

## **PUBLIC HEARING**

---

### **1. Abandoned Shopping Carts – Ordinance for Adoption**

---

Emporia City Council held a public hearing on Tuesday, June 16, 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 hearing.

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. Abandoned Shopping Carts – Ordinance for Adoption**

Mr. Hall reported that the accumulation of shopping carts on private property had been an ongoing issue in Emporia. He also reported that City Council members directed staff to research control measures concerning the matter and to mail letters to respective businesses. He further reported that letters were mailed to business managers informing them of the city's attention to the matter and seeking their cooperation.

He stated that research of the matter revealed that Norfolk, Virginia addressed the matter by way of ordinance and advised City Council members that an ordinance had been prepared for their review and approval addressing the issue within Emporia. He also stated that that a public hearing had been held on June 2, 2009 concerning the matter.

Mayor Adams asked if anyone wished to speak concerning the matter.

With there being no comments to come before City Council concerning the matter, 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**  
**June 16, 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, June 16, 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 Councilman James C. Saunders 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  
Steve B. Hall, Assistant City Manager  
Brian S. Thrower, City Manger  
Jean V. Whiting, City Clerk

**MINUTES APPROVAL**

The minutes of the May 5, 2009 Budget Work Session, May 13, 2009 Budget Work Session, May 18, 2009 Budget Work Session, May 21, 2009 Budget Work Session, and June 2, 2009 Public Hearings and Regular Meeting were distributed to City Council members.

Councilman Harris 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 June 16, 2009 bills was presented to City Council members.

General Fund	\$928,835.56
Utility Fund	\$141,825.66

Councilman Saunders moved to approve payment of the bills 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

## **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 requested the addition of *09-89. Traffic on Jefferson Street – Council Member Temple, 09-90. Cancellation of July 7, 2009 Regular City Council Meeting, 09-91. Boards and Commissions Reappointments (Various), and 09-92. July 4, 2009 Fireworks Resolution.* He reported that no additional information was available for **item 09-68** and **09-77**, as such the item would not be addressed that evening.

Councilman White moved to approve the Agenda as amended. 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

**UNFINISHED BUSINESS**

***09-72. Zoning and Building Permit Fee Schedule Updates***

Mr. Hall reported that Emporia’s zoning permit fees were reviewed and discussed during the 2009 City Council Retreat. He also reported that, upon conducting a comparative analysis of the fees, Emporia’s zoning permit fees were identified as being substantially lower than those of adjacent localities. He further reported that he and Emporia’s building/fire official recommend that the fees be increased to be consistent with adjacent localities.

He stated that, on May 12, 2009, Emporia’s Planning Commission voted 8-0 in opposition of staff’s recommendation to increase zoning permit fees. He requested that City Council members review and approve **Ordinance 09-31, Ordinance 09-32, and Ordinance 09-33** increasing Emporia’s zoning and building permit fees accordingly.

Councilman Harris moved to approve **Ordinance 90-31 and Ordinance 09-33** increasing Emporia’s building fees as presented and recommended. 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

Councilman White moved to approve **Ordinance 90-32** increasing Emporia's zoning fees as presented and recommended. 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

**NEW BUSINESS**

***09-81. Proposed FY10 General and Utility Fund Budgets – Ordinances for Adoption***

Mr. Thrower reported that he submitted his proposed budgets to City Council members on May 1, 2009. He also reported that the proposed General Fund Budget reflected \$15,812,629.00 and the proposed Utility Fund Budget reflected \$2,743,700. He further reported that 4 budget work sessions had been held concerning the proposed budgets and highlights of the proposed budgets included:

Revenue Highlights

- \* Real property tax increase from \$0.77 per \$100 valuation to \$0.82
- \* Transient occupancy tax rate increase from 8 percent to 10 percent
- \* Increase in monthly residential sanitation fee from \$10.50 per month to \$15.00 per month
- \* Increase in monthly commercial sanitation fee from \$3.50 per cubic yard to \$4.50 per cubic yard
- \* Increase in water and sewer rates:
  - ~ Minimum of 2,000 gallons = 3.5 percent increase
  - ~ Next 48,000/1,000 = 6.7 percent increase
  - ~ Over 50,000/1,000 = 3.5 percent increase
- \* Increase in water and sewer tap fees:
  - ~ \$3,000 per water tap plus \$1,000 for each unit within a multi-unit development
  - ~ \$4,000 per sewer tap plus \$2,000 for each unit within a multi-unit development

Expenditure Highlights

- \* Elimination of the Equipment Operator II position
- \* Elimination of 2 police officer positions frozen with adoption of the FY09 Budget
- \* Elimination of COLA or merit increases for City of Emporia employees
- \* Southside Regional Jail funding increase of \$254,214.00 over FY09. Total funding at \$821,541.

He requested that City Council members review and approve **Ordinances 09-34, 09-35, 09-36, 09-37, 09-38, 09-39, 09-40, and 09-41** adopting the proposed budgets as presented.

Councilman Harris moved to approve the proposed budgets and ordinances as presented with the following amendments:

- \* Subtract \$36,068 from the proposed real estate tax rate to reflect a real property tax increase from \$0.77 per \$100 valuation to \$0.81
- \* Addition of \$36,668.00 to the personal property motor vehicles line item
- \* Addition of \$600.00 to the Central Virginia Health Planning Agency

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

#### ***09-82. Unfunded Police Positions***

Mr. Thrower reported that the City of Emporia applied for a COPS Hiring Recovery Program (CHRP) Grant to retain two police officer positions and hire two additional officers. He also reported that review of applications was underway and awards were expected no later than September 30, 2009. He further reported that 2 of the police officer positions were not funded in the FY09 and FY10 Budgets; however, they were filled due to staffing shortages caused by officer injuries.

He stated that the police officers holding the 2 positions would face lay-offs, effective July 1, 2009, unless temporary funding for the positions was not granted. He also stated that City Council members had the option of temporarily funding the positions until correspondence is received regarding the status of the Emporia's CHRP Grant Application. He further stated that estimated costs to fund the 2 positions totaled \$22,384.00; which included salaries, FICA, VRS, and health insurance.

Councilman Harris moved to approve that \$22,384.00 be provided to temporarily fund the 2 police officer positions 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

**09-83. *Abandoned Shopping Carts Ordinance***

Mayor Adams reported that a public hearing had been held earlier that day concerning a proposed ordinance regarding abandoned shopping carts within the Emporia and asked City Council members for their vote concerning the matter.

Councilman White moved to approve **Ordinance 09-42**. 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

**09-84. *Code Updates – Sec. 70-218. Levy***

Mr. Thrower reported that City Council members previously adopted Ordinance 06-50 to amend City Code Section 70-218 setting the tax levy on purchased meals. He also reported that the intended verbiage and code reference for the section had since been updated and requested that City Council members review and approve **Ordinance 09-43** incorporating the updates.

Councilman Harris moved to approve **Ordinance 09-43** 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

**09-85. *Domestic Violence Program Resolution – Request for Approval***

Mr. Thrower reported that, as a result of the Virginia Department of Social Services' budget cuts, the Virginia Sexual and Domestic Violence Action Alliance faced severe impacts to services provided and its continued operation. He requested that City Council members review and approve **Resolution 09-13** requesting that the Commissioner of the Virginia Department of Social Services, members of the area's General Assembly, and others in position to rectify the situation, work to restore needed funding to the Family Violence Prevention Program to allow its continued operation.

Councilman Harris moved to approve **Resolution 09-13** as presented and 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

Councilman Harris requested that copies of the resolution be forwarded to Delegate Roslyn Tyler, Delegate Thomas C. Wright, Jr., Senator L. Louise Lucas, Senator Frank M. Ruff, Jr., and the Social Services Commissioner.

#### **09-86. Request by Bobby Wrenn – Storm Sewer Repair**

Mr. Thrower reported that Mr. Bobby Wrenn of 304 Church Street requested that the city repair storm sewer piping located on his private property. He also reported that several holes and sunken areas existed on his property due to holes in the pipe line. He further reported that no recorded easement existed on file requiring the city to maintain the storm sewer line and that, according to Mr. Wrenn, the city previously agreed to and had been maintaining the line.

He stated that he, Mr. Royal Jones, Public Works Director for Emporia, and Mr. Linwood Pope, Public Utilities Director for Emporia, determined that the city installed the line at the request of the property owner(s) in the distant past and suggest that dirt be used to fill the sunken areas on the property. He also stated that the line may need to be replaced.

It was the consensus of City Council members to temporarily address the situation by filling the sunken areas with dirt and further consider the matter under *Item 09-77 Improvements on Private Property*.

#### ***09-87. Homeless Prevention and Rapid Re-Housing Program – Resolution to Authorize the Improvement Association to Apply for Funding***

Mr. Thrower reported that The Improvement Association requested that the City of Emporia adopt a resolution allowing them to apply for Homeless Prevention and Rapid Re-housing Program Grant funding. He also reported that no assistance was required by the Emporia and that the Department of Housing and Community Development required approval of the resolution to allow agencies to apply.

Ms. Barbie Roundtree of the Improvement Association advised City Council members that the anticipated competitive grant request would be between \$113,000.00 and \$150,000.00. She also advised them that service areas would include Sussex County, Surry County, Greensville County, and Emporia. She further advised them that the funds would be equitably distributed to the service areas based on poverty levels.

She stated that The Improvement Agency had a six month limitation for applying for rental assistance. She classified the grant as, “less stringent” compared to the existing homeless intervention program being utilized by her agency. She also stated that the grant would allow up to 30 days of temporary living quarters. She further stated The Improvement Association was willing to work with Emporia’s Redevelopment and Housing Authority on various projects.

Ms. Roundtree advised City Council members that a response to the grant application was anticipated in September 2009.

It was the consensus of City Council members to approve support of the Improvement Association’s request to apply for funding as requested.

Mayor Adams requested that Mrs. Roundtree inform Mr. Tyler that he would sign the resolution when he arrives to retrieve it.

***09-88. District 19 Community Services Board – Performance Contract***

Mr. Thrower reported that minor modifications had been made to the annual performance contract over last year’s contract that had been distributed to City Council members..

Councilman Saunders moved to approve the annual performance contract as presented. Councilman Lankford seconded the motion:

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

***09-89. Traffic on Jefferson Street***

Councilwoman Temple reported that she had been informed by several residents within her district that they were greatly concerned about the volume of traffic, traffic speeds, and associated noise levels on Jefferson Street. She also reported that 5:00 p.m. to 6:00 p.m. appeared to be the timeframe of most concern.

Mayor Adams advised Councilwoman Temple that the matter could be directed to Emporia’s Highway Safety Commission.

It was the consensus of City Council members to forward the concerns to Emporia’s Highway Safety Commission.

**09-90. Cancellation of July 7, 2009 Regular City Council Meeting**

Mayor Adams requested the cancellation of the first meeting of July 2009 if no pressing matters needed to be addressed by City Council members.

Councilman White moved to approve cancellation of the July 7, 2009 Regular City Council Meeting. 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

**09-91. Boards and Commissions – Various Term Expirations**

Mayor Adams reported that the following terms were due to expire:

William Newsome	..... Planning Commission	.....4 years
Richard Short	..... Planning Commission	.....4 years
Beverly White	..... Southside Community College Board	.....4 years
William Newsome	..... Southside Community Criminal Justice Board	.....2 years
Dr. Philip L. Worrell	..... Southside Community Criminal Justice Board	.....2 years
F. Woodrow Harris	..... Southside Community Criminal Justice Board	.....2 years
Mary L. Person	..... Southside Virginia Education Center Board	.....3 years

He also reported that, with the exception of Beverly White, all other individuals expressed the desire to be considered for reappointment to their respective seats.

Councilman Saunders moved to approve reappointment of all individuals as desired, and to delay nominations for Beverly White’s seat until the next regularly scheduled meeting of City 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

**09-92. July 4, 2009 Fireworks Resolution**

Mr. Thrower reported that City Council members were required to adopt a resolution authorizing the display for fireworks for the Fourth of July celebration and requested approval of **Resolution 09-14.**

Councilman Harris moved to approve **Resolution 09-14** authorizing the display of fireworks as requested. 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

## **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.

*Mr. Clint Slate* of 103 Beechtree Drive, Emporia, Virginia reported that he was concerned with the issue addressed earlier that day concerning Mr. Bobby Wrenn's storm sewer repairs. He also reported that he was concerned with and did not understand why higher fees were being imposed for new construction with the lack of growth within the city.

*Ms. Ida McBeth* of 109 Ellis Street, Emporia, Virginia reported that she continues to have drainage issues from the new Dollar General Store property. She also reported that she has been voicing her concerns for over a year and the matter remains unresolved. She further reported that she was informed by Mr. Turner, the previous day, that he would meet with her and he failed to contact her.

She advised City Council members that on June 5, 2009 she called Emporia's Police Department concerning excessive flooding. She also advised them that she was not interested in connecting her drainage pipe with that of the Dollar General Store property as it would only increase the flow of water onto her property to the problem area. She further advised them that she wants the matter resolved.

With no further comments to come before City Council members, 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) (1) **Personnel Matter** and (3) **Acquisition of Real Property for Public Purpose**. 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

**\*\*\*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

**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