

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
FEBRUARY 17, 2009**

*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, February 17, 2009, at 7:30 p.m. in the Council Chambers of the Municipal Building. Mayor Samuel W. Adams, III presided over the meeting with Councilwoman Carolyn S. Carey offering the invocation.

**ROLL CALL**

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

Councilman F. Woodrow Harris  
Councilman James C. Saunders  
Councilwoman Doris T. White  
Councilwoman Carolyn S. Carey  
Councilman Ned V. Lankford  
Councilwoman L. Dale Temple

Others present: C. Butler Barrett, City Attorney  
Brian S. Thrower, City Manger  
Steven B. Hall, Assistant City Manager  
Jean V. Whiting, City Clerk

Absent: Councilman John R. White

**MINUTES APPROVAL**

The minutes of the January 23 – 24, 2009 City Council retreat and the February 3, 2009 regular meeting were distributed to City Council members. Councilman Lankford moved to approve the minutes as presented. Councilwoman Carey seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

## **APPROVAL OF BILLS**

A listing of the February 17, 2009 bills were presented to City Council members.

General Fund	\$773,274.94
Utility Fund	\$83,114.22

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

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
Councilwoman L. Dale Temple	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 City Council members with 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 City Council members.

## AGENDA APPROVAL

Mayor Adams reported the addition of Virginia Code §2.23711(A) (3) *Acquisition of Real Property for Public Purpose* under Closed Session. He requested that City Council members allow item **09-32. FY08 Audit Presentation – Creedle, Jones & Alga** to be the first item to be addressed.

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

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
Councilwoman L. Dale Temple	aye

### **09-32. FY08 Audit Presentation – Creedle, Jones & Alga**

Mr. Scott Thompson of Creedle, Jones & Alga provided City Council members with a presentation of the City of Emporia's audited financial statements. He reported that the City of Emporia complied with general accepted accounting principals with no evidence of noncompliance with provision of laws, regulations, contracts, and grants found during the audit. He further reported that the overall cash position of the City of Emporia was \$3,898,881.00, a \$199,371.00 decrease over last year, primarily due decreases in the General Fund and Water & Sewer Fund.

He stated that the City of Emporia's position reflected total assets of \$34,188,400.00, exceeding total liabilities of \$16,905,869.00, leaving total net assets of \$17,282,531.00 He also stated that of that amount, \$13,950,899 was invested in capital assets net of related debt. He further reported that those figures also represented a \$317,196.00 decrease in net assets over last year.

Mr. Thompson reported that the City of Emporia's debt leverage decreased from 12.28 years to 8.45 years from 2007 to 2008, reflecting an overall 13.02 years reduction from the 21.47 years in 2005. He also reported that the City of Emporia had an overall financial decrease primarily due to debt service, some budget line items, and continuing losses generated by the Water & Sewer Fund. He further reported that the City of Emporia strengthened its long-term debt position while continuing to meet its obligations to taxpayers, investors, and creditors.

He advised City Council members that, while steps had been taken to restructure debt, potential short-term liquidity problems loomed. He also advised them that most localities faced similar challenges, especially with the uncertainty that existed within the State Budget. He further advised them that the additional stressor for the City of Emporia was its Water & Sewer Fund.

Mayor Adams stated that, while taxpayers expect to continue receiving some services, changes may be forthcoming as state funding had been cut and some services faced riddance.

## UNFINISHED BUSINESS

### ***09-13. Crater District Area Agency on Aging Board – Appointment Request***

Mr. Thrower reported that Mr. David L. Sadowski, Executive Director of the Crater District Area Agency on Aging Board, requested that City Council members appoint a representative to replace Ms. Hattie Jefferson. He also reported that the matter was originally brought before City Council members at their Tuesday, January 20, 2009, meeting and again on Tuesday, February 3, 2009. He further reported that it was the consensus of City Council members to delay at those times.

With no recommendations for appointment to be presented by City Council members at that time, it was the consensus of City Council members to delay the matter for 2 additional weeks.

### ***09-14. Board of Equalization – Term Expiration (George Pugh)***

Mayor Adams advised City Council members that Reverend George Pugh's term on the City of Emporia's Board of Equalization would be expiring on March 31, 2009 and that he did not wish to be considered for reappointment. He stated that, due to the term expiration not taking place until March 31, 2009, the matter would be delayed until the next Regular Meeting of City Council.

### ***09-16. Drug Seizure – Appropriation Ordinance***

Mr. Thrower reported that the City of Emporia's Police Department wished to utilize \$23,302.00 in seized funds for the purchase of a vehicle to be used by the officer assigned to the Drug Task Force. He also reported that on February 3, 2009, the matter was brought before City Council members and, at that time, City Council members requested that the city manager provide information detailing what purposes drug seizure funding could be used for as well as general information on the vehicle being used by the Drug Task Force officer at that time.

He further stated that, upon researching the matter, he was informed that drug seizure funding may be utilized to increase or supplement resources of a receiving state or local law enforcement agency. He also stated that the City of Emporia's Drug Task Force officer was utilizing a late 1990s mid-size sedan that reflected 88,619 miles on December 31, 2008. He further stated that the vehicle reportedly had standing problems and was not appropriate for drug enforcement activities.

He requested that City Council members review and approve Ordinance No. 09-07 to appropriate the sum of \$23,302.00 in drug seizure funds for the purchase of a vehicle for the City of Emporia's Drug Task Force.

Councilman Harris moved to approve **Ordinance No. 09-07** as presented. Councilwoman Temple seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

## NEW BUSINESS

***09-21. East Cloverleaf Drive at Dead End Through to Commonwealth Boulevard – Street Acceptance***

Mr. Hall reported that Mr. Royal Jones, Director of Public Works for the City of Emporia, had been requested to inspect East Cloverleaf Drive from the dead end running through to Commonwealth Boulevard for acceptance into the City’s street system. He also reported that it was agreed upon by Mr. Jones and Mr. Jerry Kee, Virginia Department of Transportation’s Assistant Residency Administrator, that the respective area met standards mandated by the State. He further reported that, according to City Code sections 62-57, City Council members are required to accept such designations by way of ordinance or resolution.

He requested that City Council members authorize and direct the city attorney to proceed with acceptance of East Cloverleaf Drive through to Commonwealth Boulevard by way of Resolution 09-01.

Councilman Saunders moved to approve **Resolution 09-01** declaring street acceptance of East Cloverleaf Drive at dead end running through to Commonwealth Boulevard as presented. Councilwoman Carey seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

***09-22. Police Department Grant Funds – Appropriation Ordinance***

Mr. Thrower reported that the City of Emporia received a grant from Wal-Mart in the amount of \$2,000.00 for public safety purposes. He requested that City Council members review and approve Ordinance 09-08 appropriating the funds into the City of Emporia’s FY08-09 Operating Budget for the purchase of ammunition for recently purchased rifles.

Councilman Harris moved to approve **Ordinance No. 09-08** to appropriate the sum of \$2,000.00 into the City of Emporia’s FY08-09 Operating Budget as requested. Councilman Lankford seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

***09-23. Resolution in Support of Code Enforcement and Property Maintenance***

Mr. Thrower reported that, during the January 23-24, 2009 City Council retreat, the City Administration was directed to focus efforts on revamping code enforcement and property maintenance within the City of Emporia. He asked City Council members to review and approve Resolution No. 09-02 supporting increased code enforcement and property maintenance within the City of Emporia.

Councilman Harris moved to approve **Resolution 09-02** supporting increased code enforcement

and property maintenance by City of Emporia staff. Councilwoman Carey seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

Mr. Thrower stated that he would collaborate with department heads in an effort to develop a more formalized plan to address the issues of code enforcement and property maintenance throughout the City of Emporia.

#### ***09-24. Drug Blight Ordinance – Authorization to Conduct Public Hearing***

Mr. Thrower reported that State Code 15.2-907 stipulates that localities can undertake corrective action on properties deemed to be drug blighted. He also reported that such properties consisted of, “a condition existing on real property which tends to endanger the public or safety of residents of a locality and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing controlled substances.” He further stated that various other localities have had success in using the law to abate drug blighted properties.

He requested that City Council members authorize him to advertise and schedule a public hearing concerning the adoption of a local drug blight ordinance at their March 17, 2009 regular meeting.

Councilman Saunders moved to approve that the city manager be authorized to advertise and schedule a public hearing concerning the adoption of a local drug blight ordinance at the March 17, 2009 City Council regular meeting. Councilwoman Carey seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

#### ***09-25. Water Treatment Plant and Intake Structure Grant Funding – Authorization to Execute Agreements and Appropriate Funds into the FY09 Operating Budget***

Mr. Thrower reported that the City of Emporia received notification of being awarded grants in the amounts of \$25,000.00 and \$200,000.00. He also reported that \$25,000.00 would be used to prepare an engineering study to replace or retrofit the city’s existing water treatment plant and \$200,000.00 would be utilized to offset engineering study costs and construction costs associated with replacing the water intake structure.

He requested that City Council members review and approve Ordinance 09-09 and Ordinance 09-10 appropriating the grant funding into the City of Emporia’s FY08-09 Operating Budget and allow

him to execute the respective drinking water grant agreements.

Councilman Saunders moved to approve **Ordinance 09-09** for \$200,000.00 in grant funds from the Virginia Department of Health and **Ordinance 09-10** in the amount of \$25,000.00 from the Virginia Department of Health to be appropriated into the City of Emporia's FY08-09 Operating Budget. Councilwoman Temple seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

***09-26. Virginia Juvenile Community Crime Control Act (VJCCCA) Program – Appropriation Ordinance***

Mr. Thrower reported that the City of Emporia received annual grant funding from the Virginia Department of Juvenile Justice for its VJCCCA Program. He also reported that the County of Sussex elected to send the state a check rather than take the 4 percent cut in state funding for the program. He further reported that, as a result, the City of Emporia would receive an additional \$316.00 in grant funds from the state for the VJCCCA Program and would need to be appropriated in the City of Emporia's FY08-09 Operating Budget.

He requested that City Council members review and approve Ordinance 09-11 appropriating the sum of \$316.00 in grant funding from the Department of Juvenile Justice for the VJCCCA Program into the City of Emporia's FY08-09 Operating Budget.

Councilman Lankford moved to approve **Ordinance 09-11** appropriating the sum of \$316.00 in grant funds from the Department of Juvenile Justice for the VJCCCA Program into the City of Emporia's FY08-09 Operating Budget as presented. Councilman Saunders seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

***09-27. Water Treatment Plant- Plant Expenditure Request***

Mr. Thrower reported that Mr. Larry Epps, Wastewater Plant Superintendent for the City of Emporia, advised him that the plant generator engine failed on Wednesday, February 4, 2009. He requested that City Council members authorize the purchase of a new 400 KW generator, estimated at \$61,553.00, in an effort to adhere to state regulations and keep the plant running properly.

Councilman Saunders moved to approve the purchase of a new 400 KW generator for \$61,553.00 as requested. Councilman Lankford seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

***09-28. Lease Purchase Financing Agreement – Carter Bank & Trust***

Mr. Thrower reported that, in order to finance the purchase of 4 police vehicles and 2 public works trucks, the City of Emporia solicited proposals from all local banks and financing companies included on the City's bidder's listing. He also reported that 4 proposals were received with Carter Bank & Trust offering the lowest interest rate of 3.25 percent. He further reported that financing would not exceed \$140,000.00 and would be for a 3 year term.

He requested that City Council members review the Lease Purchase Financing Agreement with Carter Bank & Trust and authorize him to execute the agreement.

Councilman Lankford move to approve that the city manager be authorized to execute the Lease Purchase Financing Agreement with Carter Bank & Trust as requested. Councilman Saunders seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

***09-29. Proposed County No Through Truck Restriction – Request by Greensville County***

Mr. Hall reported that the City of Emporia received correspondence from Mr. Linwood Pope, Jr., Planning Director for Greensville County, concerning a request by the Board of Supervisors to the Virginia Department of Transportation to place truck restrictions on secondary roads within 2 areas of Greensville County. He also reported that the letter from Mr. Pope stated that trucks were utilizing Moonlight, Crescent, and Reigel Roads to access the Emporia Industrial Park and that the roads were not constructed to withstand such industrial uses. He further reported that Mr. Pope suggested Route 58 and Reese Street as alternates.

He stated that the Board also proposed to place truck restrictions upon Cifers Lane and the Walnut Heights area with the alternate routes of Wiggins Road and Walnut Drive within the City of Emporia.

Councilman Harris moved to approve the adoption of language concurring with Mr. Pope's request concerning restricting truck traffic in the Moonlight Road area only. Councilman Saunders seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

***09-30. Lowground Road Project – Request by Council Member Carey***

Councilwoman Carey reported that she continued to receive calls from citizens concerning the status of the Lowground Road Project and asked City Council members when the projects would get underway.

Mr. Thrower advised Councilwoman Carey that Clay Street was scheduled to be paved in the spring of 2009 along with the area from Zion Boulevard to Wadlow Street. He also advised her that Mr. Royal Jones was in the process of obtaining cost estimates associated with the paving project. He further advised her that cost estimates were being obtained concerning the instillation of street light on Lundy Street.

He stated that the City of Emporia's code enforcement officer had written several citations concerning property maintenance concerns in the area. He also stated that the West Atlantic and the Lowground Road area were deemed priority areas. He further stated that funding for addressing drainage concerns for those areas would need to be appropriated during the budget development process.

Councilman Harris suggested that Councilwoman Carey and Mr. Thrower work together to develop a list of all things not completed under the Lowground Road Project as well as other identified concerns within that area. He stated that, once the listing is developed, cost estimates could be obtained and concerns could be addressed based on priority and funding availability.

***09-31. East Atlantic Street – Request by Council Member Carey***

Councilwoman Carey reported that she received calls from several residents concerning logging trucks entering and exiting Georgia Pacific. She also reported she witnessed approximately twelve log trucks parked along the road causing only 1 lane of traffic for east and west bound traffic. She further reported that the situation creates a very serious safety hazard and also restricted potential emergency response vehicles from accessing the area.

Mayor Adams advised Councilwoman Carey that Mr. Thrower contacted Georgia Pacific regarding the matter and would continue to work with them to resolve the issues expressed.

Mr. Thrower stated that he was attempting to meet with the Virginia Department of Transportation to discuss the issues presented as well as the issue of obtaining funding for adding a turn lane in that area.

*(Item 09-32 was brought before City Council as the first item of the meeting)*

**09-33. Industrial Development Authority – Term Expirations (Vincent Lowery/Gloria Robinson)**

Mayor Adams reported that the 4 year terms of Mr. Vincent Lowery and Mrs. Gloria Robinson on the City of Emporia’s Industrial Development Authority would be expiring on February 28, 2009. He also reported that both individuals indicated that they wished to be considered for reappointment.

Councilwoman Temple moved to approve that Mr. Vincent Lowery and Mrs. Gloria Robinson be reappointed to 4 year terms on the City of Emporia’s Industrial Development Authority. Councilman Harris seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

**09-34. Emporia Redevelopment and Housing Authority – Term Expiration (David J. Thomas)**

Mayor Adams reported that the term of David J. Thomas on the City of Emporia’s Redevelopment and Housing Authority was due to expire on March 1, 2009 and that he expressed the desire to be considered for reappointment.

Councilman Saunders moved to approve that David J. Thomas be reappointed to serve another 4 year term on the City of Emporia’s Redevelopment and Housing Authority. Councilwoman Carey seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

**PUBLIC COMMENT**

**Mr. Cornell Hines** of Habitat for Humanity stated that Habitat of Humanity’s ribbon cutting ceremony was scheduled for Friday, February 20, 2009 at 10:00 a.m. He advised City Council members that he was please with their interest and action in stringently enforcing property maintenance and code enforcement concerns within the city limits.

With there being no further 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) (3) **Acquisition of Real Property for Public Purpose**. Councilwoman Temple seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

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

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

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
Councilwoman L. Dale Temple	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 Saunders seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	aye

## **ADJOURNMENT**

With no further business to come before City Council the meeting was adjourned.

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, City Clerk