

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
AUGUST 19, 2008**

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 19, 2008, at 7:30 p.m. in the Council Chambers of the Municipal Building. Mayor Adams presided over the meeting with Council President Nancy B. Squire offering the invocation.

ROLL CALL

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

Councilwoman Nancy B. Squire
Councilman John R. White
Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilwoman Carolyn S. Carey
Councilman Ned V. Lankford

Others present: Todd C. Anderson, Police Captain
C. Butler Barrett, City Attorney
Sam Brown, Sheriff
Steven B. Hall, Assistant City Manager
Joyce E. Prince, Commissioner of the Revenue
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

MINUTES APPROVAL

The minutes of the August 5, 2008 City Council Meeting were distributed to City Council members. Councilman White moved to approve the minutes as presented. Councilman Saunders seconded the motion, which passed as follows:

Councilwoman Nancy B. Squire	aye
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

APPROVAL OF BILLS

A listing of the August 19, 2008 bills had been presented to City Council members.

General Fund	\$1,803,962.79
Utility Fund	\$186,277.42

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

Councilwoman Nancy B. Squire	aye
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

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 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.

FIRE REPORT

Chris Rawlings, Fire Chief, provided his report to City Council members. There were no questions regarding the report.

CITY ATTORNEY REPORT

C. Butler Barrett, City Attorney, had no matters to report to Council.

AGENDA APPROVAL

Mr. Thrower requested that the Agenda be amended to include the addition of item **08-69. Request by Council Member Carey - Use of Golf Carts on City Streets** under Unfinished Business and the deletion of item **08-71. 1948 Ford Fire Truck – Transfer of Title to the Emporia Volunteer Fire Department** from New Business.

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

Councilwoman Nancy B. Squire	aye
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

UNFINISHED BUSINESS

08-66. Emporia Redevelopment and Housing Authority (ERHA) – Appointment of City Council Member to ERHA

Mr. Thrower reported that, during the 2008 legislative session, the General Assembly approved an amendment to the City of Emporia’s Charter allowing City Council to adopt an ordinance adding one City Council member as commissioner of the Emporia Redevelopment and Housing Authority (ERHA). He also reported that, on August 5, 2008, City Council members approved to appoint Councilwoman Carolyn Carey to serve a four year term on the ERHA accordingly. He asked City Council members to review and approve the following ordinance appointing Councilwoman Carey to the ERHA:

ORDINANCE NO. 08-21

AN ORDINANCE CONFIRMING THE APPOINTMENT OF COUNCILWOMAN CAROLYN S. CAREY AS COMMISSIONER OF THE EMPORIA REDEVELOPMENT AND HOUSING AUTHORITY OF THE CITY OF EMPORIA, VIRGINIA

WHEREAS, during the 2008 legislative session, the General Assembly of Virginia approved an amendment to the City of Emporia’s Charter allowing the adoption of an ordinance adding 1 (one) City Council member as commissioner of the Emporia Redevelopment and Housing Authority; and

WHEREAS, it is the desire of the Council of the City of Emporia to appoint Councilwoman Carolyn S. Carey to serve as commissioner of the Emporia

Redevelopment and Housing Authority in accordance with the City of Emporia's amended Charter.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Emporia, Virginia:

SECTION 1: That the appointment of Councilwoman Carolyn S. Carey as commissioner of the Emporia Redevelopment and Housing Authority is hereby confirmed, with said 4 (four) year term to expire on August 19, 2012.

SECTION 2: That this ordinance shall be in full effect on and after its adoption.

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

Councilwoman Nancy B. Squire	aye
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

NEW BUSINESS

08-69. Request by Council Member Carey – Use of Golf Carts on City Streets

Mr. Thrower reported that, on August 5, 2008, City Council members directed staff, along with the city attorney, to draft an ordinance regarding the proposed operation of golf carts on streets within the City of Emporia. He also reported that the intent of such operation was limited to golf cart and utility vehicle traffic in residential areas with speed limits of twenty-five miles per hour or less. He requested that City Council members review the following proposed ordinance concerning the matter:

AN ORDINANCE TO ENACT A CERTAIN SECTION OF THE CODE OF THE CITY OF EMPORIA, VIRGINIA

BE IT ORDAINED by the City Council of the City of Emporia, Virginia, in regular assembly that:

Section 74-25 of the Code be enacted to read as follows:

Sec. 74-25. Operation of golf Carts and Utility Vehicles on Designated Streets.

Definitions:

“Golf cart” means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

“Utility vehicle” means a motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general

maintenance, security, agricultural, or horticultural purposes. “Utility vehicle” does not include all-terrain vehicles as defined by the Code of Virginia §46.2-100, riding lawn mowers, or any other vehicle whose definition is included in the Code of Virginia §46.2-100.

The city manager, upon petition of the majority of the residents of the particular street or streets, may designate a specific street or streets within the City limits to be used for travel by golf carts and utility vehicles, after consideration of speed, volume, character of motor vehicle traffic using such street, and a recommendation of the Chief of Police. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

- a) All designated streets shall be marked at each entrance with appropriate signs as determined by the Chief of Police and posted by the Director of Public Works. Less signs may be used when several streets share entries, as long as all entries are signed, and all of the included streets are designated;
- b) A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less;
- c) No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver’s license;
- d) Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with §46.2-1081 of the Code of Virginia; and
- e) Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (§46.2-1010).

This ordinance is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the City of Emporia in no way advocates or endorses their operation on public streets or roads. The City of Emporia, by regulating such operation is merely trying to address obvious safety issues, and adoption of this ordinance is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this ordinance. All persons who operate or ride upon golf carts on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The City of Emporia has no liability under any theory of liability and the City of Emporia assumes no liability, for permitting golf carts to be operated on designated public streets.

Councilwoman Squire asked Mayor Adams to elaborate on the difference between a golf cart and a utility vehicle.

Mayor Adams advised Councilwoman Squire that the question had been presented to Mr. Barrett and that the definition of a utility vehicle would need to be clearly defined.

Councilman Saunders asked Mr. Thrower if streets would be designated for use, prior to the adoption of an ordinance, and if cost estimates would be received concerning required signs.

Mr. Thrower advised Councilman Saunders that residents of a particular street(s), within a residential neighborhood, who wished to petition the City of Emporia for their street(s) to be approved for golf cart use would be required to obtain a signed petition with signatures of the majority of residents on that particular street(s) and present it to the city manager for review, along with recommendation by the chief of police, and final approval by the city manager. He also advised him that cost estimates concerning required signs had been researched by Captain Anderson and was approximately \$40.00 - \$60.00 each.

Councilman Saunders asked Mr. Thrower if the City of Emporia would incur the costs associated with required signs or if residents would incur the costs.

Mr. Thrower advised Councilman Saunders that, based on the proposed ordinance, the City of Emporia would incur the costs of required signs.

Councilman White stated that he felt the City of Emporia should incur such costs.

Mayor Adams asked Ms. Prince if golf carts have personal property taxes associated with them.

Ms. Prince advised Mayor Adams that golf carts do not have personal property taxes associated with them.

Mayor Adams requested that any questions concerning the matter be presented to the city manager and city attorney, over the following two weeks, while they continue to work on developing a proposed ordinance for review and possible approval by City Council members.

08-70. Virginia Department of Health – Resolution to Apply for Planning Grant Funds

Mr. Thrower reported that the Virginia Department of Health created the Water Supply Assistance Grant Fund (WSAGF) in July 1999 to assist localities in providing safe and adequate drinking water to residents. He also reported that the need for future improvements to the City of Emporia's water treatment plant had been previously discussed by City Council members and staff due to the facilities age. He further reported that a preliminary engineering report would be needed to evaluate water treatment plan improvements and recommended that City Council members approve the following resolution associated with applying for \$25,000.00 in planning grant funds from WSAGF to off-set preliminary engineering report costs:

RESOLUTION NO. 08-10

**A RESOLUTION TO APPLY FOR PLANNING
GRANT FUNDS THROUGH THE VIRGINIA
DEPARTMENT OF HEALTH-OFFICE OF DRINKING
WATER**

WHEREAS, the Virginia Department of Health - Office of Drinking Water has planning grant funds available to assist localities in providing an adequate and safe drinking water supply to its citizens; and

WHEREAS, Emporia City Council has reviewed project planning material and found that the pre-requirements have been met for submitting a funding application.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Emporia, Virginia, that the city manager immediately begin to process the funding application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the city attorney.

He stated that, although no match was required, administration planned to include \$10,000.00 in city funding as part of the application package. He also stated that the funding had been approved in the FY09 Utility Fund Budget and would serve to increase the City of Emporia's grant eligibility scoring. He further stated that staff was in the process of preparing the grant application in an effort to meet the August 29, 2008 deadline.

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

Councilwoman Nancy B. Squire	aye
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

PUBLIC COMMENT

Mayor Adams asked if there was anyone who wished to bring a matter before City Council members adhering to the 3-minutes per person speaking limitation.

Mr. Corey White of 617 Maryland Avenue, Emporia, Virginia stated that he commends city staff and City Council for the, "great job" they are doing. He asked if the resolution associated with clean and safe drinking water included new water filters or a new filtration system.

Mr. Thrower advised Mr. White that such consideration would be included in the preliminary engineering report that would be conducted if funding was received to do so.

Ms. Ida McBeth of 109 Ellice Street, Emporia, Virginia stated that an area on Ellice Street was in need of cleaning as it was filled with debris. She also stated that she was informed that the City of Emporia was responsible for removal of the debris. She further stated that she received a copy of the final plans from Mr. Robinson and that he indicated that he wished to use the pipe on her property to redirect drainage water to Main Street.

She stated that she did not wish for Mr. Robinson to use the pipe on her property as it directs the flow of water to the area that was experiencing drainage problems. She also stated that Mr. Robinson informed her that he planned to place three two-foot basins at the rear of the business's property to secure water. She further stated that Mr. Robinson informed Mr. Pope that his computer calculated that information for him, however, when she asked him to provide her with the exact dimensions as two of her children were computer engineers who could verify the information, he rescinded the previously provided dimensions of the basins.

She reported that she did not want Mr. Robinson to come on her property to do anything for her as she would do whatever was needed. She also reported that she did not wish to have anything implanted in the ground in close proximity to her existing cedar tree which could kill the roots of the tree.

Mr. Marvin Bailey of Southampton Street, Emporia, Virginia stated that he did not understand why the train whistles were required to blow when passing through the City of Emporia and asked Mr. Thrower to elaborate on why it is a requirement.

Mr. Thrower advised Mr. Bailey that trains blow their whistles due to safety concerns regulated by the federal government.

Mr. Bailey advised Mr. Thrower that for two weeks he observed individuals speeding across the train tracks in an effort to beat oncoming trains when they heard the train whistles. He also stated that the gates alone should be sufficient.

With there being no further comments to come before City Council, Mayor Adams entered 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) (1) **Personnel Matter** and (3) **Disposition of Publicly Held Real Property**. Councilman White seconded the motion, which passed as follows:

Councilwoman Nancy B. Squire	aye
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

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

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

Councilwoman Nancy B. Squire	aye
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

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 White seconded the motion, which passed as follows:

Councilwoman Nancy B. Squire	aye
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

ADJOURNMENT

With no further business to come before City Council, Mayor Adams adjourned the meeting.

Samuel W. Adams, III, Mayor

Jean V. Whiting, City Clerk