

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
July 21, 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, July 21, 2009, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. James C. Saunders, President of Council 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: C. Butler Barrett, City Attorney
Steve B. Hall, Assistant City Manager
Brian S. Thrower, City Manger
Jean V. Whiting, City Clerk

Absent: Samuel W. Adams, III, Mayor

MINUTES APPROVAL

The minutes of the June 16, 2009 regular City Council meeting were distributed to City Council members.

Councilman Lankford moved to approve the minutes as presented. Councilwoman Temple 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

APPROVAL OF BILLS

A listing of the July 21, 2009 bills was presented to City Council members.

General Fund	\$263,972.64
Utility Fund	\$329,925.66

Councilman White moved to approve payment of the bills 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

FINANCIAL AND TAX REPORT

Honorable W. S. Harris, Jr., City Treasurer, provided City Council members with highlights of the city's financial position. He requested that City Council members authorize him to submit the names of all individuals owing delinquent taxes for 2008 to the local newspaper for publishing in accordance with Section 58.1-3924 of the Code of Virginia.

Councilman White moved to approve that the names of all individuals owing delinquent taxes for 2008 be submitted by the treasurer to the local newspaper for publishing with the understanding that individuals who pay, prior to publishing, will have their names stricken from the listing prior to submission. 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

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

Councilman White moved to approve the agenda as presented. Councilwoman Temple 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

09-68. Request by Council Member Harris – Revision to Employee Policy Manual (Chapter IX – Holidays and Leaves)

Mr. Thrower reported that no new information was available concerning the matter.

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

09-77. Improvements on Private Property

Mr. Thrower reported that on June 4, 2009, City Council members directed him to research existing policies concerning storm water and drainage-related improvements on private property. He also reported that the general theme of the policies researched reflect that such work would not be conducted on private property without being granted an easement. He requested authorization from City Council members to advertise a public hearing for August 18, 2009 concerning the matter.

Councilman White asked Mr. Thrower if Mr. Wrenn’s improvements had been addressed.

Mr. Thrower advised Councilman White that it was his understanding that Mr. Wrenn addressed the matter himself without the assistance of the City of Emporia.

Councilman White moved to approve authorize of the city manager advertising a public hearing for August 18, 2009 concerning improvements on private property. 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

08-89. Traffic on Jefferson Street – Request by Council Member Temple

Mr. Thrower reported that the possibility of implementing traffic safety measures to curve speeding on Jefferson Street was previously discussed. He also reported that the matter was referred to Emporia’s Highway Safety Commission for review and recommendation at the last City Council meeting. He also reported that a meeting of the Highway Safety Commission has been scheduled for August 5, 2009 in the Municipal Building to address the matter.

09-91. Boards and Commissions – Various Term Expirations (Beverly White)

Mr. Thrower reported that, at the June 16, 2009 City Council meeting, the motion was made to delay nominations for the seat vacated by Ms. Beverly White on the Southside Community College Board. He also reported that she notified staff that she did not wish to be considered for reappointment. He further reported that staff was informed that their bylaws state, “No elected members of either the General Assembly or of a local governing body shall be eligible to serve on the College Board.”

It was the consensus of City Council members to delay the matter until the next City Council meeting.

NEW BUSINESS

09-93. Noise Ordinance Updates – Request to Hold a Public Hearing

Mr. Hall reported that on April 17, 2009, the Virginia State Supreme Court ruled unanimously that Virginia Beach’s noise ordinance prohibiting, “any unreasonably loud, disturbing and unnecessary noise” violated the constitution. He also reported that, as a result of the ruling, many ordinances have become invalid and recommended that City Council members direct City Administration to advertise a public hearing for August 18, 2009 concerning the matter.

Councilman White moved to approve that a public hearing be scheduled for August 18, 2009 concerning updates to Emporia's noise ordinance. Councilwoman Temple 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

09-94. Drought Ordinance – Request to Hold a Public Hearing

Mr. Hall reported that he received notification from Mr. James Warf, Superintendent of Greenville County's Water and Sewer Authority Utilities, that Emporia was in need of adopting a local drought ordinance as part of the Greenville-Sussex-Emporia Regional Water Supply Plan. He requested that City Council members authorize City Administration to advertise an August 18, 2009 public hearing concerning the matter.

Councilman White moved to approve that City Administration be authorized to advertise an August 18, 2009 public hearing concerning the matter. 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

09-95. Floodplain Ordinance – Requested Revisions by FEMA

Mr. Hall reported that on June 2, 2009 City Council members adopted revisions to the City Flood Insurance Rate Map, Flood Insurance Study, and Floodplain Ordinance. He also reported that FEMA had since notified staff that several federal requirements were omitted from the ordinance. He requested that City Council members review and approve Ordinance 09-44 which included the final floodplain revisions as required by FEMA.

Councilman Lankford moved to approve **Ordinance 09-44** incorporating the final floodplain revisions as required by FEMA. Councilwoman Temple 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

09-96. Erosion and Sediment Control Ordinance Update – Plan Review Fee

Mr. Hall reported that on June 16, 2009, City Council adopted updates to Emporia’s zoning fee schedule. He also reported that the intended language indicating that all formal erosion and sediment control plans are to be reviewed by a certified plan review professional and any associated fees would be charged to the developer. He requested that City Council members review and approve Ordinance 09-45 and Ordinance 09-46 incorporating intended language concerning the erosion and sediment control plan review provisions.

Councilman Harris moved to approve **Ordinance 09-45** and **Ordinance 09-46** as requested. 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

09-97. CSX Crossing Closure – Appropriation Ordinance

Mr. Thrower reported that Emporia received \$7,500.00 from CSX Transportation for costs associated with instillation of curbing and other improvements on both sides of the Park Avenue railroad crossing. He requested that City Council members approve Ordinance 09-47 appropriating the funds into the current budget.

Councilwoman Temple moved to approve **Ordinance 09-47** appropriating \$7,500.00 from CSX into the current budget as requested. 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

09-98. Public Safety Grant Funds – Appropriation Ordinance

Mr. Thrower reported that two grants in the amount of \$2,000.00 were received by Emporia’s Police Department from Wal-Mart for public safety purposes. He also reported that half of the funds would be used to purchase ammunition and the other half would be used for the Citizens Police Academy and community education. He requested that City Council members review and approve Ordinance 09-48 appropriating the funds into the current budget.

Councilman Harris moved to approve **Ordinance 09-48** appropriating the funding as requested. 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

09-99. Sexual Assault Program – Appropriation Ordinance

Mr. Thrower reported that grant funds in the amount of \$35,655.00 were received from the Department of Criminal Justice Services for the Sexual Assault Program. He also reported that \$34,616.00 was included in the FY09-10 budget and that \$1,039.00 needed to be appropriated into to FY09-10 Operating Budget. He requested that City Council members review and approve Ordinance 09-49 appropriating the funds into the current budget.

Councilman Lankford moved to approve **Ordinance 09-49** appropriating the funds as requested. 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

Councilman Saunders asked if anyone wished to bring a matter before City Council members adhering to the 3 minute time limitation.

Mr. Bruce Campbell of 3014 West York Drive, Emporia, Virginia expressed concerns about deep base subwoofers in vehicles and the vibrations caused by them.

With there being no further comments to come before City Council members, Councilman Saunders entertained a motion to enter into Closed Session.

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

Councilwoman Temple 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**. Councilman Lankford 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 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 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

CERTIFICATION

Councilman Saunders 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

Councilman Saunders moved to approve that the city manager purchase the Kei properties located at 107 S. Main Street for the assessed value of \$109,400.00, conditional upon satisfactory review of environmental documents to be provided by DEQ. 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

Councilman Saunders moved to approve **Resolution 09-16** authorizing the city manager to apply for grant funding through the Virginia Recreational Trails Program to supplement Veterans Memorial Park trailhead facility development. 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, Councilman Saunders adjourned the meeting.

James C. Saunders, President of Council

Jean V. Whiting, City Clerk