

## PUBLIC HEARINGS

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- 1. Stormwater Management Policy – City Code Chapter 78: Utilities, Article IV: Stormwater Management**
  - 2. Drought Ordinance – City Code Chapter 34: Environment, Article V: Drought**
  - 3. Noise Ordinance – City Code Chapter 34: Environment, Article II: Noise**
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Emporia City Council held a Public Hearing on Tuesday, August 18, 2009, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Samuel W. Adams, III presided over the hearings.

The following City Council members were present:

Councilman John R. White	Councilman 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  
Alvin A. Lockerman, Jr., Interim City Attorney  
Steve B. Hall, Assistant City Manager  
Brian S. Thrower, City Manger  
Jean V. Whiting, City Clerk

### **1. Stormwater Management Policy – City Code Chapter 78: Utilities, Article IV: Stormwater Management**

Mr. Thrower reported that he researched other localities' policies concerning drainage-related improvements on private property. He also reported that he provided City Council members with copies of his proposed ordinance concerning the matter.

Mayor Adams asked if anyone wished to speak concerning the matter.

With there being no comments to come before City Council, Mayor Adams declared the public hearing closed.

### **2. Drought Ordinance – City Code Chapter 34: Environmental, Article V: Drought**

Mr. Hall reported that he received notification from Mr. James Warf, Water and Sewer Authority Utilities Superintendent for Greensville County, indicating that the City of Emporia was required to adopt a local drought ordinance as part of the Greensville-Sussex-Emporia Regional Water Supply Plan. He also reported that that he provided City Council members with copies of his proposed ordinance concerning the matter.

Mayor Adams asked if anyone wished to speak concerning the matter.

With there being no comments to come before City Council, Mayor Adams declared the public hearing closed.

### 3. Noise Ordinance – City Code Chapter 34: Environment, Article II: Noise

Mr. Hall reported that, on April 17, 2009, the Virginia State Supreme Court unanimously ruled that the City of Virginia Beach's noise ordinance violated the constitution. He also reported that the Court deemed the ordinance as unconstitutional due to the lack of objectively indicating the level of noise to be prohibited. He further reported that the City of Emporia's noise ordinance, along with other localities within the state, needed to be modified to ensure consistency with the Supreme Court's ruling.

He stated that he provided City Council members with copies of his proposed ordinance concerning the matter.

Mayor Adams asked if anyone wished to speak concerning the matter.

*Mrs. Elizabeth B. Sharrett* of 301 Jefferson Street, Emporia, Virginia reported that she was in favor of the proposed ordinance.

With there being no further comments to come before City Council, Mayor Adams declared the public hearing closed.

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, CMC, City Clerk

**MINUTES**  
**EMPORIA CITY COUNCIL**  
**CITY OF EMPORIA MUNICIPAL BUILDING**  
**August 18, 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, August 18, 2009, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Samuel W. Adams, III presided over the meeting with James C. Saunders, President of Council 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: Alvin A. Lockerman, Jr., Interim City Attorney  
Steve B. Hall, Assistant City Manager  
Brian S. Thrower, City Manger  
Jean V. Whiting, City Clerk

**MINUTES APPROVAL**

Councilwoman Temple moved to approve the Tuesday, August 4, 2009, regular City Council Meeting minutes as presented. Councilman Lankford seconded the motion, which passed as follows:

Councilman John R. 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

## **APPROVAL OF BILLS**

A listing of the August 18, 2009 bills had been presented to City Council members.

General Fund	\$1,817,770.69
Utility Fund	\$ 199,444.52

Councilman Saunders moved to approve payment of the bills as presented. Councilwoman Temple seconded the motion, which passed as follows:

Councilman John R. 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

## **FINANCIAL AND TAX REPORT**

Honorable W. S. Harris, Jr., City Treasurer provided City Council members with highlights of the City's financial position. There were no questions regarding the report.

## **COMMISSIONER OF THE REVENUE REPORT**

Honorable Joyce E. Prince, Commissioner of the Revenue provided her report to City Council members. There were no questions regarding the report.

## **PERMIT AND INSPECTION REPORT**

Randy C. Pearce, Building/Fire Official provided his report to City Council members. There were no questions regarding the report.

## **POLICE REPORT**

Bernard Richardson, Chief of Police provided his report to City Council members. There were no questions regarding the report.

## **CITY SHERIFF REPORT**

Honorable Sam C. Brown, Sheriff provided his report to City Council members. There were no questions regarding the report.

## **CITY ATTORNEY REPORT**

Alvin A. Lockerman, Jr., Interim City Attorney had no matters to report to Council.

## **AGENDA APPROVAL**

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

Councilman John R. 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**

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

Mr. Thrower reported that City Council members were provided proposed policy updates to Section 9-5 of the City of Emporia's Employee Policy Manual. He also reported that the main FMLA updates added pertained to military care giver leave and military exigency leave. He further reported that additional updates needed to be made to the Policy Manual and anticipated that all updates would be made to the Policy Manual within one month.

He requested that City Council members review and approve the proposed policy concerning the matter.

It was the consensus of City Council members to review the additional updates in forty-five (45) days.

Councilwoman Temple moved to approve the policy revisions as amended and presented. Councilman Saunders seconded the motion, which passed as follows:

Councilman John R. 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

### ***09-89. Traffic on Jefferson Street – Request by Council Member Temple***

Mr. Thrower reported that Councilwoman Temple raised the issue of speeding vehicles on Jefferson Street and was referred to the Emporia's Highway Safety Commission for review and recommendation. He also reported that the Highway Safety Commission met on Wednesday, August 5, 2009, and recommended additional 3-way and 4-way stops and lowering the speed limit to 20 miles per hour to address the concerns expressed. He further reported that specific locations for the additional 3-way and 4-way stops included the intersections of Jefferson Street and Tillar Avenue, Jefferson Street and Temple Avenue, Laurel Street and Temple Avenue.

He stated that, if implemented, the City of Emporia's Chief of Police would continue to monitor the impact of the additional safety measures. He also stated that it had been noted that additional painted stop bars were needed at the various 3-way and 4-way stops created the previous year as well as the locations being proposed at that time.

Councilwoman Temple stated that, if the recommended measures proved to be unbeneficial, other measures could be considered at that time.

Councilman Harris reported that he felt a better solution for addressing concerns expressed would be enhance enforcement by police officers.

Councilman Saunders requested that additional police enforcement be implemented to ensure that drivers do not speed from one stop point to the next.

Councilwoman Temple moved to approve the recommendations of Highway Safety Commission. Councilman Saunders seconded the motion.

A substitute motion was made by Councilman Saunders and seconded by Councilwoman Temple to approve the recommendations of the Highway Safety Commission with the amendment of maintaining the speed limit at 25 miles per hour. The substitute motion was passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	nay
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**

#### ***09-103. Stormwater Management Policy – City Code Chapter 78: Utilities, Article IV: Stormwater Management***

Mr. Thrower reported that he presented and discussed a proposed ordinance to City Council members earlier that day during the relevant public hearing and recommended that they review and approve Ordinance 09-51 concerning the matter.

A motion was made by Councilwoman Temple and seconded by Councilwoman Carey to approve **Ordinance 09-51**, which passed as follows:

Councilman John R. 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

**09-104. Drought Ordinance – City Code Chapter 34: Environment, Article V: Drought**

Mr. Hall reported that he presented and discussed a proposed ordinance to City Council members earlier that day during the relevant public hearing and recommended that they review and approve Ordinance 09-52 concerning the matter.

A motion was made by Councilman White and seconded by Councilman Lankford to approve **Ordinance 09-52**, which passed as follows:

Councilman John R. 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

**09-105. Noise Ordinance – City Code Chapter 34: Environment, Article II: Noise**

Mr. Hall reported that he presented and discussed a proposed ordinance to City Council members earlier that day during the relevant public hearing and recommended that they review and approve Ordinance 09-53 concerning the matter. He also reported that, if approved, sound pressure meters would be required to accurately measure decimal levels.

A motion was made by Councilman White and seconded by Councilwoman Carey to approve **Ordinance 09-53**, which passed as follows:

Councilman John R. 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

**09-106. SteelFab Tobacco Commission Grant – Appropriation Ordinance**

Mr. Thrower reported that grant funds in the amount of \$50,000 had been awarded to the City of Emporia from the Tobacco Commission for SteelFab of Virginia, Inc. to expand its facility and employ a significant number of individuals within the City of Emporia. He also reported that the funds needed to be appropriated into the current Operating Budget and requested that City Council members review and approve Ordinance 09-54 accordingly.

A motion was made by Councilman Harris and seconded by Councilman Saunders to approve **Ordinance 09-54**, which passed as follows:

Councilman John R. 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

***09-107. Jail Processing Fee – Request to Hold a Public Hearing***

Mr. Thrower reported that the issue of recovering jail expenses from inmates had been the topic of discussion at Southside Regional Jail Authority meetings. He also reported that State Code 15.2-1613.1 grants localities the authority to adopt an ordinance imposing a fee of up to \$25.00 on an individual admitted to a county/city/regional jail after conviction. He further reported that Greensville County adopted an ordinance in 2002 addressing the matter and requested that City Council members authorize him to advertise a public hearing on September 15, 2009 and draft an ordinance, similar to that of Greensville County's ordinance, concerning the matter.

A motion was made by Councilman Harris and seconded by Councilman White to approve that a public hearing be scheduled for September 15, 2009 and that the city manager be authorized to draft a proposed ordinance concerning the matter, which passed as follows:

Councilman John R. 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

***09-108. State Rights of Way – Request to Assist VDOT with Grass Cutting***

Mr. Thrower reported that the Virginia Department of Transportation (VDOT) limited its grass cutting along state rights of ways in an effort to conserve budgetary savings. He also reported that he and Mr. Royal Jones, Public Works Director for the City of Emporia met with VDOT officials and were advised that VDOT would grant the City's Public Works Department permission to assist them in cutting grass along US 58 state rights of ways, including ramps/cloverleaves onto and off I-95.

He stated that VDOT requested that the City submit respective land use permit applications and indicated that associated fees would be waived. He also stated that estimated non-budgeted costs associated with cutting grass in the proposed areas totaled \$4,575.00, including a one time purchase of an eight-foot Bush Hog, mandatory signage, equipment maintenance, and fuel costs. He requested that City Council members authorize him to submit land use permit applications to VDOT and allow the City's Public Works Department to assist VDOT with grass cutting within City of Emporia limits.

A motion was made by Councilman Saunders and seconded by Councilwoman Carey to approve authorization of land use permit application submittals to VDOT as requested and permission for the City's Public Works Department to assist VDOT with grass cutting within City of Emporia limits, which passed as follows:

Councilman John R. White	nay
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

***09-109. Humane Society – Request for Waiver of Water and Sewer Line***

Mr. Thrower reported that he received a request from Peggy Malone, President of the Emporia-Greenville Humane Society, Inc. requesting a waiver of all water and sewer line extension fees associated with the construction of their new facility within the City’s Industrial Park. He also reported that, on January 15, 2008, City Council members waived all permit associated with construction of the facility and overhead costs associated with City work crews installing water and sewer lines to the property. He further reported that, while the January 15, 2008 requested had been honored, the Humane Society requests additional assistance.

A motion was made by Councilman Saunders and seconded by Councilman Lankford to waive labor and equipment fees only for the project and to charge for materials, which passed as follows:

Councilman John R. 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

Ms. Malone expressed gratitude to City Council members for their support and stated that, in appreciation for their support, fifteen crape myrtle trees were donated and planted at the entrance to the Industrial Park. She also stated that City Council members would be honored with their name on the brick wall within the lobby of their facility.

***09-110. ERHA Request – Building Permit***

Mr. Hall reported that he had been working with Emporia’s Redevelopment and Housing Authority (ERHA) on a home repair grant/loan program. He also reported that funding for the program would be provided by the program income of two closed-out Department of Housing and Community Development projects, Lowground Road and the Indoor Plumbing Program. He further reported that the Lowground Road funding would only be utilized for that neighborhood with the Indoor Plumbing funds being utilized city-wide excluding Lowground.

He stated that the home repair program was designed to assist less fortunate City residents with minor home improvements. He also stated that ERHA requested that City Council members consider waiving or creating a flat fee for any building permit that would need to be obtained through the program.

A motion was made by Councilman Harris and seconded by Councilman Saunders that City Council members suggest that, in the preparation of the program, a waiver of the fees be included for submission to City Council members, which passed as follows:

Councilman John R. 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

***09-111. Request to Vacate Right-of-Way – Portion of Williamson Street***

Mr. Hall reported that he received a request from Ms. Mary Nicholls to vacate a right-of-way on Williamson Street within the City’s limits that is adjacent to her property at 272 Wadlow Street. He also reported that prior to approval, a public hearing concerning the matter would be required.

A motion was made by Councilman White and seconded by Councilman Saunders to advertise a public hearing concerning the matter as required and that viewers be appointed to review the request, which passed as follows:

Councilman John R. 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

**PUBLIC COMMENT**

Mayor Adams asked if anyone wished to bring a matter before City Council members adhering to the 3 minutes per speaker time limitation.

***Reverend Marvin Bailey*** of 206 South Hampton Street, Emporia, Virginia asked City Council members to elaborate on the status of the train whistles noise reduction efforts.

Mr. Thrower advised Reverend Bailey that attempts were being made to eliminate noise from train whistles and that federal regulations were being reviewed and that previous attempts to contact someone within the federal government to explain the regulations had unsuccessful. He also advised him that he submitted an application to the Federal Railroad Administration the previous year and that he would be submitting another application to them in the near term to address the matter. He further advised him that the application process was very complicated and detailed and that attempts to address the matter were being made.

Reverend Bailey advised City Council members that he has routinely witnessed drivers attempting to speed across the railroad tracks causing near-misses at he recently closed railroad crossing at Park Avenue.

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

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

Councilwoman Temple moved that Closed Session be entered for the purpose of discussing Virginia Code § 2.2-3711 (A) (1) **Personnel Matter** and seconded by Councilman Lankford, which passed as follows:

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

Councilman John R. 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

***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 R. 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, Mayor Adams adjourned the meeting.

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, CMC, City Clerk