

MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
May 5, 2009

Note to Reader: Although the printed agenda document for this city council meeting is not part of these minutes, the agenda document provides background information on the items discussed by city council during the meeting. A copy of the agenda document for this meeting may be obtained by contacting the Office of the City Clerk.

INVOCATION

Emporia City Council held a regular meeting on Tuesday, May 5, 2009, at 7:30 p.m. in the Council Chambers of the Municipal Building. Mayor Samuel W. Adams, III presided over the meeting with Councilman James C. Saunders offering the invocation.

ROLL CALL

Upon roll call, the following City Council members indicated their presence:

Councilman John R. White
Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilman Edward V. Lankford, IV
Councilwoman L. Dale Temple

Others present: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Brian S. Thrower, City Manger
Steven B. Hall, Assistant City Manager
Jean V. Whiting, City Clerk

Absent: Councilwoman Carolyn S. Carey (*illness*)

MINUTES APPROVAL

The minutes of the April 21, 2009 City Council Regular Meeting were distributed to City Council members. Councilwoman Temple moved to approve the minutes as presented. Councilman Lankford seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

CITY ATTORNEY REPORT

C. Butler Barrett, city attorney had no matters to report to city council members.

AGENDA APPROVAL

Mayor Adams reported the addition of agenda item **09-70. *Parking Lot Maintenance.***

Councilman Saunders moved to approve the agenda as amended. Councilwoman White seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

SPECIAL RECOGNITION

In honor of 2009 Municipal Clerks Week, Mayor Adams presented a proclamation to Jean Whiting, the city clerk.

Councilwoman White moved to approve the proclamation as presented. Councilman Harris seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

UNFINISHED BUSINESS

09-60. VPI Extension Office – Request for Authorization to Proceed

Mr. Thrower reported that the City of Emporia and Greensville County had actively pursued renovation of the former School Board building on Oak Street to house the VPI Extension Office. He also reported that construction bids were received by Greensville County staff with the lowest bid being from Howerton Construction. He further reported that the proposed budget reflected \$243,175 and that the initial project budget was estimated at \$415,000.

He stated that, since the April 21, 2009 City Council meeting, minor modifications were made to the contract between the City of Emporia and Greensville County concerning the matter. He also stated that the modified agreement was forwarded to the Greensville County Administrator for signing.

NEW BUSINESS

09-65. Annual Spring Cleanup

Mr. Hall reported that the city of Emporia's Public Works Department will conduct an annual Spring Cleanup May 11-22, 2009. He also stated city residents were encouraged to use that time period to dispose of residential household and bulky waste on their normal trash collection days.

09-66. Property Maintenance Program

Mr. Hall reported that an informational packet containing enhanced property maintenance guidelines had been prepared for distribution to residents, businesses and industries throughout the City of Emporia. He also reported that the city's existing Property Maintenance Program is managed through the city's Department of Inspections. He further reported that the Department of Inspections would continue to be responsible for enforcing the standards outlined in the informational packets and that the information contained in the packets is listed in the city's Code of Ordinances.

He distributed copies of the informational packets to City Council members and stated that a grace period would be provided to property owners to allow them adequate time to address violations prior to the issuance of a violation notice. He requested that City Council members allow city staff to move forward with implementation of the city's enhanced Property Maintenance Program as presented.

Councilman White moved to approve implementation of the City of Emporia's enhanced Property Maintenance Program. Councilman Saunders seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

09-67. Water Treatment Plant – Proposed Contract for Engineering Services

Mr. Thrower reported that, on April 7, 2009, City Council members authorized him to negotiate a contract with Dewberry for professional engineering services associated with the design, bidding, and construction of the city's water treatment plant and intake structure project. He provided copies of the proposed contract to City Council members concerning the preparation of a preliminary engineering report and an environmental report associated with the water treatment plant and intake structure projects. He also reported that Dewberry proposed to provide the services for \$33,850. He further reported that fees associated with design, environmental study, permit application preparation, bidding, and construction costs were excluded from the figure and that an additional agreement would be required to cover such additional costs.

He requested that City Council members authorize him to sign the proposed agreement with Dewberry as presented. He advised them that it was estimated that the environmental report would require ninety days for completion and the preliminary engineering report would require sixty days for completion.

Councilman Saunders moved to approve that the city manager be authorized to sign the agreement with Dewberry as requested. Councilwoman Temple seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye

Councilwoman Doris T. White	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

09-68. Request by Council Member Harris – Revisions to Employee Policy Manual (Chapter IX – Holidays and Leaves)

Mr. Thrower reported that Councilman Harris requested that the City of Emporia’s Employee Policy Manual be reviewed concerning holidays and leaves due to amendments in federal laws and/or review of other organizational personnel policies. He also reported that, while the policies are reviewed, Councilman Harris requests that the city’s Administration temporarily suspend any employee terminations that may occur in the future due to violation of Chapter IX as a result of exhausting the 12 week maximum time limitation allotted for FMLA Leave. He further reported that the section concerning the FMLA leave policy states that, “Eligible employees may request up to a maximum of 12 weeks of medical or family leave within any 12 month period. The city will require the use of accrued paid vacation, sick leave, or compensatory time to be substituted for the unpaid leave required by law. Any combination of medical leave, family leave and other paid leaves used for this purpose may not exceed the maximum limit of 12 weeks.”

Councilman Harris moved to approve that the City of Emporia suspend employee terminations until their regularly schedule second meeting of June 2009 pending staff review and City Council revision of the respective policies to allow the revision discussed by the city manager during the last meeting. Councilwoman Temple seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

09-69. Request by Council Member Doris White – Gowin Street Speeding Concerns

Mr. Thrower reported that Councilwoman White requested that the city’s Public Works Department director and the city’s chief of police work in collaboration to consider the installation of 3-way stop signs along Gowin Street at the intersections of Mead, Belford, and/or Belden Streets.

It was the consensus of City Council members to delay the matter for 2 weeks to allow the city’s Administration to review the matter.

09-70. Parking Lot Maintenance – Mayor Samuel W. Adams, III

START AT 7:48:18

PUBLIC COMMENT

Mayor Adams asked if anyone wished to bring a matter before city council members adhering to the 3 minute time limitation.

Ms. Theresa Carson of 509 Olive Street, Emporia, Virginia advised city council members that a ravine that runs under Olive Street, and beside her property, is causing her yard to cave. She also advised them that prior discussions with city staff had not resulted in a resolution to the problem. She further advised them that she discussed the matter with Councilwoman Temple and was present at that time to have the matter heard and to discuss potential resolutions.

She stated that her neighbor, Ms. Taylor, informed her that the City of Emporia maintains the ravine adjacent to her property. She also stated that immediate action was needed concerning the matter as her property is being washed away.

Mayor Adams advised Ms. Carson that he would meet with Mr. Hall concerning the matter and that Mr. Hall would contact her concerning the matter.

Mr. John P. Moss, Jr. of Olive Street, Emporia, Virginia stated that, approximately thirty years prior, his father purchased the pipe that was installed within the ravine. He also stated that the City of Emporia installed the pipe, at that time, and over the years, drainage to that area significantly increased and runs to the thirty-six inch pipe headwall causing the water to go around the pipe causing the caving.

Ms. Carson stated that she was previously assured by city staff that the problem would be corrected.

Mr. Thrower reported that, approximately a year prior, he and Mr. Jones met with Ms. Carson concerning the matter and that the area of concern is located on private property and no city easement runs through the area.

With there being no further comments to come before city council, Mayor Adams entertained a motion to enter into Closed Session.

*****CLOSED SESSION*****

Councilman White moved that Closed Session be entered for the purpose of discussing Virginia Code § 2.2-3711 (A) (7) **Legal Matter** and (1) **Personnel Matter**. Councilman Saunders seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

*****REGULAR SESSION*****

Councilman Saunders moved that the meeting be returned to Regular Session. Councilwoman Temple seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye

Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

CERTIFICATION

Councilman Harris moved to certify the following:

1. only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Session to which this certification applies, and
2. only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

Councilman Lankford seconded the motion, which passed as follows:

Councilman John F. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

ADJOURNMENT

With no further business to come before city council the meeting was adjourned.

Samuel W. Adams, III, Mayor

Jean V. Whiting, City Clerk