

PUBLIC HEARINGS

- 1. Board of Zoning Appeals Nominations**
 - 2. Street Closure – Portion of Spring Street Abutting Ash Street**
 - 3. Request by Council Member John White – Taxicab Meters**
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Emporia City Council held 3 public hearings on Tuesday, January 6, 2009, 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 public hearings and reported that the order of the public had been modified from that reflected on the Agenda.

The following City Council members were present:

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

Others present: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Steve B. Hall, Assistant City Manager
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

1. Board of Zoning Appeals Nominations

Mayor Adams reported that the terms of Mr. Nick Belmonte and Mr. John Barrows on the City of Emporia's Board of Zoning appeals were due to expire on February 28, 2009. He also reported that Mr. Belmonte indicated that he did not wish to be considered for reappointment and that Mr. Barrows indicated that he did wish to be considered for reappointment.

He asked if anyone wished to speak concerning the two nominations to the City of Emporia's Board of Zoning Appeals.

With there being no comments to come before City Council, Mayor Adams declared the public hearing closed.

2. Street Closure – Portion of Spring Street Abutting Ash Street

Mr. Hall reported that, on December 2, 2008, City Council members authorized City Administration to advertise a public hearing and appoint viewers concerning a request received from Ms. Martha Proctor to vacate the remaining portion of the Spring Street- right-of-way abutting Ash Street. He also reported that a public hearing had been advertised in the local newspaper and that letters were mailed to adjacent property owners. He further reported that no issues or concerns had been expressed by adjacent property owners concerning the request.

He stated that, on December 29, 2008, Mr. Kreinbaum, Mr. Bush, and Reverend Bailey met to discuss the proposed right-of-way vacation and unanimously agreed to recommend that the request be granted. He also stated that he recommended approval of the request.

Mayor Adams asked if there was anyone who wished to speak concerning the request to vacate the remaining portion of Spring Street abutting Ash Street.

With there being no comments to come before City Council, Mayor Adams declared the public hearing closed.

3. Request by Council Member John White – Taxicab Meters

Mr. Hall reported that Councilman White previously requested that City staff research the use of taxicab meters. He also reported that researched revealed pros and cons concerning their use within the City of Emporia. He further reported that the public hearing was being held that evening to provide City Council member with public input concerning their views about the use of meters in taxicabs within the City of Emporia.

Mayor Adams reported that a number of hand-written opinions pertaining to the matter had been provided to City Council members and asked if there was anyone who wished to speak concerning the matter.

Mr. Theodore Lane of 508 Harding Street, Emporia, Virginia stated that he previously submitted a petition to City Council members concerning the matter. He also stated that Councilman White said he did not have much knowledge about meters and had a gentleman from Franklin, Virginia provide insight concerning their use. He further stated that the gentleman from Franklin stated that he started out with 7 taxicabs with meters and has since decreased to 2.

He reported that, when he asked the gentleman why his number of taxicabs with meters decreased, as he was the only taxicab company in his area, he was advised, "I don't know."

Councilman White asked Mr. Lane to elaborate on his knowledge of taxicab meters.

Mr. Lane advised Councilman White that, "cab meters were put in big cities to protect the tourists, not the people, because the people ride transits and subways." He also advised him that the people of the City of Emporia do not have such options. He further advised him that most people who have vehicles have decent jobs and most of the people that he transports have jobs that pay between \$5.00 and \$7.00 per hour.

He stated that there is no option for negotiation when meters are installed in cabs as they are governed by the federal government. He also stated that, if he is advised by customers that they need transportation to such places as Wal-Mart and are a few dollars short of the standard fee for such transportation; he had no problem transporting them there.

Councilman White advised Mr. Lane that metered taxicabs within the City of Emporia would serve the same purpose as he described for larger cities as commuters come into the City of Emporia via bus and request to be taken to North Carolina via taxicab.

Mr. Lane stated that meters in taxicabs within the City of Emporia will create much controversy

concerning fares. He also stated that the taxicab business within the City of Emporia functions nicely as is. He further stated that taxicab meters could also be turned off.

Ms. Edmonia Bourn of 75 Ellison Street, Emporia, VA stated that she relies on Halifax Cab to transport her to and from MCV in Richmond, Virginia for health purposes. She also stated that she is not charged the full transportation price by Halifax Cabs because she can not afford it. She further stated that, if meters are installed within cabs within the City of Emporia, she will not be able to afford to pay for taxicab services needed and that she is opposed to meters in taxicabs within the City of Emporia.

Mrs. Ella Seaborn of the City of Emporia stated that Medicare disburses payments according to zip codes and that she was concerned about potential adverse affects of taxicab meters as it relates to Medicare.

Councilman Harris advised Mrs. Seaborn that, according to the individuals in Richmond, Virginia that regulate the matter, taxicab meters would not have an impact on Medicare transports.

Mrs. Seaborn stated that she feels that such meters would create a problem as approximately eighty-five percent of individuals that live within the area are on fixed incomes. She also stated that she was opposed to meters in taxicabs within the City of Emporia.

Mr. McCoy White of 617 Maryland Avenue, Emporia, Virginia stated that, on September 2, 2008, Councilman White introduced the proposal for taxicab meters. He also stated that Councilman White referenced companies undercutting one another, as one may charge a lesser rate than the other for services rendered. He further stated that, "I don't believe that any government, whether federal, state, or local, should set the price for privately-owned business. That is what they do in Russia, but not in this country."

He stated that meters would not be fair to customers and that he opposed the idea of meters in taxicabs within the City of Emporia.

Mr. Charlie Robinson of 4259 Purdy Road stated that he was in favor of meters in taxicabs within the City of Emporia as it would enforce consistent fares. He also stated that the same concept applies to purchasing gas or grapes from a store.

Mr. Elliott Wright stated that he was a resident of the City of Emporia, by way of Washington, DC, and that he thought taxicab meters within the City of Emporia would be a great injustice to the citizens who rely on taxicab service within the local community. He also stated that he drives taxicabs for Halifax Cab and constantly encounters situations involving customers can not afford to pay the standard fees for taxicab services. He further stated that it would behoove City Council members to check into the disadvantages associated with the requirement of meters in taxicabs within the City of Emporia.

Ms. Elaine Doyle of 5571 Curtis Road stated that she had been in the taxicab business for approximately 4 years and that she was against taxicab meters within the City of Emporia as she provides some of her customers with taxicab services on credit.

Mrs. Cathy Robinson of 102 Shore Drive, Emporia, Virginia stated that Robinson's Cab submitted the proposal for taxicab meters within the City of Emporia to abolish differential taxicab service fees being imposed by various taxicab companies. She also stated that a collective \$6.00 base fare system had been previously established. She further stated that it creates problems when other taxicab companies, that accept lesser payment for services, are not available and call Robinson's Cab for service who abides by the base fee schedule.

She reported that Robinson's Cab has and will continue to work with individuals within the community to provide them with taxicab services for reduced fees if they do not have the funds to pay for the standard fares. She also reported that Robinson's Cab only wants to have an established system for all within the community. She further reported that base fees were discussed with Halifax Cab and their fees were incorporated into Robinson's Cab.

Mrs. Robinson stated that some taxicab drivers were taking the liberty of overly and under charging customers for taxicab services. She also stated that she had recently been verbally informed that a customer was charged \$47.00 to go to Roanoke Rapids, NC, when the fare should only have been \$30.00. She further stated that, while Robinson's Cab used to work with Medicaid in providing taxicab services, the decision was made to no longer do so as it proved to be unfeasible.

Councilman White stated that he was informed by a customer that he was charged \$50.00 by Halifax Cab to go to Roanoke Rapids, NC, when the fees should have been \$30.00.

Mayor Adams asked if taxicab customers are informed of fees prior to being transported to their destinations.

Councilman White advised Mayor Adams that customers do not always ask for such pricing in advance.

Mrs. Robinson stated that Robinson's Cab would like for City Council members to check into establishing an ordinance to place taxicab meters within the City of Emporia. She displayed support of taxicab meters to City Council members by asking Robinson's Cab customers in attendance to stand.

Mr. James Robinson 102 Shore Drive, Emporia, Virginia stated that the City of Emporia needed updating as it grows. He stated that meters could be programmed to reflect current rates being imposed and would provide customers with visible fees as the meters run. He further stated that approximately thirty-five percent of his customers are not familiar with local taxicab fares and that taxicab meters would generate revenue for the City of Emporia.

Ms. Marva J. Dunn of 505-D Washington Street, Emporia, Virginia stated that there were so many things within the City of Emporia that City Council members can devote their time and energy to and asked, "Why are we using it talking about putting meters in a cab?" She also stated that she was very concerned about the conflict of interest as it relates to the request for meters in taxicabs within the City of Emporia.

Mr. Wright stated that customers are informed of taxicab fees upon enter taxicabs. He also stated that neither Halifax Cab or he would charge a customer \$47.00 to go to Roanoke Rapids, NC when the set fee is \$30.00.

Mrs. Debra Brown of 604 Temple Avenue, Emporia, Virginia stated that she had witnessed Halifax Cab transport citizens for medical care at rates that were non-profitting for them. She also stated that, "we're just honored and happy to have someone who is trying to work with the community, working with what they have." She further stated that she remembered when she and her parents relied on taxicab services while living on a fixed income and that she understood the concerns of the people within the community, "because I've been there, and I haven't forgotten where I came from."

Mr. Christopher Washington, a resident of Weldon, NC and a driver for Robinson's Cab, stated that he grew up in the City of Emporia. He also stated that, based on his experiences, customers customarily do not

inquire about pricing in advance as they are aware of the consistent pricing used by Robinson's Cab. He further stated that he was in favor of taxicab companies operating uniformly and customers not being confused by varying taxicab service pricing.

Ms. Alfreda Hendrix of 203 Lee Street, Emporia, Virginia stated that she relied on taxicabs to transport her to and from work. She also stated that she has had to negotiate credit for taxicab services for extended periods of time and that the instillation of meters within taxicabs would prevent her from being able to go to and from work as she will no longer be able to negotiate such payment. She also stated that she was opposed to the use of taxicab meters within the City of Emporia.

Ms. Fay Washington of 521 Halifax Street, Emporia, Virginia stated that she wanted fairness in taxicab pricing.

Mr. Robinson advised City Council members that Robinson's Cab previously experienced problems with Medicaid submitting payment after services had been rendered. He also stated that, based on those experiences, the decision was made to no longer work with Medicaid in providing taxicab services.

Ms. Venus Tate-Ar-Raheem of Richmond, Virginia stated that she utilizes taxicab services and city transportation in Richmond, Virginia. She also stated that, when visiting the City of Emporia, she utilizes taxicab services. She further stated that, when she phones for such taxicab service, she inquires about destination pricing at that time.

She reported that she was against taxicab meters within the City of Emporia and asked City Council members, "If you are gonna put in meters, who is gonna pay the cost?"

Mr. Charles Parker of North Carolina stated that a flat rate basis should exist for cab drivers, whether taxicab meters are imposed or not. He also stated that, "It would be nice if the City Council would come up with a flat rate for all companies." He further stated that an advertisement could be placed in the local newspaper announcing such information to ensure that customers are made aware.

Mr. Marvin Bailey of 206 South Halifax Street, Emporia, Virginia stated that competition is intended to benefit consumers and that he was an advocate for such practice. He also stated that, "If you are gonna have everybody paying the same rate, the service goes down." He further stated that, "This seems like a conspiracy against consumers for everybody to set a rate and I don't have a choice when I call for a cab."

Ms. Bridgett Tyler of Halifax Cab in Emporia, Virginia stated that when taxicabs were initially incorporated into the City of Emporia, City Council members provided base rates at that time. She also stated that she would be willing to meet with City Council members to discuss and compromise base rates and mileage fees. She further stated that, if her company overcharges a customer for taxicab service, she ensures that the respective customer is reimbursed.

Ms. Lisa Sanders of 303 Dogwood Lane, Emporia, Virginia stated that she lives on a fixed income and stated that, "If Halifax is charging me \$5.00, I'm gonna ride with the \$5.00 because I know that one dollar adds up at the end of the month and I can go to Wal-Mart and get more food."

With there being no comments to come before City Council, Mayor Adams declared the public hearing closed.

Samuel W. Adams, III, Mayor

Jean V. Whiting, City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
January 6, 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, January 6, 2009, 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 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 Doris T. White
Councilwoman Carolyn S. Carey
Councilman Ned V. Lankford
Councilwoman L. Dale Temple

Others present: Samuel W. Adams, III, Mayor
C. Butler Barrett, City Attorney
Sam C. Brown, Sheriff
Steve B. Hall, Assistant City Manager
William S. Harris, Treasurer
Joyce E. Prince, Commissioner of the Revenue
Bernard Richardson, Chief of Police
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

MINUTES APPROVAL

The minutes of the December 16, 2008 Public Hearing & Regular Meeting were distributed to City Council members.

Councilman Saunders moved to approve the minutes as presented. 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 Doris T. White	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 Council.

AGENDA APPROVAL

Councilman White moved to approve the Agenda 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

UNFINISHED BUSINESS

08-76. Request by Council Member John White _ Taxicab Meters

Mr. Thrower reported that a public hearing had been held earlier that day concerning taxicab meters within the City of Emporia and that the matter was before City Council members for direction concerning the matter.

Councilman Saunders suggested that City Administration and local taxicab companies meet to in an effort to reach a compromise concerning a zone fare system.

Mayor Adams advised Councilman Saunders that a zone fare of either \$5.00 or \$6.00 exists for travel within the City of Emporia and that consumers make the decision as to who they wished to call upon.

08-92. Emporia Redevelopment and Housing Authority (ERHA) Appointment

Councilman Saunders stated that he wished to nominate Mr. Mark Owen to the Emporia Redevelopment and Housing Authority.

Councilman Lankford moved to appoint Mr. Mark Owen of BB&T Bank as a member of the Emporia Redevelopment and Housing Authority. 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

NEW BUSINESS

09-01. Board of Zoning Appeals Nominations.

Mayor Adams reported that all nominations for the Board of Zoning Appeals are sent to the Circuit Court for appointment. He also reported that Mr. Nick Belmonte's term and Mr. John W. Barrows' term on the City of Emporia's Board of Zoning Appeals were scheduled to expire the end of February 2008.

Councilman Lankford stated that he wished to nominate Mr. Bill Belmonte to replace Mr. Nick Belmonte on the City of Emporia's Board of Zoning Appeals.

Councilman Harris stated that he wished to renominate Mr. John Barrows to the City of Emporia's Board of Zoning Appeals.

Councilman White moved to approve the nominations of Mr. Bill Belmonte and Mr. John Barrows to the City of Emporia's Board of Zoning Appeals. 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

09-02. Street Closure – Portion of Spring Street Abutting Ash Street

Mr. Hall reported that a public hearing had been held earlier that day concerning the request of Ms. Martha Proctor to vacate the remaining portion of the Spring Street right-of-way abutting Ash Street. He also reported that the reviewers, Mr. Kreinbaum, Mr. Bush, and Mr. Bailey, unanimously agreed in recommending that City Council members grant the right-of-way vacation as requested.

Councilman Saunders moved to approve the right-of-way vacation request as presented. 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

09-03. *President of Council Election*

Mayor Adams reported that former City Councilwoman Nancy B. Squire served as President of Council when her term ended on December 31, 2008. He also reported that, since she no longer served on City Council, the appointment to fill that seat was needed.

Councilman White moved to appoint Councilman Saunders as President of Council. 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

09-04. *Boards/Commissions/Committee Seats for Former Councilwoman Nancy B. Squire*

Mr. Thrower stated that former Councilwoman Nancy B. Squire held seats on the City of Emporia's Airport Commission, Planning Commission, and VML's 2008-2009 General Laws Policy Committee. He also stated that Mrs. Squire indicated that she wished to continue serving on the City of Emporia's Airport Commission and Planning Commission.

Councilman Harris stated that, unless someone on City Council had the desire to serve on the City of Emporia's Airport Commission and Planning Commission, there seemed to be no requirement to replace Mrs. Squire on either commission. He also stated that Mrs. Squire had been beneficial in serving on the City of Emporia's Airport Commission and that she had been instrumental in obtaining substantial grant funding. He recommended that Mrs. Squire be allowed to continue serving on the City of Emporia's Airport Commission and Planning Commission.

Councilman White moved to approve that Mrs. Nancy B. Squire continue serving on the City of Emporia's Airport Commission and Planning Commission. 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

09-05. *2009 City Council Retreat*

Mr. Thrower reported that Emporia's City Council generally schedules a retreat during the winter months to review mid-year finances, discuss current projects, and plan for the upcoming fiscal year. He requested that City Council members approve Friday, January 23, 2009, and Saturday, January 24, 2009,

as dates to conduct a City Council retreat at the Emporia-Greenville Regional Airport.

Councilman Saunders moved to approve that a City Council retreat be conducted on Friday, January 23, 2009, and Saturday, January 24, 2009, at the Emporia-Greenville Regional Airport. 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

09-06. CSX Crossing Closure - Ordinance

Mr. Thrower reported that, on September 2, 2008, City Council members authorized the city manager to proceed with the Virginia Avenue/Park Avenue railroad crossing closure and awarding of the paving bid to Worton Paving at a cost of \$11,500.00. He requested that City Council members approve Ordinance No. 09-02 to vacate the right-of-way located at milepost A-62.99 consisting of the railroad crossing connecting Park Avenue, on the east, and Virginia Avenue, on the west.

Councilman White moved to approve **Ordinance No. 09-02** 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

09-07. 1948 Ford Fire Truck – Authorization to Dispose of Property

Mr. Thrower reported that a 1948 Ford fire truck was stationed at the City of Emporia's Industrial Park and was not being utilized. He also reported that the Fire Committee, at their December 8, 2008 meeting, recommended disposal of the vehicle with proceeds realized to be donated back to the Emporia Fire Department. He further reported that he and Greenville County staff were in agreement with the decision to dispose of the vehicle accordingly.

Councilman Harris stated that arrangements had been made between Mr. Ted Povar, previous city manager, and the Fire Department to donate the truck to the fire company and, at some point; it ended up being reverted back to being considered City of Emporia property since it was added to the City of Emporia's insurance policy.

Councilman Harris moved to approve that the 1948 Ford fire truck be disposed of with any realized proceeds to be donated back to the Emporia Fire Department. 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

09-08. Request by the Greensville Memorial Foundation (GMF) – Fire Hydrant at New YMCA Facility

Mr. Thrower reported that the Greensville Memorial Foundation requested that the City of Emporia provide a new fire hydrant assembly on the site of the new YMCA facility that would provide necessary fire protection for that area. He also reported that estimated costs associated with the fire hydrant totaled \$3,500.00, which included labor.

Councilman Harris moved to approve the new fire hydrant request 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

09-09. Citizens Bank Building – Proposal Review Committee Appointment

Mr. Thrower reported that the issuance of the Citizens Bank Building RFP was approved by City Council members at their December 16, 2008 meeting. He also reported that proposals concerning the matter were due no later than Monday, February 16, 2009. He further reported that Tuesday, March 17, 2009, had been scheduled for City Council members to consider the respective proposals.

He stated that he recommended that City Council members appoint 2 City Council Members to review the proposals and recommend a preferred developer concerning the matter.

Councilwoman White and Councilman Lankford agreed to review the proposals as recommended.

Councilman Harris moved to remove item 3493 be removed from Tabled Items on the City Council Agenda. 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 Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye
Councilwoman L. Dale Temple	aye

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.

Ms. Deborah Dixon of 308 Tillar Street, Emporia, Virginia stated that she was concerned about a dead tree, located on the City of Emporia's property that extending above her residence. She also stated that 2 other trees, beside the three that she was concerned about, fell on her neighbor's property and vehicle (Ms. Mattie Lewis), on December 31, 2008. She also stated that she previously notified the city manager about her concerns via letter and that she was informed that the matter did not get beyond him. She further stated that she was concerned that the tree would damage her property if it were to fall.

She reported that she was notified by an insurance company that she needed to notify the City of Emporia about the matter and that, if the tree fell onto her property after providing notification to the City of Emporia, it would be the responsibility of the City of Emporia to pay for any associated damages to her property. She also reported that she had done extensive remodeling to her residence and did not want the tree to fall onto her or her neighbor's property.

She stated that, on behalf of her neighbor, Ms. Lewis, who was in attendance at that time, she wanted to know if the City of Emporia would incur costs associated with the estimated \$4,000.00 in damages to her vehicle that was caused by the trees that fell onto her property from the City of Emporia's property.

Mr. Barrett stated that the question remained as to whom owned the property which the trees were located.

Ms. Dixon advised Mr. Barrett that she was advised that the tree was located on the City of Emporia's property.

Mayor Adams advised Ms. Dixon that Mr. Barrett would research the matter in an effort to determine who owns the property and would follow up with her.

Ms. Mattie Lewis of 307 Tillar Street, Emporia, Virginia stated that a Century 21 agent visited her several years prior in an effort to sell her the northern lot adjacent to her residence. She also stated that she had documentation which noted that, "the tree is not to be cut at the street" and that the lot also contained trees that presented potential safety concerns. She further stated that she was informed that the City of Emporia acquired rights to all of the trees in questions.

Mayor Adams asked Mr. Lewis to provide the name of the agent that informed her of that information.

Ms. Lewis advised Mayor Adams that Ms. Robin Whitman of Century 21, at that time, provided her with the information.

Mayor Adams advised Ms. Lewis that Mr. Barrett would research the matter the following day.

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) (7) **Legal Matter** (*requiring advice of counsel*). 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 Doris T. White	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. 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 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 White seconded the motion, which passed as follows:

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
Councilwoman L. Dale Temple	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