

March 24, 2009

The regular meeting of the Council of the City of Martinsville, Virginia, was held on March 24, 2009, in Council Chambers, Municipal Building, at 7:30 PM, with Mayor Kathy Lawson presiding. Council Members present included: Mayor Kathy Lawson, Vice Mayor Kimble Reynolds, Gene Teague, Mark Stroud, Sr., and Danny Turner. Staff present included: Clarence Monday, City Manager, Brenda Prillaman, Leon Towarnicki, Eric Monday, Wayne Knox, Mike Rogers, Kenneth Draper, Gary Cody, John Dyches, Bobby Phillips, and Linda Conover.

Following the invocation by Council Member Gene Teague and Pledge to the American Flag, Mayor Lawson welcomed everyone to the meeting.

On a motion by Danny Turner, seconded by Gene Teague, Council approved with a 5-0 vote, the minutes of the February 18, 2009, February 24, 2009, March 9, 2009, March 10, 2009, and March 12, 2009 meetings.

The City Manager reported excellent references have been received on Providence Ambulance and noted that with this resolution, nothing will change about the way Stone Ambulance does business or Providence does business. On a motion by Danny Turner, seconded by Gene Teague, with a 5-0 vote, Council adopted the following Resolution acknowledging Providence EMS Transport, LLC as a non-emergency transport agency and specifying a city service area:

RESOLUTION OF THE CITY OF MARTINSVILLE, VIRGINIA

WHEREAS, Providence EMS Transport, LLC is desirous of establishing contractual agreements to provide emergency medical services for private entities; and

WHEREAS, the Virginia Department of Health, office of Emergency Medical Services is the regulatory authority for EMS organizations; and

WHEREAS, the Code of Virginia § 15.2-955 stipulates that no volunteer rescue squad, emergency medical service organization or other organization providing similar type services or volunteer firefighting organization shall be established in any locality on or after July 1, 1984 without the prior approval by resolution of the governing body, i.e. the City Council of the City of Martinsville, Virginia; and

WHEREAS, the Administrative Code of Virginia 12 VAC 5-31-420 requires that the resolution adopted must specify the geographic boundaries of the agency's primary service area within the locality;

NOW, THEREFORE, BE IT RESOLVED, on this the _____ day of _____, 2009, upon endorsement by the Virginia Department of Health, the City Council of the City of Martinsville, Virginia acknowledges Providence EMS Transport, LLC as an emergency medical services agency engaged primarily in non-emergency medical transport and interfacility medical transport with a business license in the City of Martinsville, Virginia, and hereby specifies the boundaries of the service area for Providence EMS Transport, LLC to be any property located in the boundaries of the City of Martinsville, Virginia.

Wayne Knox reported the Planning Commission held a public hearing on February 19, 2009 to review the Historic District Design Guidelines as amended by the Architectural Review Board and this effort has been done in part to comply with the voices of community stakeholders who desired a set of guidelines to be put in place before the implementation of any locally designated historic districts

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be approved. He pointed out the two oppositions related to property owners' feelings that improvements to their property should be of their own choosing. Wayne also pointed out there will be potential funding sources for property improvements such as tax credits and possibly a pool of funds that owners could use for improvements. On a motion by Gene Teague, seconded by Kimble Reynolds, Council agreed to set a public hearing for April 14, 2009 to review the Historic District Design Guidelines.

On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Council adopted the following resolution recognizing April as Fair Housing Month and expressing the City's pledge to provide equal housing opportunities for all citizens:

WHEREAS, the City of Martinsville strives to promote principles of Equal Housing Opportunity by prohibiting discrimination practices in the sale, rental and financing of housing and in implementing its housing and community development programs in a manner to affirmatively further the purposes of the fair housing laws; and

WHEREAS, the basis for discrimination outlawed by the federal and state fair housing acts are race, color, sex, religion, national origin, handicap, age and familial status; and

WHEREAS, the City of Martinsville believes persons of similar income levels should have available to them a like range of housing opportunities and will work to promote equality and freedom of choice; now, therefore,

BE IT RESOLVED by the Martinsville City Council that, on this 24th day of March, 2009, in recognition of April as Fair Housing Month, it does hereby pledge to work with its citizens in pursuit of the shared goal and responsibility for providing equal housing opportunities for all persons.

Linda Conover presented the following monthly finance report:

Comparison of Revenues & Expenditures for February 2009, FY09

Through the end of February 2009, Fiscal Year 2009, our revenues exceeded the anticipated budget by \$957,560. The Electric Fund fell slightly short of their anticipated goal by \$25,353. The Water Fund was short by \$54,710. The Refuse Fund was also slightly short by \$6,417. The Capital Reserve Fund was off by \$19,097. The four remaining major funds, General, Sewer, School, and Meals Tax all received more revenues than anticipated. In all, the actual revenues received through February were greater than anticipated.

Overall expenditures were \$763,933 less than anticipated through the end of February. Two funds deviated from their anticipated budgets. The Water Fund expended slightly more than anticipated by \$6,691, and the Sewer Fund expended \$538,532 than anticipated. The Sewer Fund expenditures include the continuing capital project for the sludge press upgrade. With an anticipated budget amendment on this evening's consent agenda, this figure will come into alignment. Continuing efforts by all departments to be conservative in their purchasing practices is reflected in the lower than anticipated expenditures.

Combined Balance Sheet

The overall fund balance decreased by \$1,402,359 through the end of February when compared to the beginning of the fiscal year, bringing our total combined fund balances to \$14,314,710. This decrease is \$226,604 greater than at the end of January, and represents approximately 8.9% of Fiscal Year 2008's total fund balance of \$15,717,069. A majority of the decrease can still be attributed to current cash flow with semi-annual debt service being paid in January, and the reimbursements yet to be received from state and federal programs. This negative cash flow situation should improve over the course of the next few months with the anticipated business license and real estate taxes to be received in May and June. However, taking into account the FY08 re-appropriations approved at Council's October 14th meeting for a total of \$1,950,516, the FY09 fund balance has grown by \$548,157. Therefore, the point can be made that the current decrease is fully attributable to the FY08 Budget Re-appropriations. This being said however, all divisions and departments of the City shall continue to be diligent and monitor their expenses, being careful with the taxpayer's dollars at all times.

Discussion comments included: fund balance explanation that it is not actual cash on hand; sales tax revenue continues to stay on track as projected;

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Council requested a report on expected year end fund balance as part of the monthly finance report. On a motion by Kimble Reynolds, seconded by Gene Teague, with a 5-0 vote, Council approved the monthly finance report as presented.

On a motion by Gene Teague, seconded by Kimble Reynolds, Council approved, with a 5-0 vote, the following consent agenda:

BUDGET ADDITIONS FOR 03/24/2009				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY09</u>				
<u>GENERAL FUND</u>				
01100909	490104	Advanced/Recovered Costs		325
01812242	506067	Misc. Development Expense/RADAR Transit Program This is the reimbursement due from RADAR for the actual costs of gasoline and diesel for December and January.	325	
Total General Fund:			325	325
<u>Sewer Fund</u>				
13103936	407701	Proceeds from Indebtedness/Loan Proceeds		500,000
13550325	508220	Wastewater Plant/Physical Plant Expansion This is to appropriate the funds received from the recent debt issuance to cover the sludge press project.	500,000	
Total Sewer Fund:			500,000	500,000
<u>Capital Reserve Fund</u>				
16103936	407701	Proceeds from Indebtedness/Loan Proceeds		43,153
16572362	508112	Major Tools & Equipment/St Construction/Sweeper	7,150	
16577367	508100	Physical Plant Expansion/Garage Addition This is to appropriate the funds received from the recent debt issuance to cover the cost of the new street sweeper and the addition to the garage.	36,003	
Total Capital Reserve Fund:			43,153	43,153

Scott Coleman presented a report on the National League of Cities Caremark Prescription Drug Discount Program. This program is administered by the National League of Cities and CVS Caremark to league member cities, such as Martinsville, to help residents cope with prescription costs. It offers savings to those who do not have health insurance or a pharmacy benefit plan or whose prescriptions are not covered by insurance. There is no membership or enrollment fee for participants and no cost to the city. People using the discount card get an average savings of 20 percent on prescriptions at participating pharmacies and it will take about eight weeks to launch the program after city

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officials submit the one-page application. All members of Council agreed this is a good program and directed Scott to proceed with implementation of the program.

Mark Heath of Martinsville-Henry County Economic Development Corporation gave a report on the Big Chair Project proposed for the Broad Street parking lot. Plans are to turn part of the Broad Street parking lot into a park honoring the area's furniture heritage. He said the big chair is symbolic of a much bigger effort to tie tourism and revitalization efforts into the area's furniture, textile and motorsports legacy. He pointed out the Planning Commission is to hold a public hearing on April 16 and this project will be brought back for Council approval probably in May. Council members commented regarding the project and thanked Patrick Henry Community College for their assistance to the EDC in the design drawings.

On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Council approved adoption of the following resolution supporting the City of Martinsville Landfill Methane Recovery Project for Carbon/Renewable Energy Credits and Potential Energy Production:

WHEREAS, the recovery of methane gas emissions from landfills is a potential renewable energy resource as well as a way to reduce greenhouse gas emissions; and

WHEREAS, the utilization of landfill gas can result in the generation of carbon credits and renewable energy credits (and the production of energy) and these credits have value and can be traded in the marketplace; and

WHEREAS, the utilization and/or destruction of landfill gas extracted from the Martinsville Landfill is not required at this time since it is not mandated under any federal, state or local law, and thus any such action is voluntary; and

WHEREAS, carbon credits are generated through implementation of emission reduction projects and that an estimated 67,500 tons of carbon credits are available at the Martinsville Landfill during the first year of a recovery project; and

WHEREAS, carbon units are exchanged on the open market where a buyer pays a seller in exchange for a given amount of carbon units that may be used towards its voluntary or mandatory obligations; and

WHEREAS, the City of Martinsville supports actions that will have the effect of reducing emissions of greenhouses gases; now, therefore;

BE IT RESOLVED, by the Council of the City of Martinsville, Virginia, in regular session assembled March 24, 2009, that it does hereby affirm its interest and desire to pursue a voluntary project at the Martinsville City Landfill to recover methane emissions, to develop its capacity to participate in carbon/renewable energy credit markets as a source of revenue, and to explore possible options related to energy production.

Leon Towarnicki reported that completion of recent engineering work at the City landfill indicates a sufficient quantity of landfill gas (methane) is being generated at the facility to warrant further investigation regarding a possible methane recovery project for the purpose of capturing carbon and/or renewable energy credits as well as possible energy production. Carbon credits, achieved through the destruction or utilization of the landfill gas, have a monetary value and could be a potential revenue source for the City. Additionally, preliminary information

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indicates the quantity of gas may be adequate for purposes of electric power generation. Engineering work is continuing on all of these options. All work currently being done in regard to these projects is strictly voluntary on behalf of the City and not currently required or mandated by any federal, state, or local law. The purpose of the resolution (which may ultimately serve to protect the City's interest in revenue generation from the project) is to establish a written record of Council's acknowledgment and support of the project on a voluntary basis, before any regulatory action is imposed requiring such a project. Council directed that the signed resolutions and a letter be sent to area legislators advising them of this project.

On a motion by Gene Teague, seconded by Kimble Reynolds, with the following 5-0 recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council approved the following resolution authorizing an RFP for possible bond re-financing and for anticipated capital needs for FY10:

RESOLUTION SETTING PUBLIC HEARING AND APPROVING RELATED ACTIONS RELATED TO POTENTIAL ISSUANCE OF REFUNDING AND NEW MONEY BONDS

WHEREAS, the City of Martinsville, Virginia (the "City") has previously issued its General Obligation Bond (Landfill Project), Series 2005 (the "2005 Landfill Bond") in order to finance City landfill improvements and its General Obligation Refunding Bond, Series 2005 (the "2005 Refunding Bond") in order to refinance school and redevelopment projects in the City; and **WHEREAS**, a plan has been presented to the City Council (the "City Council") of the City to refinance the Series 2005 Landfill Bond and the 2005 Refunding Bond, projecting that such refinancing, including the costs of issuance to be incurred in connection with such refinancing, will result in significant debt service savings to the City (the "2009 Refinancing"); and

WHEREAS, the City Council is also considering financing capital purchases and improvements (the "2009 New Money Financing"), including municipal building improvements, landfill gas collection system improvements and purchase of a bucket truck (the "2009 Project"), and it would be cost effective to combine the 2009 New Money Financing with the proposed 2009 Refinancing; and

WHEREAS, the 2009 Refinancing and the 2009 New Money Financing would be accomplished through the issuance by the City of its general obligation bond or bonds, Series 2009 in a principal amount not to exceed \$5,535,000 (the "2009 Bonds").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARTINSVILLE, VIRGINIA:

- 1.The City Manager, with Sands Anderson Marks & Miller, a Professional Corporation as Bond Counsel and Davenport & Company LLC as financial advisor to the City, is authorized to issue a Request for Proposals in order to receive proposals from banks regarding the proposed 2009 Refinancing (to determine actual debt service savings that would benefit the City) and 2009 New Money Financing. Such bank proposals shall be considered by the City Council at its meeting on April 14, 2009.
- 2.The City Manager, Assistant Finance Director, City Attorney, bond counsel to the City, the financial advisor to the City and all other officers, employees and agents of the City are hereby authorized and directed to take such further action deemed necessary or desirable to facilitate consideration of the issuance of the proposed 2009 Bonds, including but not limited to the publication and broadcasting, as required by the City Charter, of notice of a public hearing to be held prior to final authorization by the City Council of the issuance of the Bonds. The public hearing shall be held on April 28, 2009 at 7:30 p.m. at the City Council Chambers, Second Floor, City of Martinsville Municipal Building, 55 West Church Street, Martinsville, Virginia 24112. All actions of the City Manager, Assistant Finance Director, City Attorney, Bond Counsel, the City's financial advisor and all other officers, employees and agents of the City in furtherance of the issuance of the 2009 Bonds are hereby approved and ratified.
- 3.The City Council hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the City's intent to reimburse the City from the proceeds of the 2009 Bond for expenditures with respect to the 2009 Project. The City reasonably expects that it will reimburse the expenditures with the proceeds of the 2009 Bond. The maximum principal amount of tax exempt obligations expected to be issued for the 2009 Project is \$1,200,000.
- 4.This Resolution shall take effect immediately.

On a motion by Gene Teague, seconded by Kimble Reynolds, with the following 5-0 recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council approved on first reading the

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following ordinance authorizing an RFP for possible bond re-financing and for anticipated capital needs for FY10:

CITY OF MARTINSVILLE, VIRGINIA

AN ORDINANCE RECITING THE EXPEDIENCY OF THE ISSUANCE OF UP TO \$5,535,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF MARTINSVILLE, VIRGINIA, AND SETTING FORTH THE PURPOSE, IN GENERAL TERMS, FOR WHICH THE BONDS ARE TO BE ISSUED, THE MAXIMUM AMOUNT OF THE BONDS TO BE ISSUED AND THE MAXIMUM LENGTH OF TIME SUCH BONDS WILL BE OUTSTANDING

Adopted on April 14, 2009 Be it Ordained by the Council of the City of Martinsville, Virginia:

Section 1 - Findings and Determinations

The City Council ("**City Council**") of the City of Martinsville, Virginia (**the "City"**) proposes to issue bonds for the purposes of (i) refunding the outstanding balance of the City's \$2,529,764 General Obligation Refunding Bond, Series 2005 (**the "2005 Refunding Bond"**), (ii) refunding the outstanding balance of the City's not to exceed \$2,500,000 General Obligation Bond (Landfill Project), Series 2005 (**the "2005 Landfill Bond"**) and, **together with the 2005 Refunding Bond, the "Bonds to be Refunded"**) and (iii) financing the acquisition, construction and equipping of municipal building improvements, landfill improvements and acquisition of a truck for municipal purposes (**together, the "2009 Project"**) and hereby finds and determines that: (i) the City is in need of funds to be used by the City for the refunding of the Bonds to be Refunded, for costs of the 2009 Project, for costs of issuance of the Bonds (defined below) and for payment of interest on the Bonds; (ii) the obtaining of such funds will be for municipal purposes of the City, for the welfare of citizens of the City for purposes which will serve the City and its citizens pursuant to the authority of the City to provide funds for and otherwise support the activities of the City and the City's municipal purposes; (iii) the most effective, efficient and expedient manner in which to provide such funds to the City is through the issuance of general obligation Bonds in an original principal amount not to exceed \$5,535,000 to be issued by the City as further described herein (**the "Bonds"**) to be used for the refunding of the Bonds to be Refunded, for costs of the 2009 Project, for certain costs of issuance of the Bonds and for payment of interest on the Bonds; (iv) the issuance of the Bonds is within the power of the City to contract debts, borrow money and make and issue evidence of indebtedness; and, (iv) the issuance of the Bonds is in the best interests of the City and its citizens.

Section 2 - Description of Bonds

The City Council finds that it is expedient for the City to borrow money and issue the Bonds for the refunding of the Bonds to be Refunded in a maximum principal amount not to exceed \$4,335,000 and for the financing of the 2009 Project in a maximum principal amount not to exceed \$1,200,000. The maximum length of time that the Bonds will be outstanding is twenty years from the date of issuance of the Bonds. The form and details of the Bonds which are proposed to be issued will be more specifically set forth in a City Ordinance to be entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,535,000 MAXIMUM PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF MARTINSVILLE, VIRGINIA, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF," which will be introduced before the Council and considered for passage following a public hearing as required by law.

Section 3 - Actions Authorized

All actions of the City Manager, Assistant Finance Director, City Attorney, Bond Counsel, the City's financial advisor and all other officers, employees and agents of the City in furtherance of the issuance of the Bonds and the refunding of the Bonds to be Refunded are hereby approved and ratified.

Section 4 - Invalidity of Sections If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this Ordinance.

Section 5 - Headings of Sections

The headings of the sections of this Ordinance shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections of this Ordinance.

Section 6 - Effective Date and Filing of Ordinance

The Council hereby declares in the public interest that this Ordinance shall become effective immediately upon its passage. A copy of this Ordinance, certified by the Clerk of the Council, shall be filed with the Clerk of the Circuit Court of the City of Martinsville, Virginia.

City Manager and Finance Director Clarence Monday reported the City presently has three outstanding bond obligations with interest rates higher than today's market. Staff believes by re-financing these long-term debts, approximately \$100,000 could be saved over the life of the bonds. After examining FY10 capital needs, \$400,000 may be needed to fund regular capital items including enhancements to City courtrooms, Municipal Building improvements, and a bucket truck for the Electric Department. He pointed out the potential methane landfill project could cost the City approximately \$800,000 and will only be authorized by Council if research determines that such is a profitable venture. This ordinance and resolution do not commit the City to actual re-financing nor does either give approval for FY10 capital or landfill projects. The ordinance and resolution only authorizes staff to issue a no-cost

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RFP for capital interest rates and allows a Public Hearing to be set in case these initiatives are worth pursuing.

Council agreed to set a Council meeting for Tuesday, April 21, at 7:00 PM for the City Manager to present the budget proposal to Council. Follow up budget work session dates were set for Tuesday, May 5, at 7:00 PM and Wednesday, May 13, at 7:00 PM.

Wayne Knox gave a report to Council regarding the former Martinsville Novelty factory at 900 Rives Road that is being proposed as a potential site for a residential development of 50-60 units by the Landmark Group of Winston Salem, NC. Wayne pointed out the property will require rezoning and a special use permit with anticipated construction late 2011. Wayne explained to Council that a public hearing is necessary to solicit public input on the proposed Community Development Block Grant (CDBG) proposal to be submitted to the Virginia Department of Housing and Community Development and that this is a very competitive grant.

Mayor Lawson opened the public hearing. Public comments included: James Crigger, Chatham Road, pointed out he serves on the Planning Commission and initially his main concern was that safety issues be addressed. Mr. Crigger indicated the development will have an on site manager and he encouraged Council to go forward since this will bring in residential revenue. There being no other public comments, Mayor Lawson closed the public hearing. On a motion by Gene Teague, seconded by Danny Turner, with a 5-0 vote, Council agreed to adopt the following resolution which grants permission to the City Manager to submit application for possible CDBG funding to the Virginia Department of Housing and Community Development and to forward the resolution to legislators:

RESOLUTION AUTHORIZING THE PREPARATION AND FILING OF AN APPLICATION FOR COMMUNITY IMPROVEMENT GRANT FUNDS THROUGH THE VIRGINIA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
WHEREAS, the City of Martinsville has participated in the Small Cities Community Development Block Grant (CDBG) program under the Virginia Department of Housing and Community Development 2009 Competitive Grant program by undertaking a project with Landmark Group which will involve converting a vacant former factory building into loft apartments; and
WHEREAS, the City of Martinsville is eligible for and wishes to submit a 2009 CDBG Low Moderate Income Housing project application for a total request of \$500,000 to the Virginia Department of Housing and Community Development for grant funds by April 1, 2009 for consideration during the 2009 CDBG funding round; and
WHEREAS, the City has identified and designated a redevelopment area pursuant to Title 36 of the Code of Virginia with said area being characterized by slums and blight due to building, infrastructure, and site deterioration which has served as a disincentive for private investment leading to unrealized commercial growth and underutilized buildings; and
WHEREAS, the City of Martinsville acknowledges the provisions of Title 36, Article 7 of the Code of Virginia; and

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NOW, THEREFORE, be it resolved by the Council of the City of Martinsville, Virginia that: The City of Martinsville wishes to apply for a FY 2009 CDBG Housing grant in the amount of \$500,000 for the conversion of Martinsville Novelty Corporation into low-moderate income housing using Historic Tax Credits for the purpose of providing housing and undertaking physical and economic blight removal; and hereby authorizes the City Manager to execute and file all appropriate documents necessary for the submission of the City of Martinsville 2009 Community Development Block Grant application of April 1, 2009 and to provide such additional information as may be required by the Virginia Department of Housing and Community Development.

Business from the floor: Rev. Sarah Whitmore spoke on behalf of the M-HC Ministerial Association and read a letter to Council urging them to move forward in finding a suitable location for Social Services. James Crigger, Chatham Road, complimented the City Police Department for a job well done, especially the third shift from this past Saturday night when he rode along in the car. Gary Cody, Leisure Services Director, distributed copies of the new activities brochure advising they are being made available at various locations as well as being sent home with each city school student. Gary also reported he is working on a disc golf project for Wilson Park and soliciting sponsorships; will be conducting community group meetings to hear citizen comments and has recently started a Toddler Play Group program. Mayor Lawson commended Gary for the good job he is doing already in such a short time as the new Leisure Services Director.

Comments by Council members: Stroud-thanked Rev. Whitmore for her comments; Turner-congratulated Rick Martin for his efforts in bringing in jobs, MHS band will be in Atlanta representing the area, Bell brothers recognition set for April 11 at 10 am; Mayor Lawson—commended Leisure Services, inquired on status of courtroom repairs involving heating issues which are now resolved, and reported the Green Committee will be meeting next week.

Comments by City Manager: Clarence reported joint meeting of School Board and Council originally scheduled for 3/25/09 is cancelled and the health care issue will be handled at the April 28 regular Council meeting.

In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon a motion by Gene Teague, seconded by Kimble Reynolds, with the following 5-0 recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (A) Consultation with legal counsel and briefings by staff members, attorneys or consultants pertaining to actual or probable litigation, or other specific legal matters requiring the

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provision of legal advice by such counsel, as authorized by Subsection 7 and (B) Appointments to Boards and Commissions as authorized by Subsection 1.

At the conclusion of Closed Session, each returning member of Council certified that (1) only public business matters exempt from open meeting requirements were discussed in said Closed Session; and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during said Session. On a motion by Mark Stroud, seconded by Kimble Reynolds, with the following 5-0 recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council returned to Open Session.

On a motion by Kimble Reynolds, seconded by Danny Turner, Council agreed to re-appoint Donna Odell, 96 Diana Court, to the Dan River Alcohol Safety Action Program for a 3 year term ending 4/30/2012.

On a motion by Danny Turner, seconded by Mark Stroud, Council agreed to appoint Bill Wyatt, 512 Mulberry Road, to an unspecified term on the Cable Franchise Committee.

On a motion by Gene Teague, seconded by Mark Stroud, Council agreed to appoint Rev. James C. Richardson, Jr., 115 Melody Court, to an unexpired 4 year term ending 6/30/2012 on the Planning Commission.

No other action was taken.

There being no further business, Mayor Lawson adjourned the meeting at 10:22 PM.

Clarence C. Monday
Clerk of Council

Kathy C. Lawson
Mayor