

**ROCKY MOUNT TOWN COUNCIL
REGULAR COUNCIL MEETING
MAY 14, 2012**

The May 14, 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, Chief of Police David Cundiff, 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, Deputy Clerk Stacey B. Sink, 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 Council Member Love and carried unanimously by those present.

The Mayor recognized and welcomed the students from Franklin County High School government class of Mrs. Shepherd that attended the Rocky Mount Council meeting.

SPECIAL ITEMS

- A. Proclamation for Franklin County Historical Society Ladies of the Daughters of the American Revolution

The Mayor presented to the Daughters of the American Revolution (DAR) a

“Proclamation by the Rocky Mount Town Council” to acknowledge the efforts of the Virginia’s Old Carolina Road Chapter National Society Daughters of the American Revolution in cooperation with Franklin County Historical Society to honor the Robert Hill Family’s part in American history with an event to take place June 3, 2012 in Rocky Mount. Members of DAR accepted the proclamation and invited Council to the event.

B. Resolution Honoring General Burt K. Thompson

The Mayor read for the record “Resolution of the Council of the Town of Rocky Mount Honoring General Burt Thompson on His Promotion to Brigadier General” that recognized his personal career achievements that reflect well on his time in Franklin County and Rocky Mount, and that his unique accomplishments have earned him a place of honor in military history of Franklin County and Town of Rocky Mount.

C. Proclamation Honoring Brenda Webb Muse, Principal of Benjamin Franklin Middle School

The Mayor read for the record “Resolution of the Town Council of Rocky Mount, Virginia Honoring Brenda Webb Muse” for being appointed Principal of Benjamin Franklin Middle School by the School Board of Franklin County, a position well deserved because of educational achievement, an outstanding record of leadership, and well-known personal traits expected of a leader who should serve as a role model for students, parents and educators within a large campus.

D. Resolution by the Rocky Mount Town Council Honoring Patricia H. Keatts

The Mayor read for the record “Resolution by the Rocky Mount Town Council Honoring Patricia H. Keatts” on behalf of the Rocky Mount Town Council and presented to Town Clerk Patricia H. Keatts said resolution. Mrs. Keatts thanked the Mayor, stating that she was honored and humbled by the designation. She stated it was so rare that a small municipality is chosen, and that this goes to prove that small towns have the highest quality of people in its councils, committees and staff. She further stated that she is thankful to the Mayor and those Council members that submitted her name to be considered for the award, and thankful to the Town Manager, Deputy Clerk and Finance Director for submitting her name before the Virginia Municipal Clerks Association nominating committee for Clerk of the Year for the state of Virginia. In conclusion, Mrs. Keatts thanked her family members for attending.

PUBLIC HEARING

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

A. Piedmont Community Services Special Use Request

The Assistant Town Manager informed Council that Piedmont Community Services submitted a special use application for its Mental Health Support program to offer on-site mental health client programming at its 50 West Church Street location, known as Tax Map and Parcel Number 2070058300, in Rocky Mount, Virginia, and is zoned Central Business District (CBD). The program currently uses this location for office space, but would like to begin offering on-site services, which may include, but is not limited to, skill building and socialization opportunities for adult clients with serious mental illnesses. Currently, there are no outpatient mental health facilities in Rocky Mount. Several public and private mental health care providers now call Rocky Mount home; however, these facilities provide home visits and do not have clients coming to the office(s) for on-site services. In the Central Business District, outpatient mental health facilities are a use by special exception.

The Assistant Town Manager further informed Council that the Planning Commission held a public hearing to hear the request on May 8, 2012. Three representatives of Piedmont Community Services attended the meeting, with two of them speaking in reference to the request, being Jim Tobin (Executive Director), and Terri Crews (Clinical Manager). During the Planning Commission public hearing, let the record show that no one from the public spoke for or against the special use request. It was the recommendation of the Planning Commission to Council to recommend approval of the special use request of Piedmont Community Services located at 50 West Church Street, Tax Map and Parcel Number 2070058300, with the following conditions: (1) the days of operation shall be Monday through Friday only; (2) the number of mental health workers will be limited to five; and (3) the applicant will come back to Planning Commission in six months to report its activities. The Assistant Town Manager confirmed to Council that there would be no additional impact to parking.

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

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

There being no further discussion regarding this portion of the public hearing, the Mayor entertained a motion.

- Motion was made by Council Member Greer to approve the request with the conditions as recommended by the Planning Commission, 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.

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

B. Notice of Proposed Town of Rocky Mount Real Property Tax Increase

The Town Manager and Finance Director presented the following:

The current real estate tax is 12 cents per \$100 of assessed value. Due to the 9.6% decreased assessment for real estate, parcels within the Town corporate limits to go into effect for the 2013 fiscal year, a real estate tax rate of 13.2 cents per \$100.00 of assessed value is needed to equalize the real estate tax revenue. The proposed fiscal year 2013 budget now includes a rate of 13 cents per \$100 of assessed value. The Virginia State Code indicates that if taxes collected in the upcoming fiscal year yields a 1% variance with current real estate tax revenue, a public hearing must be held. The 1% threshold is \$5,626 (1% of the \$562,584 expected from current year fiscal year 2012 assessments and collections). The 13 cents rate would yield \$8,742 less that fiscal year 2012 collections (\$553,842 total estimated collections). Therefore, a public hearing on the effective tax decrease was needed.

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

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

Let the record show that no motion was needed at this time.

The Town Manager confirmed to Vice Mayor Walker that the proposed real property tax will decrease or increase for some, as it is dependent on the Franklin County reassessment, and that the Town's will actually be a decrease in the aggregate taxes.

APPROVAL OF MINUTES

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

- April 2, 2012 Rocky Mount Town Council Special Meeting
- April 9, 2012 Rocky Mount Town Council Regular Meeting
- April 16, 2012 Rocky Mount Town Council Budget Work Session No. 1
- May 7, 2012 Rocky Mount Town Council Budget Work Session No. 2

The Mayor asked if there were any changes to the draft minutes, with Vice Mayor Walker requesting that on page 5014 of the May 7, 2012 draft Rocky Mount Town Council Budget Work Session No. 2 minutes reflect that he was also in favor of the Town employees getting the suggested 2.5% Cost of Living Allowance (COLA).

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

- Motion was made by Vice Mayor Walker to approve the draft Council meeting minutes as presented 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.

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
 - Review and consideration of approval of draft "Resolution by the Rocky Mount Town Council Proclaiming June 16th Through June 24th, 2012 as Amateur Radio Week"
- Miscellaneous Action
- 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 Cundiff. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

HEARING OF CITIZENS

A. Request of Dr. Brian Alexander

Dr. Brian Alexander (dentist office located at 1656 North Main Street, Rocky Mount, Virginia) came before Council regarding his concern of being charged for two water meters at his place of business, voicing strong opposition of being charged for both units (with one meter). He gave a brief history of his past water bills, and was only having to pay the minimum water bill charge. He did confirm that he once lived in the space that is now rented out to another business, and while he was living there, he was only charged for one unit.

The Town Manager and Finance Director had submitted prior to the meeting a synopsis of Dr. Alexander's concern and what the Town had done in the past and present:

- In February 2005, was being charged only for one unit since the lower office was not being used by a separate client, with Dr. Alexander actually living in the lower unit while his house was being build, with the Town only continuing to charge for one unit since he occupied both units.

- Dr. Alexander started renting the lower unit to TPG Staffing. Once this began, the Town started charging Dr. Alexander for two units last month. Even with the two units fully occupied, Dr. Alexander is a minimum (under 3,000 gallons) water consumer. His average monthly consumption is 1,871 gallons.
- As a minimum customer with one unit, Dr. Alexander paid \$22.50 (no garbage fees). As a minimum customer with two units, Dr. Alexander's bill is now \$45 (two minimum charges of \$22.50 charges – one for each unit).
- Dr. Alexander feels that this is unfair since he is a minimum water consumer and has only one connection, despite having two units. He feels he should only be charged for one unit for the one connection.

The Town Manager informed Council that under Item C in *New Business*, the issue regarding charging for two water connections will be discussed.

With this being said, Council moved directly to Item C under *New Business*, being:

Ordinance Proposed to Change Town of Rocky Mount Code Section 58-6(3)

The following information was provided to Council by the Town Manager and Finance Director:

- The Finance Director recommends that the Town codify the long standing practice of allowing multiple units to connect via a single meter, but requiring that such a connection pay at least one minimum per unit.
- The Town Attorney has drafted an ordinance that amends Chapter 58, Article I, Section 58-6 of the Code of the Town of Rocky Mount. The only change from the current code section is the addition of a new clause: (3) Multiple Buildings: Where one water connection serves a multiple unit building (residential or commercial) rather than a separate connection for each unit in the building, the monthly charges for water and sewer are as follows: *For each unit in the multiple unit building, the minimum use charge shall be made for each unit. For purposes of computing the gallons of metered water, the total consumption shall be distributed equally among the number of units. The charges for each unit shall be determined by the distributed consumption and the applicable rate. The total charge shall be in the summation of all unit charges, subject to the minimum use charge.*

There was discussion amongst Council, Town Manager and Finance Director regarding the proposed change and how this would affect the customers financially.

The Town Manager confirmed to Council that if Council does away with the current practice of doing away with allowing customers to connect multiple units through a single meter, it would ultimately cost the customer more as they would have to pay for separate meters. He further stated that the Town Attorney had drafted the amendment to the ordinance that addresses this issue in helping customers to save that additional expense. The Finance Director confirmed to Council that at this time, there are currently 125 people that use this practice of using this in order to avoid paying the connection fee. It was also discussed

that if Council bypasses amending the ordinance, Dr. Alexander would have to pay another connection fee.

Vice Mayor Walker stated he had too many questions regarding the proposed ordinance amendment and would like to see this referred to the Public Utilities Committee.

It was the consensus of Council that no action be taken at this time regarding Dr. Alexander's concern, or changing the proposed ordinance, but to instead refer to the Public Utilities Committee to review, than bring back before the full Council.

OLD BUSINESS

A. Leak Detection Services

The Town Manager informed Council that Council had authorized the issuance of Request for Proposal (RFP) for leak detection services and appropriated contingency funds to cover the costs of those services. Prior to the meeting, Council had received a proposal from Utility Services Associates. The Town Manager confirmed that the proposal meets the needs of the Town and staff requests authorization from Council for the Town to enter into a contract for the proposed services at a cost of \$21,337. He further confirmed to Council: that if the proposal is approved, the work will be scheduled as soon as possible, starting with the uptown area; Town staff will get daily repair schedules and do spot repairs, if necessary; and he will call Utility Services Associates to see what their schedule is, getting something in writing from them.

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

- Motion was made by Council Member Cundiff to authorize the Town Manager to enter into contract with Utility Services Associates, 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.

NEW BUSINESS

A. Request of Christian Heritage Academy

Council was informed by the Town Manager that Mr. Eric Miller with Christian Heritage Academy would like to request approval from Council to be able to hold their annual Memorial Day road race on Glennwood Drive and Scuffling Hill Road on May 28, 2012, with race starting at 9:15 a.m., and not lasting more than an hour. The Chief of Police confirmed that this request has been reviewed by the Rocky Mount Police Department and they have no problem with the proposed route.

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 on the floor passed unanimously by those present.

B. Line of Duty Act (LODA) Proposed Resolution

The Town Manager reported to Council that Item 58 of the 2010 Appropriation Act, a Line of Duty Act (LODA) Fund was established to be administered by the Virginia Retirement System (VRS). The Town Manager pointed out the following:

- The State of Virginia required VRS to charge localities on an actuarial basis to fund the LODA fund to pay LODA benefits to covered employees.
- Based on a review of the costs proposed by VRS to cover the Town's police officers and volunteer firemen, it is in the Town's best interest not to participate in the VRS LODA Fund and to instead purchase LODA through the Town's normal insurer, Virginia Municipal League (VML) Insurance.
- In order to not participate in the LODA Fund, the Town must officially, via resolution, opt out of the LODA Fund. Presented to Council for their review and consideration of approval is a draft resolution (*Resolution by the Rocky Mount Town Council Irrevocable Election Not to Participate in Line of Duty Act Fund*) that specifies that the Town will not participate in the LODA Fund and will cover the fiscal risks of the LODA through the Town's insurer (VML).

The Town Manager confirmed to the Mayor that by the Town opting out, it does not penalize those affected by it; that the Town is only self-insuring and assuming all liability; will participate in VML ran fund and it is equal to what Town had through VRS.

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 Vice Mayor Walker. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

C. Ordinance Proposed to Change Town of Rocky Mount Code Section 58-6(3)

Let the record show that this was discussed under *Hearing of Citizens* – Dr. Alexander's concerns, with matter being referred to Public Utilities Committee.

D. Appropriation Resolution Regarding Rocky Mount Police Department Grant

The Town Manager informed Council that the Virginia Department of Criminal Justice Services had awarded the Rocky Mount Police Department a Byrne Justice

Assistance Grant in the amount of \$4,272, with a local cash match of \$475, for a total award of \$4,747 to be used for equipment. Presented to Council for their review and consideration of approval was draft "Town of Rocky Mount Supplemental Appropriation Resolution for the Fiscal Year Ending June 30, 2012".

The Chief of Police confirmed to Council that if approved, funds would be used for security equipment for the offices located upstairs in the Rocky Mount Police Department building.

The Town Manager confirmed to Council that these funds would help with next year's budget by using this grant.

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

- Motion was made by Vice Mayor Walker 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.

E. Town of Rocky Mount Issuing a Request for Proposal (RFP) for Acceptance in Relations to Debit/Credit Cards for Form of Payment

It was presented to Council by the Town Manager that the Finance Department would like to issue a RFP for the acceptance of debit and credit cards from customers who appear in the office at either the counter or the drive-thru, but not over the internet at this time. He further stated that the Town would like to absorb the convenience fees as a Town expense, rather than pass them onto the customer. He pointed out that \$9,760 is in the proposed Fiscal Year 2013 budget to cover the convenience fees. He also stated that it is staff's hopes that a local bank will partner with the Town, and then the whole issue will be brought back to Council.

The Finance Director would like authorization to proceed to take this issue before the Finance & Human Services Committee, then bring back before Council for review.

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

- Motion was made by Vice Mayor Walker to approve the Finance Director to allow an Request for Proposal to go forward and see what responses are received, 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.

F. Town of Rocky Mount Formal Adoption of Fund Balance Policy

The Finance Director pointed out the following to Council:

- The Town's auditors, (Robinson, Farmer, Cox) have recommended that the Town adopt a formal fund balance policy which would incorporate a new Government Auditing Standards Board (GASB) Statement 54 terminology and guidelines. The proposed policy was given to Council prior to the Council meeting for Council's review.
- The proposed policy divides the fund balance into the categories of non-spendable, restricted, committed, assigned, and unassigned (in order of the most restricted to least restricted). It also establishes an unassigned fund balance of 10% of General Fund revenues on an annual basis.
- Non-spendable fund balance would contain the water and sewer inventory and any pre-paid asset.
- Restricted fund balance would contain funds that have restrictions placed on its use from external agencies. Examples would be grant proceeds or bond proceeds.
- Committed fund balance would be for a specific purpose as voted formally by Council.
- Assigned fund balance would be for a specific purpose informally "assigned" by either Council or the Town Manager. An encumbrance (a contract has been signed by not completed at year-end) would be an example.
- Unassigned fund balance would be whatever funds are left after allocation to the four categories as explained. This fund balance is available for future periods.

The Town Manager explained to Council that this proposal was mentioned in the auditors' letter last year that was addressed to Council that this is needed to track certain processes when purchasing, with this also helping staff to guide Council.

Council Member Cundiff stated that he would like to see Council have a little time to look this policy over.

At the suggestion of the Town Manager, it was the consensus of Council that this matter be referred to the Finance & Human Services Committee for review.

G. Request of Mary Wray

Mary Wray, proprietor of Basket, Creations & More and The Artisan Center (both located on Franklin Street in Rocky Mount) came before Council requesting that a portion of the street located in front of her two businesses be closed during the "White Lighting Arts & Crafts Festival" scheduled for Saturday, June 16, 2012, from 7:00 a.m. to 5:00 p.m.

It was explained by the Town Manager to Council that the Town has had a variety of issues during the past years regarding closing streets and have recommended closures being okay for events that are held Sunday or Saturday afternoons.

Mrs. Wray explained to Council the following:

- Event is the day before Father's Day.
- During the last event similar to this one being proposed, a lot of people had indicated they would like to see more of these types of events take place; plus, they have had a lot of artisans and crafters wanting to sign up for future events.
- These type of events brings a lot of people from out-of-town.
- Also considering having either a car show or cruise-in if Town allows more of the Franklin Street area to be closed.
- In closing Franklin Street in front of her businesses, it should not impact other businesses on that street as they will have detours around the event that will enable them to conduct their businesses along that Franklin Street.
- If Town can only close the street for four hours, perhaps Council will allow Maynor Street to be closed during the time frame she has requested.
- Reasoning for having the events that she does is to bring more people in to that area to shop and eat; and if they can extend the events to a two day weekend events, it would bring more people into the area that would be staying overnight, with them using not only the hotels, but also frequenting more of the restaurants located within the Town.

The Chief of Police indicated that for Mrs. Wray's event, he has no problem closing the street for four hours, but not for the entire time as requested, as he would have to have manpower in place to direct not only the usual flow of traffic, but also the large truck traffic. He indicated that Maynor Street would be the better option to hold the event, but he would suggest that Angle Hardware be contacted to make sure they do not have any problems with this.

There was discussion between Council, Town Manager, Chief of Police and Mrs. Wray on the best way to allow Mrs. Wray to have her event within the time frame she needed without it impacting the flow of traffic or other businesses located on Franklin Street.

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

- Motion was made by Council Member Love to approve the request, but to move the event to Maynor Street, close it from 7:00 a.m. to 5:00 p.m., and that Mrs. Wray check with Angle Hardware to make sure that the closing does not impact Bob Mills' business negatively, with motion on the floor being seconded by Council Member Greer. Discussion ensued. The Mayor confirmed to Council Member Moyer that the motion did include that Mrs. Wray will have to check with Angle Hardware first, but that if Mr. Mills says he is not willing for Maynor Street to be closed, will have to go back to the drawing board, but since this event is only one month away, would like this settled as soon as possible. The Town Manager confirmed to Council that he would contact Mr. Mills with Angle Hardware first thing in the morning to see how he feels about the proposed street closure. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

H. Request of Franklin County Commerce & Leisure Services

Debra Weir, Tourism/Special Events Coordinator for Franklin County Commerce & Leisure Services, came before Council requesting street closure on Saturday, September 29, 2012, in relations to their "Mountain Spirits Festival" from 10:00 a.m. to 3:00 p.m.. They are requesting: closure of Franklin Street at High Street and Claiborne Avenue, allowing traffic to flow freely up High Street, Claiborne Avenue, Angle Street, Maynor Street and Diamond Avenue.

The Town Manager reminded Council that last year when the same request came before Council, it was requested by Council that this event be held on a Sunday if it came back before Council. Mrs. Weir explained that they cannot get enough authors committed to having the event on a Sunday. She further explained that the main reason for asking for the street closure is to slow traffic down on Franklin Street so people that attend the event can cross the street more safely. They are also thinking about adding food and craft vendors and by closing the street, this will allow more space for them. There was discussion about the event being held on Maynor Street, with Mrs. Weir indicating that this would not work as the authors need to be close to Franklin County Library located on Franklin Street. She also indicated that she has talked to other businesses located on Franklin Street about the proposed street closure, and they have kind of embraced this event and welcome the foot traffic from those attending. Mrs. Weir confirmed that she will bring back to her Board about the closing of Maynor Street, but until then, wanted to know if Council would approve the use of the Town's Municipal parking lot.

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

- Motion was made by Council Member Strickler to approve the use of the Town's Municipal parking lot for the "Mountain Spirits Festival" and that the reserved parking spaces are not to be used by those attending the event, 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 was carried unanimously by those present.

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 at this time.

B. Rise 'N Shine Appearances

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

COUNCIL CONCERNS

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

CLOSED MEETING

At 8:30 p.m., motion was made by Council Member Moyer to go into *Closed Meeting*, and seconded by Council Member Cundiff and carried unanimously to discuss the following:

- Section 2.2-3711(A).5 - Discussion concerning a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (existing business/Industrial Park).
- 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 (historic tax credits).

At 9:10 p.m., motion was made by Council Member Greer to come out of *Closed Meeting* and to reconvene the meeting back into open session, with motion on the floor being seconded by Council Member Strickler 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.

OTHER MATTERS AND CONCERNS

(Let the record show as a point of reference and background information that on November 9, 2009, Mr. Richard Shively of Cable 12 Television came before Council proposing the following for Council's review and consideration: a vision he has had never went away from wanting to air some of The Crooked Road events on Channel 6 (Town's channel), resulting in a meeting with the Town Manager regarding this. Mr. Shively had pointed out that at this time, Shively Electric is underwriting everything involved in doing this. He further emphasized that this will not be in competition with Cable 12; the programming on Channel 6 will be advertisement free; the programming is now on the air in a test mode, with Shively Electric's signal being strong, but as of right now, working with Jetbroadband (cable provider at that time) to make sure their own cable signal is good. He stated that he hopes the Town will appreciate what they will see. He further pointed out that on behalf of Shively Electric, they are committed to the community and have donated equipment, installation, and time to have this programming on Channel 6 work. It was also pointed out by Mr. Shively that this has been given to the Town with no strings attached, and that Cable 12 supports this endeavor, but did not have the funding to take on anything else; therefore being underwritten by Shively Electric. At that time, Council concluded that the Town will assist with communicating to JetBroadband about working with Mr. Shively regarding this matter.)

At the request of Mr. Richard Shively of Cable 12 Television and also Lighthouse Productions, Inc. (also proprietor of Shively Electric Company), Council allowed Mr. Shively to be heard after the *Closed Session* portion of the Rocky Mount Town Council meeting dated this date, May 14, 2012.

Mr. Shively came before Council stating that he wanted to discuss the Town of Rocky Mount's public service announcement (PSA), which is now channel 13 (formerly channel 6).

The Town Manager informed Council that Mr. Shively had been augmenting the Town's government channel with The Crooked Road music, but that Mr. Shively decided several months back to go in a direction that Town staff did not think it should be. *(Let the record show that when restrictions were put on what programming could be put on channel 13, Mr. Shively removed his equipment; thus, ending the programming he was providing.)*

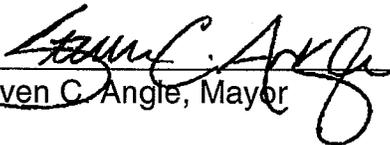
Mr. Shively indicated that he would like to see the entire channel 13 be turned over to him to operate fully, with him wanting it to be done May 9, 2012 (which is already passed). The Town Manager handed to Council the proposal that Mr. Shively wanted Council to review and make a decision on to release channel 13 to him.

Mr. Shively proceeded to give a brief history of his roots in Franklin County and what all he has done to promote the County. While using channel 13 through Town staff guidance, he stated his main contention was not being able to allow any religious announcements, nothing political could be put on the channel, no advertising, and that everything he wanted to put on the channel was being scrutinized by Town staff. *(Let the record show that as a government channel, the Town cannot allow the type of programming he wanted to air.)* He reminded Council that while he was also putting on The Crooked Road music, he had paid for everything to do this, such as providing all the equipment and that the Town does not own one piece of the equipment. He further mentioned that the Town Manager had offered on several occasions to buy the equipment for the Town to use, but he did not want to give up the equipment to the Town since he had provided it. He further indicated he wants to operate channel 13 independent of the Town and will contract to the Town all of the services they currently have, but that he will train Town staff on what they will need to do for them to put on any community announcements and make emergency announcements on behalf of the Town. He also stated that he already operates and owns channel 12, but he wants that channel to be for local football, the ramble, and to take it up one notch for The Crooked Road channel, and that channel 12 does not have the time slots he needs to run The Crooked Road music that he needs to run, stressing that his scheduling is important to him, further stating that he wants channel 13 to compliment his channel 12. He further informed Council that the Town staff is having a hard time seeing the value of this. He concluded by saying he knows his proposal will have to be looked at from a legal standpoint, but if he is given the Town's channel 13, he will also be allowed to advertise to help with his expenses of running channel 13, which the Town cannot do. He asked that Council look at his proposal as soon as possible. He also informed Council that with the restrictions that Town staff has imposed, and him not meaning to sound self-serving, he has walked the high road with this, and if allowed to run channel 13, he will contract to the Town for the services the Town needs. He ended by stating that he cannot run channel 13 with the restrictions that a government channel has.

The Mayor informed Mr. Shively that at this time, Council would have to review the proposal before making any decision.

ADJOURNMENT

At 9:30 p.m., motion was made by Council Member Strickler to adjourn, seconded by Vice Mayor Walker and carried unanimously by those present.



Steven C. Angle, Mayor

ATTEST:



Patricia H. Keatts/Town Clerk

/phk