

**MINUTES**  
**EMPORIA CITY COUNCIL**  
**CITY OF EMPORIA MUNICIPAL BUILDING**  
**APRIL 7, 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, April 7, 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 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  
Councilwoman Carolyn S. Carey  
Councilman Ned V. Lankford  
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

**MINUTES APPROVAL**

The minutes of the March 17, 2009 public hearings and City Council Regular Meeting were distributed to City Council members. Councilman White moved to approve the minutes as presented. 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
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	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 item **09-47. *COPS Grant*** under Unfinished Business.

Councilman White moved to approve the Agenda as amended. 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

## **UNFINISHED BUSINESS**

### ***09-13. Crater District Area Agency on Aging Board – Appointment Request***

With no recommendations for appointment to be presented by City Council members at that time, it was the consensus of City Council members to delay the matter for 2 additional weeks.

### ***09-40. Consideration of Citizens National Bank Building Proposals***

Mr. Thrower requested that the matter be delayed for 2 weeks.

### ***09-42. Debt Restructuring Opportunity – Davenport & Company, LLC***

Mayor Adams asked if City Council members had further discussions concerning the presentation by Davenport & Company at the March 31, 2009 City Council Special Meeting.

Councilman Saunders stated that, based on the information presented, it appeared that savings would be involved with the 2004A Bond over the next two years and recommended that no action be taken, at that time, concerning the matter. He also stated that, if restructuring is avoided, the City of Emporia would save approximately \$150,000 over the next 7 years. He further stated that, if the city could survive the next 2 years without restructuring, the city's debt service would reduce by \$200,000 and such funds could be utilized towards payment of the water treatment plant.

Mayor Adams stated that his sentiments concerning the matter mirrored those of Councilman Saunders and that he did not endorse the City of Emporia restructuring debt at that time. He also stated that, based on his discussion with Mr. Thrower earlier that day, difficult decisions would be forthcoming concerning the City of Emporia's budget. He further stated that individuals, agencies, and organizations would be required to do with less and that tax and fee increases were potential.

**09-46. *Water Treatment Plan and Intake Structure Engineering Proposals***

Mr. Thrower reported that 11 proposals had been received concerning the design, bidding, and construction of the water treatment plant and intake structure project. He also reported that, of those received, 5 were selected for interviews and that city staff recommended Dewberry for the project. He requested that City Council members authorize the city manager to negotiate a contract with Dewberry for professional engineering services associated with the design, bidding, and construction of the water treatment plant and intake structure project. He further reported that he anticipated having a proposed contract for Council's review and consideration at their April 21, 2009 meeting.

Councilwoman Temple moved to approve that the city manager negotiate a contract with Dewberry for engineering services associated with the design, bidding, and construction of the water treatment plant and intake structure project as request. Councilwoman Carey 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

**09-47. *COPS Grant***

Mr. Thrower reported that the matter was initially brought before City Council members during their March 31, 2009 Special Meeting and that funding under the COPS Community Hiring Recovery Program (CHRP) could be utilized for the following:

- Hiring new officers (on or after the official grant award start date)
- Rehiring officers who have already been laid-off, at the time of the application, due to state, local or tribal budget cuts
- Rehiring officers who are, at the time of the application, scheduled to be laid-off on a future date as a result of state, local, or tribal budget cuts

He also reported that the total estimated local cost per officer, over a 3 year period, reflected \$3,000 and did not include vehicle costs. He further reported that CHRP grants only provide funding to cover entry-level salaries and benefits for 3 years for newly-hired full-time sworn officer positions.

He stated that, at the end of the 3 year period, grantees would be required to retain all sworn officer positions awarded under the grant for 1 year, unless granted retention exemption. He also stated that he was in the process of finalizing the proposed FY 2010 budget and was still awaiting expenditure information. He further stated that, at that time, lay-offs and/or wage reductions were probable.

Mr. Thrower reported that 2 police officer positions were not funded with the adoption of the FY 2009 Budget and were filled due to staffing shortages realized as a result of officer injuries. He also reported that the cost per police officer position reflected approximately \$50,000 annually. He further reported that Police Department Administration requested that City Council members authorize submittal of the grant application.

Bernard Richardson, Chief of Police for the City of Emporia stated that the opportunity was great and that the City of Emporia’s Police Department was equipped with additional vehicles and equipment for the proposed positions.

Councilman Harris moved to approve that the grant application be submitted for 4 officers with the Police Administration working with the city manager to determine the appropriate details. Councilwoman Carey 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

### **NEW BUSINESS**

#### ***09-48. 09-49. South Main Street Improvement Project – Authorization to Proceed with Utility Pole Relocation Estimates***

Mr. Hall reported that he received a Work Order Request from Mr. James T. Hicks of Dominion Power concerning cost estimates for the relocation of facilities in the South Main Street Improvement Project target area. He also reported that cost estimates were not to exceed \$10,000. He further reported that the City of Emporia would be “progress billed” for each \$1,000 of work completed.

He stated that engineering costs would be fully reimbursable with grant funds, including a twenty percent local match. He also stated that, as Dominion completes the study and provides costs estimates, he would be working with Stantec Consulting to satisfy VDOT requirements involving environmental compliance and right-of-way authorization. He further stated that he recommended that City Council members authorize the city manager to sign the agreement with Dominion Power to enter into the relocation study.

Councilman White moved to approve that the city manager sign the agreement with Dominion Power to enter into the relocation study as requested. 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

#### ***09-50. Fire Program Funds – Appropriation Ordinance***

Mr. Thrower reported that the City of Emporia receives annual grant funds from the Virginia Department of Fire Programs, via Greensville County, for the city’s Fire Department. He also reported that the funds were not included in the current Operating Budget and needed to be appropriated. He requested the approval of Ordinance No. 09-14 appropriating \$15,160.50 accordingly.

Councilwoman Temple moved to approve **Ordinance 09-14** appropriating the sum of \$15,160.50 into the FY 2009 Operating Budget as requested. 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

***09-51. Mega Site 2008 Property Tax Reimbursements – Request for City Assistance***

Mr. Thrower reported that the Greensville County Industrial Development Authority requested that the City of Emporia pay half of the 2008 real property tax reimbursements associated with mega site properties. He also reported that assistance was previously requested concerning 2007 tax reimbursements as was approved by City Council. He further reported that the 2008 invoice submitted to the City of Emporia totaled \$708.98.

Councilman Saunders moved to approve the reimbursement request 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
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

***09-52. Emergency Operations Plan Update – Resolution for Adoption***

Mr. Thrower reported that Virginia Code Section 44-146.19 requires that localities keep a current local emergency operations plan for their locality. He also reported that the plan is to be updated every 4 years and that approval of the plan is to be done by resolution. He asked City Council members to approve the 2009 City of Emporia Emergency Operations Plan and its respective updates as provided to them via CD.

Councilman Harris moved to approve the City of Emporia 2009 Emergency Operations Plan as amended with the approval of **Resolution 09-05** as presented. 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

**09-53. Justice Assistant Grant – Request to Submit Application**

Mr. Thrower reported that the US Department of Justice was provided with funding to assist state, local, and tribal law enforcement agencies with crime prevention and reduction efforts. He also reported that the Edward Byrne Memorial Justice Assistance Grant Program was the primary provider of federal criminal justice funding to state and local jurisdictions. He further reported that the City of Emporia had been allocated \$43,378 and that the Police Department proposed to purchase new portable and mobile radios with the funds.

He stated that the total budget for the purchases consisted of \$43,700 and that \$322 of the proposed budget would come from local funds. He also stated that the new radios would allow officers to communicate with other law enforcement agencies during multi-jurisdictional emergencies. He further stated that the City of Emporia’s radio system operates was not compatible with the VHF system used by surrounding jurisdictions.

He requested that City Council members authorize the Police Administration to submit the Justice Assistance Grant for the purchase of portable and mobile radios.

Councilman White moved to approve authorization of the Police Administration to submit the Justice Assistance Grant for the purchase of portable and mobile radios as requested. 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

**09-54. Industrial Development Corporation Annual Nominations to the Board of Directors**

Mr. Thrower reported that Mr. Jack Davenport, Executive Director of the Industrial Development Corporation (IDC) requested nominations of 4 members from the City of Emporia for 1 year appointments to the IDC. He also reported that the City of Emporia was currently represented by following members on the IDC:

C. Butler Barrett, Esquire  
Councilman F. Woodrow Harris  
Councilman James C. Saunders  
Brian S. Thrower

Councilwoman Temple moved to approve that all 4 individuals be reappointed to the IDC for another 1 year term. 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 Ned V. Lankford            aye  
Councilwoman L. Dale Temple        aye

**09-55. Request by Council Member John White – Shopping Carts**

Councilman White requested that the city manager submit letters to local stores concerning shopping carts being removed from their businesses and scattered throughout the city. He also reported that, if they fail to comply with collecting their respective shopping carts, the carts should be transported by city staff to the City Shop for storage with a fee of approximately \$10.00 per cart associated with business owners retrieving them.

Mayor Adams suggested that the city's Public Works Department collect the carts that are not on the respective business owner's property and attach a \$10.00 storage fee to each as well. He stated that the city attorney and city manager would handle the matter administratively.

**PUBLIC COMMENT**

*Ms. Ida MacBeth* of 109 Ellis Street, Emporia, Virginia stated that, despite her previous expressions of concern to City Council about water drainage from the new Dollar General Store onto her property, the problem continues to exist and the situation had worsened. She also stated that due to a pile of dirt, resulting from a ditch-digging, water runs off the pile and directly onto the back portion of her property. She further stated that she wished to have the hill reversed and the water drainage off her property.

Mayor Adams advised Ms. MacBeth that he would contact Mr. Turner concerning the matter the following day.

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

**\*\*\*CLOSED SESSION\*\*\***

Councilman Saunders moved that Closed Session be entered for the purpose of discussing Virginia Code § 2.2-3711 (A) (7) **Contractual Matter**. 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 Ned V. Lankford        aye  
Councilwoman L. Dale Temple       aye

**\*\*\*REGULAR SESSION\*\*\***

Councilman Lankford 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

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Councilman Harris moved to adopt **Resolution 09-06** requesting amendment to the current Meherrin Regional Library agreement reflecting an increase of one (1) board seat on the Board of Trustees. The proposal would increase Emporia's total number of Board seats to three (3). Furthermore, the Emporia City Council requests that the Brunswick County Board of Supervisors and Greenville County Board of Supervisors consider amendments to the Meherrin Regional Library agreement. This motion was seconded by Councilwoman Temple, 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

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***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 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 Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

**ADJOURNMENT**

With no further business to come before City Council the meeting was adjourned.

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, City Clerk