

# PUBLIC HEARING

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1. **Consideration of Code Amendments – Sec. 90-1 and Sec. 90-77**
  2. **Consideration of Rezoning Request – 622 S. Main Street and Adjacent Parcels**
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Emporia City Council held two public hearings on Tuesday, June 17, 2008, 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 hearings.

The following City Council members were present:

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

Others present: Samuel W. Adams, III, Mayor  
C. Butler Barrett, City Attorney  
Sam Brown, City 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

## **Public Hearing #1 ~ Consideration of Code Amendments – Sec. 90-1 and Sec. 90-77**

Mr. Hall reported that Cynthia and William Batts were seeking to amend the City of Emporia's Code of Ordinances, Chapter 90, Zoning by adding the following definition to Section 90-1 Definitions:

*Adult Day Support Facility* means a non-residential facility that provides a variety of health, social and related support services in a protective setting during part of the day to four or more adults over the age of eighteen (18) who reside elsewhere.

He also reported that Mr. and Ms. Batts request the addition of the proposed definition of an adult day support facility to Emporia Code of Ordinances Section 90-77, C-2 Commercial District under §(b) Uses Permitted. He further reported that the requests were directly related to a proposal concerning a vacant gas station located at 703 West Atlantic Street, also identified as Tax Map Number 121 ((6)) – BK A – 10,12.

He stated that the surrounding land uses were all done in C-2 Commercial District and that the proposed use borders West Atlantic Street by residential dwellings on the sides and rear and is situated across the street from vacant fast-food restaurants. He also stated that the City's 1990 Comprehensive Plan stipulates that future land use designation of auto commercial in that particular area of West Atlantic Street. He further stated that staff recommended the approval of the City's code amendment request.

Mr. Hall reported that the City's Planning Commission offered a recommendation of approval on

Tuesday, June 10, 2008, concerning the matter.

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

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

### **Public Hearing #2 ~ Consideration of Rezoning Request – 622 S. Main Street and Adjacent Parcels**

Mr. Hall reported that Turner and Associates Realty requested rezoning from C-2 Commercial District and R-3 Residential District to C-1 Commercial District for the parcels immediately surrounding the property located at 622 S. Main Street (old Tastee-Freeze to construct and operate a new Dollar General store. He also reported that the parcels were identified as Tax Map Numbers 201 ((28)) – 0 – 1, 201 ((A)) – 0 – 11A, 11B, and 201 ((13)) – 0 – 6. He further reported that one parcel and a portion of another would be down-zoned, while 3 parcels (11A, 11B, and 6) would be up-zoned to reflect the proposed C-1 designation.

He stated that traffic data expectations for South Main Streets reflect that, with an annual daily traffic less than 9,000 vehicles per day (vpd), an additional 426 vpd would not have a significant impact on roadway operations. He also stated that surrounding land uses for the area were a blend of commercial and residential. He further stated that staff recommends approval of the rezoning request.

Mr. Hall reported that the City's Planning Commission offered a recommendation of approval on Tuesday, June 10, 2008, concerning the matter.

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

**Mr. Jeff Robinson**, of 1175 Grassy Pond Road, Greenville, VA, stated that, as a site engineer, he had been assisting the Turners (owners of the proposed Dollar General store) with the proposed project. He also stated that Ms. McBeth, owner of residential property located west (on Ellice Street) of the proposed site, and that Mr. Manning, owner of residential property located south of the proposed site, were concerned about the location of the building and its parking lot. He further stated that the home, owned by Mr. Johnny Walston, is adjacent to the Manning's family property would be demolished.

He reported that the Dollar General Store is proposed to be approximately fifty feet from Ms. McBeth's property line. He also reported that consideration had been given to a privacy fence and that Mr. Manning and Ms. McBeth had expressed concerns relative to security and fencing height. He further reported that the driveway to the rear of the proposed Dollar General site will be adjacent to Mr. Manning's property line and therefore vehicular traffic would be parallel to his residential property line.

He stated that Mr. Manning and Ms. McBeth also expressed concerns relative to drainage. He also stated that he assured both homeowners that storm drainage would be considered for the area and not solely on the proposed site. He further stated that the proposed site design did not entail plans that would flush additional water to the rear of Ms. McBeth's or Mr. Manning's property.

Mr. Robinson reported that 3 drop-inlets exist in the front portion (Main Street) of the proposed site and that approximately thirty feet of lawn space exist in front of the parking lot that could be used for underground detention. He also reported that he felt certain that, with the proposed site designs, the issue of drainage will be improved in that area and that of Mr. Manning's and Ms. McBeth's property. He further reported that all storm drainage system would be required to be routed to the drop-inlets on Main Street.

Mr. Manning advised Mr. Robinson that he requests the erection of a fence at 6 feet in height.

Mr. Robinson asked Ms. McBeth if she had a preference on the height of her fence.

Ms. McBeth advised Mr. Robinson that she preferred a fence erecting 4 feet in height, on the front side, and six (6) feet beyond that point. She also advised him that she had concerns relative to the City's requirements for shrubbery being planted along the fenced property.

Mr. Thrower advised Ms. McBeth that, if shrubbery were to be installed, it would be required on the proposed Dollar General Store's side of the fence and that the fence (only) would be abutting her property.

Mayor Adams stated that he spoke with the Turners concerning the Dollar General site and was informed that they agreed to brick the front, southern, and northern portions of the building in an effort to make it more visibly pleasing, versus the site of a metal building. He also stated that the Turners were more than willing to work with everyone concerning the project to ensure a pleasant transition and operation.

Mr. Robinson stated that the Turners will develop, construct, and own the property and building and will allow it to be leased (long-term) to Dollar General.

**Ms. Ida McBeth** expressed concerns relative to site plans not being provided to her in a timelier manner. She suggested that plans be made available to citizens, in a timely manner, who are directly affected by such issues.

Mr. Thrower advised Ms. McBeth that no formal site plans had been received by the City's Administration and that information was provided to her based on what had been received.

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

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

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, City Clerk

**MINUTES  
EMPORIA CITY COUNCIL  
CITY OF EMPORIA MUNICIPAL BUILDING  
JUNE 17, 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, June 17, 2008, 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 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: Samuel W. Adams, III, Mayor  
C. Butler Barrett, City Attorney  
Sam Brown, City 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 May 29, 2008 City Council Budget Work Session and June 3, 2008 Public Hearing and Regular City Council 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 June 17, 2008 bills had been presented to City Council members.

General Fund	\$635,719.33
Utility Fund	\$72,730.23

Councilman Lankford moved to approve payment of the bills as presented. 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

## **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. She stated that personal property tax bills were mailed to City resident and that the City's new electronic reporting system placed an incorrect default date on the top portion of the tax bills indicating that there would be no penalty and interest until after December 4<sup>th</sup>. She further stated that letters will be mailed to all City residents indicating the correct date.

## **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 Council.

## **AGENDA APPROVAL**

Mr. Thrower requested that the Agenda be amended to include the addition of items 08-59. *W. Atlantic Improvement Project – Contract for Pre-Contract Services and Adoption of Various Plans and Policies* as well as the addition of *Virginia Code §2.2 3711 (A) (7) Legal Matter* to Closed Session.

Councilman Lankford moved to approve the Agenda as amended. 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

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### ***08-47. Proposed FY09 General and Utility Fund Budgets***

Mr. Thrower stated that the preliminary FY09 General and Utility Fund Budgets had been distributed to City Council members. He also stated that, since that time, several budget work sessions had been held incorporating amendments to the budgets. He further stated that a public hearing concerning the proposed FY09 General and Utility Fund Budgets was held on June 3, 2008 and that several cost-saving and reorganizational initiatives had been incorporated into them including, but not limited to, the following:

#### **Proposed FY09 General Fund Budget**

- Presented at \$15,767,633.00 (3.3 percent decrease over last fiscal year)
- Proposed real estate tax rate reduction from \$.83/per \$100 valuation to \$.77/per \$100 valuation with a projected collection rate of 98 percent
- 6.9 percent increase in the City's portion of local funding for Greenville County Public School System over last fiscal year for a total of \$3,259,837.00
- 2 percent decreased in health care premiums (2 options are still provided to employees)
- Proposed elimination of the City of Emporia's human resource director position (effective July 1, 2008)
  - ~ Payroll specialist position to be supervised by the City's finance director
  - ~ Other Human Resource Department functions to be handled by the City's administration
  - ~ Increase the City's finance director position salary by 7.6 percent above the previous fiscal year due to increased job duties

He reported that overall debt service was 3.74 percent of the FY09 General Fund Budget. He also reported that internal interviews would be conducted for the upgraded financial director position. He further reported that, due to the proposed elimination of the City's Human Resources Department, the City's net savings would be \$72,446.62.

Mr. Thrower stated that highlights of the City's proposed FY09 Utility Fund Budget included, but was not limited to, the follows:

Proposed FY09 Utility Fund Budget

- Presented at \$2,480,400.00 (4.6 percent decrease over last fiscal year)
- Increase water and sewer rates by 10 percent each
- Increase water tap fees from \$1,000.00 to \$1,500.00
- Increase sewer tap fees from \$1,000.00 to \$2,000.00
- Increase multi-unit facility water connection fees from \$100.00 to \$500.00 per unit
- Increase multi-unit facility sewer connection fees from \$100.00 to \$1,000.00 per unit

He reported that overall debt service was 31 percent of the FY09 General Fund Budget. He also reported that the negative impact of the budget was attributed to the loss of major industrial water users. He further reported that the City of Emporia will continue with the following projects:

- South Main Street Enhancement Project/TEA-21
- Comprehensive Plan and Zoning Code Updates
- 301 North Main Street Enhancement Project
- Broadband Planning Study
- VPI Extension Office renovation
- W. Atlantic Improvement Project

Mr. Thrower stated that all City employees will receive a 2 percent Cost of Living Adjustment (COLA) increase on December 1, 2008. He also stated that constitutional officers will receive a 2 percent increase from the State Compensation Board on December 1, 2008. He further stated that no major capital projects were planned for next fiscal year, with the exception of routine capital expenditures for equipment, vehicles, and facility maintenance.

He recommended that City Council members adopt the following proposed FY09 General and Utility Fund Budgets and associated ordinances:

**Ordinance No. 08-14**

An Ordinance To Adopt The 2008-2009  
Operating Budget For The City of Emporia,  
Virginia And To Appropriate The Funds For  
The Same

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

Section 1. That the City Council hereby approves and adopts the document entitled "*City of Emporia, Operating Budget For Fiscal Year 2008-2009.*"

Section 2. In order to provide the requisite funds for said operating budget, the sum of \$18,248,033.00 is hereby appropriated to the following fund accounts for the fiscal year beginning July 1, 2008 and ending June 30, 2009

<b>Fund</b>	<b>Amount</b>
General Fund	\$15,767,633.00
Utility Fund	<u>2,480,400.00</u>
<i>Total</i>	\$18,248,033.00

Section 3. The City Manager is hereby authorized and directed to do all things necessary to implement said budget to include executing all purchase orders of any amounts and making all payments and disbursements consistent with the purpose and intent of this budget.

Section 4. The City Manager shall present to Council monthly a list of disbursements made for the previous month for Council's review and examination.

Section 5. The City Manager is hereby authorized to make the appropriate transfers among the various budgetary accounts within each fund.

Section 6. This ordinance shall become effective July 1, 2008.

**Ordinance No. 08-15**

An Ordinance Imposing And Levying Taxes  
Within The City of Emporia, Virginia Upon  
Real Property, Personal Property, And  
Machinery And Tools For Tax Year 2008

**WHEREAS**, it is necessary for the Council of the City of Emporia, Virginia to adopt the City's operating budget for Fiscal Year 2008-2009 and to establish the various tax levies pertaining to the same.

**NOW THEREFORE BE IT ORDAINED** by the Council of the City of Emporia as follows:

Section 1. That for the support and operations of the City government, the Council of the City of Emporia, Virginia hereby levies the following tax rates on all real property, all tangible personal property, and all machinery and tools for the tax year beginning January 1, 2008 and ending December 31, 2008 as follows:

A. Real Estate

Upon all real estate and improvements thereon, not exempt from local taxation, there shall be a tax levy of No Dollars and Seventy-seven Cents (\$0.77) for every One Hundred Dollars (\$100.00) of assessed value, which shall be based upon 100% of the fair market value thereof.

B. Public Service Corporation

Upon all property of public service corporations not exempt from local taxation, there shall be a levy of No Dollars and Seventy-seven Cents (\$0.77) for every One Hundred Dollars (\$100.00) of assessed value.

C. Tangible Personal Property

Upon all tangible personal property of every kind and description not exempt from local taxation, there shall be a tax levy of Five Dollars and No Cents (\$5.00) for every One Hundred Dollars (\$100.00) of assessed value.

D. Machinery and Tools

Upon all machinery and tools used or employed by any person, firm or corporation in any trade or business, not exempt from local taxation, there shall be a tax levy of Five Dollars and No Cents (\$5.00) for every One Hundred Dollars (\$100.00) of assessed value.

Section 2. This ordinance shall become effective July 1, 2008.

**Ordinance No. 08-16**

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

**AN AMENDMENT**

BE IT ENACTED by the City Council of the City of Emporia, Virginia that:

**DIVISION 3. RATES; CHARGES; BILLS**

Sec. 78-91 (1) through (3) be amended and re-enacted to read as follows:

Sec. 78-91. Schedule of rates—Designated; billing generally.

The rates for water and allied services supplied by the city shall be as follows:

(1)	Minimum 2,000 gallons...	<del>\$11.11</del>	\$12.22
(2)	Next 48,000/1,000.....	<del>\$ 3.71</del>	\$ 4.08
(3)	Over 50,000/1,000.....	<del>\$ 3.13</del>	\$ 3.44

This ordinance shall become effective July 1, 2008.

**Ordinance No. 08-17**

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

**AN AMENDMENT**

BE IT ENACTED by the City Council of the City of Emporia, Virginia that:

**DIVISION 5. RATES; CHARGES; BILLS**

Sec. 78-261 (1) through (3) be amended and re-enacted to read as follows:

Sec. 78-261. Schedule of rates—Designated; billing generally.

The rates for sewage services supplied by the city shall be based upon the amount of water metered to the premises, as follows:

(1)	Minimum 2,000 gallons...	<del>\$15.27</del>	\$16.80
(2)	Next 48,000/1,000.....	<del>\$ 5.09</del>	\$ 5.60
(3)	Over 50,000/1,000.....	<del>\$ 4.36</del>	\$ 4.80

This ordinance shall become effective July 1, 2008.

**Ordinance No. 08-18**

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

**AN AMENDMENT**

BE IT ENACTED by the City Council of the City of Emporia, Virginia that:

**DIVISION 2. TAPS; CONNECTIONS**

Sec. 78-72 (1) and (5) be amended and re-enacted to read as follows:

Sec. 78-72 Charges for taps.

Charges for water taps are as follows:

- (1) Water taps three-fourths of an inch, ~~\$1,000.00~~ \$1,500.00.
- (5) For connecting a multiunit residential or commercial development, there shall be, in addition to any tap charges otherwise required in this Code, a charge of ~~\$100.00~~ \$500.00 for each unit

within the multiunit development. All facilities constructed or installed on private property for the purpose of serving the development itself shall be maintained by the owner or developer and shall be subject to use regulations as provided elsewhere in this Code.

This ordinance shall become effective July 1, 2008.

**Ordinance No. 08-19**

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

**AN AMENDMENT**

BE IT ENACTED by the City Council of the City of Emporia, Virginia that:

**DIVISION 2. BUILDINGS SEWERS AND CONNECTIONS**

Sec. 78-188 (1) and (5) be amended and re-enacted to read as follows:

Sec. 78-188 Sewer connection charges.

Authorized city employees will make all connections of building sewers to the public sewer, after application and payment of the following:

- (1) Four-inch sewer connection, ~~\$1,000.00~~ \$2,000.00.
- (5) For connecting a multiunit residential or commercial development, there shall be, in addition to any tap charges otherwise required in this Code, a charge of ~~\$100.00~~ \$1,000.00 for each unit within the multiunit development. All facilities constructed or installed on private property for the purpose of serving the development itself shall be maintained by the owner or developer and shall be subject to use regulations as provided elsewhere in this Code.

This ordinance shall become effective July 1, 2008.

Councilman Saunders asked Mr. Thrower if the additional \$2,000.00 to the Emporia-Greenville Boys and Girls Club could be listed under capital expenditure versus an Operating Budget item.

Mr. Thrower advised Councilman Saunders that the item could be listed as a separate line item under capital expenditures.

Councilman Harris moved to approve the proposed FY09 General and Utility Fund Budgets as presented, including associated ordinances and movement of the Emporia-Greenville Boys and Girls Club \$2,000.00 allocation from the Operating Budget to capital expenditure. Councilwoman Squire seconded the motion, which passed as follows:

Councilwoman Nancy B. Squire	aye
Councilman John R. White	nay
Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye

Councilwoman Doris T. White	nay
Councilwoman Carolyn S. Carey	aye
Councilman Ned V. Lankford	aye

***08-53. Planning Commission – 2 Term Expirations (Harvey Clement / William C. Slate, Jr.)***

Mayor Adams stated that the 4-year terms of Mr. Harvey Clement and Mr. William C. Slate, Jr. on the City's Planning Commission would expire on June 30, 2008. He also stated that both gentlemen expressed interest in being considered for reappointment.

Councilman Harris moved to approve that Mr. Harvey Clement and Mr. William C. Slate, Jr. be reappointed to the City's Planning Commission. 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

***08-54. Southside Virginia Education Center Board of Directors – 1 Term Expiration (Linda Stainback)***

Mayor Adams stated that the 3-year term of Mrs. Linda Stainback on the Southside Virginia Education Center Board of Directors would expire on July 1, 2008. He also stated that Mrs. Stainback expressed an interest in being considered for reappointment.

Councilwoman Squire moved to approve that Mrs. Linda Stainback be reappointed to serve an initial 4-year term on the Southside Virginia Education Center Board of Directors. 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

***08-55. 2008 Fourth of July Fireworks Display - Resolution***

Mayor Adams stated that the Emporia-Greenville Chamber of Commerce will host the 2008 Fourth of July fireworks display for the City of Emporia. He requested that City Council members review and approve the following resolution granting permission of such use and display:

**Resolution No. 08-05**

A Resolution Authorizing The Use And Display Of  
Fireworks By The Emporia-Greenville Chamber of  
Commerce

**WHEREAS**, the Emporia-Greenville Chamber of Commerce desires to conduct a fireworks display on July 4, 2008 for the benefit of the citizens of the Emporia and its environs; and

**WHEREAS**, The Chamber of Commerce will use Master Display Ltd. to present the fireworks, the same company that the Chamber of Commerce has used for the last several years; and

**WHEREAS**, the Chamber of Commerce is requesting approval of the Council of the City of Emporia to conduct the said fireworks display.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Emporia, Virginia as follows:

**Section 1.** That the Council of the City of Emporia hereby approves the request from the Emporia-Greenville Chamber of Commerce to conduct a fireworks display on July 4, 2008 and authorizes the same.

**Section 2.** That the City Manager is hereby authorized and directed to do all things necessary to implement the intent of this Resolution.

This Resolution shall be in effect on and after its adoption.

Councilman White moved to approve the resolution as presented. 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

***08-56. Consideration of Code Amendments – Sec. 90-1 and Sec 90-77***

Mayor Adams stated that a public hearing had been held earlier that day concerning a request from Ms. Cynthia Batts and Mr. William Batts to amend the City's Code of Ordinances, Chapter 90, Zoning, by adding the definition of Adult Day Support Facility to that section and to add the proposed definition of an adult day support facility to the City's Code of Ordinances, Section 90-77, C-2 Commercial district under subsection (b) Uses Permitted.

Councilman Saunders moved to approve the requests to amend the City’s Code of Ordinances to include the addition for “adult day support facility” to Chapter 90, Zoning – Section 90-1 Definitions and Section 90-77, C-2 Commercial district under subsection (b) Uses Permitted. 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

***08-57. Consideration of Rezoning Request – 622 S. Main Street and Adjacent Parcels***

Mayor Adams stated that a public hearing had been held earlier that day concerning a request from Turner and Associates Realty requesting rezoning from C-2 Commercial District and R-3 Residential District to C-1 Commercial District for parcels immediately surrounding property located at 622 S. Main Street (old Tastee-Freeze) to construct and operate a new Dollar General store.

Councilman White moved to approve that the request by Turner and Associates Realty to rezone from C-2 Commercial District and R-3 Residential District to C-1 Commercial District for parcels immediately surrounding property located at 622 S. Main Street with the stipulation that the requests expressed by Mr. Manning and Ms. McBeth, during the public hearing, be fulfilled. 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

***08-58. VML Matching Safety Grant Program – Appropriation Ordinance***

Mr. Thrower stated that the City of Emporia was awarded a matching safety grant from the Virginia Municipal League Insurance Programs in the amount of \$372.23 to purchase a flammable liquid storage cabinet. He also stated that the grant funds were not included in the City’s 2007-2008 Operating Budget due to the unknown availability of the funds. He requested that City Council members review and approve the following ordinance appropriating the grant funds into the City’s 2007-2008 Operating Budget:

**Ordinance No. 08-13**

An Ordinance To Adopt The Sum of \$372.23 In Grant Funds From The Virginia Municipal League Insurance Programs For The Matching Safety Grant Program

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

1. That the sum of \$372.23 in grant funds from the Virginia Municipal League Insurance Programs 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 \$372.23 appropriated to General Fund Revenues and the sum of \$372.23 appropriated to General Fund Expenditures, Account Number 43100-6007 Repair & Maintenance Supplies.
3. The City Manager is hereby authorized to do all things necessary to implement this ordinance.
4. This ordinance shall be in effect on and after its adoption.

Councilman White moved to approve the ordinance as presented. 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

***08-59. W. Atlantic Improvement Project – Contract of Pre-Contract Services and Adoption of Various Plans and Policies***

Mr. Thrower stated that the City of Emporia was awarded planning grant funds through the Virginia Department of Housing and Community Development (DHCD) for the W. Atlantic Improvement Project. He also stated that a contract for pre-contract services with K. W. Poore & Associate, Inc. had been distributed to City Council members. He further stated that the pre-contract activities needed to be completed to receive the remaining 10 percent of planning grant funds due to the City of Emporia.

He reported that, should the project be funded, DHCD would reimburse the City for costs incurred under the scope of services. He also reported that the total cost for all services outlined would not exceed \$12,000.00. He further reported that the following plans and policies, distributed to City Council members, needed to be adopted in order for the project to proceed and to draw down the remaining 10 percent of the planning grant funds from DHCD:

- Local Business and Employment Plan
- Local Nondiscrimination Policy
- Section 504 Grievance Policy
- Anti-Displacement Plan

- Fair Housing Certification

Mr. Thrower stated that he recommended that City Council members authorize the City's manager to sign the respective contract for pre-contract services, pending notification of funding from DHCD for the W. Atlantic Community Improvement Grant Project, and adoption of respective plans and policies as presented.

Councilman Saunders asked Mr. Thrower if approval of the project was anticipated.

Mr. Thrower advised Councilman Saunders that notification should be received by the end of June 2008 concerning the matter and that it is anticipated to be positive. He also stated that K. W. Poore & Associates, Inc. would need to complete the pre-contract activities and that a contract typically needs to be negotiated with DHCD, which is expected to take place in November 2008.

Councilman Harris moved to approve that the City's manager be authorized to sign the contract for the re-contract services and the adoption of the required policies and procedures as presented and discussed. 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 3-minutes per person speaking limitation.

**Ms. Debra Brown**, President of the local NAACP, 604 Temple Avenue, Emporia, Virginia stated that she was very disturbed about the disbandment of the City's human resource director position. She also stated that she had hoped to work as, "a unified community representing a diverse group of employees in leadership positions." She further stated that Ms. Bessie Reed had been with the City of Emporia for quite some time and had done, "an outstanding job."

She reported that she has witnessed Ms. Reed working late hours and that she filled in when others were not in positions. She also reported that now, the City of Emporia has hired an assistant city manager, with less than 2 months of employment with the City, as well as another assistant, and has now abolished Ms. Reed's position. She further reported that the situation is, "absolutely ridiculous."

Ms. Brown asked City Council members, "How can we work together as a people?" She stated that, "you brought Gerry Vincent to Emporia and paid him \$92,500.00 a year and he left here making \$100,000.00 in this little town." She also stated that of the approximate 5, 600 citizens, approximately 1/3 of them probably make below \$25,000 annually. She asked City Council members, "How can we come together and work together as a people when we can't even show diversity in working together in city government?"

She reported that, “To work together, it starts at the top, from the mayor’s position to every seat on City Council.” She asked City Council members, “You can come in here, say your prayers, talking about protect this, one working together, but what about protecting the citizens that live in this community that you are supposed to be representing and caring about that pay taxes just like everybody sitting on Council?” She advised City Council members that individuals that end up getting a position end up being, “self-serving where you get richer and the people in this community getting poorer.”

Ms. Brown stated that it is, “a crying shame that we can’t work together.” She also stated that the example would have to be set by City Council members as leaders. She further stated that, “We got to put this foolishness and personal feelings and vendettas aside and move forward if we want to grow as a community.”

She reported that, “We can rezone for businesses in communities that are residential, but when African Americans come, we got to come back to rezoning committees, go with all kinds of pitfalls that’s set against us.” She also reported that she is aware of 3 families who have had to come back to City Council because there was something that failed to be addressed preventing them from moving forward with their businesses. She further reported that is, “a shame” and that she is sick of it and, “fed up”.

Ms. Brown stated that she hopes the forthcoming election presents a change in the local community. She also stated that, “If you don’t work together, get out the way and put some people on Council that want to work for everybody in this community and not just a few chosen folks.” She further stated that, “everything is just crumbling.”

She reported that she has received calls from citizens indicating that they were being threatened and intimidated by local officers who asked them for their social security number when it was not needed. She also reported that, “We got some important business to do in Emporia.” She further reported that, “If the city manager got time to be the human resource director, we don’t need him. He’s not doing his job.”

She asked City Council members why the city manager needs an assistant city manager if he can do human resource duties. She stated that, “I bet you 3 months down the line, he’ll be back saying he needs a human resource director and they’ll have somebody else in the position.” She asked City Council members, “How would you like for somebody to come and take your job when you’ve been dedicated?” She stated, “Don’t get made with the person that’s just telling you what the rules and regulations are and the policies because her skin looks like mine.” She stated that those laws are set for everybody and we all have to abide by them and we all have to work together. She further stated that, “You need to think about that when you lay down at night.”

She advised City Council members to regroup and see how “just” the decision would be if someone were to inform them that their wife, daughter, or child would not have employment at the end of the month.

**Mr. Corey White** of 617 Maryland Avenue, Emporia, Virginia stated that he noticed that there will be a 10 percent increase in the City’s water bill. He also stated that he was concerned that there are many local citizens who are on fixed incomes with very low paying jobs and other bills and obligations, such as gas and groceries. He further stated that it makes it very difficult for those citizens to be able to pay their water bill.

He reported that it was his understanding that the City charges a fee of \$155.00 to have water turned on and \$30.00 to have it turned off. He asked City Council members if we can all work together in a, “bipartisan way” to consider those citizens.

**Reverend George W. Pugh** stated that he wished to ditto Ms. Brown’s earlier public comment. He also stated that he was hoping that, “we can work together.” He further stated that, “We see a lot of what we call discrimination. When we look around and see who is here, it looks like we are operating in the ‘50s and the ‘60s.”

He reported that, “We all should be working together.” He also reported that, “I hate to see that you move a black and place a white in a position. That is what you call discrimination.” He advised City Council members that he was, “hoping that you will go back and undo what you have done to this young lady.”

**Mr. Ricky Johnson** of 100 North Street, Emporia, Virginia asked Mayor Adams about the status of refuse collection at his address.

Mayor Adams advised Mr. Johnson that he received his letter earlier that evening and passed the information on to Mr. Royal Jones, Director of the City’s Public Works Department. He also advised him that the matter would be discussed the following day by him and Mr. Jones.

Mr. Thrower advised Mr. Johnson that he had not had the opportunity to respond to his letter. He also advised him that he attempted to send correspondence to his sister, who requested copies of the City’s Code section, at the addressed provided and it was returned as undeliverable.

With there being no further comments to come before City Council, Mayor Adams entered a motion to enter into Closed Session.

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

Councilman White moved that Closed Session be entered for the purpose of discussing Virginia Code § **2.2-3711 (A) (7) Legal 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\*\*\***

Councilwoman Squire moved that the meeting be returned to Regular Session. 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

***CERTIFICATION***

Councilman Lankford 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 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

**ADJOURNMENT**

With no further business to come before City Council, Mayor Adams adjourned the meeting.

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Samuel W. Adams, III, Mayor

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Jean V. Whiting, City Clerk