

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
DECEMBER 2, 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 2, 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
Steven B. Hall, Assistant City Manager
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

MINUTES APPROVAL

The minutes of the October 28, 2008 Luncheon with Congressman Randy Forbes, November 18, 2008 Mid-Year Budget Review Meeting, and November 18, 2008 Public Hearing and Regular Meeting were distributed to City Council members.

Councilwoman Squire 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

CITY ATTORNEY REPORT

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

AGENDA APPROVAL

Councilman Harris stated that the chairperson of the Emporia Redevelopment and Housing Authority requested that item **08-92. *Emporia Redevelopment and Housing Authority (ERHA) Appointment*** be delayed for thirty days.

Councilman White moved to approve that the Agenda be approved 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

08-95. Street Closure – Portion of Spring Street

Mr. Hall stated that he received a request from Ms. Martha Proctor requesting to vacate a portion of Spring Street that abuts Ash Street. He also stated that, prior to approval, notice of a public hearing would need to be published in the local newspaper and that City Council members could appoint viewers concerning the request. He requested that they appoint viewers, to review the request and report their findings, and authorize the assistant city manager to advertise a public hearing notice in the local newspaper and mail letters to adjacent property owners as required by state laws.

Councilman Saunders moved to approve that Mr. Arthur Krimbaum, Mr. Sam Bush, and Reverend Alex Bailey be appointed as viewers concerning the request and that they report their findings and that the assistant city manager be authorized to advertise a public hearing notice in the local newspaper and mail letters to adjacent property owners as requested and mandated.

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

08-96. Fire Program Funds – Appropriation Ordinance

Mr. Thrower stated that annual funds, received by the City of Emporia from the Virginia Department of Fire Programs, needed to be re-appropriated into the City’s FY 2008-2009 Operating Budget. He also stated that the funds totaled \$64,976.52 and requested that City Council members approve an ordinance to re-appropriate the funds into the FY 2008-2009 Operating Budget.

Councilman Harris moved to approve Ordinance 08-28 to re-appropriate the funds as requested. 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

08-97. VML Matching Safety Grant Program – Appropriation Ordinance

Mr. Thrower stated that the City of Emporia received notification that it had been awarded a matching safety grant from Virginia Municipal League Insurance Programs in the amount of \$1,600.00 to upgrade the doors at the City’s library so that they meet ADA guidelines. He requested that City Council members approve an ordinance appropriating the funds received into the City’s current Operating Budget. He also stated that the required matching fifty percent would be utilized from the City’s current Operating Budget.

Councilman Harris moved to approve Ordinance 08-29 appropriating the funds into the City’s current Operating Budget as requested. 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

08-98. VPI Extension Office – Approval to Proceed with Procurement of Design-Build Services

Mr. Thrower stated that the City of Emporia and Greensville County had been pursuing renovation efforts for the former School Board building, located on Oak Street, to house the VPI Extension Office. He also stated that, during September 2008, both localities purchased and have been granted the deed to the respective property. He further stated that a resolution had been provided to City Council members for their review and approval concerning the design-build and that Greensville County’s Board of Supervisors provided their approval the previous night.

He requested that City Council members authorize the City's manager to move forward with the VPI Extension Office project with Greensville County in terms of issuing a Request for Proposal for design-build services. He reported that, due to the size of the construction project, the steps of having a professional engineer or architect prepare bid plans and specifications are nullified. He also reported that a staff engineer would assist in reviewing received design-build proposals.

Councilwoman Squire moved to approve that the City's manager be authorized to move forward with the VPI Extension Office project with Greensville County staff in terms of issuing a Request for Proposal for design-build services. 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

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

Mr. Thrower stated that the City's financial auditing services contract with Creedle, Jones & Alga, PC expired June 30, 2008. He also stated that the contract contained a clause reserving the right for the City of Emporia to extend the contract for 2 additional fiscal years. He further stated that a fee of \$19,500.00 was proposed by Creedle, Jones & Alga, PC to perform the City's FY 2008-2009 audit and a fee \$19,750.00 to perform the City's FY 2009-2010 audit.

He reported that a fee of \$18,500 had been imposed for the 3 previous fiscal years and that Creedle, Jones & Alga, PC submitted the lowest bid to the City of Emporia for performing financial auditing service for FY 2008-2009 and FY 2009-2010. He further reported that he recommended that City Council members authorize the City's manager to extend the auditing services contract with Creedle, Jones & Alga, PC for auditing services as presented.

Mayor Adams asked Mr. Thrower to provide the date in which the City of Emporia needed to provide their response concerning the respective contract extension.

Mr. Thrower advised Mayor Adams that he believed a response was needed prior to April 2009.

Councilman White moved to approve that the City's Administration attempt to negotiate a fee of \$18,500.00 with Creedle, Jones & Alga, PC for the next 2 years. 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

Mayor Adams advised Mr. Thrower that, if negotiations fail at \$18,500.00, the matter could be

brought before City Council again.

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.

With there being no comments to come before City Council, Mayor Adams entertained 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) (7) **Legal Matter** (*contractual issue*). 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

*****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