necessary documents were in order.

There being no comments from Council, the Mayor entertained a motion.

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

NEW BUSINESS

A. Purchase of Lynch Hardware Building and Update on Planning Process for a Music Venue

The Assistant Town Manager presented to Council the Lynch Hardware Building purchase and work plan:

- Thanked Council for the opportunity to represent Council at the auction for the Lynch Hardware Building property, and deeply grateful to Council Members Cundiff and Moyer, who accompanied him to the auction, providing guidance and assistance.
- As Council is aware, the Town was the successful high bidder in the amount of \$230,000, with a five percent buyer's premium, bringing the total cost to \$246,750. The Town has paid the \$24,675 deposit with the auctioneer/realtor, and the contract must be closed by December 23, 2011. Asked permission from Council for them to approve the submitted real estate purchase contract, authorizing the Town Attorney and him to execute the required documents, and appropriate the funds from fund balance to complete the purchase of the property.
- The building does come with a tenant, and asked for permission that Council authorize the Town Attorney to work with the tenant to reach an agreeable timeframe for the termination of the lease.
- There are five phases to go through in this project, being:
 - Acquisition (pending Council approval and appropriation)
 - Design
 - Finance
 - Construction
 - Operation
- Now that the Town has purchased the building with the intent to create a music venue in the upper story, both Council and staff have much work to do. In the staff's discussions, he and the Town Manager have determined that they should recommend to Council the following courses of action to meet Council's community objective of creating a destination music venue that brings tourists, shoppers, and visitors to the Town's Central Business District.
 - *Projected Costs:* The Town's preliminary architectural report used a renovation figure of \$110 per square foot, resulting in an upper story renovation cost of \$880,000, including a 10% contingency. Other architects contracted estimated a renovation cost of up to \$140 per square foot, resulting in a potential project cost of

\$1,230,000, also include a 10% contingency. These cost ranges do not include any work on the lower floor and are ultimately subject to the choices that Council makes in guiding the development of the venue. What might the actual cost to the Town be to perform the renovations? Given that the building is eligible for tax credits, a working estimate of 70% tax credit financing indicates that the Town may need to raise between \$264,000 to \$369,000. These figures are estimates and are largely dependent upon the renovation selected by Council, the amount invested in lighting and sound equipment, as well as the amount of renovation done in the basement of the building. Town staff will seek donations and non-government grants to help offset some of these costs (have found already about a dozen private and corporate foundations).

- *Design:* Once Council has approved the real estate purchase contract and appropriated funds for the purchase, the next step should be to select an architect to design the project that meets the Town's expectations for development of Rocky Mount's signature venue on The Crooked Road. This architect should have significant experience with how to use tax credits to offset the Town's costs. In reviewing the options, it appears that the Town should be able to get and sell tax credit approximately 70% of the cost of the building renovations, meaning that Council can get a great music hall for a reasonable investment. This designer should work with local and regional musicians, Council members, and the public to determine some criteria about what will make a great music venue. The architects should have significant experience in how to use historic tax credits and know how to maximize the reimbursement the Town receives from those credits in order to minimize the public investment required by the taxpayers of Rocky Mount. Asked that Council authorize the Town Manager and himself to issue immediately a Request For Proposal (RFP) to retain an architect to assess, design and prepare the Lynch Hardware Building improvements for construction bidding. Anticipates that if the Town advertises now with a mid-January deadline for submissions, the architects can be selected by early February for a contract approval at Council's February 2012 regular Council meeting. With that timeline, the design should be completed by the end of May and submitted for approval during Council's June 2012 regular meeting.
- *Council Committee:* Believes that the project will be enhanced by appointing a special Council Committee to assist in interviewing architects and contractors. The Committee should be empowered to authorize action by staff, to make recommendations regarding financing, design and tax credits, and to generally provide oversight to ensure completion of the project in a timely fashion.

The Mayor had indicated that he is willing to appoint a Committee, if it is Council's desire to create this Committee, and charge it with oversight of the music venue development. This Committee would also work with staff to enlist a panel of local and regional musicians to provide input on design elements to the Committee, staff and the architect. The musicians' input should be important to developing the professional sound that will continue to attract musical acts at the venue for years to come. The Committee and staff should be able to provide guidance to the architect on what costs are acceptable to the Town.

- *Financing:* Once the design is in place and a projected cost is available, the financing can be put into place. The early numbers that Council has seen should be considered a working estimate until the architect is selected and can thoroughly go through the building to document the condition and determine recommended upgrades. Staff and Council have previously discussed doing this work, along with the acquisition costs, through a debt instrument which can be repaid largely through the sale of the historic tax credits. Assuming all these elements fall into place as expected, the project can be bid in mid-2012, with a target completion date of mid-2013. Council's staff have already started identifying private and corporate foundations to target for grant funds applications. These funds would be different from federal or state grants in that they would not drive up costs by dictating wage rates and increasing administrative paperwork.

The Assistant Town Manager stated that his suggested actions/motions from Council were the following:

1. Moves that Council approve the real estate purchase contract for the property at Tax Map and Parcel number 20701 05600, known as the former Lynch Hardware Building, from Raymond and Jeanette Peters, and authorize the Town Manager, Assistant Town Manager and Town Attorney to execute all documents necessary for closing of the purchase of the property for a public purpose.
2. Move that Council authorize the Town Manager, or his designee, and the Town Attorney to terminate the existing lease at the Lynch Hardware Building.
3. Move that Council appropriate \$246,750 from Fund Balance to cover the purchase of the Lynch Hardware Building as outlined in the staff report to Council.
4. Move that Council authorize the Town Manager, or his designee, to issue a Request For Proposal (RFP) to architects as presented in the staff report to Council.
5. Move that Council authorize the Mayor to appoint a special Committee of Council to advise and provide oversight to staff on the development of the

music venue and the use of the Lynch Hardware Building and associated property.

The Mayor mentioned that the first thing the Town needed was the RFP and asked Council to entertain a motion.

- Motion was made by Council Member Strickler to approve the draft resolution as presented for the purchase price of \$246,750, with motion on the floor being seconded by Council Member Love. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

- Motion was made by Council Member Strickler to authorize staff to send out the requests for bids for the RFP for design/architect, with motion on the floor being seconded by Vice Mayor Walker. Discussion ensued. Vice Mayor Walker commented that he wanted to make sure the architect knows that they will have to work with the Council Committee. The Assistant Town Manager assured him that staff will let them know up front they will have to work with a political body and staff. Council Member Moyer questioned why an architect was needed, and he is sure the Town has plenty of contractors that are qualified to do the work, and he cannot see spending thousands of dollars for this. The Mayor stated that with all respect, he does not think the contractors have the expertise in design, sound, stage setup, etc. The Town Manager indicated that the electrical is a big part of this also, and that Council Member Moyer is spot on that the Town does have local people that are knowledgeable, but with this type of project, the architect has to make sure the Town has all the proper documentation that the building is a safe place for people to come to. There being no further discussion, the Mayor called for a roll call vote: Voting in favor of the motion on the floor were Vice Mayor Walker and Council Members Greer, Love and Strickler. Voting in opposition to the motion on the floor were Council Members Cundiff and Moyer. Let the record show that the motion on the floor past four to two.

The Mayor appointed a Committee as recommended by the Assistant Town Manager, consisting of himself, Vice Mayor Walker and Council Member Love.

The Mayor confirmed to Council Member Cundiff that at this time, the Town is only asking for a RFP, and that no expenditures or anything will be done at this time. Council Member Cundiff stated the following: He and Council Member Moyer had met with the Assistant Town Manager to buy the building and purchase of building was discussed, but did not discuss, as press release indicated, that it was a full gone conclusion that the Town was going to spend a million four hundred thousand dollars to renovate it, and he feels like the press needs to put out there as it was inaccurate, and no agreement had been at this time. And whether for or against it, he feels like this Council was circumvented and rushed to get it out to the public, it was misinformed, and he apologizes to the people that pays taxes in this Town, and Council had not done anything to commit anybody other than buying a good piece

of real estate; and he thinks getting cart before the horse whenever it was told that all these plans were in the making and Council had not even discussed it.

The Mayor indicated that he did not believe the press release indicated spending money, only funds expended at this time was for the purchase of the building.

COMMITTEE REPORTS

A. Public Utilities Committee

The Public Utilities Committee met on November 28, 2011 to review and consider: (1) Intern position for the Waste Water Treatment Plant; and (2) updates to Chapter 58 of the Town of Rocky Mount Code. The Town Manager presented the following:

1. The Superintendent of the Waste Water Treatment Plant presented a request to Council at their November meeting to partner with Virginia Western Community College by providing an internship opportunity for a student in their Water and Waste Water Technology Program. Council asked the Committee to review the request and make a recommendation. The Committee recommended that the Town offer an internship position to Western Virginia Community College, paid at a rate not to exceed \$10.00/hour (to be determined by the Superintendent of the Waste Water Department), and that the expenses be taken from the Waste Water Treatment Plant's existing budget. The Committee recommends that this approval be for the calendar year 2012 and that it require approval by Council to be offered in additional years.

Chair of the Public Utilities Committee Bobby Cundiff stated that the Committee recommended two to one to move ahead with this position, and he voted no due to the fact that he wanted to know what would happen within two to three years if someone decides to retire and the Intern proves to be too good to let go, what if the Town does not have enough money to keep the Intern. The Mayor stated that as discussed before, this is an excellent opportunity for the students to get hands-on experience to pursue their degree.

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

- Motion was made by Council Member Strickler that the Town proceed with the Intern position as presented at a rate of \$10 per hour, with motion on the floor being seconded by Council Member Love. There being no further discussion, the Mayor called for a roll vote. Voting in favor of the motion on the floor were Council Members Greer, Love, Moyer and Strickler. Voting in opposition to the motion on the floor were Vice Mayor Walker and Council Member Cundiff. Let the record show that the motion on the floor passed four to two.

(At this time, the Mayor called for a five minute recess starting at 8:45 p.m., and reconvening the Council meeting back into session at 8:52 p.m.)

The Town Manager related Item #2 that the Public Utilities Committee had considered:

2. The Committee met for the third time to review proposed changes to the Town Code relative to the Fire Suppression systems. The Committee recommended that Council approve the following draft changes to Town Code or programs:
 - a. Changes to Chapter 58 of Town Code: The changes submitted establish an annual inspection of fire suppression systems (currently required at the state level) and a statement to be made by the inspector that such systems are in compliance with state and local cross connection ordinances and that they are not interconnected with potable water systems. There are additional language changes submitted as well that are grammatical or reference related.
 - b. An addition to Chapter 58 of the Town Code that authorizes the Town to set a monthly fire suppression fee.
 - c. Updates to the Town's Cross Connection Control program designed to keep the program in-line with changes proposed.

The Town Manager confirmed to the Mayor that Council does need to consider for action any amendments to Chapter 58, and that they will need to consider adopting the draft resolution that was prepared by the Town Attorney regarding the proposed changes to Article 14.

Chair of the Public Utilities Committee Bobby Cundiff informed Council that the Committee's main purpose of proposing this is so the Town could have something on record regarding the people that have fire suppression, and for the Town to be able to monitor the water usage. He doesn't know if there is a big problem there, but the inspection is already required and all the Town needs is something on file in case there is some kind of fire or catastrophe. The fee proposed is fairly moderate, and the Town needs to have the wherewithal to supply the water to give the fire suppression its effectiveness, with the Town needing to be prepared if an occurrence happens. Having the fire suppression does cause the Town to incur expense over the long run.

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

- Motion was made by Council Member Cundiff to make the necessary changes to Chapter 58 and to include the \$50 per month for the fire suppression availability, with motion on the floor being seconded by Council Member Love. Discussion ensued. Vice Mayor Walker questioned if the Town had a way to meter those lines that would be using the fire suppression. The Town Manager informed Council that they do have a low flow meter, but there is nothing restricting it in case there is a fire, with the question being: is really low flow being detected,

with the Town needing to know how many gallons they are flushing, and for an inspector to see what is going on by looking at some of these systems. Also explained how the fire suppression system works. The Town Attorney advised Council that if this passes, he will need to have at the next Council meeting a draft resolution for those fees for Council's review and consideration of approval. There being no further discussion, the Mayor called for the vote. All present voted in favor of the motion on the floor except Council Member Moyer, who stated he voted in opposition due to the fact that he thinks \$50 is too much. Let the record show that the motion on the floor passed five to one.

B. Finance & Humans Services Committee

The Town Manager stated that the Finance & Human Services Committee met on December 8, 2011 to consider changes to the Town's holiday pay policy and take home vehicle police, and that the meeting took place too late to include their recommendations in the Council agenda packet.

Regarding the holiday policy, the Town Manager informed Council:

- Two holiday policies had been proposed: (1) eight hour accrual method; and (2) 10 or 12 hour with accrual method for selected departments. The Committee recommended to continue to define a holiday as eight hours and to pay sworn non-exempt law enforcement officers overtime for hours over 160 in a 28 day pay period, versus being paid overtime for hours over 171, which is the Town's current policy. The Committee also requested cost estimates for such an approach. Staff estimates this approach would cost the Town roughly \$16,000 a year. The Town absorbed a similar cost increase when it shifted from accrual of holidays to paid holidays. The Town's Finance Director and Town Manager recommended that the current policy be continued until a consensus of a new policy is developed. Council's last action on this was to direct staff to revert to a policy similar to the Town's prior one, which will have to occur January 1, 2012, barring any action from Council.

Chair of the Finance & Human Services Committee Robert Strickler commented that there were three different ideas on how to proceed, and based upon this, the Committee needed to look at this again and at this time, the Committee is not ready to make a recommendation.

- Motion was made by Council Member Cundiff to rescind the motion made by Council in October 2011 until Council can straighten this matter out, with motion on the floor being seconded by Council Member Love. All present voted in favor of the motion on the floor except Council Member Moyer, who voted in opposition to the motion on the floor. Let the record show that the motion on the floor passed five to one.

The Town Manager informed Council that the holiday policy on January 1, 2012 would go back to the 12-hour shift if nothing was done at this time.

Regarding the vehicle take home policy, the Town Manager informed Council:

- No change was recommended, but the Committee advised that the Town was deviating from the policy in many ways and that the policy needed to be updated to conform to recent changes in Town staffing, as well as actions by Council. It was recommended that the distance limit of residency match the requirement to live in Franklin County, that the six positions authorized to take home vehicles by Council be defined to include current positions, that it be formalized that officers with K-9 units are authorized to use a police vehicle to travel to and from work, and that officers residing in-town are authorized to take a police vehicle home between consecutive shifts.

Chair of the Finance & Human Services Committee Robert Strickler informed Council that at this time, the Committee would like to meet again in January to review this again, then bring back before Council. The Mayor so noted.

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 Council at this time.

B. Rise 'N Shine Appearances

The Mayor confirmed that the Assistant Town Manager appeared this morning on the *Rise 'N Shine Show*.

The Assistant Town Manager informed Council that Rocky Mount Police Department Officer Chris Shelton played an instrumental role in bringing 2X2 BBQ Restaurant to locate in the Town.

COUNCIL CONCERNS

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

CLOSED MEETING

At 9:15 p.m., motion was made by Council Member Moyer to go into *Closed Meeting*, and seconded by Vice Mayor Walker 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 (relative to Worley Subdivision).

At 9:45 p.m., motion was made by Council Member Love 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 Greer and carried unanimously by those present.

CERTIFICATE OF CLOSED MEETING

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

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

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



Steven C. Angle, Mayor

- Motion was made by Council Member Greer certifying that: (1) only public business matters lawfully exempted from open meeting requirements under this chapter was discussed; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body was discussed. Motion was seconded by Council Member Love. The Mayor swore to adopt the motion on the floor by Council Member Greer that this was all that was discussed as defined in Section 2.2-3712 Code of Virginia. Voting yes were Vice Mayor Gregory B. Walker and Council Members Bobby M. Cundiff, Jerry W. Greer, Sr., P. Ann Love, Robert L. Moyer, and Robert W. Strickler.

The Mayor reported that no action was taken.

ADJOURNMENT

At 9:47 p.m., motion was made by Council Member Moyer to adjourn, seconded by Council Member Greer and carried unanimously by those present.



Steven C. Angle, Mayor

ATTEST:



Patricia H. Keatts/Town Clerk