

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
FEBRUARY 3, 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 3, 2009, at 7:30 p.m. in the Council Chambers of the Municipal Building. President of Council James C. Saunders 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 John R. White  
Councilman F. Woodrow Harris  
Councilman James C. Saunders  
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: Councilwoman Doris T. White (*illness*)  
Mayor Samuel W. Adams, III

**MINUTES APPROVAL**

The Minutes of the January 20, 2009 Public Hearing and Regular Meeting were distributed to City Council members. Councilman White moved to approve the minutes as presented. Councilwoman Carey seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

## **CITY ATTORNEY REPORT**

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

## **AGENDA APPROVAL**

Councilman Saunders reported the addition of Virginia Code §2.23711(A) (5) Industrial Matter (*prospective business*) under Closed Session. Councilwoman Temple moved to approve the Agenda as amended. Councilman White seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

## **UNFINISHED BUSINESS**

### ***09-10. Street Closure – Alley Between Park Avenue and Southampton Street***

Mr. Hall reported that on January 20, 2009 the matter was brought before City Council members and that, at that time, it was the consensus of City Council members to delay the matter for 2 weeks to allow time to receive correspondence from the appointed viewers. He also reported that he recommended approval of the ordinance vacating the right of way as requested.

Councilman White moved to approve **Ordinance No. 09-04** to vacate an alley between Park Avenue and Southampton Street as presented. Councilwoman Carey seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

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

Councilman Saunders reported that the matter was brought before City Council members at their January 20, 2009 regular meeting.

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.

## NEW BUSINESS

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

Councilman Saunders reported that Reverend George Pugh’s term on the City of Emporia’s Board of Equalization would expire be expiring the end of March 2009 and asked if City Council members wished to nominate someone to fill the seat being vacated by Reverend Pugh.

Councilman Harris stated that it had been customary for City Council members to submit 3 names to the Circuit Court for official appointment. He also stated that he was awaiting response from a potential nominee and requested that the matter be delayed for 2 weeks.

It was the consensus of City Council members to delay the matter for 2 weeks.

### ***09-15. Greensville/Emporia Virginia Cooperative Extension - Appointment***

Mr. Thrower reported that Ms. Cyndi Estienne, of the Greensville/Emporia Virginia Cooperative Extension, requested that City Council members appoint a member of City Council to fill the vacancy left by former Councilwoman Nancy B. Squire on their Executive Leadership Council. He also reported that Councilwoman Temple advised City Administration that she would be willing to serve on the Executive Leadership Council.

Councilman Harris moved that Councilwoman L. Dale Temple be appointed to serve on the Virginia Cooperative Extension’s Executive Leadership Council to fill the seat vacated by former Councilwoman Nancy B. Squire. Councilman Lankford seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

### ***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 such funding needed to be appropriated into the City of Emporia’s General Fund Operating Budget for the current year. He further reported that an ordinance was required to appropriate and expend the funds and requested that City Council members approve the ordinance to appropriate the sum of \$23,302.00 in drug seizure funds for the purchase of a vehicle as stated.

Councilman Harris stated that 4 vehicles had been purchased by the Police Department during the current fiscal year and stated that the matter should be researched to determine if the funds could potentially be used to cover costs associated with the purchase of the existing vehicles or equipment purchased within the past year.

It was the consensus of City Council members to have the matter delayed until the next regular meeting of City Council. Councilman Saunders requested that Mr. Thrower research the matter and meet with Bernard Richardson, Chief of Police, to discuss the matter.

***09-17. Donated Funds – Appropriation Ordinance***

Mr. Thrower reported that the City of Emporia’s Police Department received a donation of \$1,350.00 from a business. He also reported that the business indicated that the funds were to be utilized for the purchase of firearms. He further reported that the Police Department would use the funds to offset the cost of firearms that had been recently purchased.

He requested that City Council members approve the ordinance allowing the funds to be appropriated into the FY 2008-2009 Operating Budget for utilization as stated.

Councilman Harris moved to approve **Ordinance 09-06** to appropriate the sum of \$1,350.00 in donated funds for the purchase of firearms as presented. Councilman Saunders seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

***09-18. CSX Crossing Closure – Appropriation Ordinance***

Mr. Thrower reported that the City of Emporia received payment in the amount of \$12,100.00 from CSX Transportation for costs associated with surveying and paving of the roadway between Park Avenue and Southampton Street. He also reported that the surveying and paving were necessary to facilitate the closing of the railroad crossing at Park Avenue. He requested that City Council members approve the ordinance appropriating the funds into the FY 2008-2009 Operating Budget for such purposes.

Councilman Lankford moved to approve **Ordinance No. 09-05** to appropriate the sum of \$12,100.00 in funds from CSX Transportation for the survey and paving of the roadway between Park Avenue and Southampton Street as presented. Councilwoman Carey seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

**09-19. Request by the CYC – Waiver of Inoperable Vehicle Towing Fees**

Mr. Thrower reported that Ms. Thelma Atkins-Burt, President of the Community Youth Center (CYC) requested that the City of Emporia waive fees associated with the towing of 2 inoperable vehicles from 800 Halifax Street. He also reported that fees totaled \$325.00 with \$250.00 of that amount being towing fees and \$75.00 being administrative fees.

Councilman Harris moved to waive the \$75.00 administrative fee only. Councilman Lankford seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

**09-20. Police Department Expenditure Request – New Telephone System**

Mr. Thrower reported that the City of Emporia’s Police Department’s Administration requested that the City of Emporia purchase a new telephone system with an auto-attendant for its operations. He also reported that the new system would allow the City of Emporia to realize increased revenue from Virginia’s Wireless 911 Fund in the future and allow dispatchers to devote more time to emergency calls. He further reported that approximately 8 phone lines would be eliminated with the new instillation and would produce approximately \$1,000.00 in savings annually.

He stated that the proposed new auto-attendant feature would only apply to the Police Department’s non-emergency number (434/634~2121). He also stated that all emergency 911 calls would continue to be answered by a dispatcher. He further stated that the capital expense had not been included in the FY 2009 Budget and requested that City Council members authorize the purchase of the new telephone system from Telpage, Inc. at a cost of \$5,929.00, which includes the cost of labor and equipment.

Councilman Harris moved to approve the Police Department’s Administration request to purchase a new telephone system with an auto-attendant for its operation as presented. Councilman Saunders seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

**PUBLIC COMMENT**

Councilman Saunders asked if there was anyone who wished to bring a matter before City Council members adhering to the three minutes per person speaking limitation.

*Ms. Mary Nicholls* of 272 Wadlow Street, Emporia, Virginia stated that she was very upset about

the housing situation in the fairground area. She also stated that houses were being placed, “on top of each other” and asked City Council members if they were attempting to, “make a ghetto over there.” She further stated that, when she first returned to the City of Emporia, it was only allowable to build 75x100 and that she was informed that the code had since been changed.

Councilman Harris advised Ms. Nicholls that attempts were not being made to create a ghetto.

Councilman Saunders advised Ms. Nicholls that prior to the codes being in place, certain lots of record existed that were grandfathered into the current system.

Ms. Nicholls stated that the code needs to be modified to prevent such construction from taking place. She also stated that a home was being built adjacent to Ms. Florence Tyler’s home and that, due to the close proximity of the new home, Ms. Tyler was required to relocate her steps to allow the new home to be built.

Mr. Hall advised Ms. Nicholls that Ms. Tyler’s steps protruded onto the adjacent lot. He also advised her that Mr. Belmonte’s newly constructed home consisted of 11 ft. side yards on each side and met code requirements. He further advised her that Mr. Belmonte informed him that he spoke with Ms. Tyler and that they mutually agreed that the steps would be moved.

Ms. Nicholls stated that Mr. Belmonte was only placing such homes throughout the City of Emporia in, “black neighborhoods” and that Ms. Tyler was present in the audience at that time and was unhappy about the matter.

Mr. Hall informed Ms. Nicholls that there must have been a misunderstanding concerning the matter.

Ms. Nicholls asked City Council members if the codes could be modified.

Councilman Harris advised Ms. Nicholls that the codes could be modified and that, if modified, it would escalate the cost for building and renting homes.

Councilman Saunders suggested that Ms. Nicholls utilize the chain of command and address the matter with her respective City Council member in an effort to have the matter considered among City Council members.

Councilwoman Carey stated that the matter existed within her district and that she understands the concern brought forth. She also stated that she previously conversed with Ms. Nicholls and Mr. Thrower and that the location in question was visited the previous week. She further stated that, although the code being implemented preceded her tenure on City Council, she felt that it could be modified.

Councilman Harris suggested that the matter be referred to the City of Emporia’s Redevelopment and Housing Authority.

Mr. Thrower advised City Council members that he and Mr. Hall would research the matter.

**Mrs. Debra Brown** of 604 Temple Avenue, Emporia, Virginia asked City Council members if a public hearing was required to have the zoning codes modified that was referenced by Ms. Nicholls earlier that day.

Councilman Saunders advised Ms. Brown that the relevant codes were implemented many years

prior based on housing needs at that time and had not been modified since that time.

**Ms. Marva J. Dunn** of 505-D Washington Street, Emporia, Virginia stated that, based on the information and concern presented, the code needs to be reviewed to accommodate present day living.

**Mr. Cecil Taylor** of 320 Church Street, Emporia, Virginia advised City Council members that he was aware of several inoperable vehicles within the city limits.

Mr. Thrower asked Mr. Taylor to provide him with the addresses of the inoperable vehicles so that they may be researched.

With there being no further comments to come before City Council the meeting was adjourned.

**\*\*\*CLOSED SESSION\*\*\***

Councilman Harris 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** and (5) **Industrial Matter** (*prospective business*). Councilman Lankford seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

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

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

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	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 White seconded the motion, which passed as follows:

Councilman John R. White	aye
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Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

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Councilman Saunders moved to authorize the city manager to execute a performance agreement with an unnamed industrial client. Councilman Harris seconded the motion, which passed as follows:

Councilman John R. White	aye
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

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**ADJOURNMENT**

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

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James C. Saunders, President of Council

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Jean V. Whiting, City Clerk