

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
AUGUST 21, 2007**

*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 City Clerk.*

**INVOCATION**

Emporia City Council held a Regular Meeting on Tuesday, August 21, 2007, at 7:30 P.M. in the Council Chambers of the Municipal Building. Mayor Adams presided over the meeting with Councilwoman Carolyn S. Carey offering the invocation.

**ROLL CALL**

Upon roll call, the following 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

Others present: C. Butler Barrett, City Attorney  
Sam C. Brown, Sheriff  
William S. Harris, Treasurer  
Bernard Richardson, Chief of Police  
Brian S. Thrower, Assistant City Manger  
Gerald D. Vincent, City Manager  
Jean V. Whiting, City Clerk

Absent: Councilwoman Nancy B. Squire  
Joyce E. Prince, Commissioner of the Revenue

**MINUTES APPROVAL**

The minutes of the August 7, 2007 Regular Meeting were distributed to City Council members. Councilman White moved to approve the 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

## **APPROVAL OF BILLS**

A listing of the August 21, 2007 bills had been presented to City Council members.

General Fund	\$1,659,888.80
Utility Fund	\$ 319,480.46

Councilman Saunders moved to approve payment of the bills as presented. Councilman White 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

## **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.

Councilman White asked Chief Richardson if police officers are continuing to provide foot patrol throughout the City of Emporia.

Chief Richardson advised Councilman White that police officers are continuing to provide foot patrol throughout the City of Emporia.

## **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**

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

## AGENDA APPROVAL

Councilman Lankford moved to approve the Agenda as presented. Councilman White 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

### *Special Recognition*

Mayor Adams recognized Mr. Adolphus M. Green, Sanitation Worker, on retiring from the City of Emporia after seventeen (17) years of service. Mayor Adams expressed gratitude to Mr. Green for his years of service to the City of Emporia and presented him with the following Resolution:

#### **Resolution No. 06-25**

#### **A Resolution Honoring Adolphus M. Green For Service to the City of Emporia**

**Whereas**, Adolphus M. Green began his public service career with the City of Emporia on July 16, 1990; and

**Whereas**, Adolphus M. Green began working in the Public Works Department as a Maintenance Worker I assisting with various tasks such as sidewalk, curb and gutter, street repairs and other related tasks; and

**Whereas**, on March 22, 1993, Adolphus M. Green transferred to the position of Sanitation Worker; and

**Whereas**, for his skills, punctuality, dedication and easy going personality, Adolphus M. Green quickly earned the respect of his co-workers; and

**Whereas**, after seventeen years of dedicated service, he has decided to retire and will be sorely missed.

**Now, Therefore, Be it Resolved**, by the Council of the City of Emporia, Virginia that Adolphus M. Green is hereby recognized and commended for his outstanding years of service to the City of Emporia and that City Council hereby expresses its deepest appreciation and esteem to him for his dedication and hard work.

**Be it Further Resolved**, that the Council of the City of Emporia, Virginia extends to Adolphus M. Green its best wishes for his future endeavors and orders that a copy of this resolution be spread upon the Minutes of City Council this 21<sup>st</sup> day of August, 2007

## UNFINISHED BUSINESS

### **3763. *Reverse 911 – Award Contract***

Mr. Vincent reported that on May 15, 2007, the City Administration advised City Council about a statewide alert network pilot program, known as Reverse 911, for Region 1 (Emporia/Greenville) and Region 5. He also reported that the system is designed to provide advanced notification to citizens of approaching disasters, such as hurricanes, tornados, chemical spills, train derailments, etc.

He stated that the City of Emporia and Greenville County had been approved for \$50,000.00 each for installation of the alert system. He also stated that the State has since requested that the City of Emporia and Greenville County combine to establish a joint system.

Mr. Vincent advised City Council members that the establishment of a regional Reverse 911 system will save the State approximately \$50,000.00 and that the City of Emporia and Greenville County will save on associated annual maintenance costs. He requested that City Council members review and approve the proposed system and contract establishing the combined Reverse 911 system.

Councilman White moved to approve the proposed system and contract as 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

## NEW BUSINESS

### **3791. *Virginia Department of Transportation Grant Funds – Appropriation Ordinance***

Mr. Vincent reported that the City of Emporia had been awarded a TEA-21 grant from the Virginia Department of Transportation for improvements to South Main Street. He also reported that, in preparing for Fiscal Year 2007-2008, the City of Emporia included a portion of the total award, based on estimated expenditures for Fiscal Year 2006-2007. He further reported that it had been anticipated that \$100,000.00 would have been spent during Fiscal Year 2006-2007, but the City of Emporia was only invoiced for \$44,135.00.

He advised City Council members that the remaining \$55,865.00 needs to be appropriated into the current fiscal year and requested that they review and approve the following Ordinance accordingly:

**Ordinance No. 06-71**

An Ordinance To Appropriate The Sum Of \$55,865.00 In Grant Funds From The Virginia Department Of Transportation For The South Main Street Improvement Project

**BE IT ORDAINED** by the Council of the City of Emporia, Virginia as follows:

1. That the sum of \$55,865.00 in grant funds from the Virginia Department of Transportation be, and the same hereby is, appropriated into the City's Operating Budget for Fiscal Year 2007-2008.
2. Said appropriation shall be reflected in the 2007-2008 Operating Budget as the sum of \$55,865.00 appropriated to General Fund Revenues and the sum of \$55,865.00 appropriated to General Fund Expenditures, Account Number 81900-3130 Professional Services.
3. The City Manager is hereby authorized to do all things necessary to implement this ordinance.
4. This ordinance shall be in effect on and after its adoption.

Councilman Harris moved to approve the ordinance as presented. Councilman White 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

**3792. *Truck Driver Training Facility – Appropriation Ordinance***

Mr. Vincent reported that City Council members previously agreed, in conjunction with Greensville County, to provide fifty percent (50%) of funding for the construction of a truck driver training facility. He also reported that, on March 6, 2007, \$27,400.00 was appropriated into the Fiscal Year 2006-2007 operating budget accordingly. He further reported that the City of Emporia paid Greensville County \$24,378.89 for the project during Fiscal Year 2006-2007.

He stated that the remaining \$3,021.00 had not been utilized and needs to be appropriated into the City's current operating budget. He requested that City Council members review and approve the following ordinance to allow utilization of the funds:

**Ordinance No. 06-72**

An Ordinance To Appropriate The Sum Of \$3,021.00 From  
The Unappropriated Fund Balance of the General Fund For  
The Construction Of A Truck Driver Training Facility

**BE IT ORDAINED** by the Council of the City of Emporia, Virginia as follows:

1. That the sum of \$3,021.00 from the Unappropriated Fund Balance of the General Fund be, and the same hereby is, appropriated into the City's Operating Budget for Fiscal Year 2007-2008 for the construction of a truck driver training facility.
2. Said appropriation shall be reflected in the 2007-2008 Operating Budget as the sum of \$3,021.00 from the Unappropriated Fund Balance of the General Fund and the sum of \$3,021.00 appropriated to General Fund Expenditures for the construction of a truck driver training facility in conjunction with the County of Greensville to Account Number 43100-8219 Truck Driver Training Facility.
3. The City Manager is hereby authorized to do all things necessary to implement this ordinance.
4. This ordinance shall be in effect on and after its adoption.

Councilman Lankford moved to approve that ordinance as presented. Councilman White 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

Councilman Harris asked Mr. Vincent if the funds were for items that had been expended last fiscal year in which bills had been received late.

Mr. Vincent advised Councilman Harris that the project was initiated closer to the summer than anticipated and therefore overlaps into the current fiscal year. He also advised him that it is estimated that the projects will be completed during September 2007.

**3793. *Fire Program Funds – Appropriation Ordinance***

Mr. Vincent reported that City of Emporia annually receives grant funds from the Virginia Department of Fire Programs for its Fire Department. He also reported that the Virginia Department of Fire Programs allows the City of Emporia to transfer unspent funds from one fiscal year to another. He further reported that the City of Emporia has \$33,193.43 in unspent funds that need to be transferred into the Fiscal Year 2007-2008 Operating Budget for utilization. He requested that City Council members review and approve the following ordinance accordingly:

**Ordinance No. 06-73**

An Ordinance To Appropriate The Sum Of \$33,193.43 In Previously Received Grant Funds From The Virginia Department of Fire Programs From The Unappropriated Fund Balance Of The General Fund For Fire Programs

**BE IT ORDAINED** by the Council of the City of Emporia, Virginia as follows:

1. That the sum of \$33,193.43 in previously received grant funds from the Virginia Department of Fire Programs be, and the same hereby is, appropriated from the Unappropriated Fund Balance of the General Fund into the City's Operating Budget for Fiscal Year 2007-2008.
2. Said appropriation shall be reflected in the 2007-2008 Operating Budget as the sum of \$33,193.43 appropriated to General Fund Expenditures, Account Number 32100-6020 Fire Program Funds Purchases.
3. The City Manager is hereby authorized to do all things necessary to implement this grant and appropriation.
4. This ordinance shall be in effect on and after its adoption.

Councilman Lankford moved to approve that ordinance as 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

**3794. 45<sup>th</sup> Virginia Peanut Festival – Fireworks Display Resolution**

Mr. Vincent reported that the 45<sup>th</sup> Virginia Peanut Festival is slated to begin September 20-23, 2007. He also reported that the Virginia Peanut Festival Committee requests that City Council members grant approval for the use of fireworks on Saturday, September 22, 2007, as part of the schedule of events. He further reported that, based on the area's current dry conditions, the fireworks display will be subject to approval from the City of Emporia's Fire Chief and EMS Coordinator.

He requested that City Council members review and approve the following resolution granting authorization for the use of fireworks by the Virginia Peanut Festival Committee for the 2007 Virginia Peanut Festival:

**Resolution No. 06-26**

A Resolution Authorizing The Use And Display Of  
Fireworks By The Virginia Peanut Festival Committee

**WHEREAS**, the Virginia Peanut Festival Committee desires to conduct a fireworks display Saturday, September 22, 2007 as part of the 2007 Virginia Peanut Festival and for the benefit of the citizens of Emporia and its environs; and

**WHEREAS**, the Virginia Peanut Festival Committee is requesting the approval of the Council of the City of Emporia to conduct said fireworks display.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Emporia, Virginia as follows:

**Section 1:** That the Council of the City of Emporia hereby approves the request from the Virginia Peanut Festival Committee to conduct a fireworks display on September 22, 2007 and authorizes same.

**Section 2.** That if weather conditions require the postponement of this display, then approval is hereby given to the postponement date provided that the Virginia Peanut Festival Committee coordinates the postponement date with the City Manager.

**Section 3.** That the City Manager is hereby authorized and directed to do all thing necessary to implement the intent of this resolution.

This resolution shall be in effect on and after its adoption.

Councilman Harris moved to approve that resolution as presented. Councilwoman Carey 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

**3795. 2007 VML Conference – Voting Delegate and Alternate**

Mr. Vincent reported that the 2007 Virginia Municipal League Annual Conference is scheduled to take place October 14-16, 2007 in James City County, Virginia. He also reported that the Virginia Municipal League requests that City Council members designate a voting delegate and alternate voting delegate to vote on matters at the Annual Business Session, scheduled for Tuesday, October 16, 2007, from 3:00 p.m. – 4:30 p.m. He further reported that City Council’s Regular Meeting, scheduled for October 16, 2007, conflicts with the VML Conference dates and requested that consideration be given regarding the cancellation of the meeting.

Councilman White moved to approve the cancellation of the October 16, 2007 City Council Regular Meeting as well as the designation of Councilman Harris as voting delegate and Mayor Adams as alternate voting delegate for VML's Tuesday, October 16, 2007, Annual Business Session. 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

**3796. *Federal Railroad Administration – Authorization to Request the Continuation of a Quiet Zone***

Mr. Vincent reported that trains traveling through the City of Emporia continuously sound whistles, as required by the Federal Railroad Administration (FRA). He also reported that, although the City's ordinance prohibits the sounding of train whistles through corporate limits, the FRA supersedes local ordinances and may impose the sounding of train whistles at any time.

He stated that, in an attempt to understand the FRA's Train Horn Rule, he contacted Congressman J. Randy Forbes for assistance and has since received correspondence from Joseph H. Boardman, Administrator for the U.S. Department of Transportation's Federal Railroad Administration. He also stated that Mr. Boardman's letter indicates that such quiet zone requests require the completion of a formal and comprehensive process including, but not limited to, sending notices to users of the CSX line and state agencies that oversee the safety regulations, grade crossing inventory, providing details relative to the basis for the request as well as requested time period(s).

Mr. Vincent reported that an article had been recently published in *USA Today* concerning the trail rule which outlined how various communities are exploring ways to silence train horns, as they tend to disrupt daily lives and interfere with residents' sleep. He also reported that the City Administration has been receiving identical complaints from citizens since the train horns have been sounding. He asked City Council members to authorize the City Administration to proceed with the process of attempting to silence train whistles on trains that run through the City of Emporia.

Councilman Harris moved to approve that the City Administration proceed with the process of attempting to silence train whistles on trains that run through the City of Emporia. Councilman White 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

**3797. Taxicab Operations in Downtown District – Councilman John White**

Councilman White reported that the requirement of a conditional use permits for taxicabs to operate in the City’s downtown district had been recently considered by the Planning Commission which reflected a four (4) to four (4) tie vote, thereby locking consideration of the matter.

Councilman White made the motion to eliminate conditional use permit requirement for taxicabs allowing the location of taxicab establishments in the City of Emporia’s DT downtown district, C-1 district and C-2 district. Councilman Harris 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

Mr. Vincent stated that a Public Hearing would need to be scheduled concerning the matter and that the matter would also go before the Planning Commission and City Council members for final adoption.

Councilman Saunders stated that, if final approval is granted, he requests that taxicabs be parked and serviced in the rear of the establishment in an effort to avoid possible parking congestion in front of retail establishments.

Councilwoman Carey reported that, it was her understanding, only one vehicle would be parked on the street and that four (4) additional parking spaces would be available in the rear of the building. She also reported that, with the anticipated growth of retail merchants within the City of Emporia, taxicab services within the City will more than likely be needed.

Mayor Adams reported that he has requested that the City Administration attempt to expedite the matter as quickly as possible.

**PUBLIC COMMENTS**

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.

With there being no comments to come before Council, Mayor Adams entered 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**. 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

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

Councilwoman White moved that the meeting be returned to Regular Session. Councilwoman Carey 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

***CERTIFICATION***

Councilman Lankford 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 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.

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, City Clerk