

PUBLIC HEARING

1. Comprehensive Plan Update

Emporia City Council held a public hearing on Tuesday, December 16, 2008, 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 hearing.

The following City Council members were present:

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

Others present: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Sam C. Brown, Sheriff
Steve B. Hall, Assistant City Manager
William S. Harris, Treasurer
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

Comprehensive Plan Update

Mr. Hall reported that, in compliance with Virginia Code Section 15.2-223, the City of Emporia contracted with K. W. Poore & Associates, Inc. to provide upgrades to its outdated Comprehensive Plan. He also reported that the City of Emporia's Planning Commission held public hearings on October 14, 2008 and November 19, 2008 concerning the proposed Comprehensive Plan. He further reported that Mr. Brian Reagan of K. W. Poore & Associates, Inc. was in attendance to provide a brief presentation of some of the information contained in the proposed plan.

Mr. Brian Reagan, a planner with K. W. Poore & Associates, Inc., reported that the City of Emporia's Comprehensive Plan was last update in 1990. He also reported that the proposed plan was general in nature and reflected a general guideline for the city to reference in an effort to make improvements over the next five, ten, and twenty years. He further reported that the proposed Comprehensive Plan included the following five sections:

- I. Introduction
- II. Background Analysis
- III. Goals and Objectives
- IV. Future Land Use, Transportation, and Community Facilities Plan
- V. Plan Implementation

He stated that the city's population had not changed much within the last thirty years regardless of the annexation. He also stated that the Virginia Economic Commission indicated that the City of Emporia's population will decrease by the year 2030 which should be addressed. He suggested that the City of Emporia place emphasis on services and living quarters geared towards the elderly and the aging.

Mr. Reagan reported that the City of Emporia should invest in rehabilitation of its existing homes and infrastructure. He also reported that embellishment should be placed on historic structures within the city in an effort to generate tourism to those designated and to potentially spark development. He further reported that continued effort should be placed on the development of the Interstate 95 and Route 58 corridor since the City of Emporia is strategically positioned at the cross-roads of those two heavily traveled roadways.

Mayor Adams asked Mr. Reagan to elaborate on why the proposed Comprehensive Plan listed agricultural land under "Parks and Recreation."

Mr. Reagan advised Mayor Adams that agricultural land was classified as an "open space" category as it is deemed as undeveloped parcels of land. He also advised him that an agricultural category could be added to the proposed Comprehensive Plan.

Mayor Adams asked if there was anyone who wished to speak concerning the proposed Comprehensive Plan for the City of Emporia.

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

Samuel W. Adams, III, Mayor

Jean V. Whiting, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
December 16, 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, December 16, 2008, 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 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: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Sam C. Brown, Sheriff
Steve B. Hall, Assistant City Manager
William S. Harris, Treasurer
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

MINUTES APPROVAL

The minutes of the December 2, 2008 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:

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 December 16, 2008 bills had been presented to City Council members.

General Fund	\$738,793.66
Utility Fund	\$78,199.85

Councilman Saunders moved to approve payment of the bills 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

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

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

AGENDA APPROVAL

Mr. Thrower reported the addition of items **08-103. *W. Atlantic Neighborhood Improvement Project – Authorization to Enter Into Contract with K. W. Poore & Associates for Resubmission of Grant Application*** and **08-105. *Request by Commissioner of the Revenue, Joyce Prince – Additional Prorated Refund of 2008 Personal Property Tax (Ryder Truck Rental LT)***.

Councilman Harris 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

08-99. Financial Auditing Services – Extension of Contract with Creedle, Jones & Alga

Mr. Thrower reported that a fee of \$18,500.00 was negotiated with Creedle, Jones & Alga to perform financial auditing services for the City of Emporia for the next 2 fiscal years. He also reported that the figure was accepted with the provision that, “should the city issue any new debt or be subject to a single audit, Creedle, Jones & Alga reserves the right to increase the audit fees \$500.00 and \$1,000.00 respectively.” He further reported that the issuance of debt will be applicable in the FY09 financial audit due to financing of several vehicles.

He stated that, if Creedle, Jones & Alga’s proposal was agreed upon by City Council members, the City of Emporia financial audit fee for the following year would reflect \$19,000.00. He also stated that if any new debt was issued in FY10, the audit fee for that fiscal year would reflect \$19,000.00 as well. He further stated that a “single audit” would only be applicable when the city receives \$500,000.00 or more in federal funding and would reflect a service fee of \$20,000.00, which would include \$500.00 for a new debt issuance.

Councilman Harris moved to approve the arrangement of the negotiated terms with Creedle, Jones & Alga as indicated by Mr. Thrower. 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

08-100. Comprehensive Plan Update

Mr. Hall reported that a public hearing was held earlier that day concerning the proposed Comprehensive Plan by K. W. Poore & Associates, Inc. and that copies of the plan had been distributed to City Council members for review and consideration. He also reported that the proposed plan would be updated to reflect consideration of comments noted during the public hearing held.

Councilman Harris stated that he noticed a number of relatively minor typos that needed to be addressed and that, on page forty-three of the proposed Comprehensive Plan, in the second column to the right, “Phase One: Base Year (2001) Recommendations” were included and should be excluded as they were, “rather dated” and did not appear to be relevant to the general direction of the proposal.

Mr. Reagan advised Councilman Harris that the material was extracted from the Virginia Department of Transportation’s recommendations, done every 10 years. He also advised him that he thought it would be a good idea to include the information until the year 2010 since the proposed Comprehensive Plan covers that time span.

It was the consensus of City Council members to delay action on the proposed Comprehensive Plan until noted modifications were made to it.

NEW BUSINESS

08-101. Right-of-Way Vacation Request – Alley between Franklin and Broad Streets

Mr. Hall reported that he received a request from Mr. William C. Slate, III to vacate an alley between Franklin and Broad Streets. He also reported that, if approved by City Council members, a public hearing concerning the matter would need to be published in the local newspaper and that viewers may be appointed to review the request and report their findings. He also reported that he recommended approval of the request and suggested that viewers be appointed to review the request and report their findings.

Councilman White moved to approve that viewers be appointed to review the request and that the assistant city manager be authorized to advertise a public hearing notice in the local newspaper and send out letters to adjacent property owners respectively. Councilwoman Carey 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

08-102. Citizens Bank Building – Authorization to Issue RFP

Mr. Thrower reported that the City of Emporia had been exploring options concerning use of the Citizens Bank building over the last several years. He also reported that, as previously authorized by City Council members, Commonwealth Preservation Group had been working with City Administration for Requests for Proposals (RFP) for the purpose of soliciting a developer to acquire and rehabilitate the building. He further reported that the developer selected for the project would demonstrate the greatest ability to successfully rehabilitate the building utilizing State and/or Federal Historic Rehabilitation Tax Credits.

He stated that the City of Emporia would prefer to see the restored building placed into mixed use, with the first floor being marketed for restaurant/retail/office space and the second floor consisting of office/residential use. He also stated that the developer would be required to demonstrate the financial strength necessary to complete the project successfully and that proposals concerning the matter were due no later than Monday, February 16, 2009. He further stated that, after that date, proposals would be reviewed by a committee and interviews would be held as necessary.

He reported that City Council members would consider respective proposals on Tuesday, March 17, 2009 and recommended that they authorize City Administration to issue the RFP provided to them concerning the matter and that they appoint 2 City Council members to a committee to review the proposals and recommend a preferred developer to City Council members.

Councilman Saunders moved to approve the issuance of the RFP as requested and that reviewers be appointed at a later date. 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

08-103. W. Atlantic Neighborhood Improvement Project – Authorization to Enter into Contract with K.W. Poore & Associates for Resubmission of Grant Application

Mr. Thrower stated that, in March 2008, the City of Emporia applied for a CDBG Community Improvement Block Grant in the amount of \$1,400,000.00 for the West Atlantic Street Neighborhood Revitalization Project. He also stated that the total project cost was estimated at \$2,514,786.00 with goals of rehabilitating existing homes, building new affordable housing units, and upgrading infrastructure within the neighborhood. He further stated that during the fall of 2008, City Administration received notification that the project was not funded by the Virginia Department of Housing and Community Development (DHCD).

He reported that, on Wednesday, November 19, 2008, Mayor Adams, Councilwoman Carey, City Administration and K. W. Poore & Associates staff met with DHCD to discuss the project and its potential for future funding. He also reported that key information was provided during the meeting concerning perceived deficiencies noted in the previous application. He further reported that K. W. Poore & Associates proposed to review and update the existing grant application and prepare a revised CIG respectively.

He stated that the scope of services and associated costs had been provided to City Council members in a proposed contract and reflected \$17,400.00. He also stated that the City of Emporia would need to enter into a separate contract with its designated engineer to update the preliminary engineering report and associated infrastructure cost estimates. He further stated that, if authorized to move forward with the project, resubmission expenses could be utilized from the W. Atlantic Project line item (\$50,000.00) adopted in the FY09 Budget.

Councilman Saunders asked Mr. Reagan to elaborate on his thoughts relative to succeeding with the second application of the CDBG Community Improvement Block Grant.

Mr. Reagan advised Councilman Saunders that it was based upon the number of applications received for the funding. He also advised him that ten to fifteen applications are typically funded. He further advised him that scoring, concerning the amount of training that new homeowners would receive was a factor and that an educational factor was sought concerning the matter.

He reported that there were several intermediaries, with the best being Southside Outreach Group, of South Boston, Virginia, that provided educational courses for first-time home buyers. He also reported that the majority of residents within the City of Emporia were renters and that DHCD was not aware of that fact initially. He further reported that another element that DHCD looked down upon was that, "we did not go above and beyond the Uniform Relocation Act."

Mr. Thrower reported that code enforcement and property maintenance was also sought by DHCD. He also reported that internal staff discussion had taken place and that opportunities were being pursued concerning the matter.

Councilwoman Carey reported that ways of providing assistance to potential home buyers to increase their credit scores was also sought.

Mayor Adams stated that a better understanding of the community was obtained by the respective decision makers as a result of their November 19, 2008 meeting with DHCD officials.

Councilman Harris asked Mr. Thrower if the City of Emporia would have sufficient time to demonstrate in the application that some of the modifications sought, prior to the April 8, 2009 submission deadline, were satisfied.

Mr. Thrower advised Councilman Harris that he feels that a good application could be submitted within the short time span and that a better application could be submitted if it was delayed a year, which would allow more time for addressing some of the outstanding issues noted.

Mayor Adams stated that, if the current application is updated to include what the City of Emporia is holistically planning to do, the application should be fine for resubmission. He also stated that DHCD specifically wants the City of Emporia to ensure that rental properties adequately meet living conditions.

He further stated that some of the rental houses within the City of Emporia needed improvements and suggests more stringent enforcement be imposed.

He reported that he witnessed rental homes that he did not feel were, “adequate for anybody to live in.” He also reported that the homes were located in high-crime areas and noted that Chief Richardson and Sheriff Brown, who were present in the audience, were shaking their heads affirmatively concerning his statements.

Councilman Harris stated that he also agreed with Mayor Adams’ statements and noted that some of the rates being collected on and the conditions of some of those, “facilities” also served as evidence to those statements. He also stated that, if such stringent enforcement is imposed uniformly and fairly, any associated carping that would come from respective property-owners could be dealt with. He further stated that, it made more sense to move forward with the application, if the City of Emporia would be prepared in time to do so.

Mayor Adams reported that the City of Emporia would be working with an attorney from the City of Norfolk, Virginia concerning their blight program. He also reported that their program was, “powerful” and that their some of their police officers also enforce code enforcement within their city.

Councilman Saunders moved to approve authorization of the contract 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

08-104. Community Youth Center Request

Mr. Delacy Stith, a concerned citizen for the restoration of the Community Youth Center (CYC) stated that he was only present in that capacity and that he was a native of and a tax payer of Greensville County, Virginia. He also stated that his interest focused on his mother, who was one of the initial CYC Board members. He further stated that the CYC was strongly focusing on and undergoing new organization.

He reported that the basis for his presence before City Council members was to ask them to pass a motion for the City of Emporia’s manager to meet and confer with CYC officials as they continue to seek assistance and support from the City of Emporia. He also reported that on December 12, 2008, there was an advertisement for foreclosure of the CYC’s property. He further reported that, on the eve of the foreclosure, they were, “compelled to exhaust our remedy through the bankruptcy court” and that legal counsel was obtained to file Chapter 11 respectively.

He stated that restoration of the CYC’s financial stability was being sought and that action was stopped concerning the foreclosure. He also stated that the CYC’s efforts were to, “initiate fund raising from this county, as well as the areas in the surrounding areas” and that the CYC would be celebrating its fiftieth year anniversary in 2009. He further stated that numerous proposals were being drafted to aid

those efforts and that focus was mainly being placed in the areas of an on-going program for the CYC's viability and fundraising that will address and assist the CYC in regaining financial stability.

Mr. Stith reported that the CYC's debt needed to be liquidated to restore its financial stability, as was the intent of the CYC. He also reported that the CYC was an important part of the community and addressed on-going concerns for troubled youth and activities for youth. He further reported that the CYC was also attempting to diversify itself and hoped to appeal to all members of the City of Emporia and Greensville County to participate in the restoration efforts that were underway.

He stated that attempts were being made to restore the CYC and to have a program in place for the summer of 2009.

Councilman White asked Mr. Stith if someone from Maryland purchased the CYC facility for \$90,000.00.

Mr. Stith advised Councilman White that someone from Maryland did purchase the CYC facility for \$90,000.00 and the facts were, "the auction was scheduled for December 12th at 11 o'clock; the bankruptcy was filed at 10:24 in Richmond. That bankruptcy action stayed in its foreclosure proceedings - stops it in mid stream, however, it did not get to the attorney, who was at the auction. He had to be here in Emporia; obviously the call went to his office, so there was no communication with him personally. He was here conducting the auction, which wasn't really in violation of the Bankruptcy Act cause he didn't have notice of it." He also advised him that no notice was required as, "once you file the action, that stays any actions of any conduct that went on." He further advised him that the auction was held and that, "the legality of it is another question."

He stated that the CYC still owns the property and must still yield funds as they were facing a Deed of Trust against the property.

Mayor Adams asked Mr. Stith if the company that purchased the facility could file legal action concerning the timing of the bankruptcy versus the sale.

Mr. Stith advised Mayor Adams that he was unable to respond to his questions as it was a legal issue and he could only inform him of what factually occurred. He also advised him that he was "not in a position here as an attorney, I'm not in the capacity of an attorney, I'm not licensed to do that, so I'm not empowered to answer any such question as that." He further advised him that the title to the property remained in the hands of the CYC.

Mayor Adams asked Mr. Stith to provide the timeframe which bankruptcy courts allow for reorganization under Chapter 11.

Mr. Stith advised Mayor Adams that a plan has to be submitted within 10 days and that, once bankruptcy is filed, it eliminates the foreclosure. He also advised him that, "at the very least, the worst that could happen is that the foreclosure process would have to be recommenced. "

Mayor Adams asked Mr. Stith if a list of creditors was required when Chapter 11 was filed and, if so, was the City of Emporia listed as a creditor.

Mr. Stith advised Mayor Adams that a list of creditors was required and that the City of Emporia was not listed as a creditor. He also advised him that there was a debt owed to the electric company that

partially involved the City of Emporia that would be, “completely addressed.”

Mayor Adams asked Mr. Stith to elaborate on the total assets of the CYC in terms of a monetary value.

Mr. Stith advised Mayor Adams that he estimated the property to be in the range of \$200,000.00 to \$300,000.00, based upon the City of Emporia’s assessment. He also advised him that it was listed in the bankruptcy as \$175,000.00, which was also listed as the indebtedness amount. He further advised him that the situation was brought about due to the refurbishing of a pool in 2005 and that, prior to that time, the CYC was free of indebtedness.

He stated that the total indebtedness amount reflected approximately \$180,000.00 at that time, which included collection fees.

Mayor Adams asked Mr. Stith if Mr. Hinton continued to serve as president of the CYC.

Mr. Stith advised Mayor Adams that it was his understanding that Mr. Hinton no longer served as president of the CYC and that leadership was being completely revamped. He also advised him that Ms. Thelma Burt was the official contact person for the CYC at that time and that he served as a CYC Board member.

Councilman Saunders asked Mr. Stith if the note, that was signed for the pool, contained personal guarantees.

Mr. Stith advised Councilman Saunders that it was his understanding that there were no personal guarantees and that the individual that informed him of that was the individual that signed the note. He also advised him that he would probably need to have the matter clarified by an attorney.

Councilman Saunders asked Mr. Stith if there were present members of the CYC Board that were also around at the time the decision was made to borrow the money.

Mr. Stith advised Councilman Saunders that some current Board members were also present when the decisions were made to borrow the money.

Councilman Saunders advised Mr. Stith that, in addition to the plan that the CYC was preparing, the history leading to the CYC’s present state should be provided. He also advised him that over the last few years, he has not seen a cover of the pool during winter months, which served as a safety hazard. He further advised him that he and others felt that there was, “disarray over there” and decided to view the facility personally.

Mr. Stith advised Councilman Saunders stated that, “I’m sure you’re not the only one that has been there. You’re not the only one who has seen what you saw. Other persons who are interested in the welfare of this, again, have seen that. Those who didn’t go, have heard things that were just as credible as what your own eyes revealed to you.” He also advised him that, “disarray occurred” and, “as a result of that disarray, financial hardship enured to the detriment of that symptom.” He further advised him that children were at risk as a result of someone’s negligence.

Mayor Adams commended Mr. Stith and others in attendance, on behalf of the CYC, and stated that, it’s difficult to say what you said with regard to the disarray” and expressed gratitude to him for his attendance. He stated that the process of the city manager meeting with the CYC Board had already begun

and that no motion concerning the matter was needed as requested.

08-105. Request by Commissioner of Revenue, Joyce Prince – Additional Prorated Refund of 2008 Personal Property Tax (Ryder Truck Rental LT)

Mrs. Prince reported that Ryder Truck Rental LT was due a refund of \$2,628.75 from the City of Emporia for vehicles that were sold after taxes were paid for the current year. She also reported that, on November 20, 2008, the request to refund Ryder Truck Rental LT \$14,873.56 was approved and that she has since been notified of the additional \$2,628.75 that was owed to them for the same reason. She requested that City Council members approve the additional \$2,628.75 refund to Ryder Truck Rental LT accordingly.

Councilman Harris moved to approve that Ryder Rental LT be refunded \$2,628.75 as requested. 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

Special Recognition and Resolution of Commendation for Retiring Councilwoman Nancy B. Squire

Mayor Adams requested the approval by City Council members to present a Resolution of Commendation to out-going President of Council Nancy B. Squire for her twenty-six years of dedicated and faithful service to Emporia's City Council and its citizens.

Councilman Harris moved to approve that Resolution No. 08-12 be presented to Councilwoman Squire. Councilman Saunders seconded the motion, which passed as follows and read aloud, followed by a standing ovation:

Councilwoman Nancy B. Squire	abstained
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.

Ms. Theresa Claiborn of 1909 Sunnyside Road, Emporia, Virginia stated that, in September 2008, she purchased an automobile and later received notification that personal property tax, in the amount of \$132.96, was due on November 17, 2008. She also stated that the tax was paid on November 25, 2008 and

that, “to my surprise, when I received my check stub, my check was garnished \$172.00” without notification of a tax lien being placed on her personal property tax for the vehicle. She further stated that, upon paying the tax on November 25, 2008, no one advised her that a lien existed against her.

She reported that she felt that she was not afforded due process in the collection of her tax and was dissatisfied with the way the Treasurer’s Office handled the collection of the tax, which was less than thirty days past due.

Mayor Adams advised Ms. Claiborn that the treasurer for the City of Emporia was a constitutional officer and that City Council has no provisions of authority for constitutional officers as they are elected by citizens.

Councilman Harris asked Ms. Claiborn if she had conversed with the treasurer concerning her dilemma.

Ms. Claiborn advised Councilman Harris that she conversed with the treasurer and he advised her that the matter was her problem.

Mr. Harris advised Councilman Harris that the matter was discussed and that Ms. Claiborn also spoke with Mr. Hall concerning the matter. He also advised him that it was the consensus of him and his staff that the matter was handled according to the laws concerning and governing the matter.

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** (*contractual issue*). 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

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

Councilman White moved that the meeting be returned to Regular Session. 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

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