

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
JANUARY 15, 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, January 15, 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
Councilwoman Carolyn S. Carey
Councilman Ned V. Lankford

Others present: C. Butler Barrett, City Attorney
Sam Brown, Sheriff
William S. Harris, Treasurer
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 18, 2007 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
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye

APPROVAL OF BILLS

A listing of the January 15, 2008 bills were presented to City Council members.

General Fund	\$893,952.19
Utility Fund	\$101,167.64

Councilman Saunders moved to approve payment of the bills 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

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

Councilman Lankford moved to approve the Agenda as amended. 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

UNFINISHED BUSINESS

NEW BUSINESS

08-01. Board of Zoning Appeals – Term Expiration (Doug Jessee, Jr.)

Mayor Adams advised City Council that Mr. Doug Jessee, Jr.'s five (5) year term on the City's Board of Zoning Appeals will expire on February 28, 2008 and that they needed to make a nominate to fill the expiring term. He also advised them that Mr. Jessee indicated that he wished to be considered for reappointment. He further advised them that nominations for the position would be submitted to Greenville County Circuit Court for consideration and formal appointment.

Councilman Harris moved to approve that Mr. Doug Jessee, Jr. be nominated to serve another five (5) year term on the City's Board of Zoning Appeals. 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

08-02. Board of Zoning Appeals – Term Expiration (Robert W. Little, Jr.)

Mayor Adams advised City Council that Mr. Robert W. Little, Jr.'s five (5) year term on the City's Board of Zoning Appeals will expire on February 28, 2008 and that they needed to make a nominate to fill the expiring term. He also advised them that Mr. Little indicated that he wished to be considered for reappointment. He further advised them that nominations for the position would be submitted to Greenville County Circuit Court for consideration and formal appointment.

Councilman Harris moved to approve that Mr. Robert W. Little, Jr. be nominated to serve another five (5) year term on the City's Board of Zoning Appeals. Councilman White seconded the motion, which passed as follows:

Councilwoman Nancy B. Squire	aye
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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

08-03. Industrial Development Authority – Resignation (Ken Ryals)

Mayor Adams reported that the City’s Administration accepted the resignation of Ken Ryals from the Industrial Development Authority due to him being ineligible to serve on the basis of his current employment as the City’s Emergency Services Coordinator. He also reported that Mr. Ryals’ unexpired term on the Industrial Development Authority consisted of a remaining thirteen (13) months.

Councilwoman Squire moved to nominate Ms. Gloria Robinson to fill the unexpired term on the Industrial Development Authority. 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
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye

08-04. City Code – Article III §38-68. Use and Discharge

Mr. Thrower reported that the City’s Administration received notification that Article III Fireworks §38-68. *Use and Discharge* of the City’s Code needed to be updated to reflect the State’s new law reference. He asked City Council members to review and approve the following ordinance accordingly:

Ordinance No. 08-01

An Ordinance To Amend A Certain Section
Of The Code Of The City Of Emporia, Virginia

BE IT ORDAINED by the City Council of the City of Emporia, Virginia, in regular session that:

State law reference for Section 38-68 of the Code shall be amended and re-enacted to read as follows:

Sec. 38-68. Use and discharge.

The use or discharge of fireworks is prohibited except that pyrotechnic displays may be authorized by resolution of the council when under the control of qualified individuals, and the time, place and manner of such display is approved by the fire marshal. (Code 1972, § 14-36; Ord. No. 00-05, 5-2-2000)

State law references: Authority of city to regulate or prohibit the use, etc., of fireworks, Code of Virginia, §§ ~~15.1-865, 59.1-148.~~ §15.2-974.

Councilman White moved to approve the amended 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
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye

08-05. Fire Program Funds – Appropriation Ordinance

Mr. Thrower reported that the City received annual grant funds from the Virginia Department of Fire Programs for the City’s Fire Department that needed to be appropriated into the City’s current budget. He requested that City Council members review and approve the following ordinance:

Ordinance No. 08-02

An Ordinance To Appropriate The Sum Of \$14,685.50 In Grant Funds From The Virginia Department of Fire Programs Received From The County of Greensville For Fire Programs

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

1. That the sum of \$14,685.50 in grant funds from the Virginia Department of Fire Programs received from the County of Greensville 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 \$14,685.50 appropriated to General Fund Expenditures, Account Number 32100-6020 Fire Program Funds Purchases.
3. The City Manager is hereby authorized to do all things necessary to implement this grant and appropriation.
4. This ordinance shall be in effect on and after its adoption.

Councilman Saunders moved to approve the ordinance as presented. 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

08-06. Citizens United To Preserve Greensville County Training School – Funding Request

Mr. Thrower reported that he received a letter from Dr. Theopolis Gilliam, Jr., President of the Citizens United to Preserve the Greensville County Training School, requesting sixty thousand dollars (\$60,000.00) from the City of Emporia to satisfy architectural services associated with reconstruction of the historical Greensville County Training School facility. He also reported that the request fell outside of the City's budget process and would require spending a portion of the City's Undesignated Fund Balance if approved. He further reported that the City participated in the waiver of tipping fees for demolition of portions of the facility at an estimated six thousand dollars (\$6,000.00) during Fiscal Year 2006.

Mayor Adams advised City Council members that Dr. Gilliam was present to provide additional information to City Council about the request and to answer questions concerning the matter.

Dr. Theopolis Gilliam, Jr. of 500 Westover Drive, Emporia, Virginia advised City Council members that the request for sixty thousand dollars (\$60,000.00) would be a one-time request for the purpose of satisfying architectural plans needed to proceed with the loan application process for additional funds to reconstruct the facility. He also advised them that funding had also been requested of the General Assembly.

Councilwoman Squire asked Dr. Gilliam to elaborate on which portions of the building would be restored.

Dr. Gilliam advised Councilwoman Squire that structural engineers evaluated the building and deemed its foundation and framework to be sound. He also advised her that the building's façade had to remain in place due to the building's state and national historical designation. He further advised her that the remainder of the building will be newly constructed.

Councilman White asked Dr. Gilliam to elaborate on how soon the requested funding would be needed.

Dr. Gilliam advised Councilman White that the requested funding was needed as soon as possible to proceed with the loan application process.

Councilman Harris asked Dr. Gilliam to elaborate on operational plans for maintaining on-going expenses upon completion of the project as well as how the facility will be utilized.

Dr. Gilliam advised Councilman Harris that the building is expected to be self-sufficient and that several letters of intent had been received from prospective tenants. He also advised him that most of the building will be utilized by paying tenants.

Councilwoman Squire asked Dr. Gilliam if the building will be equipped with a gathering area.

Dr. Gilliam advised Councilwoman Squire that a small gathering area will be available within the building.

Councilwoman Carey stated that she commends Dr. Gilliam and his fellow committee members for their hard work and dedication in pursuing the project and that she feels the facility will offset the City in a great way and help the community at large.

Councilman Harris asked Ms. Prince to elaborate on taxation requirements of a non-profit organization owning a building with a portion of the building being profit-generating.

Ms. Prince advised Councilman Harris that the income-producing portion of such building would be subject to taxation.

Mayor Adams asked Dr. Gilliam to provide the total estimated costs associated with architectural and construction fees.

Dr. Gilliam advised Mayor Adams that the total architectural fees were approximately seventy-five thousand dollars (\$75,000.00) and that construction costs were estimated at one and a half million dollars (\$1.5M).

Councilman Harris asked Dr. Gilliam if Greenville County had been approached for funding for the project.

Dr. Gilliam advised Councilman Harris that Greenville County had not been approached as the building had been donated by Greenville County. He also advised him that Greenville County would mostly likely be approached at some point, as the project will entail additional costs. He further advised him that attempts had been made to avoid such monetary requests by local governments for the project.

Councilman Harris reported that, from operations perspective, the City had contributed to the operation of the facility for many years and that the donation of the building had not been strictly from Greenville County assets.

Councilman Saunders asked Dr. Gilliam to elaborate on the amount of funding requested of the General Assembly.

Dr. Gilliam advised Councilman Saunders that seventy-five thousand dollars (\$75,000.00) had been requested of the General Assembly.

Councilman White moved to approve that sixty thousand dollars (\$60,000.00) be provided to the Citizens United to Preserve Greenville County Training School as requested. Councilwoman Carey seconded the motion, which passed as follows:

Councilwoman Nancy B. Squire	aye
Councilman John R. White	aye
Councilman F. Woodrow Harris	nay
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye

08-07. Emporia-Greensville Humane Society, Inc. – Funding Request

Mr. Thrower reported that he received a letter from Ms. Peggy Malone, President of the Emporia-Greensville Humane Society, Inc. requesting a waiver of all zoning, building, and sign permit fees associated with the construction of the Humane Society's proposed new facility, within the City's Industrial Park. He also reported that Ms. Malone requested the waiver of overhead expenses associated with the City's installation of water and sewer lines to the property. He further reported that overhead expenses for water and sewer lines were estimated at one thousand seven hundred sixty-four dollars and eighty-one cents (\$1,764.81).

Tara Malone-Menendez of 110 Beech Tree Lane, Emporia, Virginia stated that she serves as treasurer of the Emporia-Greensville Humane Society. She also stated that the waiver requests were in an effort to remain within the budget and to meet timelines.

Councilman Harris asked Ms. Malone-Menendez to elaborate on the status of discussions concerning the Humane Society and Greensville County in construction of the new facility.

Ms. Malone-Menendez advised Councilman Harris that solid direction had not been attained from Greensville County concerning the matter. She also advised him that the Humane Society had to move forward in an effort to satisfy approaching deadlines. She further advised him that the Humane Society had attempted to be self-sufficient and had obtained some funding through fundraiser events.

Ms. Malone-Menendez stated that the Human Society will continue conducting fund raising events and estimates overhead expenses for the new facility to be four hundred dollars (\$400.00) monthly.

Councilman Harris stated that he had no objection to waiving the requested fees and asked Ms. Malone-Menendez if the need existed within the community to have a city operated shelter, a county operated shelter, and the proposed new facility.

Ms. Menendez advised Councilman Harris that the need does exist for the Humane Society. She also advised him that the Human Society has an obligation to provide animals with needed shelter and medical assistance without timelines.

Councilman Harris asked Ms. Malone-Menendez if fewer animals have had to be euthanized by the City due to animal adoptions made possible by Mr. Joey Turner, the City's Animal Control Officer, compared to previous years.

Ms. Malone-Menendez advised Councilman Harris that Mr. Turner does call upon the assistance of the Emporia-Greensville Humane Society for such situations as injured animals needing medical assistance. She also advised him that she was unable to answer the questions as she did not have exact figures with her at that time concerning the matter.

Councilman White asked Ms. Malone-Mendez if dogs will be equipped with a play area at the proposed facility.

Ms. Malone-Menendez advised Councilman White that the dogs will be equipped with a play area and that fencing had been donated and would be installed in the rear of the new complex for that purpose.

Councilman Harris moved to approve the Humane Society's request 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
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.

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

Councilman Harris moved that Closed Session be entered for the purpose of discussing Virginia Code § 2.2-3711 (A) (5) **Industrial 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 White 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