

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
FEBRUARY 19, 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, February 19, 2008, 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
Councilman F. Woodrow Harris
Councilman James C. Saunders
Councilwoman Doris T. White
Councilman Ned V. Lankford

Others present: C. Butler Barrett, City Attorney
Sam Brown, Sheriff
William S. Harris, Treasurer
Linwood Pope, Director of Public Utilities
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

Absent: Councilwoman Carolyn S. Carey

MINUTES APPROVAL

The Minutes of the February 5, 2008 Regular Meeting were distributed to City Council members. Councilman Saunders moved to approve the minutes 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
Councilman Ned V. Lankford	aye

APPROVAL OF BILLS

A listing of the February 19, 2008 bills were presented to City Council members.

General Fund	\$975,328.58
Utility Fund	\$134,457.63

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
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 City Council members.

AGENDA APPROVAL

Mayor Adams advised City Council members that Virginia Code § 2.23711(A) (7) Legal Matter had been added to the Closed Session portion of the Agenda.

Councilman White moved to approve the Agenda as amended. 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
Councilman Ned V. Lankford	aye

UNFINISHED BUSINESS

NEW BUSINESS

08-13 Airport Commission – 3 Term Expirations (Boyce C. Wornom / Charles I. Grigg, Jr. / Ted Lee)

Mayor Adams reported that the terms of Boyce C. Wornom, Charles I. Grigg, Jr. and Ted Lee on the City's Airport Commission would be expiring on February 28, 2008. He also reported that all expressed the desire to be considered for reappointment

Councilwoman Squire moved to approve that Boyce C. Wornom, Charles I. Grigg, Jr. and Ted Lee be reappointed to serve four (4) year terms on the City's Airport Commission. 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
Councilman Ned V. Lankford	aye

08-14. Board of Equalization – 1 Term Expiration (Dennis Allen)

Mayor Adams reported that Dennis Allen's term on the City's Board of Equalization would be expiring on March 31, 2008. He also reported that Mr. Allen had expressed the desire to be considered for reappointment. He further reported that nominations to the City's Board of Equalization would be submitted to Greenville County Circuit Court for consideration and formal appointment.

Councilman Saunders moved to approve that Dennis Allen be renominated to serve three (3) years on the City's Board of Equalization. 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
Councilman Ned V. Lankford	aye

08-15. Industrial Development Authority – 3 Term Expirations (Ruth Tillar / Roland Weaver / David Bland)

Mayor Adams reported that the terms of Ruth Tillar, Roland Weaver and David Bland would be expiring on February 28, 2008 on the City's Industrial Development Authority. He also reported that all expressed the desire to be considered for reappointment.

Councilman Harris moved to approve that Ruth Tillar, Roland Weaver and David Bland be reappointed to serve four (4) year terms on the City's Industrial Development Authority. 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
Councilman Ned V. Lankford	aye

08-16. Citizens Advisory Board – 7 Term Expirations (Bill Howell, Vicelle Daniels, Reverend Alex Bailey, Jessie O’Nery, Barry Mayfield, Nathaniel Dupree, Meade Horne)

Mayor Adams reported that the terms of Bill Howell, Vicelle Daniels, Reverend Alex Bailey, Jessie O’Nery, Barry Mayfield, Nathaniel Dupree and Meade Horne would be expiring on February 28, 2008. He also reported that all had expressed the desire to be reappointed except Jessie O’Nery.

Mr. O’Nery reported that he wished to retract his desire to not be considered for reappointment to the City’s Citizens Advisory Board as he did wish to be considered.

Councilman White moved to approve that Bill Howell, Vicelle Daniels, Reverend Alex Bailey, Jessie O’Nery, Barry Mayfield, Nathaniel Dupree and Meade Horne be reappointed to serve two (2) year terms on the City’s Citizens Advisory Board. 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
Councilman Ned V. Lankford	aye

08-17. Emporia Redevelopment and Housing Authority – 1 Term Expiration (Marva J. Dunn)

Mayor Adams reported that the term of Marva J. Dunn on the City’s Redevelopment and Housing Authority would be expiring on March 1, 2008. He also reported that Ms. Dunn expressed the desire to be considered for reappointment.

Councilman Harris moved to approve that Ms. Dunn be reappointed to serve a four (4) year term on the City’s Redevelopment and Housing Authority. 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
Councilman Ned V. Lankford	aye

08-18. Heavy Rescue Vehicle – Invitation to bid

Mr. Thrower reported that the City of Emporia received a grant from the Greenville Memorial Foundation to offset the purchase price of a heavy rescue vehicle for the City's Fire Department. He also reported that the total cost for the vehicle would be approximately three hundred eighty thousand dollars (\$380,000.00). He further reported that, per contract, consent to purchase the vehicle had been requested by Greenville County and that Mr. Dave Whittington indicated that the item would be placed on the agenda of the Board of Supervisors' February 19, 2008 meeting.

He stated that the item was being presented to Council members for approval to proceed with issuance of an Invitation to Bid contingent upon the consent to purchase by Greenville County. He also stated that he recommended the issuance of an Invitation to Bid.

Councilman White moved to approve the issuance of an Invitation to Bid as requested. 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
Councilman Ned V. Lankford	aye

08-19. Small Purchase Policy

Mr. Thrower reported that clarity was needed concerning the City's requirements for contracting professional services. He also reported that State of Virginia Code § 2.2-4303 H allows public bodies to establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or sum of all phases is not expected to exceed thirty thousand dollars (\$30,000.00), provided that the small purchase procedures provide for competition wherever practicable. He further reported that the City's small purchase policy provided for competitive purchasing at all levels of one thousand dollars (\$1,000.00) and above.

He stated that he proposed the following ordinance amending City Code Section 2-293 to more clearly establish procedures for contracting professional services where costs were not expected to exceed thirty thousand dollars (\$30,000.00):

Ordinance No. 08-05

An Ordinance To Amend Section 2-293 Of The Code Of Ordinances Of
The City of Emporia, Virginia Which Relates To Small Purchases

AN AMENDMENT

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

1. That Section 2-293 of the Code of Ordinances, City of Emporia, Virginia, is hereby amended to read as follows:

Section 2-293 Small purchases.

Any contract for goods or nonprofessional services not exceeding \$50,000.00 and any single or term contract for professional services if the aggregate or the sum of all phases is not expected to exceed \$30,000.00 may be made in accordance with the small purchase procedures; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this section. Award shall be made to the business offering the lowest acceptable quotation. The name of the business submitting a quotation, and the date and amount of each quotation, shall be recorded and maintained as a public record.

(Code 1972, §2-217)

2. This ordinance shall be effective immediately.

Councilman Harris moved to approve the ordinance 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
Councilman Ned V. Lankford	aye

08-20. Davis Street Streetlight – Request from Council Member John White

Mayor Adams reported that Councilman White requested to have a streetlight installed at Davis Street within the City’s limits. He also expressed gratitude to Councilman White for his patience concerning the matter. He further reported that the project would include Mecklenburg Electric providing installation of the light requiring crossing of Norfolk-Southern Railway’s right-of-way.

Mr. Thrower reported that he received a construction estimate from David Rollins, of Mecklenburg Electric, quoting the proposed streetlight installation at approximately eleven thousand seven hundred seventy dollars (\$11,770.00). He also reported that a large portion of the quoted estimate entailed a railroad easement, needed from Norfolk-Southern Railway, at an estimated one time fee of eleven thousand dollars (\$11,000.00). He further reported that Mr. Rollins also estimated a recurring annual fee of five hundred dollars (\$500.00).

He stated that he discussed the matter with Bill Gorby, of Norfolk-Southern's Real Estate Division, and was informed that an application would need to be submitted along with an application fee of one thousand eighty dollars (\$1,080.00). He also stated that, if approved, Norfolk-Southern Railway would negotiate associated easement costs with the City of Emporia. He further stated that he was in need of direction from City Council members concerning the submission of the application and negotiation of easement costs with Norfolk-Southern Railway.

Mayor Adams reported that discussions concerning the matter began in approximately November 2007 and the he felt that the estimated fees would be waived based on prior discussion. He also reported that such waivers had not been confirmed at that time.

Councilman White moved to approve execution of the application and negotiation efforts between Norfolk-Southern and the City of Emporia concerning the matter. Councilman Harris 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
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.

Ms. Debra Brown, President of the local NAACP congratulated Mr. Thrower on his recent appointment as city manager and stated that she looked forward to working with him and maintaining a positive working relationship. She also stated that she was concerned with appointment of individuals to various boards and commissions who lacked needed dedication. She further stated that individuals appointed to such seats should exhibit dedication and ensure their attendance at respective regular meetings.

Reverend James Carey of 6510 East Atlantic Street, Emporia, Virginia stated that he was present due to his wife, Doctor Councilwoman Carey, being absent, due to family illness, and concerns relative to Councilman White's streetlight request for Davis Street. He also stated that Councilman White was not the representative for District 1 (one) and that his wife was. He further stated that his wife received notice from Bishop Nathaniel Dupree on September 19th regarding the streetlight on Davis Street.

He reported that it seemed to him that, if Councilman White were going to present a request for Davis Street, he should have gone through Dr. Councilwoman Carey. He also reported that he was concerned with the establishment of a precedence that he witnessed taking place. He further reported that, if he were a councilperson representing a portion of the City, why should he, "have to take over another council person's place."

Councilman White stated that he was on City Council to, "represent the whole City, not just District 2 (two)." He also stated that, if Reverend Carey had issues concerning the streetlight request, he needed to speak with Mr. Dupree directly.

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

Councilman White 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**, (5) **Industrial Matter**, and (7) **Legal Matter**. 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
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
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
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