

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
DECEMBER 18, 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 Office of the City Clerk.

INVOCATION

Emporia City Council held a Regular Meeting on Tuesday, December 18, 2007, 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 (7:33 p.m. arrival)
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 Brown, Sheriff
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Brian S. Thrower, Interim City Manger
Jean V. Whiting, City Clerk

MINUTES APPROVAL

The Minutes of the December 4, 2007 Regular Meeting were distributed to City Council members. Councilwoman Squire 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 December 18, 2007 were presented to City Council members.

General Fund	\$935,257.71
Utility Fund	\$130,839.37

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

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.

CITY ATTORNEY REPORT

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

AGENDA APPROVAL

Mayor Adams requested that item **3831. Real Estate Tax Abatement Request – Adult Activity Services** be permanently stricken from the Agenda.

Councilman Lankford moved to approve the Agenda as amended. 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

UNFINISHED BUSINESS

NEW BUSINESS

3832. Virginia Department of Fire Programs Grant Funds – Appropriation Ordinance

Mr. Thrower reported that the City's Administration received notification on December 3, 2007 that the City of Emporia was awarded a VFIRS Hardware Grant from the Virginia Department of Fire Programs in the amount of \$1,000.00 for the purchase of a computer and printer for the Fire Department. He also reported that the grant does not require matching funds and requested that City Council members approve the following appropriation ordinance allowing the funds to be utilized:

Ordinance No. 07-08

An Ordinance To Appropriate The Sum Of \$1,000.00 In Grant Funds From The Virginia Department Of Fire Programs For The Purchase Of Hardware

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

1. That the sum of \$1,000.00 in grant funds from the Virginia Department of Fire Programs 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 \$1,000.00 appropriated to General Fund Revenues and the sum of \$1,000.00 appropriated to General Fund Expenditures, Account Number 35500-8107 EDP Equipment.
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 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

3833. *Refund of Machinery and Tools Tax – Creative Playthings*

Mr. Thrower reported that the Emporia’s Commissioner of the Revenue notified the City’s administration of an overpayment of machinery and tools tax by Creative Playthings for tax years 2004-2007. He requested that City Council members authorize City staff to administratively process the twenty-eight thousand nine hundred fifty-three dollars and thirty-three cents (\$28,953.33) refund.

Councilman Saunders moved to approve that the twenty-eight thousand nine hundred fifty-three dollars and thirty-three cents (\$28,953.33) refund be administratively processed 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

3834. *Mega Site Project Costs – Reimbursement of Real Property Tax*

Mr. Thrower reported that the City of Emporia and Greensville County had been working towards the development of a Mega Site property in Greensville County. He also reported that an environmental assessment was completed to determine the property’s suitability for industrial development. He further reported that the Virginia Department of Environmental Quality and the Army Corps of Engineers agreed that no fatal problems exist that would prevent the parcels from being developed.

He stated that during the Mega Site land assembly process, options were signed with respective landowners indicating that Greensville County agreed to reimburse them for real property taxes paid for 2007. He also stated that Greensville County requested that the City of Emporia equally divide the costs of the reimbursements with them. He further stated that the total reimbursement cost is approximately ten thousand dollars (\$10,000.00).

Councilman Saunders reported that he feels the Mega Site will be a community-changing event when finalized. He also reported that the possible benefits for the community is well worth the investment and classified it as a potentially wise investment.

Mayor Adams advised Councilman Saunders that he did not disagree with him. He also advised him that he would like to be informed of the process status.

Councilman Saunders reported that he previously informed Mr. Dave Whittington, Greenville County Administrator, that there was a potential need for a meeting. He also reported that Mr. Whittington requested that Mr. Thrower contact him to schedule a meeting.

Mr. Thrower stated that he would contact Mr. Whittington accordingly.

Councilwoman Squire asked if the certification timeframe had been determined.

Councilman Harris advised Councilwoman Squire that, based on responses from the Department of Environmental Quality and the Army Corps of Engineers, it should come at any time.

Councilman Harris moved to approve that the City of Emporia equally divide the costs of reimbursing respective landowners real property taxes paid for 2007 as requested by Greenville County. 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

3835. *W. Atlantic Street Improvement Project – Contract for Planning and Management Services*

Mr. Thrower reported that on December 4, 2007, City Council members authorized the interim city manager to negotiate a contract with K. W. Poore and Associates, Inc. for management and planning services associated with the West Atlantic Street Improvement Project. He also reported that the proposed contract had been provided to City Council members for review and consideration. He further reported that, since funding for the services had not been previously included in the FY08 budget, contract expenses would be absorbed via savings due to vacant positions in the city manager's office.

He stated that he recommends that City Council members review the proposed contract as presented and authorize the interim city manager to sign it with K. W. Poore and Associates, Inc. for management and planning services associated with the West Atlantic Street Improvement Project, contingent upon the initial signing of a formal planning grant contract with the Virginia Department of Housing and Community Development.

Councilwoman Squire asked Mr. Thrower to provide insight relative to the total contract cost.

Mr. Thrower advised Councilwoman Squire that the total contract cost was twenty-nine thousand two hundred dollars (\$29,200.00) with most of the funding being reimbursed upon the initial signing of a formal planning grant contract with the Virginia Department of Housing and Community Development as stipulated. He also advised her that the City of Emporia would be required to absorb some local costs not covered through the Virginia Department of Housing and Community Development planning grant. He further advised her that costs would be approximately ten thousand two hundred dollars (\$10,200.00).

Councilman Harris moved to approve that the interim city manager be authorized to sign the proposed contract with K. W. Poore and Associates, Inc. as presented, contingent upon initial signing of a formal planning grant contract with the Virginia Department of Housing and Community Development. 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

PUBLIC COMMENT

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

With there being no comments to come before City Council, Mayor Adams adjourned the meeting wishing everyone happy holidays and reminding them of the cancellation of the January 1, 2008 City Council Meeting. He stated that the next regularly scheduled meeting of City Council would take place on Tuesday, January 15, 2008.

*****CLOSED SESSION*****

Councilman White moved that Closed Session be entered for the purpose of discussing Virginia Code §§ 2.2-3711 (A) (5) **Industrial Matter** and (7) **Legal Matter**. 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 Harris moved that the meeting be returned to Regular Session. 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

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