

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
January 9, 2012**

The January 9, 2012 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, Assistant , Assistant Chief of Police Roger Smith and Sgt. David Bowles of the Rocky Mount Police Department, Finance Director Linda Woody, Public Works Director Cecil R. Mason, Town Planner Patrick Rust, 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.

- Council Member Moyer requested that the agenda be amended to include under "Old Business" an item pertaining to the music venue committee.
- Council Member Love requested that the agenda be amended to included under "Old Business" Council members' insurance.
- Motion was made by Council Member Moyer to approve the amended agenda, seconded by Council Member Love and carried unanimously by those present.

SPECIAL ITEMS

A. Appearance of Shentel

At the request of Rocky Mount Town Council, Mr. Christopher Kyle, Vice President of Shentel, came before Council, providing the following information:

- Gave background on his years of service with Shentel.
- They are seeking to build a great network and customer service.
- Gave background of when they purchased everything from JetBroadband and doing upgrades thereafter and not realizing at the time of the purchase how much upgrading was needed, furthering explaining that due to the extensive upgrading, they had an increased volume of telephone calls.
- They have finished the upgrades now and able to prelaunch services, which included an upgrade to their internet speed. Due to the upgrades, the telephone calls have decreased and they have been able to address their customer service calls in a timelier manner.
- Upgrades included expanded video for their cable, and taking away the analog and adding more HD channels. As they continue to have higher band width speed and HD channels, will have to look at their analog channels and groom them, as they take up more capacity with video channels.
- Programming is a challenge faced by all cable providers. Every year, they see significant content price increases in the channels, with rate increases that were passed on to customers being the rate increase they faced as a cable provider.
- Discussed what price increases they expect from the major local channels (i.e., ABC, NBC, CBS, FOX, etc.).
- They are a local cable provider and key to their strategy is for local support to the community, such as working with Franklin County High School channel, with them wanting to make sure they have the equipment they need. Looking forward to the future since they have state-of-the-art equipment.
- Mentioned that Bill Young with Shentel was present with him and that they work together.
- Know they are not perfect, but Council has their names to call if they have any questions or concerns as they are trying to make everyone have an adequate response to their inquiries. Trying to do some retraining so there is a quicker response.
- They look forward to opening up lines of communication.

Council Member Moyer stated that he has had several complaints from several citizens, but personally, he has had the worse service from Shentel, furthering explaining the problem he has run into with his own television screen. Mr. Kyle informed him that they would have a technician come by his home to check out what the problem could be so they can deal with it right away.

Mr. Kyle confirmed to Council Member Love that Shentel plans on continuing to carry the FOX channel. Council Member Love mentioned that several citizens were upset with some of the sports channels being moved to higher tiers (costing more),

and she would like to see this renegotiated. Mr. Kyle informed Council that the sports channels are the worse to deal with and they will not be moving any time in the future; furthermore, they are the most expensive channels.

Mr. Kyle explained to the Mayor how the cost will come into play for the major local channels, and also how the internet speed costs are reflected. He further commented that they do recognize price points. Also confirmed that Shentel will continue to offer bundling packaging, especially if they are to be successful.

The Mayor commented that he knows that price increases are unenviable, but he would like to see Shentel give their customers as much advance notice as possible.

Mr. Kyle confirmed to Vice Mayor Walker that at this time he did not know when the JetBroadband domain for e-mail would be changed, but he would be getting back with him on a definite date.

The Mayor opened the floor to any citizen wishing to come forward to ask Mr. Kyle any questions or voice any concerns they may have. Let the record show that no one came forward to speak.

APPROVAL OF MINUTES

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

- December 12, 2011 Regular Rocky Mount Town Council Meeting

The Mayor asked if there were any changes to the draft minutes.

Council Member Cundiff asked that the following changes needed to be reflected in the minutes:

- On page 4926, second paragraph where the Public Works Director stated there were no significant leaks, the amount should reflect seven million gallons and not seven hundred.
- On page 4927, third paragraph, he had made some remarks concerning the Water Department and some of the points he made should be in the record.
- On page 4935, first paragraph, comments he made about the Lynch Hardware Building, he would like his entire comments to be included in the minutes.

The Mayor pointed out that if Council members need something read into the record, they need to state this up front and let the Town Clerk know. He further stated that the minutes could just be recorded points of motions only, with that significantly decreasing the size minutes, but he likes reading through this, and since Council is moving to go paperless, this kind of defeats the purpose of doing this.

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

- Motion was made by Council Member Greer to approve the corrected 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
- Miscellaneous Action
 - Review and consideration of amending and re-enacting Section 58-6 of Rocky Mount Town Code to provide for a charge for direct waterworks connections for fire suppression.
- Departmental Monthly Report
- Bill List

There being no comments, the Mayor entertained a motion.

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

HEARING OF CITIZENS

The Mayor opened the floor to anyone wishing to come before Council at this time. Let the record show that no one came forward to address Council.

OLD BUSINESS

A. Council Member Moyer's Request Regarding Music Venue Committee

Council Member Moyer stated the following:

- Last month when Council was discussing the committee for the music venue building, some things in there that was not said that night that no ways should have happened, referencing page 4933 of the December 12, 2012 minutes concerning points that the Assistant Town Manager had pointed out, specifically: "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. “ His concern is that anything concerning spending money towards this project should come before the whole Town Council for approval. The Mayor pointed out that the reason there are committees is for them to bring recommendations before the whole Town Council for approval, letting the full Council vote on it, and then allowing them to move forward from there. Council Member Moyer stated again that the committee should not be empowered to make decisions without full Council approval, with the Mayor stating that is exactly what he had just pointed out, that before any monies are expended, it would have to come back before the full Council, further referencing that perhaps some expenditures may be discussed as line items during budget work session, put prior to that happening, any expenditures would have to be brought back before Town Council for approval. Council Member Moyer also stated that there was something else in the comments made by the Assistant Town Manager that was in the minutes that state “that staff and Council have previously discussed doing this work...”, and he wondered when this was discussed. The Mayor stated that Council has been talking about the music venue for years, and discussed it many times with this Council. Council Member Moyer stated that he must not have been at those meetings, with the Mayor stating that he was present during those discussions. The Mayor further stated that the only thing Council has voted on was the purchase of the building, with the committee bringing back recommendations just like any other committee.

B. Council Member Love’s Request Regarding Council Members’ Insurance

Council Member Love stated the following: “With the Town Council discussing raising water rates, and Franklin County’s new real estate assessments potentially causing tax increases for Rocky Mount citizens, it’s time to look at ways to tighten our belts. Town employees have gone without raise going on four years, and departments have drastically cut spending to help during these difficult economic times. I feel that it is time for Town Council to step up to the plate. I would like to make a motion that there will be no further insurance benefits, medical or dental, paid by the Town of Rocky Mount for any Council member or their dependents, effective at the end of their current term of office. Should Town Council members, current or future, wish to purchase medical or dental insurance for themselves or their dependents through the Town of Rocky Mount’s group policy, they may do so for 100% of the cost.”

- Let the record show that the motion on the floor stands as stated above in Council Member Love’s stated motion, with motion on the floor being second by Council Member Cundiff. Discussion ensued. Council Member Strickler stated that his only concern was that this item could have been brought up to be discussed during budget work sessions. The Mayor stated that a few months back, this item was discussed previously and the same thing was applied to Council Member Strickler, where he would not be eligible for dependent coverage. Council Member Greer stated what Council Member Love indicated was that this is not dependent coverage, this is coverage completely. The Mayor

stated that Council Member Greer was exactly right, family and single coverage. There being no further discussion, the Mayor called for a roll call vote. Voting in favor of the motion on the floor were Council Members Cundiff, Love and Moyer. Voting in opposition to the motion on the floor were Vice Mayor Walker and Council Members Greer and Strickler. Due to a tie vote, the Mayor voted in favor of the motion on the floor. Let the record show that the motion on the floor passed four to three.

NEW BUSINESS

A. November 2012 Regular Rocky Mount Town Council Meeting Date

The Town Manager stated to Council that every year, the yearly calendar for the Town of Rocky Mount meeting dates need to be advertised. This year, the Deputy Clerk noticed a conflict that Council may wish to address, being that the November 12, 2012 is the second Monday in November and the regular Council meeting is that day; however, this is the date that Veterans' Day holiday is observed by the Town of Rocky Mount. It was also pointed out that although Veterans' Day actually falls on Sunday, November 11th, it is normal protocol that when a Town observed holiday falls on a Sunday, the holiday is moved to the following Monday, which means that Town offices will be closed on November 12th. Due to this, staff recommends that Council consider either holding its regular November Council meeting the following Tuesday, November 13th, or any other day Council so desires.

The Mayor asked if any Council member at this time had a conflict with the meeting date being moved to November 13th, with none stating they had at this time.

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

- Motion was made by Council Member Greer to approve the request to move the regular Council meeting date of November 12, 2012 to November 13, 2012, 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.

B. Draft "Resolution of Approval and Acceptance of Conveyance of Raymond A. Peters Property Identified as Tax Map Number 207.01.056.00"

The Town Attorney presented to Council for their review and consideration of approval draft "Resolution of Approval and Acceptance of Conveyance of Raymond A. Peters Property Identified as Tax Map Number 207.01.056.00".

- Motion was made by Council Member Greer to approve, 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.

C. Comprehensive Economic Strategies (CEDS) List

The Town Manager explained to Council that each year, West Piedmont Planning District Commission (WPPDC) submits to the Town of Rocky Mount a request for the Town to update their Comprehensive Economic Strategies (CEDS) list. Prior to the meeting, Council had received the list for their review and consideration of approval, which showed the proposed updates from the projects to include in the Town of Rocky Mount's submission, along with a synopsis from the Town Manager on which projects are being deleted this year, and those projects that are being added.

Those proposed changes consisted of deleting the following:

- The Alternative Water Source project (it is superseded by the interconnection with the Western Virginia Water Authority).
- The Housing Rehabilitation project (the Town has other locally funded projects that will perform this task).
- The community multi-purpose facility (the Town will have this capacity when the Town's music venue is renovated).

Those proposed additions to the list are the following:

- A feasibility study for a Route 40 bypass in Rocky Mount.
- A feasibility study for the realignment of Franklin Street and Pell Avenue to simplify the complex intersection.

The Town Manager explained to Council that the transportation projects were being added in order for the Town to begin the process of establishing new projects into the Virginia Department of Transportation (VDOT) six year plan (the Town's prior project will soon be under construction, which is the Pigg River Bridge project).

The Town Manager also confirmed to the Mayor that this proposed list would go back to WPPDC to include in their submission.

As members of the WPPDC Board, Vice Mayor Walker and Council Member Greer stated that they did not have any problem with the proposed CEDS list.

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

- Motion was made by Council Member Greer to approve the list as presented, with motion on the floor being seconded by Vice Mayor Walker. Discussion ensued. Council Member Moyer questioned what this would cost the Town, with the Town Manager referring to the CEDS list that had been previously given to Council. Council Member Cundiff mentioned that he thought the Town was supposedly trying to generate traffic for downtown, questioning what would happen if the bypass was put in, with the Town Manager confirming to Council that this is being proposed only to start the process, but in all likelihood, it would be years before this would come up for discussion. There being no further

discussion, let the record show that the motion on the floor passed unanimously by those present.

D. Request of Rocky Mount Lions Club

The Assistant Town Manager informed Council that in 2011, the Rocky Mount Lions Club has asked Council to guarantee its advertising costs for the club in bringing in Dailey & Vincent to the Franklin County High School auditorium. He further stated the following: The guarantee is a hedge against the possibility of inclement weather forcing cancellation of the show. Council agreed and the Lions Club was able to put on the show, quite successfully, without having to use the hedge. Club President James Guilliams is again asking Council's support in guaranteeing this advertising cost of \$800 for Little Roy & Lizzy Show set for January 28, 2012 at 7:30 p.m. The costs include radio, television and print advertising that would be lost in the event of cancellation. In the event the show is cancelled, the Town would reimburse the Rocky Mount Lions Club the advertising costs up to \$800 from the Special Events line item in the Community Development budget. If the show goes on as scheduled, the Town would be out of nothing. The Assistant Town Manager confirmed that he has room in his budget to support the request, and has reviewed the request and recommends that Council approve the guarantee, with him looking to Council for direction on this. He further confirmed to the Mayor that last year he believes the advertising costs were \$750 that they had asked a guarantee for. There was discussion regarding that the Town would not guarantee more than the \$800 requested for.

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

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

COMMITTEE REPORTS

Let the record show there were no committee reports at this time.

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 Planning Commission from Council at this time.

B. Rise 'N Shine Appearances

Let the record show that the Town Manager appeared on the *Rise 'N Shine* show.

COUNCIL CONCERNS

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

CLOSED MEETING

At 7:52 p.m., motion was made by Council Member Strickler to go into *Closed Meeting*, and seconded by Council Member Cundiff and carried unanimously to discuss the following:

- Section 2.2-3711(A).7 - Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter (Underwood Vs. Town of Rocky Mount; Agee Vs. Town of Rocky Mount).

At 8:15 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 Vice Mayor Walker. 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 8:18 p.m., motion was made by Council Member Love to adjourn, seconded by Council Member Strickler and carried unanimously by those present.

Steven C. Angle, Mayor

ATTEST:

Patricia H. Keatts/Town Clerk

/phk